



Town of Sedalia

MINIMUM HOUSING AND NON-RESIDENTIAL BUILDING CODE

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Section 1.

- (a) **Finding: Purpose.** Pursuant to N.C. Gen. Stat. § 160A-441, it is hereby found and declared that there exist in the Town of Sedalia 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 other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health and otherwise harmful to the welfare of the residents of the Town.
- (b) The Town further finds that there exists within the Town non-residential buildings and structures that appear to be dilapidated, vacant or abandoned and to be in such a condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance.
- (c) In order to protect the health, safety and welfare of the residents of the Town as authorized by Parts 5 and 6 of Article 19, Chapter 160A of the General Statutes of N.C., it is the purpose of this ordinance 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. 160A-444 "[Minimum Housing] Standards" and G. S. 160A-426, "Unsafe buildings condemned in localities".
- (d) The provisions of this fore mentioned Chapter shall apply to all residential and non-residential buildings and structures within Sedalia as now or hereinafter affixed.
- (e) Also, the provisions of this Chapter shall not apply to any structure exempt from regulations under the Town of Sedalia Development Ordinance and as otherwise exempt by statute or other applicable laws.

Section 2. Definitions. The following definitions shall apply in the interpretation and administration of this ordinance:

- (a) **Alter, Repair, Bring into Compliance** or Similar Words shall mean that the work is workmanlike and performed in a workmanlike manner.
- (b) **Building** shall mean that which is built or constructed, a structure or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "building" shall be construed as if followed by the words "or part thereof."
- (c) **Basement** shall mean a portion of a building or dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

- (d) **Cellar** shall mean a portion of a building or dwelling 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.
- (e) **Demolish** shall mean the demolition and removal of the entire building or dwelling leaving the property free and clear of any debris and without holes or pockets which may retain water.
- (f) **Deteriorated** shall mean 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 ordinance, at a cost not in excess of fifty percent (50%) of its value, as determined by finding of the Public Officer or Inspector
- (g) **Dilapidated** shall mean that a building or dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of 50% of its value, as determined by finding of the Public Officer or Inspector.
- (h) **Dwelling** shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (i) **Dwelling unit** shall mean 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.
- (j) **Extermination** shall mean 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 Public Officer or Inspector.
- (k) **Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (l) **Habitable room** shall mean 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.
- (m) **Infestation** shall mean the presence, within or around a building or 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 the public.
- (n) **Inspector** shall mean an inspector of the Town or of Guilford County.

- (o) **Multiple dwelling** shall mean any dwelling containing more than two dwelling units.
- (p) **Occupant** shall mean any person living, sleeping, cooking or eating in, or having actual possession of a building or dwelling unit or rooming unit.
- (q) **Operator** shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (r) **Owner** shall mean any person who alone or jointly, or severally with others:
- (1) shall have fee simple title to any building, dwelling or dwelling unit, and every mortgagee, and owner and holder of a deed of trust and the trustee therein, of record; with or without accompanying actual possession of said building, dwelling or dwelling unit; or
- (2) Shall have charge, care or control of any building, dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (s) **Parties in Interest** shall mean all individuals, associations and corporations who have interests of record in a building or dwelling and any who are in possession thereof.
- (t) **Placarding** shall mean to post a placard, sign or poster for public display.
- (u) **Plumbing** shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- (v) **Public Authority** shall mean the Town of Sedalia Town Council or any officer who is in charge of any department or branch of the government of Sedalia, and/or Guilford County, and/or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the Town.
- (w) **Public Officer** shall mean an officer employed by the Town and designated by the Town Council as the officer authorized to exercise the powers prescribed by this article, or an officer employed by Guilford County. Any such public officer shall be either (i) a "Qualified Code Enforcement Official" as defined and provided in G.S. § 143-151.8, et. seq., or (ii) A public official of the Town appointed or hired to exercise the powers prescribed in this Article to the extent authorized by law.

- (x) **Rooming unit** shall mean 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.
- (y) **Rooming house** shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the 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.
- (z) **Rubbish** shall mean 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.
- (aa) **Structure** shall mean something that is built that is regulated by the N.C. State Building Code. Structures include but are not limited to buildings, walls, towers, sheds and so on.
- (bb) **Supplied** shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.
- (cc) **Temporary housing** shall mean 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 thirty consecutive days.
- (dd) **Town** shall mean the Town of Sedalia, N.C.
- (ee) **Unfit for human habitation** shall mean that conditions exist in a dwelling 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 ordinance.
- (ff) **Meaning of certain words.** Whenever words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this **ordinance**, they shall be construed as though they were followed by the words "or any part thereof."

