

COPY

AMENDMENT TO ANIMALS ORDINANCE,
CHAPTER 94 OF THE CODE OF MURPHY, NORTH CAROLINA

WHEREAS dogs, cats, and other domestic animals entering and being on the premises of the Sunset Cemetery create maintenance problems; and

WHEREAS, it is the opinion of the Board of Commissioners of the Town of Murphy, North Carolina, that the Animals Ordinance, Chapter 94 of the Code of Murphy, North Carolina, should be amended to prohibit dogs, cats, and other domestic animals from entering and/or being on the premises of the Sunset Cemetery and the penalties provided therein should be amended to comply with the General Statutes of the State of North Carolina.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY, STATE OF NORTH CAROLINA:

SECTION 1. AMENDMENTS. The Animals Ordinance, Chapter 94 of the Code of the Town of Murphy, North Carolina, be and it hereby is amended as follows:

AMENDMENT I.

That Section 94.05 be added immediately following the end of Section 94.02:

§94.05 DOMESTIC ANIMALS PROHIBITED IN SUNSET CEMETERY

No person owning or having charge, care, custody or control of any dog, cat, or any other domestic animal shall cause, permit, or allow the dog, cat, or other domestic animal to enter and/or be upon the premises of the Sunset Cemetery.

AMENDMENT II.

That Section 94.99 be stricken and deleted in its entirety and the following inserted in lieu thereof:

§ 94.99 PENALTY.

Any person who shall violate or fail to comply with any of the provisions of § 94.01, § 94.02 or § 94.05, or who shall counsel, aid or abet any such violation or failure to comply, shall be deemed guilty of a Class 3 misdemeanor, and shall be punished by a fine of not more than \$500 or imprisonment for not more than 20 days.

SECTION 2. ENFORCEMENT. It shall be the duty of the Police Department of the Town of Murphy to enforce the provisions of this Ordinance.

SECTION 3. EXERCISE OF POLICE POWER. This entire Ordinance shall be deemed and construed to be an exercise of the police power of the Town of Murphy, State of North Carolina, for the preservation and protection of public health, safety, and welfare and all of its provisions shall be liberally construed with a view to the effectuation of such purpose.

SECTION 4. SEVERABILITY. If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption and passage.

PRELIMINARILY ADOPTED AND PASSED by unanimous vote of the Board of Commissioners of the Town of Murphy, North Carolina, at a regular meeting on the 6th day of November, 2023.

Commissioner

Commissioner

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COPY

ORDINANCE ORDERING THE PUBLIC OFFICER TO PROCEED TO EFFECTUATE THE PURPOSE OF ARTICLE 12 OF CHAPTER 160D OF THE GENERAL STATUTES OF THE STATE OF NORTH CAROLINA WITH RESPECT TO THE PROPERTY LOCATED AT 28 TEXANA ROAD, MURPHY, NORTH CAROLINA

WHEREAS, Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, is the owner of the dwelling house (mobile home) and land located at 28 Texana Road, Murphy, North Carolina, 28906, being more particularly described as follows:

A parcel of land lying and being within the city limits of Murphy, North Carolina, said part of two lots situate on the corner near where Texana Road No. 1363 intersects with the Joe Brown Highway. Said part of two lots being a part of the A.A. Fain Annex to Factory Town and more fully described from a plat of survey prepared by J.W. Donley, dated September 13, 1977, as follows:

BEGINNING on an iron stake on the East side of Texana Road No. 1363 and runs S 61 W 20 feet to the centerline of said Texana Road; thence with the center of said road N 6-50 E 106 ½ feet to a point in the center of the road; thence N 71-40 E 20 feet to an iron pin; thence continuing N 71-40 E 39 ½ feet to an iron pin corner of the John Carroll Lot; thence with the line of Carroll Lot S 26 E 80 ¾ feet to an iron pin; thence continuing the same course 20 feet to a point in the center of the Joe Brown Hwy No. 1326; thence with the highway S 61 W 97 feet to a point; thence N 6-50 E 20 feet to the point and place of BEGINNING, containing 0.15 acre, more or less.

BEING the same land conveyed as the Seventh Parcel in the Deed from Ingenious Global Properties, LLC, a Florida Limited Liability Company, to Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, dated January 21, 2022, and recorded in Book 1704 at Page 1359 in the office of the Register of Deeds of Cherokee County, North Carolina.

