



ORDINANCE

Adding Chapter 4: Nuisance and Abandoned Structures

The Hillsborough Board of Commissioners ordains:

Section 1. The Code of Ordinances shall be amended as follows:

Chapter 4. NUISANCE AND ABANDONED STRUCTURES ¹

Footnotes:--- (1) --- State Law reference— Corporate power of municipality, G.S. 160A-11; general ordinance-making power, G.S. 160A-174; council to organize municipal government, G.S. 160A-146.

ARTICLE I. MINIMUM HOUSING STANDARDS

Sec. 4.1. Authorization

- a) Dwellings. The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of the Town. A public necessity exists for the repair, closing, or demolition of such dwellings. Whenever the Town finds that there exists in town limits or the extra-territorial jurisdiction, dwellings that are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light, or sanitary facilities; or other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the Town, power is conferred upon the Town to exercise its police powers to repair, close, or demolish the dwellings consistent with the provisions of Article 12 (Minimum Housing Codes) of Chapter 160D of the NC General Statutes.
- b) Abandoned Structures. This ordinance provides for the repair, closing, or demolition of any abandoned structures that the Governing Body finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. This ordinance provides for the repair, closing, or demolition of such structures pursuant to the same provisions and procedures as are prescribed by Article 12 of Chapter 160D for the repair, closing, or demolition of dwellings found to be unfit for human habitation, within town limits or the extra-territorial jurisdiction.

Sec. 4.2. Definitions

The following terms shall have the meanings whenever used or referred to as indicated when used in this Article unless a different meaning clearly appears from the context:

- a) **Abandoned structure.** Any dwelling, dwelling unit, habitable room, multiple dwelling, room unit, rooming house, structure, shed or accessory building, or manufactured/mobile home which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities.
- b) **Alter, repair, or similar words.** The work is workmanlike and performed in a workmanlike manner.
- c) **Area, as applied to the dimensions of a building.** The maximum horizontal prospected area of the building at grade.

- d) **Area, as applied to the dimensions of a room.** The total square footage of floor area between finished walls.
- e) **Basement.** A portion of a dwelling, structure or abandoned structure which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- f) **Building.** Any structure enclosed and isolated by exterior walls constructed or used for, but not limited to, residence, business, industry or other public or private purposes, or accessory hereto, and also tents, lunch wagons, dining cars, trailers, and similar structures, whether stationary or movable.
- g) **Cellar.** A portion of a dwelling, structure or abandoned structure located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- h) **Code Enforcement Officer (Officer).** The officer or officers who are authorized by ordinances adopted hereunder to exercise the powers prescribed by the ordinances and by Article 12 of Chapter 160D.
- i) **Deteriorated.** A dwelling, structure or abandoned structure that is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- j) **Dilapidated.** A dwelling, structure or abandoned structure that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50 percent of its value, as determined by findings of the code enforcement officer.
- k) **Dwelling.** Any building, structure, manufactured/mobile home, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as defined in this section, shall not be regarded as a dwelling. The term shall include within its meaning the terms "rooming house" and "rooming unit," as defined in this section.
- l) **Dwelling unit.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.
- m) **Extermination.** The control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the code enforcement officer.
- n) **Garbage.** Organic waste resulting from the handling, preparation, cooking, and consumption of food.
- o) **Governing body.** The Board of Commissioners of the Town of Hillsborough.
- p) **Habitable space or room.** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets, and storage spaces.
- q) **Infestation.** The presence, within or around a dwelling, structure, or abandoned structure of any insects, rodents, or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or to the public.
- r) **Multiple dwelling.** Any dwelling containing five or more dwelling units.
- s) **Occupant.** Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.
- t) **Operator.** Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- u) **Owner.** The holder of the title in fee simple and every mortgagee of record.
- v) **Parties in interest.** All individuals, associations, and corporations who have interests of record in a dwelling and any who are in possession thereof.
- w) **Plumbing.** All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch

basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

- x) **Public authority.** Any housing authority or any officer who is in charge of a department or branch of the government of the Town, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the Town.
- y) **Rooming unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- z) **Rooming house.** Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- aa) **Rubbish.** Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, metals, mineral matter, glass, crockery, and dust.
- bb) **Structure.** Anything constructed or erected, the use of which requires location on the land, or attachment to the land or something having a permanent location on the land such as billboards, signs, or fences.
- cc) **Substandard dwelling or structure.** A dwelling, dwelling unit, multiple dwelling, apartment house, structure, abandoned structure or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum requirements of this chapter for such use.
- dd) **Supplied.** Paid for, furnished, or provided by, or under the control of, the owner or operator.
- ee) **Temporary housing.** Any tent, trailer or other structure used for human shelter which is designed to be transportable, and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.
- ff) **Tenant.** Any person who alone or jointly or severally with others occupies a residential building under a lease or holds a leasehold interest in a building.
- gg) **Unfit for human habitation.** Conditions existing in a dwelling, dwelling unit, rooming house, rooming unit, structure, or abandoned structure which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

