

**TOWN OF RAMSEUR
MINIMUM HOUSING STANDARDS**

Section 1. - Findings; purpose; authority.

- (a) *Findings.* Pursuant to G.S. 160D - 1201, it is hereby found and declared that there exists in the town and its area of extraterritorial jurisdiction dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town and its extraterritorial jurisdiction.
- (b) *Purpose.* In order to protect the health, safety and welfare of the residents of the town and its area of extraterritorial jurisdiction as authorized by G.S. 160D – 202 of the General Statutes of North Carolina, it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160D-1205.
- (c) *Authority.* In addition, it is hereby found and declared, under the authority of G.S. 160A-174, that there exists in the town dwellings which, although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety, and general welfare. Such conditions, if not corrected can lead to deterioration and dilapidation of dwellings which render them unfit for human habitation.

Section 2. - Scope.

- (a) This article is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used or intended for use as such.
- (b) The provisions of this article shall apply to all existing housing and to all housing hereafter constructed within the town and its area of extraterritorial jurisdiction except that section 8 shall only apply in the town limits. Portable, mobile, or demountable buildings or structures, including trailers, manufactured homes and mobile homes when used or intended for use for housing within the jurisdiction, shall be subject to the applicable provisions of this article. This article establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment, or facilities as living quarters in the absence of sanitary conditions.

Section 3. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Abandoned structure: Any structure, whether designed and intended for residential or other uses, which is vacant or not in active use, regardless of purpose or reason, for the past two-

year period and which is determined by the code enforcement officer to be unfit for human habitation or occupancy based upon the standards as set forth in this article.

Basement: A story that is not a story above grade plane.

Cellar: A portion of a building 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.

Deteriorated: That a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this article, at a cost not in excess of fifty (50) percent of its value, as determined by finding of the code enforcement officer.

Dilapidated: That a dwelling is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this article at a cost not in excess of fifty (50) percent of its value, as determined by finding of the code enforcement officer.

Dwelling: A building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Extermination: The control and elimination of insects, rodents, or other pests by eliminating their harborage places; 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.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

Habitable Space. A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Infestation: The presence, within or around a dwelling, 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.

Manufactured home (mobile home): A structure as defined in G.S. 143-145(7).

Multiple dwelling: Any dwelling containing more than two (2) dwelling units.

Occupant: Any person over one (1) year of age living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator: Any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.

Owner: The holder of the title in fee simple and every mortgagee or record.

Parties in interest: All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

Public authority: Any housing authority or any officer who is in charge of any 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.

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.

Rubbish: Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Supplied: Paid for, furnished, or provided by, or under the control of, the owner or operator.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof".

Section 4. – Zoning Administrator designated.

For the purposes of administering and enforcing the provisions of this article, the Zoning Administrator (hereinafter referred to as "code enforcement officer") is hereby designated as the chief administrative and code enforcement official. The Administrator, or designated Code Enforcement Officer, shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

- (1) *Investigations.* To investigate the dwelling and building conditions in the jurisdiction in order to determine which dwellings therein are unfit for human habitation and dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this article.
- (2) *Oaths, witnesses, etc.* To administer oaths and affirmations and to examine witnesses and receive evidence.
- (3) *Right of entry.* To enter upon and within premises and dwellings for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession.
- (4) *Warrants, citations, etc.* To swear criminal warrants, issue civil citations and to take such other actions as may be necessary to carry out the enforcement procedures of this article.
- (5) *Delegation of functions, etc.* To delegate any of his functions and powers under this article to such officer and agents as he may designate.

Section 5. - Inspections.

For the purpose of carrying out the intent of this article, the code enforcement officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises, including abandoned structures. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the code enforcement officer free access to such dwelling, dwelling unit or rooming unit, and its

premises, at all reasonable times for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

Section 6. - Preliminary investigations; notices; hearings.

Whenever a petition is filed with the code enforcement officer by a public authority or by at least five (5) residents of the town charging that any dwelling is unfit for human habitation, or whenever it appears to the code enforcement officer (on his own motion) that any dwelling is unfit for human habitation, or whenever a nuisance as defined in the *Ramseur Ordinance Providing for the Removal and Disposition of Abandoned, Nuisance and Junked Motor Vehicles* is found to exist on the same property as a dwelling, the code enforcement officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that: (1) Hearing will be held before the code enforcement officer (or his designated agent) at a place within the Town of Ramseur fixed not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; (2) 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; and (3) The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement officer.

