



MECKLENBURG COUNTY
Public Health

Gibbie Harris, MSPH, BSN
Health Director

(704) 336-4700

American Towers LLC
c/o Paul Roberts
3500 Regency Parkway, Suite 101
Cary, North Carolina 27518
Delivered via email to paul.roberts@americantower.com

City of Charlotte
c/o Stephen Bolt, Street Superintendent, Department of Transportation
4411 Northpointe Industrial Boulevard
Charlotte, North Carolina 28216

MSC College Street II LLC
c/o Matt Shapiro, President and Chief Investment Officer, Morningstar Properties, LLC
928 N. College Street
Charlotte, North Carolina 28206

North Carolina Department of Transportation
c/o Jeff Littlefield, Deputy Division Engineer
716 West Main Street
Albemarle, North Carolina 28001
Delivered via email to jslittlefield@ncdot.gov

Roof Above, Inc. (f/k/a Charlotte Center for Urban Ministry, Inc.)
c/o Liz Clasen-Kelly, CEO
945 N. College Street
Charlotte, North Carolina 28206

FEBRUARY 16, 2021

ORDER OF ABATEMENT OF IMMINENT HAZARD

The Encampment Site

WHEREAS, there are areas located near uptown Charlotte, North Carolina where unhoused individuals are living in temporary tents and makeshift structures (“Encampment Site”); and

WHEREAS, the following parcels of real property primarily comprise the Encampment Site:

- 106 Tryon-Church Connector St Charlotte; Parcel ID: 07804206

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- 921 N Tryon St Charlotte; Parcel ID: 07804205
- N College St Charlotte; Parcel ID: 08101125
- 900 N College St Charlotte; Parcel ID: 09101123
- 928 N College St Charlotte; Parcel ID: 08101105
- Embankment between I-277 and East and West 12th St Charlotte
- 945 N College St Charlotte; Parcel ID: 08101202

WHEREAS, the following entities own the real property parcels that primarily comprise the Encampment Site: American Tower LLC; City of Charlotte; MSC College Street II LLC; North Carolina Department of Transportation; and Roof Above, Inc. (collectively, the “Property Owners”); and

WHEREAS, the number of individuals living at the Encampment Site has continued to grow over the past year and is now estimated to be near, if not in excess, of 100 individuals; and

WHEREAS, Mecklenburg County Health Department has received numerous complaints regarding the sanitation and living conditions at the Encampment Site, to include fires and the unlawful burning of debris for warmth at the Encampment Site; and

WHEREAS, Environmental Health Specialists employed by the Mecklenburg County Health Department have made numerous visits to the Encampment Site since January 2021 to observe the sanitation and living conditions at the site; and

WHEREAS, the Environmental Health Specialists visiting the site have documented unsanitary and unsafe living conditions at the Encampment Site; and

WHEREAS, Mecklenburg County Health Department and other Mecklenburg County social service agencies have engaged in ongoing discussions with the Property Owners since January 2021 to improve the sanitation and living conditions at the Encampment Site; and

WHEREAS, despite efforts made by the Property Owners to remove garbage and improve sanitation at the Encampment Site, the conditions continue to deteriorate; and

WHEREAS, during visits to the Encampment Site during the week of February 8, 2021, the Environmental Health Specialists observed evidence of rodent infestation, to include numerous rodent burrows as well as dead rodents, which had not been observed during previous visits; and

WHEREAS, the Environmental Health Specialists observed a number of rodent bait boxes at the Encampment Site, which the Environmental Health Specialists reasonably suspect were placed by some of the Property Owners to control the rodent population; and

WHEREAS, the Environmental Health Specialists observed rodent poison on the ground at numerous locations throughout the Encampment Site, which the Environmental Health Specialists reasonably suspect is being used by the individuals living at the Encampment Site to control the rodent population; and

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WHEREAS, the presence of fires, dead rodents and rodent poison at the Encampment Site creates an imminent health hazard to those living at the Encampment Site and the surrounding community; and

The Risk to the Public Health

WHEREAS, the rodent infestation at the Encampment Site creates an imminent health risk to those living at the Encampment Site as well as to the public at large; and

WHEREAS, due to the danger to public health created by the presence of rodents, the Mecklenburg County Board of Commissioners, while exercising the powers of the Board of Health, enacted Rules Governing Rat Control effective May 18, 1999 to control and reduce the rodent population in Mecklenburg County; and

WHEREAS, among the diseases that rodents may transmit to humans are hantavirus, murine typhus, leptospirosis, trichinosis, salmonellosis (food poisoning), and ratbite fever; and

WHEREAS, rodents may transmit disease to humans through direct contact (handling rodents or a rodent's bite) or through exposure to a rodent's feces or urine; and

WHEREAS, Section 3: General Provisions of the Rules Governing Rat Control states:

All premises within Mecklenburg County, shall be free of rats and maintained in a rat-free condition. Rat harborages shall be eliminated, buildings shall be maintained in a rat-proof condition, foods and foodstuffs shall be stored and handled so as to be inaccessible to rats, and, where rat infestation is evident, effective measures of rat eradication shall be instigated by the person occupying the premises or in the absence of an occupant, by the owner.