Sec. 4.3. Ordinance Authorized as to Repair, Closing, And Demolition: Order of Code Enforcement Officer

Upon the adoption of an ordinance finding that dwelling conditions of the character described in G.S. 160D-1201 exist within the Town of Hillsborough, the Governing Body is authorized to adopt and enforce ordinances relating to dwellings and abandoned structures within the planning and zoning extra-territorial jurisdiction that are unfit for human habitation. These ordinances shall include the following provisions:

- a) Designation of an enforcement officer. The Town's Code Enforcement Officer shall be designated to exercise the powers prescribed by the ordinance.
- b) Investigation, complaint, hearing. Whenever a petition is filed with the Code Enforcement Officer by a public official or by at least five (5) residents of the jurisdiction charging that any dwelling is unfit for human habitation or when it appears to the Code Enforcement Officer that any dwelling is unfit for human habitation, the Code Enforcement Officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the Code Enforcement Officer, or the officer's designated agent, at a place within the Town of Hillsborough. The hearing shall be not less than ten (10) days nor more than thirty (30) days after the serving of the complaint. The owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the Code Enforcement Officer.

c) Orders. If, after notice and an administrative hearing, the Code Enforcement Officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one (1) of the following orders, as appropriate:

- 1) Repair Order. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, considering the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of eighteen (18) or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under Sec. 6-175(d).
- 2) Demolition Order. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949 and an Repair Order issued according to the regulations outlined in the Demolition by Neglect process under the Historic District Commission.

d) Lis Pendens.

- 1) After a Code Enforcement Officer issues a complaint containing a notice of administrative hearing or issues an order pursuant thereto, the Town Clerk shall file a notice of Lis pendens with the Orange County Clerk of Superior Court. A copy of the complaint containing a notice of hearing, and a copy of the order shall be attached to the Lis pendens. When the Lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lien holders and tenants who may be determined by the exercise of reasonable diligence.
- 2) A Code Enforcement Officer may cancel the Lis pendens upon a determination by that Officer that the property fully complies with the Minimum Housing Code. Cancellations of the Lis pendens must be made in a writing signed by the Officer and filed with the Clerk of Court.

e) Repair, closing, and posting. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the Code Enforcement Officer may cause the dwelling to be repaired, altered, or improved or to be vacated and closed, and the Code Enforcement Officer may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the Code Enforcement Officer set forth in this subdivision shall not be exercised until the Governing Body shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be

recorded in the office of the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

- f) Demolition. If the owner fails to comply with an order to remove or demolish the dwelling, the Officer may cause such dwelling to be removed or demolished. The duties of the Officer set forth in this subdivision shall not be exercised until the Governing Body shall have by ordinance ordered the Officer to proceed to effectuate the purpose of Article 12 of Chapter 160D with respect to the particular property or properties that the Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to demolish the structure or bring it into conformity with the building and/or housing code. This ordinance shall be recorded in the office of the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.
- g) Abandonment of Intent to Repair. If the dwelling has been vacated and closed for a period of one (1) year pursuant to an ordinance adopted pursuant to Subsection (e) of this section or after a Code Enforcement Officer issues an order or proceedings have commenced under the substandard housing regulations regarding a dwelling to be repaired or vacated and closed as provided in this subdivision, then the Governing Body may find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the Governing Body may, after the expiration of such one (1) year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
 - 1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) days.
 - 2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within ninety (90) days.
 - 3) This ordinance shall be recorded in the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Code Enforcement Officer shall effectuate the purpose of the ordinance.
- h) Liens.
 - 1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be realized in a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
 - 2) If the real property upon which the cost was incurred is located in an incorporated Town, then the amount of the cost is also a lien on any other real property of the owner located within the Town limits or within one (1) mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.
 - 3) If the dwelling is removed or demolished by the Code Enforcement Officer, the Town shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or

attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Code Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

- i) Civil action. If any occupant fails to comply with an order to vacate a dwelling, the Officer may file a civil action in the name of the Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served and if at the hearing the Code Enforcement Officer produces a certified copy of an ordinance adopted by the Governing Body pursuant to Subsection (f) of this section authorizing the Officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal against any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the Governing Body has ordered the Officer to proceed to exercise his duties under subdivisions (4) and (5) of this section to vacate and close or remove and demolish the dwelling.
- j) Additional notices to affordable housing organizations. Whenever a determination is made pursuant to subdivision (3) of this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The Officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Officer to wait forty-five (45) days before causing removal or demolition.