Section 7. - Dwelling unfit for human habitation.

- (a) *Conditions.* The code enforcement officer shall determine that a dwelling is unfit for human habitation if he finds that any one of the following conditions exist in such dwelling:
- (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 over-loaded, 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 or jurisdiction.
 - (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 health or a definite 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 of which renders a dwelling

unfit for human habitation. For the purpose 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 reasons is not receiving a flow of potable water to the tap.

In addition to the ten (10) conditions stated above, any one of which renders a dwelling unfit for human habitation, the code enforcement officer shall determine that a dwelling is unfit for human habitation if he finds that a dwelling fails to fully comply with seven (7) or more of the following enumerated standards of dwelling fitness:

(b) *Structural standards.*

- (1) *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) *Supports:* Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (3) *Foundations:* Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (4) *Steps:* Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (5) *Egress:* Adequate facilities for egress in case of fire or panic shall be provided.
- (6) *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) *Weatherization:* The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weathertight and watertight.
- (8) *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) *Floors:* There shall be no use of the ground for floors, or wood floors on the ground.

(c) *Plumbing standards.*

- (1) *Facilities:* Each dwelling unit shall contain not less than a 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.

- (2) *Maintenance:* All plumbing fixtures shall meet the standards of the North Carolina Plumbing Code and shall be maintained in a state of good repair and good working order.

- (3) *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 use.
- (d) *Heating standards; generally.* Every dwelling shall have facilities for providing heat in accordance with either paragraph (1) or (2) below. Such facilities shall be maintained in a state of good repair and good working order.
 - (1) *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 feet above the floor during average winter conditions.
 - (2) *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 to which 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.
- (e) *Electrical standards.*
 - (1) *Wiring, lights, outlets:* Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room or space shall contain at least two (2) separate and remote receptacle outlets. Bedrooms shall have, in addition, at least one (1) wall switch-controlled lighting outlet. In kitchens, three (3) separate and remote receptacle outlets shall be provided, and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one ceiling-mounted or wall-mounted lighting outlet. In bathrooms, the lighting outlet shall be controlled by a wall switch. In addition to the lighting outlet in every bathroom and laundry room, there shall be provided at least one receptacle outlet. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.
 - (2) *Hall lights:* Every public hall and stairway in every multiple dwelling shall be adequately lighted, by electric lights at all times, when natural light is not sufficient.
 - (3) *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 North Carolina Electric Code.
- (f) *Ventilation standards.*
 - (1) *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 (10) 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 (15) percent of the total floor area of such room.
 - (2) *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 (45) percent of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.

- (3) *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.

(g) *Space, use and location standards.*

- (1) *Room sizes:* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the Town Residential Building Code. (Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling may count for not more than ten (10) 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.)
- (2) *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 (7) feet and six (6) inches.
- (3) *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 accessway.

(h) *Safe and sanitary maintenance standards.*

- (1) *Exterior foundation, walls, and roofs:* Every foundation wall, exterior wall and exterior roof shall be substantially weathertight 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 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 or penetration of moisture or the weather.
- (2) *Interior floors, walls, and ceiling:* 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.
- (3) *Windows and doors:* Every window, exterior door, basement or cellar door and hatchway shall be substantially weathertight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.
- (4) *Stairs, 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. Protective railings shall be required on any unenclosed structure over thirty (30) inches from the ground level or on any steps containing four (4) risers or more.

- (5) *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.
 - (6) *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.
 - (7) *Drainage:* Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- (i) *Insect, rodent and infestation control standards.*
- (1) *Screens:* For protection against mosquitoes, flies and other insects, every 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.
 - (2) *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 an approved device as will effectively prevent their entrance.
 - (3) *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 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.
 - (4) *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.
 - (5) *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 code enforcement officer, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by town ordinances.
 - (6) *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.

- (j) *Rooming house standards.* 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 following subsections:
- (1) *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 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.
 - (2) *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.
 - (3) *Sanitary conditions:*
 - a. 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.
 - b. Every water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (j)(1) of this section 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.