Section 3. Minimum Standards of Fitness for Buildings, Dwellings and Dwelling Units.

- (a) Every building, dwelling and dwelling unit used as a human habitation, or held out for use as human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4, 5, 6, 7, 8 and 9 of this ordinance. No person shall occupy as owner- occupant, or let to another for occupancy or use as a human habitation, any building, dwelling or dwelling unit

which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4, 5, 6, 7, 8 and 9 of this ordinance.

- (b) An Inspector or Public Officer may declare a non-residential building or structure to be unsafe if it appears to the Inspector or Public Officer to be dilapidated, vacant or abandoned, and it appears to be in such a condition to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

Section 4. Minimum Standards for Structural Condition.

- (a) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not excessively list, lean or buckle and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.
- (b) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (c) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged so as to dangerously reduce their intended load bearing characteristics.
- (d) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (e) Adequate facilities for egress in case of fire or panic shall be provided.
- (f) Interior walls and ceilings of all rooms, closets and hallways shall be finished 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.
- (g) 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 weather and watertight.
- (h) There shall be no chimneys or parts thereof which are in danger of falling, or in such condition or location as to constitute a fire hazard.
- (i) There shall be no use of the ground for floors, or wood floors on the ground.

Section 5. Minimum Standards for Basic Equipment and Facilities.

(a) Plumbing System.

- (1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.
- (2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to an approved potable water supply.
- (3) All plumbing fixtures in all buildings and dwellings shall be maintained in a state of good repair and in good working order and be in compliance with all building codes.
- (4) All required plumbing fixtures shall be located within the building or dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(b) Heating System. Every building, dwelling or dwelling unit shall have facilities for providing heat in accordance with either (1) or (2) below.

- (1) **Central and electric heating systems.** Every central or electric heating system shall be of sufficient capacity so as to heat at least one habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three feet (3') above the floor and two feet (2') from exterior walls during ordinary winter conditions
- (2) **Other Heating facilities.** Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat at least one habitable room with a minimum temperature of 68 degrees Fahrenheit measured three feet (3') above the floor and two feet (2') from exterior walls during ordinary winter conditions.
- (3) **Alternate Heat Source.** Portable kerosene heaters are not acceptable as a permanent source of heat as provided in subsections (1) and (2) of this section, but are allowable as a supplementary heating source. Any owner(s) who have complied with subsection (1) and (2) of this section shall not be held in violation where an occupant uses a kerosene heater as a primary source of heat.

(c) Electrical System.

- (1) Every building, dwelling and dwelling unit shall be wired for electric lights and

convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such manner as determined by the applicable electrical code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one 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 floor or wall-type electric convenience receptacles

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, without hazard to property or person.

Section 6. Minimum Standards for Ventilation.

- (a) **General.** Every habitable room shall have at least one window or skylight facing directly to the outdoors for adequate ventilation. At least one window in every habitable room shall be of such size and location to allow egress by an average adult in the event of fire or other emergency.
- (b) **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.
- (c) **Bathroom and water closet rooms.** Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Section 7. Minimum Standards for Space, Use, and Location.

- (a) **Room sizes.** Every dwelling unit shall contain at least the minimum room size in each habitable room or usable commercial space as required by the current version of the NC State Building code or the building code in effect at the time of the construction, whichever is least restrictive. Every dwelling unit shall contain at least one hundred and 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 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 occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over any at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

- (b) **Ceiling Height.** At least one-half (1/2) of the floor area of every room shall have a ceiling height of not less than seven feet (7').
- (c) **Floor area calculation.** Floor area shall be calculated on the basis of habitable room or usable commercial space. However, closet area and wall area within the dwelling unit may count for not more than ten percent (10%) 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 feet (4'6") shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.
- (d) **Cellar.** No cellar shall be used for living purposes.
- (e) **Basements.** No basement shall be used for living purposes unless:
 - (1) The floor and walls are substantially watertight;
 - (2) The total window standards, total openable window area, and ceiling height are equal to those required for habitable rooms;
 - (3) The required minimum window standards of every habitable room are entirely above the grade adjoining such, window area, except where the window or windows face a stairwell, window well, or access way.

Section 8. Minimum Standards for Safe and Sanitary Maintenance.

- (a) **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 or penetration of moisture or the weather.
- (b) **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.