Sec. 4.4. Standards

This ordinance adopted under Article 12 of Chapter 160D provides that the Code Enforcement Officer may determine that a dwelling is unfit for human habitation if the Officer finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety, or welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the jurisdiction. Defective conditions include the following, without limiting the generality of the foregoing: defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness. This ordinance provides the following additional standards to guide the Officers in determining the fitness of a dwelling for human habitation:

- a) Compliance with standards required.
 - 1) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with the conditions and standards below.

- 2) No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with the conditions and standards listed below.
- 3) Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling, then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard (b)(10) below, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard (b)(10).

b) If the Officer finds one (1) or more of the following conditions to exist in a dwelling, then the dwelling is rendered unfit for human habitation:

- 1) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.
- 2) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.
- 3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.
- 4) Such damage by fire, wind, or other causes as to render the dwelling unsafe.
- 5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the Town.
- 6) Inadequate facilities for egress in case of fire or panic.
- 7) Defects significantly increasing the hazards of fire, accident, or other calamities.
- 8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
- 9) Lack of proper electrical, heating, or plumbing facilities required by this Article which constitutes a definite health or safety hazard.
- 10) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one (1) of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill pursuant to the Town's utilities ordinances or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

c) If the Officer finds seven (7) or more of the following standards that a dwelling fails to fully comply with, then the dwelling is rendered unfit for human habitation:

- 1) Structural Standard - Structural Integrity. Walls, partitions, supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
- 2) Structural Standard - Supports. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- 3) Structural Standard - Foundations. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- 4) Structural Standard - Steps. Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- 5) Structural Standard - Egress. Adequate facilities for egress in case of fire or panic shall be provided.
- 6) Structural Standard - Interior Materials. Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods,

promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

- 7) Structural Standard – Weatherization. The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained to be weather and watertight.
- 8) Structural Standard – Chimneys. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- 9) Structural Standard – Floors. There shall be no use of the ground for floors, or wood floors on the ground.
- 10) Plumbing Standard – Facilities. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
- 11) Plumbing Standard – Maintenance. All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.
- 12) Plumbing Standard – Accessible. All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.
- 13) Heating Standard – Generally. Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.
 - a. Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.
 - b. Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms, and water closet compartments with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.
- 14) Electrical Standard – Wiring. Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall type electrical convenience receptacles, connected in such manner as determined by the State Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three (3) floor or wall type electric convenience receptacles.
- 15) Electrical Standard - Hall Lights. Every public hall and stairway in every multiple dwelling shall always be adequately lit by electric lights when natural light is not sufficient.
- 16) Electrical Standard – Maintenance. All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electric Code.
- 17) Ventilation Standard – Generally. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or

other portions of structures face a window of any such room and such light obstructions are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

- 18) Ventilation Standard - Habitable rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room, shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.
- 19) Ventilation Standard - Bathroom and water closet room. Every bathroom equipped with more than one (1) water closet compartment shall comply with the light and ventilation requirements for habitable rooms.
- 20) Space, Use, and Location Standard – Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code. (Floor area shall be calculated based on habitable room area. However, closet area and wall area within the dwelling may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half (4½) feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- 21) Space, Use, and Location Standard – Ceiling Height. At least one-half (½) of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches (7'-6").
- 22) Space, Use, and Location Standard – Cellar. No cellar shall be used for living purposes unless:
 - a. the floor and walls are substantially watertight.
 - b. the total window area, total openable window area and ceiling height are equal to those required for a habitable room.
 - c. the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.
- 23) Safe and Sanitary Maintenance Standard – Exterior foundation, walls, and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance of penetration of moisture or the weather.
- 24) Safe and Sanitary Maintenance Standard – Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