WHEREAS, the conditions at the Encampment Site are in violation of the Rules Governing Rat Control and immediate action is required to protect the public health; and

WHEREAS, continued efforts by the Property Owners to remove garbage, improve sanitation and eliminate rodents are likely to result in the current rodent population burrowing into tents and other living areas at the Encampment Site, where they may leave droppings or bite individuals; and

WHEREAS, continued efforts by the Property Owners to remove garbage, improve sanitation and eliminate rodents are likely to result in the rodent population migrating outside the Encampment Site in search of food and harborage; and

WHEREAS, the Encampment Site is located near uptown Charlotte, and if the rodent population migrates outside the Encampment Site and into the greater uptown Charlotte area, the individuals who live, work or recreate in the greater uptown Charlotte area will be at immediate risk of exposure to rodents and the diseases they carry; and

WHEREAS, due to the proximity of the Encampment Site to uptown Charlotte, the unlawful burning of debris for warmth at the Encampment Site poses an environmental risk to individuals who

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live, work and recreate in the greater uptown Charlotte area due to the possible release of pollutants into the air.

Need for an Abatement Order

WHEREAS, despite best efforts, the Property Owners have been unable to address the unsanitary and unsafe living conditions at the Encampment Site; and

WHEREAS, the unsanitary and unsafe living conditions at the Encampment Site have resulted in a rodent infestation and unlawful burning of debris that is “likely to cause an immediate threat to human life, an immediate threat of serious physical injury, [or] an immediate threat of serious adverse health effects . . . if no immediate action is taken.” N.C. Gen. Stat. § 130A-2(3); and

WHEREAS, in order to abate the rodent infestation and prevent the unlawful burning of debris, the individuals who are living at the Encampment Site must be relocated, all garbage must be removed from the site, and a pest control agency must be retained to eradicate the rodents; and

WHEREAS, failure to immediately abate the rodent infestation and prevent the unlawful burning of debris will result in the public being at imminent risk for exposure to rodents and the diseases that they carry as well as potential air pollutants from unlawful burnings; and

Authority for Abatement Order

WHEREAS, under N.C. Gen. Stat. § 130A-2(3), an "imminent hazard" is defined as a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken; and

WHEREAS, under N.C. Gen. Stat. § 130A-20(a), if the local health director determines that an imminent hazard exists, the Health Director may order the owner, lessee, operator, or other person in control of the property to abate the imminent hazard and may further, after reasonable notice, enter upon the property and take any action necessary to abate the imminent hazard;

NOW, THEREFORE, pursuant to the authority conferred upon the undersigned as a local health director in N.C. Gen. Stat. § 130A-20(a), the undersigned does hereby declare and **ORDER**:

Order

Section 1. Declaration

For reasons summarized in the Recitals set forth above, I hereby DECLARE that the conditions at the Encampment Site as described constitute an imminent hazard as defined in N.C. Gen. Stat. § 130A-2(3).

Section 2. Abatement of Imminent Hazard

- (a) Within 72 hours of the Effective Time of this Order, Property Owners shall remove or have removed all the individuals living at the Encampment Site; to support the Property Owners in meeting this requirement, Mecklenburg County and its partner agencies will identify alternate shelter locations for all individuals who need to be relocated, will provide transportation resources to move the individuals and their personal belongings, and will provide social supports for the individuals to ensure a safe relocation process.

- (b) Within 24 hours of the relocation of the individuals living at the Encampment Site, the Property Owners shall (i) engage a pest control agency(ies) to eradicate the rodents at the Encampment Site, (ii) direct the pest control agency(ies) to submit a rodent eradication plan to the Mecklenburg County Health Department for review and approval, and (iii) begin removal of all tent structures, tarps, garbage, refuse and other debris from the Encampment Site.
- (c) Immediately after Mecklenburg County Health Department's approval of the rodent eradication plan, Property Owners' pest control agency(ies) shall begin the rodent eradication process; Property Owners shall allow the Mecklenburg County Health Department to inspect all work performed by the pest control agency(ies); the rodent eradication process shall not be complete until reviewed and approved by the Mecklenburg County Health Department.
- (d) During the rodent eradication process, Property Owners shall not allow any temporary living structures to be erected on the Encampment Site and shall keep the Encampment Site clear of all garbage, refuse and other debris.

Section 3. Enforcement

Pursuant to N.C. Gen. Stat. §§ 130A-18, 130A-20 and 130A-25, failure to comply with this imminent hazard abatement order may result in entry onto the property to abate the imminent hazard, legal proceedings to obtain injunctive relief, prosecution for a misdemeanor offense, or such other and further relief as may be deemed appropriate.

Section 4. Effective Date and Duration

This Declaration and Abatement Order is effective as of 5:00pm on February 16, 2021 ("Effective Time"). This Order remains in effect until the undersigned determines that the conditions giving rise to the imminent hazard at the Encampment Site have been fully abated.

This, the 16th day of February 2021.



Gibbie Harris, MSPH, BSN
Health Director
Mecklenburg County Health Department