- (c) **Windows and doors.** Every window, exterior door, basement or cellar door, and hatchway shall be substantially weather tight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.
- (d) **Stairs, porches, and appurtenances.** Every outside and inside stair, porch, and any appurtenance 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.
- (e) **Bathroom floors. Toilet, bath and shower spaces.** Bathtub and shower floors and walls above bathtubs with installed shower heads and in shower compartments shall be finished with a nonabsorbent surface. Such nonabsorbent surfaces must extend at least six feet (6') above the floor. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition.
- (f) **Supplied facilities.** Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- (g) **Drainage.** Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- (h) **Noxious Weeds or Uncontrolled Vegetation.** Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health, and shall be maintained in compliance with the Regulations Governing Health Hazards and Potential Health Hazards in the Town of Sedalia.
- (i) **Egress.** Every dwelling unit shall be provided with adequate means of egress as required by the current version of the NC State Residential Building Code or the building code in effect at the time of construction, whichever is the least restrictive. All interior egress doors and a minimum of one exterior egress door shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort.
- (j) **Smoke alarms.** Every dwelling and dwelling unit shall have smoke alarms installed and maintained according to the NC State Residential Building Code.
- (k) **Carbon Monoxide alarms.** Where interior alterations, repairs, fuel-fired appliance replacements, or additions requiring a permit occurs, or where

one or more sleeping rooms are added or created, carbon monoxide alarms shall be provided in accordance with the NC State Residential Building Code.

- (l) **Lead Based Paint Hazard Remediation** The investigation of lead poisoning shall be conducted in accordance with the Guilford County Department of Public Health Childhood Lead Poisoning Prevention Regulations for remediation of lead based paint hazards in homes with a confirmed elevated blood level child.

Section 9. Minimum Standards for Control of Insects, Rodents and Infestations.

- (a) **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.
- (b) **Infestation.** Every occupant of a building or 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 building, dwelling or dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a building or dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- (c) **Rubbish Storage and Disposal.** Every building, dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by county ordinances, and the owner, operator or agent in control of such building, dwelling or dwelling unit shall be responsible for the removal of rubbish.
- (d) **Garbage Storage and Disposal.** Every building, dwelling and every dwelling unit 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 inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by county ordinances.

Section 10. Minimum Standards Applicable to Rooming Houses

All of the provisions of this ordinance, and all of the minimum standards and requirements of this ordinance, 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:

- (a) **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 said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not 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 or uninhabitable basement.
- (b) **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.
- (c) **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 he 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.
- (d) **Sanitary Facilities.** Every water closet, flush urinal, lavatory basin, and bathtub or shower required by subsection (a) 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.

Section 11. Responsibilities of Owners and Occupants.

- (a) **Public areas.** Every owner of a building or dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) **Cleanliness.** Every occupant of a building, dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he or she occupies and controls.
- (c) **Rubbish and Garbage.** Every occupant of a building, dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by

placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities.

- (d) **Supplied Plumbing Fixtures.** Every occupant of a building, dwelling, or dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- (e) **Care of Facilities, Equipment and Structure.** No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a building or dwelling or dwelling unit.

Section 12. Duties of Public Officer.

The Town Council shall designate a Public Officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed. It shall be the duty of this officer, or his or her designee or a Town Official:

- (a) to investigate the dwelling conditions, and to inspect buildings, dwellings and dwelling units located in the town, in order to determine which buildings, dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this ordinance with respect to such buildings, dwellings or dwelling units;
- (b) 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;
- (c) to keep a record of the results of inspections made under this ordinance and an inventory of those buildings and dwellings that do not meet the minimum standards of fitness herein prescribed; and
- (d) to perform such other duties as may be herein prescribed or assigned.

Section 13. Powers of the Public Officer. The Public Officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance, including the following powers in addition to other herein granted:

- (a) to continually investigate the building and dwelling conditions in the town in order to determine which buildings and dwellings therein are unfit for human habitation;
- (b) to administer oaths and affirmations, examine witnesses and receive evidence;
- (c) to enter upon premises for the purpose of making examinations and inspections;

provided, such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and

- (d) to appoint and fix the duties of such officers, agents, and employees as deemed necessary to carry out the purposes of this ordinance; and
- (e) To delegate any of his functions and powers under the ordinance to other officers and other agents

Section 14. Inspections; Duty of Owners and Occupants. For the purpose of making inspections, the Inspector and Public Officer are hereby authorized to enter, examine, and survey at all reasonable times all buildings, dwellings, dwelling units, rooming units and premises. The owner or occupant of every building, dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the inspector free access to such building, dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times and with one week notice for the purposes of such inspection, examination and survey. Every occupant of a building, dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such building, 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 ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

Section 15. Administrative Procedure.