- 25) Safe and Sanitary Maintenance Standard – Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water- tight and rodent proof; and shall be kept in sound working condition and good repair.
- 26) Safe and Sanitary Maintenance Standard – Stair's porches and appurtenances. Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- 27) Safe and Sanitary Maintenance Standard – Bathroom and kitchen floors. Every bathroom and kitchen floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.
- 28) Safe and Sanitary Maintenance Standard – Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this Article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- 29) Safe and Sanitary Maintenance Standard – Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- 30) Safe and Sanitary Maintenance Standard – Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.
- 31) Safe and Sanitary Maintenance Standard – Carbon Monoxide Alarm. Carbon monoxide alarms shall be provided in dwelling units in accordance with the NC Residential Code.
- 32) Insect, Rodent & Infestation Control Standard – Screens. For protection against mosquitoes, flies, and other insects ever, dwelling shall have:
 - a. Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self-closing devices, doors on mobile homes with self-closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.
 - b. Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year-round with an operable and installed heating and air conditioning system.
- 33) Insect, Rodent & Infestation Control Standard – Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.
- 34) Insect, Rodent & Infestation Control Standard – Infestation. Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents, or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one (1) infested. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
- 35) Insect, Rodent & Infestation Control Standard – Rubbish storage and disposal. Every dwelling shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator, or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

- 36) Insect, Rodent & Infestation Control Standard – Garbage storage and disposal. Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Officer, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as required by Town ordinances.
 - 37) Rooming House Standard – Water closet, hand lavatory and bath facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
 - 38) Rooming House Standard – Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
 - 39) Rooming House Standard – Sanitary conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
 - 40) Rooming House Standard – Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by Sec. 8-79(c)(36) shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.
- d) Rooming House Standards Exception. All of the provisions of this Article, and all of the minimum standards and requirements of this Article, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the subsections 36-39 of Secs. 8-79(c).
 - e) Structure and materials. Ceilings, walls, and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts, or other serious damage. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling.
 - f) Access. The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).
 - g) Space and security. A living room, kitchen area and bathroom shall be present and shall contain at least one (1) sleeping or living/sleeping room of appropriate size for each two (2) persons. Exterior doors and windows accessible from outside the dwelling shall be lockable.
 - h) Heating system. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

Sec. 4.5. Service Of Complaints and Orders

- a) Complaints or orders issued by a Code Enforcement Officer pursuant to an ordinance adopted under Article 12 of Chapter 160D shall be served upon persons either personally or by certified mail. When service

is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, notice of the pending proceedings shall be posted in a conspicuous place on the premises affected and shall be assumed to be served.

- b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the Officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the jurisdiction at least once no later than the time at which personal service would be required under the provisions of Article 12 of Chapter 160D. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected and shall be assumed to be served.

Sec. 4.6. Periodic Inspections

- a) Except as provided in Sec. 8-81(b), the Code Enforcement Officer may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the Officer determines that a safety hazard exists in one (1) of the dwelling units within a multifamily building, which in the opinion of the officer poses an immediate threat to the occupant, the Officer may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following:
 - 1) the landlord or owner has a history of more than two (2) verified violations of the housing ordinances or codes within a twelve (12)-month period,
 - 2) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected,
 - 3) the planning department has actual knowledge of an unsafe condition within the building, or
 - 4) violations of the Town ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the Officer shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, the Officer shall have a right to enter on any premises within the jurisdiction of the Town at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State Fire Prevention Code or as otherwise required by State law.
- b) In no event may the Town do any of the following:
 - 1) adopt or enforce any ordinance that would require any owner or manager of rental property to obtain any permit or permission under Article 11 or Article 12 of Chapter 160D from the Town to lease or rent residential real property or to register rental property with the Town, except for those individual properties that have more than four (4) verified violations in a rolling twelve (12)-month period or two (2) or more verified violations in a rolling thirty (30)-day period, or upon the property being identified within the top ten percent (10%) of properties with crime or disorder problems as set forth in a local ordinance,
 - 2) require that an owner or manager of residential rental property enroll or participate in any governmental program as a condition of obtaining a certificate of occupancy,