Note— 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 #10, if all standards are met in a dwelling except that supply of hot water is not provided, then the dwelling fails to fully comply with standard #10.

Section 8. - Dwellings not in compliance but not unfit for human habitation.

In any case where the code enforcement officer determines that a dwelling fails to fully comply with one or more but less than seven (7) of the above enumerated standards of dwelling fitness, such dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this article for dwellings unfit for human habitation. Each such failure of non-compliance, however, shall constitute a violation of the terms of this article and shall subject the violator to the penalties and enforcement

procedures, civil or criminal or both. In making the determination as described in this section, the code enforcement officer shall not be required to make notice and hold the hearing as called for in section 6, but the code enforcement officer may do so if the determination of the severity and classification of dwelling fitness is not clear to the code enforcement officer upon preliminary investigation.

Section 9. - Procedure after hearing; order.

- (a) If, after notice and hearing, the code enforcement officer determines that the dwelling under consideration is unfit for human habitation, in accordance with the standards set forth above, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:
 - (1) If the repair, alteration, or improvement of the dwelling can be made at a cost of less than fifty (50) percent of 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 or to vacate and close the dwelling as a human habitation; or
 - (2) If the repair, alteration, or improvement of the dwelling cannot be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.
- (b) If, after notice and hearing the code enforcement officer determines that the dwelling under consideration is not unfit for human habitation but is not in full compliance with one or more standards of dwelling fitness as set forth above, he may proceed with the enforcement procedures of section 1-8 of this Code, civil or criminal or both.
- (c) Whenever a determination is made pursuant to paragraphs (1) or (2) 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 forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the code enforcement 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 code enforcement officer 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 code enforcement officer to wait forty-five (45) days before causing removal or demolition.
- (d) Upon the issuance of a complaint and notice of hearing pursuant to this section, the code enforcement officer shall cause the filing of a notice of lis pendens, with a copy of the complaint and notice of hearing attached thereto, in the Office of the Clerk of Superior Court of Randolph County, to be indexed and cross-indexed in accordance with the indexing procedures of the North Carolina General Statutes. The code enforcement officer shall cause a copy of the notice of lis pendens to be served upon the owners and parties in interest in the dwelling at the time of filing in accordance with G.S. 160D - 1206, as applicable. Upon compliance with the requirements of any order issued based upon such complaint and hearing, the code enforcement officer shall direct the clerk of superior court to cancel the notice of lis pendens.

Section 10. - Failure to comply with order.

- (a) 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:
 - (1) Cause the dwelling to be repaired, altered, or improved or to be vacated and closed.
 - (2) Cause to be posted on the main entrance of any such dwelling, a placard containing 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 violation of this article.
- (b) If the owner fails to comply with an order to remove or demolish the dwelling, the code enforcement officer may:
 - (1) Cause the dwelling to be vacated and removed or demolished.
 - (2) Cause to be posted on the main entrance of any such dwelling, a placard containing 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 violation of this article.
- (c) The duties of the code enforcement officer set forth in subsections (a) and (b) shall not be exercised until the Board of Commissioners shall have adopted an ordinance of condemnation and pursuant to G.S. 160D - 1203. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the Housing Code. For the purposes of this subsection, a period of ninety (90) days following the date of the housing inspector's order shall constitute a reasonable opportunity. The ordinance adopted, pursuant to this subsection, shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
 - (1) If the Board of Commissioners shall have adopted an ordinance, or the code enforcement officer shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as provided for in section 9(a)(1), and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of six (6) months pursuant to the ordinance or order, then if the governing body shall 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, morals and welfare of the municipality 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 which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the town, then in such circumstances, the Board of Commissioners may, after the expiration of such six-month period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
 - a. If it determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty (50) percent 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; or
 - b. 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 (50) percent of the then-

current value of the dwelling, the ordinance shall require that the owner demolish and remove the dwelling within ninety (90) days.

The ordinance from which this subsection is derived shall be recorded in the county office of the 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 subsection, the code enforcement officer shall effectuate the purpose of the subsection.

(2) Reserved.