- (a) **Preliminary Investigation; Notice; Hearing.** Upon a finding by a Public Officer charging that any non-residential building or structure is unsafe in accordance with Section 3 (b), or that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection and in his own discretion, that any non-residential building or structure is unsafe in accordance with Section 3 (b), or dwelling or dwelling unit is unfit for human habitation, he or she shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building, dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Public Officer (or his designated agent) at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint. The owner and any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard.

- (b) **Procedure after Hearing.** After such notice and hearing, the Public Officer shall

state in writing his determination whether such non-residential building or structure is unsafe in accordance with Section 3 (b), or dwelling or dwelling unit is unfit for human habitation, and, if so, whether such non-residential building, dwelling or dwelling unit is deteriorated or dilapidated.

If the Public Officer determines that the non-residential building or structure is unsafe in accordance with Section 3 (b), or that a dwelling or dwelling unit is deteriorated, he or she shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, and improve such non-residential building, dwelling or dwelling unit to comply with the minimum standards of fitness established by this ordinance within a reasonable specified period of time. Such order may also direct and require the owner/tenant to vacate and close such non-residential building or dwelling or dwelling unit until such repairs, alterations, and improvements have been made. Upon completion of required improvements, a new certificate of occupancy is required prior to subsequent leasing or, sale of such non-residential building or dwelling to a third party.

If the Public Officer determines that the non-residential building or structure is unsafe in accordance with Section 3 (b), or that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this ordinance, or else vacate and remove or demolish the same within a reasonable specified period of time.

(c) **Failure to Comply with Order.** This chapter may be enforced by any and all of the remedies by this chapter and North Carolina General Statutes Chapter 160A Part 5 – Building Inspection and Part 6 – Minimum Housing Standards, , including criminal or civil action. Initiation of criminal action under this chapter shall not limit or restrict the civil remedies or penalties provided herein. Any person in violation of this chapter is subject to the following:

- (1) **Warning:** A warning may be issued by the Public Officer, his designee, or Inspector, without fine when he or she is of the opinion that a violation of this chapter may be remedied without the necessity of prosecution; however, a warning Notice of Violation or citation may not be issued in cases where public health and/or safety are endangered.
- (2) **Notices of Violation.** Enforcement personnel are hereby empowered to issue “Notices of Violation(s)” (NOV) (NOV’s may also be referred to herein as citations) to any person(s) if there is probable cause to believe that such person(s) has violated any of the provisions of this chapter. Enforcement

personnel are authorized to assess penalties and seek civil or criminal relief in accordance with the Town of Sedalia Nuisance Ordinance Sections IV and V. NOV's so issued may be served in person on the violator by Public Officer, designee, or Inspector. If such a person cannot readily be found or if reasonable attempts have been made to the effect service of the written NOV upon the responsible person(s) by delivery or mail have been unsuccessful, then a NOV may be provided by posting the NOV upon the dwelling in which the violator resides in a conspicuous place for a period of not less than 14 days. Any NOV so served shall direct the violator to make a payment of the fine provided therein to Town of Sedalia on or before a specific day and hour named in the NOV and to present evidence of the remedy of any violation of this chapter.

(3) Failure to appeal a NOV within 30 days of Notice constitutes a waiver of appeal rights.

(d) **Injunctive Relief.** If the owner of any deteriorated building, dwelling or dwelling unit shall fail to comply with an order of the Public Officer to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated building or dwelling shall fail to comply with an order of the Public Officer to vacate and close, and remove or demolish the same within the time specified therein, Town of Sedalia may petition the superior court for an injunction and order directing such owner to comply with the order of the Public Officer, as authorized by G.S. §§ 160A-174, 160A-426, 160A-429, or 160A-446(g).

(e) **Appeals from Orders of Public Officer.** An appeal from any decision or order of the Public Officer may be taken by any person aggrieved thereby. Any appeal from the Public Officer shall be taken within thirty (30) days from the rendering of the decision or service of the order, and shall be taken by filing with the Public Officer and with the Town of Sedalia Board of Adjustment, hereinafter referred to as "Board", a notice of appeal which shall specify the grounds upon which the appeal is based. Failure to appeal within the appropriate time limited constitutes a waiver of appeal rights. Upon the filing of any notice of appeal, the Public Officer shall forthwith transmit to the Board all the paper constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Public Officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all 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 modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have the powers of the Public Officer, but a majority vote of the members of the Board shall be necessary to reverse or modify any decision or order of the Public Officer. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of 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 shall be observed, public safety and welfare secured, and substantial justice done.