- 3) levy a special fee or tax on residential rental property that is not also levied against other commercial and residential properties, unless expressly authorized by general law or applicable only to an individual rental unit or property described in Sec. 8-81(c)(1) and the fee does not exceed five hundred dollars (\$500.00) in any twelve (12)-month period in which the unit or property is found to have verified violations,
- 4) provide that any violation of a rental registration ordinance is punishable as a criminal offense, or
- 5) require any owner or manager of rental property to submit to an inspection before receiving any utility service provided by the Town.
- 6) For purposes of this section, the term "verified violation" means all of the following:
 - a. The aggregate of all violations of housing ordinances or codes found in an individual rental unit of residential real property during a seventy-two (72)-hour period.
 - b. Any violations that have not been corrected by the owner or manager within twenty-one (21) days of receipt of written notice from the Town of the violations. Should the same violation occur more than two (2) times in a twelve (12)-month period, the owner or manager may not have the option of correcting the violation. If the housing code provides that any form of prohibited tenant behavior constitutes a violation by the owner or manager of the rental property, it shall be deemed a correction of the tenant-related violation if the owner or manager, within thirty (30) days of receipt of written notice of the tenant-related violation, brings a summary ejectment action to have the tenant evicted.
- c) If a property is identified by the Code Enforcement Officer as being in the top ten percent (10%) of properties with crime or disorder problems, the Officer shall notify the landlord of any crimes, disorders, or other violations that will be counted against the property to allow the landlord an opportunity to attempt to correct the problems. In addition, the Officer and the County sheriff's office or Town's police department shall assist the landlord in addressing any criminal activity, which may include testifying in court in a summary ejectment action or other matter to aid in evicting a tenant who has been charged with a crime. If the County sheriff's office or Town's police department does not cooperate in evicting a tenant, the tenant's behavior or activity at issue shall not be counted as a crime or disorder problem as set forth in the local ordinance, and the property may not be included in the top ten percent (10%) of properties as a result of that tenant's behavior or activity.
- d) If the Officer takes action against an individual rental unit under this section, the owner of the individual rental unit may appeal the decision to the Board of Adjustment (Board of Appeals) acting as the Housing Appeals Board. The board shall fix a reasonable time for hearing appeals, shall give due notice to the owner of the individual rental unit, and shall render a decision within a reasonable time. The owner may appear in person or by agent or attorney. The board may reverse or affirm the action, wholly or partly, or may modify the action appealed from, and may make any decision and order that in the opinion of the board ought to be made in the matter.

Sec. 4.7. Remedies

- a) As authorized by G.S. 160D-305, this ordinance provides for the Board of Adjustment (Board of Appeals) to act as the Housing Appeals Board. An appeal from any decision or order of the Code Enforcement Officer is a quasi-judicial matter and may be taken by any person aggrieved thereby or by any officer, board, or commission of the Town. Any appeal from the Officer shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the Officer and with the Board of Adjustments (Board of Appeals) a notice of appeal that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Officer shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Officer refusing to allow the person aggrieved thereby to do any act, the decision remains in force until modified or reversed. When any appeal is from a decision of the Officer requiring the person aggrieved to

do any act, the appeal has the effect of suspending the requirement until the hearing by the board, unless the Code Enforcement Officer certifies to the board, after the notice of appeal is filed with the officer, that because of facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the Officer, by the board, or by a court of record upon petition made pursuant to Sec. 6-161(d).

- b) The Board of Adjustments (Board of Appeals) shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustments (Board of Appeals) may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and, to that end, it has all the powers of the Officer, but the concurring vote of four (4) members of the Board of Adjustments (Board of Appeals) is necessary to reverse or modify any decision or order of the Officer. The Board of Adjustments (Board of Appeals) also has power in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- c) Every decision of the Board of Adjustments (Board of Appeals) is subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.
- d) Any person aggrieved by an order issued by the Officer, or a decision rendered by the Board of Adjustments (Board of Appeals) may petition the superior court for an injunction restraining the Officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Officer pending a final disposition of the cause. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be held by the court on a petition within twenty (20) days and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It is not necessary to file the bond in any amount before obtaining a temporary injunction under this subsection.
- e) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of Article 12 of Chapter 160D or of any ordinance or code adopted under authority of Article 12 of Chapter 160D or any valid order or decision of the Officer or the Governing Body made pursuant to any ordinance or code adopted under authority of Article 12 of Chapter 160D, the Officer or the Governing Body may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, or use; to restrain, correct, or abate the violation; to prevent the occupancy of the dwelling; or to prevent any illegal act, conduct, or use in or about the premises of the dwelling.

Sec. 4.8. Compensation to Owners of Condemned Property

Nothing in Article 12 of Chapter 160D shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

Sec. 4.9. Powers of Code Enforcement Officer

Pursuant to NCGS 160D-1210, the Officer shall have the following powers:

- a) To investigate the dwelling conditions in the Town's planning and development regulation jurisdiction in order to determine which dwellings therein are unfit for human habitation.
- b) To administer oaths, affirmations, examine witnesses, and receive evidence.
- c) To enter upon premises for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.