- (d) 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 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 of North Carolina. If the dwelling is removed or demolished by the code enforcement officer, he 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 of the decree of the court.
- (e) If any occupant fails to comply with an order to vacate a dwelling, the code enforcement 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 parties-defendant any persons 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. The summons shall be returned according to its tenor, and if on its return it 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 Board of Commissioners pursuant to subsection (c) authorizing the code enforcement officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgement ordering that the premises be vacated and that all persons be removed. The judgement ordering that the dwelling be vacated shall be enforced in the same manner as the judgement for summary ejectment entered under G.S. 42-30. An appeal from any judgement entered hereunder by the magistrate may be taken as provided in G.S. 7A-228 and the execution of such judgement may be stayed as provided in G.S. 7A-227.
- (f) 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 Board of Commissioners has ordered the code enforcement officer to proceed to exercise his duties under subsections (a), (b) and (c) of this section to vacate and close or remove and demolish the dwelling.

Section 11. - Service of complaints and orders.

Complaints or orders issued by the code enforcement officer pursuant to this ordinance shall be served upon persons either personally or by registered or certified 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 the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement

officer in the exercise of reasonable diligence, and the code enforcement officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the town at least once, no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Section 12. - Appeals.

- (a) The board of adjustment is hereby appointed as the housing appeals board to which appeals from any decision or order of the code enforcement officer may be taken. Except where this article provides for different rules or procedures, the board of adjustment acting as the housing appeals board shall follow quasi-judicial procedures for this function.
- (b) An appeal from any decision or order of the code enforcement officer may be taken by any person aggrieved thereby or by any officer, board, or commission of the town. Any appeal from the code enforcement officer shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the code enforcement officer and with the board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code enforcement 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 code enforcement officer refusing to allow the person aggrieved thereby to do any such act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the code enforcement officer requiring the person aggrieved to do any act, the appeal shall have 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 him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case the requirement shall not be 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 code enforcement officer, by the board, or by a court of record upon petition made pursuant to subsection (e) of this section.
- (c) The board of adjustment 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 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 shall have all the powers of the code enforcement officer, but the concurring majority vote of the members of the board shall be necessary to reverse or modify any decision or order of the code enforcement officer. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.
- (d) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board but not otherwise.
- (e) Any person aggrieved by an order issued by the code enforcement officer or a decision rendered by the board may petition the Superior Court for an injunction, restraining the code enforcement officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the code enforcement 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 had 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 shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

Section 13. - Alternative remedies.

Nothing in 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 removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this article shall subject the violator to the penalties and remedies, either criminal or civil or both.

No dwelling shall be hereafter erected, altered, moved, or changed in use without a certificate of occupancy. In any case where the code enforcement officer, after notice and hearing as required herein, finds that a dwelling or dwelling unit is unfit for human habitation, he shall withhold issuance of a certificate of occupancy for such dwelling or dwelling unit until such time that he determines that it is fit for human habitation. In addition, in any case where the code enforcement officer, after preliminary investigation as provided for herein, concludes, based upon that investigation, that a dwelling or dwelling unit is unfit for human habitation and believes that the occupancy of such dwelling or dwelling unit could cause imminent peril to life or property from fire or other hazards, he shall withhold issuance of a certificate of occupancy for such dwelling or dwelling unit until such time that he determines that it is fit for human habitation.

If any dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this article or of any valid order or decision of the code enforcement officer or board made pursuant to any ordinance or code adopted under authority of this article, the code enforcement officer 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 dwellings, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Section 14. - 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's current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of building made or required pursuant to this article.

Section 15. - Violations.

In addition to the conditions, acts, or failures to act that constitute violations specified in this article above, it shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter, or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the code enforcement officer duly made and served as herein provided, within the time specified in such order. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to section 9, to occupy or

permit the occupancy the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition.

Section 16. - Repeal and reenactment of existing Housing Code.

The rewriting of this article in part carries forth by reenactment some of the provisions of the existing Housing Code of the Town of Ramseur and it is not intended to repeal but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have been accrued are preserved and may be enforced. All provisions of the Housing Code which are not reenacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the Housing Code in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this article, but shall be prosecuted to their finality the same as if this article had not been adopted; and any and all violations of the existing article, prosecutions for which have not been instituted, may be filed and prosecuted; and nothing in this article shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may have been instituted or prosecuted.

Section 17. - Validity.

If any action, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this article. The Board of Commissioners hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.