; and

WHEREAS, on July 7, 2023, the Public Officer of the Town of Murphy issued a Complaint and Notice of Hearing in the matter of Town of Murphy vs. Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, charging that the dwelling house (mobile home) located on said property is an abandoned structure which is a health hazard and a safety hazard; and scheduling an administrative hearing before the Public Officer of the Town of Murphy at 4:00 p.m. on August 1, 2023, in the City Hall Conference Room, 5 Wofford Street, Murphy, North Carolina, to determine whether or not the dwelling house (mobile home) located on said property is an abandoned structure that is a health hazard or safety hazard; and

WHEREAS, on July 7, 2023, which was at least 10 days, but not more than 25 days, prior to the date of the hearing, the public officer deposited said Complaint and Notice of hearing in the mail by certified mail addressed to Bhairavi S. Chavan, Member/Manager and Registered Agent of Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, the property owner; and

WHEREAS, on July 8, 2023, said Complaint and said Notice of Hearing was served on Bhairavi S. Chavan, Member/Manager and

Registered Agent of Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, the property owner, by certified mail; and

WHEREAS, the administrative hearing on the Complaint was held before the Public Officer at 4:00 p.m. on August 1, 2023, in the City Hall Conference Room, 5 Wofford Street, Murphy, North Carolina 28906; and

WHEREAS, after said notice and administrative hearing, the Public Officer determined that the dwelling house (mobile home) under consideration was an abandoned structure which is a health hazard and a safety hazard, stated in writing his findings of fact in support of that determination, and issued an Order dated August 4, 2023, that the property owner, Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, repair, alter, and improve the abandoned structure so as to eliminate the conditions causing it to be a health hazard and a safety hazard, or remove or demolish the abandoned structure, within 90 days of August 8, 2023; and

WHEREAS, on August 11, 2023, said Order was served on Bhairavi S. Chavan, Registered Agent, Member and Manager of Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, the property owner, by certified mail, and

WHEREAS, the property owner, Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, failed to comply whatsoever with the Order for repair, alteration, or improvement to the abandoned structure or removal or demolition of the abandoned structure within ninety (90) days of August 8, 2023; and

WHEREAS, it is the opinion of the Board of Commissioners of the Town of Murphy that the Public Officer of the Town of Murphy should be ordered to proceed to effectuate the purpose of Article 12 of Chapter 160D of the General Statutes of the State of North Carolina with respect to the property of Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, located at 28 Texana Road, Murphy, North Carolina, 28906, conveyed as the Seventh Parcel in the Deed from Ingenious Global Properties, LLC, a Florida Limited Liability Company, to Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, dated January 21, 2022, and recorded in Book 1704 at Page 1359 in the office of the Register of Deeds of Cherokee County, North Carolina.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY:

1. That the Public Officer of the Town of Murphy be and he

is hereby ordered to proceed to effectuate the purpose of Article 12 of Chapter 160D of the General Statutes of the State of North Carolina with respect to the property of Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, located at 28 Texana Road, Murphy, North Carolina, 28906 being more particularly described as follows:

A parcel of land lying and being within the city limits of Murphy, North Carolina, said part of two lots situate on the corner near where Texana Road No. 1363 intersects with the Joe Brown Highway. Said part of two lots being a part of the A.A. Fain Annex to Factory Town and more fully described from a plat of survey prepared by J.W. Donley, dated September 13, 1977, as follows:

BEGINNING on an iron stake on the East side of Texana Road No. 1363 and runs S 61 W 20 feet to the centerline of said Texana Road; thence with the center of said road N 6-50 E 106 ½ feet to a point in the center of the road; thence N 71-40 E 20 feet to an iron pin; thence continuing N 71-40 E 39 ½ feet to an iron pin corner of the John Carroll Lot; thence with the line of Carroll Lot S 26 E 80 ¾ feet to an iron pin; thence continuing the same course 20 feet to a point in the center of the Joe Brown Hwy No. 1326; thence with the highway S 61 W 97 feet to a point; thence N 6-50 E 20 feet to the point and place of BEGINNING, containing 0.15 acre, more or less.

BEING the same land conveyed as the Seventh Parcel in the Deed from Ingenious Global Properties, LLC, a Florida Limited Liability Company, to Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, dated January 21, 2022, and recorded in Book 1704 at Page 1359 in the office of the Register of Deeds of Cherokee County, North Carolina.

2. That this Ordinance shall be recorded in the Office of the Register of Deeds of Cherokee County, North Carolina, the County where the property is located, and shall be indexed in the name of the property owner, Ingenious Global Properties, LLC, a Massachusetts Limited Liability Company, in the Grantor Index.

ADOPTED AND PASSED by unanimous vote of the Board of Commissioners of the Town of Murphy, North Carolina, at a regular meeting on the 6th day of November, 2023.

Commissioner

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Commissioner

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Commissioner