- d) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances.
- e) To delegate any of his or her functions and powers under the ordinance to other officers and other agents.
- f) To carry out the objectives of this article with respect to such dwellings.
- g) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.
- h) To keep record of the results of inspection made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed.
- i) To perform such other duties as may be herein prescribed.

Sec. 4.10. Administration of Ordinance

Pursuant to NCGS 160D-1211, the finance officer and appropriate staff shall prepare an estimate of the annual expenses or costs to provide the equipment, personnel, and supplies necessary for periodic examinations and investigations of the dwellings for the purpose of determining the fitness of dwellings for human habitation and for the enforcement and administration of its ordinances adopted under Article 12 of Chapter 160D. The Town is authorized to make appropriations from its revenues necessary for this purpose and may accept and apply grants or donations to assist it.

Sec. 4.11. Supplemental Nature of Ordinance

Pursuant to NCGS 160D-1212, nothing in this Ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the Town to enforce any provisions of its charter or its ordinances or regulations nor to prevent or punish violations thereof. The powers conferred by this Article shall be supplemental to the powers conferred by any other law in carrying out the provisions of the ordinances.

Sec. 4.12. Accessory Structures

- a) Fences and other accessory structures shall either be maintained in a safe and substantial condition or demolished and removed.
- b) Exterior surfaces, not inherently resistant to deterioration, shall be treated with protective coating, such as paint or other suitable preservative, and with sufficient frequency to prevent deterioration.
- c) Any electrical, plumbing, heating or other utilities furnished with an accessory structure shall be installed in accordance with applicable code provisions; and maintained in a safe condition.
- d) Every accessory structure shall be properly maintained in a clean and sanitary condition and free from physical hazards and other matter detrimental to the public health.

Sec. 4.13 Demolition of Dwellings

Where a building is under the jurisdiction of this Code, the building may be demolished by the owner provided that the following requirements are met:

- a) Obtain a Demolition Permit from the Orange County Building Inspections Department.
- b) Remove and properly dispose of all asbestos containing materials (ACM's).
- c) Properly close off and disconnect all electric, sanitary sewer, gas, water and similar taps or connections.
- d) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris; and
- e) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco, or bricked by such building's owner so as not to detract from the aesthetics and value of the adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.

Sec. 4.14. Alternative Remedies

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 1-12, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Sec. 4.15. Conflict with Other Provisions

In the event any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

Sec. 4.16. Violations; Penalty

- a) It shall be unlawful for the owner to occupy or to permit the occupancy by others or for anyone to occupy a dwelling which has been posted with the notices authorized by this Article after the time prescribed in the notice for the vacation of said dwelling. Each day's occupancy after said date shall be a separate and distinct offense.
- b) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined to be unfit for human habitation pursuant to the provisions contained in this Article, or who permits the re-occupancy of an unfit dwelling in violation of this Article shall be subject to a civil penalty of \$100.00 for the first day following the expiration of an order to repair, vacate and close or demolish any dwelling or following a determination that an unfit dwelling has been reoccupied in violation of this Article. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of an order issued pursuant to this Article or in violation of this Article. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- c) Any owner of a dwelling whose property shall be subject to an order to repair, vacate and close, or demolish said dwelling or who permits the re-occupancy of an unfit dwelling as provided in subsection (c) shall on the second offense occurring within 1 year be subject to an additional civil penalty of \$100.00 for the first day following the expiration of the order to repair, vacate and close or demolish said dwelling or the unlawful re-occupancy of the unfit dwelling. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the order or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- d) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined unfit for human habitation pursuant to the provisions contained in this Article shall be subject to an additional civil penalty of \$100.00 for the first day following the effective date of a Town Ordinance declaring said dwelling to be unfit for human habitation or ordering it to be repaired or demolished. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of the Ordinance or remains unlawfully occupied. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- e) When the building is declared unsafe the person in violation shall be guilty of a misdemeanor and shall be punished as provided by law.

Sec. 4.17. Administrative Fee

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon an inspection hearing disclosing violations of minimum housing code standards.

In addition to any other charge, any owner of a dwelling, dwelling unit or rooming unit located within the Town and its extraterritorial jurisdiction shall be subject to an administrative fee of \$150.00 upon any additional inspection hearing disclosing violations of minimum housing code standards within the same 12-month period. The property owner may also be assessed for any costs incurred in obtaining service including legal publication of notice of complaint charges, hearing notice and findings of fact and orders related to the dwelling.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 8th day of September in the year 2025.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk