

***LAND USAGE***

***BUILDING CODE;  
THE OFFICE OF THE TOWN BUILDING INSPECTOR;  
STREET NAMES AND BUILDING NUMBERS***

***BUILDING CODE; THE OFFICE OF THE TOWN BUILDING INSPECTOR***

- § 150.01 Building Inspector; office created.
- § 150.02 Duties of the Building Inspector.
- § 150.03 Compliance with the North Carolina State Building Code Required.
- § 150.04 Permits Required
- § 150.05 Application for Permits.
- § 150.06 Permit Fees and Copy of the North Carolina State Building Code.
- § 150.07 Enforcement.
- § 150.08 Alternate Enforcement Method for Buildings and Structures; Repair, Closing and/or Demolition Authorized.
  
- § 150.09 through 150.24 Reserved.

***STREET NAMES AND BUILDING NUMBERS***

- § 150.25 Naming New Streets.
- § 150.26 Renaming Existing Streets.
- § 150.27 Addressing.
- § 150.28 Enforcement.

***BUILDING CODE; THE OFFICE OF THE TOWN BUILDING INSPECTOR***

**§ 150.01 BUILDING INSPECTOR; OFFICE CREATED.**

There is hereby created the office of Town Building Inspector. The Chief Building Inspector and any other building inspector employed by the Town shall have the powers and duties set forth in this chapter.

(’75 Code, § 4-1; Am. Ord. GP#2008248, passed 1/12/09)

§ **150.02 DUTIES OF BUILDING INSPECTOR.**

The Building Inspector shall have the following duties:

(A) **Building Code.** The Building Inspector shall enforce the provisions of the North Carolina State Building Code (hereafter the “Code” or “Building Code”), as most recently adopted by the North Carolina Building Code Council and as provided for in that Code, the North Carolina General Statutes and this chapter. The Building Inspector shall also issue building permits and certificates of occupancy in accordance with the Building Code, other State law, and this chapter;

(B) **Minimum Housing Code.** The Building Inspector shall enforce the provisions of the Town of Aberdeen Minimum Housing Code within the corporate limits and the extraterritorial jurisdiction of the Town;

(C) **Zoning and Subdivisions.** The Building Inspector is authorized to enforce the provisions of the zoning and subdivision ordinances of the Town within the corporate limits and the extraterritorial jurisdiction of the Town; and

(D) **Other.** The Building Inspector shall carry out all other duties required of him or her by State law, the ordinances of the Town, or order of the Town Board or Town Manager.

(’75 Code, § 4-2)(Am. Ord., passed 5-13-02; Am. Ord., passed 4/14/08; Am. Ord. GP#2008248, passed 1/12/09)

**§ 150.03 COMPLIANCE WITH THE NORTH CAROLINA STATE  
BUILDING CODE REQUIRED.**

All buildings and structures, including but not limited to swimming pools, within the corporate limits and the extraterritorial jurisdiction of the Town that are hereafter constructed, reconstructed, repaired, renovated, demolished or otherwise altered or moved shall conform to the requirements, minimum standards, and other provisions of the Building Code.

(’75 Code, § 4-3; Am. Ord. GP#2008248, passed 1/12/09)

**§ 150.04 PERMITS REQUIRED.**

Building, plumbing, electrical, and mechanical permits, and any other permit required by the Building Code shall be obtained from the Building Inspector prior to beginning any construction, reconstruction, repair, renovation, demolition or alteration of a building or structure, as required by the Building Code. Permits shall be also obtained from the Building Inspector prior to moving any building or structure, as required by the Building Code.

(75 Code, § 4-4; Am. Ord. GP#2008248, passed 1/12/09)

**§ 150.05 APPLICATION FOR PERMITS.**

Applications for building, plumbing, electrical and mechanical permits shall be made to the Building Inspector, who shall issue such permits upon payment of the appropriate fees and proof of compliance with applicable statutes, regulations and ordinances by the applicant.  
(’75 Code, § 4-5; Am. Ord. GP#2008248, passed 1/12/09)

§       **150.06           PERMIT FEES AND COPY OF THE NORTH CAROLINA STATE  
BUILDING CODE.**

The fees to be paid for a permit required by Section 150.04, above, shall be as determined by the Board of Commissioners from time to time. A schedule of such fees, shall be maintained on file in the office of the Town Clerk where it shall be available for public inspection during the normal office hours of the Town Clerk.

An official copy of the North Carolina State Building Code shall be kept on file in the office of the Building Inspector and shall be available for inspection during the normal office hours of the Building Inspector.

(Am. Ord. GP#2008248, passed 1/12/09)

§ **150.07 ENFORCEMENT.**

The Building Inspector may enforce the Building Code using any one or combination of those powers enumerated in G.S. Chpt. 160A, Art. 19, Part 5, "Building Inspections," including the following:

- (A) Conducting inspections of work in progress, pursuant to G.S. § 160A-420;
- (B) Issuing stop work orders, pursuant to G.S. § 160A-421;
- (C) Revoking permits, pursuant to G.S. § 160A-422;
- (D) Conducting periodic inspections, pursuant to G.S. § 160A-424;
- (E) Ordering defects in buildings to be corrected, pursuant to G.S. § 160A-425;
- (F) Pursuant to G.S. § 160A-426, declaring those buildings to be unsafe that appear to the Building Inspector to be especially dangerous to life because of their liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes. In these cases, the Building Inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building;
- (G) Issuing an order to take corrective action, pursuant to G.S. § 160A-428 and 160A-429;
- (H) Pursuant to directions from the Town Board, taking any one or combination of enforcement actions authorized by G.S. § 160A-432;
- (I) Enforcing the Building Code using the alternative method established in G.S. 160A-439 and section 150.08 of this Code of Ordinances; and
- (J) Levying civil penalties for failure to comply with an order issued by the Building Inspector. All civil penalties levied shall be in accordance with Section 10.98 of the Code of Ordinances. The imposition of civil penalties shall not limit the use of any other lawful remedies available to the Town for the enforcement of any ordinances adopted pursuant to this section; and

(Am. Ord. GP#2008248, passed 1/12/09)

§ **150.08 ALTERNATE ENFORCEMENT METHOD FOR  
NONRESIDENTIAL BUILDINGS AND STRUCTURES; REPAIR,  
CLOSING AND/OR DEMOLITION AUTHORIZED.**

(A) Purpose.

Pursuant to G.S. § 160A-439, the purpose of this section is to promote the public health, safety and welfare by providing alternative enforcement methods for nonresidential buildings or structures that fail to meet the minimum standards of the Building Code for maintenance, sanitation, and/or safety and are otherwise dangerous and injurious to public health, safety, and welfare. The Building Inspector may, in his or her discretion, choose whether to initiate an enforcement action pursuant to either or both this section or other sections of this chapter.

(B) Jurisdiction.

This section may be applied only to those buildings or structures within the corporate limits of the Town; this section may not be applied to buildings or structures located within the extraterritorial jurisdiction of the Town.

(C) Definitions.

As used in this section, the following shall be defined as follows:

(1) Parties in interest: all individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

(2) Vacant manufacturing facility: any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

(3) Vacant industrial warehouse: any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

(D) Powers of the Building Inspector

In addition to the powers set forth elsewhere in this chapter, the Building Inspector shall have the following powers to carry out and effectuate the purpose and provisions of this section:

(1) To investigate nonresidential buildings and structures in the Town to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized;

(2) To administer oaths, affirmations, examine witnesses, and receive evidence;

(3) To enter upon premises pursuant to subsection (E)(1) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession;

(4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the Town Board; and

(5) To delegate any of his or her functions and powers under this section to other Town officers and agents, provided that such agents are appropriately certified as North Carolina Building Inspectors.

(E) Enforcement Process.

(1) Investigation. Whenever it appears to the Building Inspector that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet minimum standards of the Building Code, the Building Inspector shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. § 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

(2) Complaint and Hearing. If the preliminary investigation discloses evidence of a violation or violations of the Building Code, the Building Inspector shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that includes the following information:

(a) That a hearing will be held before the Building Inspector (or his or her designated agent) at the Town Hall or at the building or structure, scheduled not less than ten (10) days nor more than thirty (30) days after the serving of the complaint

(b) That the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and

(c) That the rules of evidence prevailing in courts of law or equity shall not be controlling during the hearing.

(3) Order. If, after notice and hearing, the Building Inspector determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards of the Building Code, the Building Inspector shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations of this section.

(4) Limitations on Orders.

(a) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards of the Building Code or to vacate and close the nonresidential building or structure for any use.

(b) (1) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the Town Board determines, after a public hearing as provided in subsection (E)(4)(b)(2), below, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards of the North Carolina Building Code.

(b) (2) Public hearings conducted pursuant to subsection (E)(4)(b)(1), above, shall be held only after written notice of the hearing is provided to the owner and parties in interest in the building or structure at issue, not less than ten (10) nor more than (30) days prior to the hearing. Such notice shall be served in accordance with subsection (E)(7), below.

(c) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(5) Action by Town Board Upon 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 nonresidential building or structure, the Town Board may adopt an ordinance ordering the Building Inspector to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Building Inspector found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the Moore County Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the Building Inspector may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The Building Inspector may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

(b) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Town Board may adopt an ordinance ordering the Building Inspector to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Building Inspector found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the Building Code. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the Moore County Register of Deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the Building Inspector may cause the building or structure to be removed or demolished.

(6) Action by Town Board Upon Abandonment of Intent to Repair.

If the Town Board has adopted an ordinance or the Building Inspector has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the Town Board may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the Town Board may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(a) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards of the Building Code is less than or equal to fifty

percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within ninety (90) days; or

(b) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards of the Building Code exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within ninety (90) days.

The ordinance shall be recorded in the office of the Register of Deeds in Moore County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the Building Inspector shall effectuate the purpose of the ordinance.

In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five (5) years before the governing body may take action under this subsection.

(7) Service of Complaints and Orders.

(a) Complaints or orders issued by the Building Inspector pursuant to an ordinance adopted under this section shall be served upon owners and parties in interest either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. 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 refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Building Inspector in the exercise of reasonable diligence, and the Building Inspector makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(8) Liens.

(a) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Building Inspector 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 G.S. Chpt. 160A, Art. 10.

(b) The amount of the costs is also a lien on any other real property of the owner located within the Town of Aberdeen except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.

(c) If the nonresidential building or structure is removed or demolished by the Building Inspector, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Building Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town Board to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(9) Ejectment.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Building Inspector may file a civil action in the name of the Town of Aberdeen to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The Moore County 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 Building Inspector produces a certified copy of an ordinance adopted by the Town Board pursuant to subsection (E)(5) of this section to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30.

An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of the judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least thirty (30) days before the filing of the summary ejectment proceeding and the Town Board has ordered the Building Inspector to proceed to exercise his duties under subsection (E)(5) of this section to vacate and close or remove and demolish the nonresidential building or structure.

(10) Civil Penalty.

The Town Board may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this section. All civil penalties levied shall be in accordance with section 10.98 of this Code of Ordinances. The imposition of civil penalties shall not limit the use of any other lawful remedies available to the Town for the enforcement of any ordinances adopted pursuant to this section.

(11) Powers Supplemental.

(a) The powers conferred by this section are supplemental to the powers conferred by any other law.

(12) Appeals.

Appeals may be taken from any decision or order of the Building Inspector to the Board of Adjustment. Any person aggrieved by a decision or order of the Building Inspector shall have the remedies provided in G.S. § 160A-446.

(13) Funding.

The Town Board is authorized to make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of this section.

(14) No Effect on Just Compensation for Taking by Eminent Domain.

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

(Am. Ord. GP#2008248, passed 1/12/09)

**§ 150.09 through 150.24    Reserved.**

***STREET NAMES AND BUILDING NUMBERS***

**§ 150.25 NAMING NEW STREETS.**

(A) Street names shall be assigned to new streets by the developer of the street, subject to the approval of the permit issuing authority.

(B) No new street shall be given a name that duplicates the name of an existing street within Moore County or the corporate limits of any municipality located in Moore County. No new street shall be phonetically similar to an existing street name located within Moore County or the corporate limits of any municipality located in Moore County, regardless of the use of different suffixes such as those set forth in subsection 150.25(C).

(C) Street names shall include a suffix such as the following:

(1) Circle: A short street that returns to itself;

(2) Court or Place: A cul-de-sac or dead-end street;

(3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street; and

(4) Street: All public streets not designated by another suffix.

The developer may also use other suffixes as the developer deems appropriate.

(D) Developers seeking to create new streets shall pay the Town for the actual cost of purchasing and installing signs that meet the standards of the North Carolina Department of Transportation.

(E) Whenever any new street is located partially in an unincorporated part of Moore County (including the area within the extraterritorial jurisdiction of the Town) and partially within the Town limits, the new street name must be approved by both the Moore County Board of Commissioners and the Town Board of Commissioners. The names of new streets located entirely within unincorporated parts of Moore County shall be approved solely by the Moore County Board of Commissioners.

§ **150.26**            **RENAMING EXISTING STREETS.**

(A) Persons desiring to have the name of an existing street changed must petition the Town Board of Commissioners. Said petition shall be submitted to the Town Planning Department. The Town Board of Commissioners, on its own initiative, may also change the name of an existing street. Name changes initiated by the Town Board need not comply with the petition requirements of subsection 150.26(B).

(B) The petition shall include the following:

(1) A twenty-five dollar (\$25.00) fee,

(2) The existing street name,

(3) The proposed street name, and

(4) A statement signed by 100% of the owners of property adjacent to the street that indicates the owners consent to the proposed name change.

(C) A proposed new name for an existing street shall meet the requirements of subsection 150.25(B).

(D) In the event that the Town Board approves the petition, the petitioners shall reimburse the Town for the cost of purchasing and installing new street signs.

§ 150.27 ADDRESSING.

(A) All residential, commercial and industrial structures, and, where applicable, accessory buildings thereto shall have a street number assigned by the Town Planning Department.

(B) A numbering system assigning addresses every ten feet (10') along roadways shall be used.

(C) All residential, commercial, industrial and accessory structures assigned addresses shall prominently display and maintain the assigned number on the structure on the side nearest the street and at the point where the driveway meets the street. The driveway address display shall either be on a mailbox or a post. The numbers on the driveway display shall be no less than three inches (3") in height and have a night reflective surface.

(D) The Planning Director shall have right to authorize and approve alternate methods of displaying address numbers so long as

- (1) The alternate method reasonably meets the intent of this section, and
- (2) Strict adherence to these standards cannot be reasonably met.

(E) The Planning Director, in his or her discretion, may change an existing address for just cause. Examples of just cause include the following:

- (1) An area where no addresses were left for vacant lot(s),
- (2) An address must be changed in response to a street name changed approved by the Town Board,
- (3) A person unknowingly displays the wrong address, and
- (4) The street address number series presently in use is incorrect and/or is non-sequential.

**§ 150.28 ENFORCEMENT.**

(A) The provisions of this section shall be supplemental and in addition to the enforcement provisions provided for in Code of Ordinances Sec. 10.98.

(B) No Certificate of Occupancy shall be issued until an official address has been assigned for a residential, commercial, or industrial structure, or, where applicable, accessory buildings thereto and the number has been properly displayed.

(C) It shall be unlawful for any person, firm, corporation, or other entity to remove, destroy or deface any street name sign. Further, it shall be unlawful for any person, firm, corporation, or other entity to erect a street name sign contrary to the provisions of this ordinance and/or without the appropriate approval as provided by this ordinance.

(Am. Ord. GP#2008248, Chapter 150 passed 1/12/09)

## ***GENERAL PROVISIONS***

### **§ 151.01 FINDING; PURPOSE.**

(A) Pursuant to G.S. § 160A-441, it is hereby declared that there exist within the jurisdiction of the town 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, safety, and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents within the jurisdiction of the town as authorized by G.S. Chapter 160A, Article 19, Part 6, it is the purpose of this chapter 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.

**§ 151.02 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BASEMENT.*** A portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

***BUILDING INSPECTOR.*** The Building Inspector of the town or any Building Inspector for whose services the town has contracted or any authorized agent of the Inspector.

***CELLAR.*** A portion of a dwelling which is 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.*** A dwelling that is unfit for human habitation but can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by the finding or findings of the Inspector.

***DILAPIDATED.*** A dwelling that is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50% of its value, as determined by the finding or findings of the Inspector.