(f) Appeals from the Public Officer: When any appeal is from a decision of the Public 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 Public Officer certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the 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 which 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 days written notice to the Public Officer, by the Board, or by a court of record upon petition made pursuant to G. S. 160A-446(f) and subsection (e) of this Section.

(g) Appeals from the Board of Adjustment. Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise, as provided in G.S. 160A-446(e). In addition, any person aggrieved by an order issued by the Public Officer or a decision rendered by the Board shall also have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Public Officer pending a final disposition of the cause, as provided by G.S. §§ 160A-430 or 160A-446(f).

Section 16. Methods of Service of Complaints and Orders. Complaints or orders issued by the Public Officer shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the whereabouts of such persons are unknown and cannot be ascertained by the Public Officer in the exercise of reasonable diligence, and the Public Officer makes an affidavit to that effect, then the serving of the complaint or order upon such persons may be made by publishing the same at least once in a newspaper of general circulation in the county, publication being not less than ten (10) days prior to the date of the hearing.

Section 17. Placarding. After failure of an owner of a building, dwelling or dwelling unit to comply with an order of the Public Officer issued pursuant to the provisions of this ordinance, and upon adoption by the Town Council of an ordinance authorizing and directing him or her: to do so, as provided by G.S. §§ 160A-428 or 1660A-443(5) and Section 15(c) of this ordinance, the Public Officer shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or

improved to comply with the minimum standards of fitness established by this ordinance, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Town Council and shall cause to be posted on the main entrance of such dwelling or dwelling unit 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."

Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G. S. §160A-443(5). No such ordinance shall be adopted to require demolition of a building or dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code.

Section 18. Costs, a Lien on Premises. As provided by G.S. §§ 160A-432 and 160A-443(6), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Public Officer pursuant to Section 17 of this ordinance shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as the lien for special assessments provided by Article 10, Chapter 160A of the General Statutes.

Section 19. Alternative Remedies. Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the Town of Sedalia to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this ordinance by criminal process as authorized by G. S. § 14-4 and Section 21 of this ordinance, 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.

Section 20. Town of Sedalia Board of Adjustment. The Town of Sedalia Board of Adjustment shall perform the duties prescribed by Section 15(d) and shall keep an accurate record of all its proceedings. In the event that a housing appeals board is established, it shall be formed in accordance with N.C. Gen. Stat. § 160A-446(b), and have the same powers given to the Town of Sedalia Board of Adjustment provided herein to enforce this chapter.

Section 21. Conflict with other Provisions. In the event any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher and stricter standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

Section 22. Violations; Penalty.

- (a) It shall be unlawful for the owner of any building, dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Public Officer duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.
- (b) It shall be unlawful for the owner of any building, dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 15 of this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (c) It shall be unlawful to prevent the Public Officer or Inspectors authorization to enter, examine, and survey at all reasonable times all buildings, dwellings, dwelling units, rooming units, and premises under Section 14 of this ordinance. Each incident shall constitute a separate and distinct violation.
- (d) The violation of any provision of this ordinance shall constitute a misdemeanor, as provided by N .C. Gen. Stat. §14-4, and/or be subject to a civil penalty of \$100.00 for each violation. Each day the violation exists shall constitute a separate civil penalty.
- (e) In addition to the remedy specified in this and in other sections of this ordinance, the provisions of this ordinance may also be enforced by the Town of Sedalia by injunction and order or abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in G.S. § 160A-174
- (f) All violations under this ordinance are subject to the Town, in its sole discretion seeking as an alternative and/or additional relief the recovery of its actual investigative and administrative costs in accordance with the Town of Sedalia Nuisance Ordinance Section IV and V.

Section 23. Severability. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end, the provision of this ordinance are hereby declared to be severable.

Section 24. Implementation. This code shall become effective upon approval by the Sedalia Town Council.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEDALIA

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this _____ day of _____, 2015.

Ayes: _____

Noes: _____

Absent or Excused: _____

Adopted:

(SEAL)

Date

Ophelia Jones, Mayor

ATTEST:

Cam Dungee, Town Clerk