***DWELLING.*** Any building, structure, manufactured home, or mobile home or part thereof, used and occupied for human habitation or intended to be so used, and including any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured or mobile home as defined in G.S. § 143-145(7), which is used solely for a seasonal vacation purpose. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

***DWELLING UNIT.*** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

***EXTERMINATION.*** The control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.

***GARBAGE.*** The organic waste resulting from the handling, preparation, cooking, and consumption of food.

***HABITABLE ROOM.*** A room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets, and storage spaces.

**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 the public.

**MULTIPLE DWELLING.** Any dwelling containing more than two dwelling units.

**NOXIOUS GROWTH.** Any growth of weeds, grasses, or other plants or bushes that become or threaten to become a fire hazard or a harboring place for rats, mice, snakes, or other vermin or otherwise pose a danger to the public health or safety. Uncontrolled plant growth (i.e. plants not intentionally planted in a garden, shrub bed, flower bed or similar area) that is at least eight (8) inches tall and remains so for a period of twenty-one (21) days shall also constitute noxious growth.

**OCCUPANT.** Any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.

**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.** Any person who alone, jointly, or severally with others:

(A) Shall have title to any dwelling, dwelling unit, or rooming unit, with or without accompanying actual possession thereof; or

(B) Shall be a mortgagee of record for any dwelling, dwelling unit, or rooming unit;  
or

(C) Shall have charge, care, or control of any dwelling, dwelling unit, or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the actual owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**PARTY OR PARTIES IN INTEREST.** All persons who have interests of record in a dwelling, dwelling unit, or rooming unit and any persons who are in possession thereof.

**PERSON.** Any individual, corporation, firm, partnership, association, organization, or other legal entity.

**PLUMBING.** All of the following supplied facilities and equipment: gas pipe, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

**PUBLIC AUTHORITY.** Any housing authority or any officer who is in charge of any department or branch of the government of the town or of the county or the state relating to health, fire, building regulations, or other activities concerning dwellings in the town.

**ROOMING HOUSE.** 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 or wife, son or daughter, mother or father, or brother of the owner or operator.

**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.** Nonorganic waste materials. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

**SUPPLIED.** Paid for, furnished, or provided by, or under the control of, the owner or operator.

**UNFIT FOR HUMAN HABITATION.** That conditions exist in a dwelling, dwelling unit, rooming house, or room unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

**WASTES.** All useless, unwanted, or discarded materials and products, resulting from domestic, industrial, commercial or community activities.

**YARD WASTES.** Organic materials commonly consisting of leaves, pine straw, wheat straw, grass clippings, hedge clippings, dirt, rocks, yard and garden waste, branches, logs, twigs, and all vegetable matter resulting from landscaping or land clearing activities (i.e. stumps, trees, etc.)

Whenever the words “**DWELLING**,” “**DWELLING UNIT**,” “**ROOMING HOUSE**,” “**ROOMING UNIT**,” and “**PREMISES**” are used in this chapter, they shall be construed as though they were followed by the words “**OR ANY PART THEREOF**.”  
(Amended 09-04-07; 03-08-2010).

**§ 151.03      RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

(A)    Public areas. Every owner of a 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 dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

(C)    Every occupant of a 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)    Every occupant of a 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 dwelling or dwelling unit.

(Amended 03-08-2010)

***MINIMUM STANDARDS FOR DWELLINGS AND DWELLING UNIT***

**§ 151.15 COMPLIANCE REQUIRED.**

(A) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of this subchapter.

(B) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this subchapter.

(Amended 03-08-2010)

**§ 151.16 STRUCTURAL CONDITIONS.**

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

(A) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not 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.

(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 defective, deteriorated, or 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.  
(Amended 03-08-2010)

**§ 151.17 BASIC EQUIPMENT AND FACILITIES.**

(A) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply and to a 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 water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the most current edition of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the 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 dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:

(1) Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70° measured at a point three feet above the floor 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, fires, gas vents, or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of 70° measured three feet above the floor during ordinary winter conditions.

(C) Electrical system.

(1) Every dwelling and dwelling unit shall be wired for electrical 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 most current edition of the State 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, and installed in accordance with the most current edition of the State Electrical Code.  
(Amended 03-08-2010)

**§ 151.18 VENTILATION.**

(A) General. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five 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 room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) Habitable rooms. Every habitable room shall have at least one 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 45% of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(C) Bathrooms 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.

(Amended 03-08-2010)

**§ 151.19 SPACE, USE, AND LOCATION.**

(A) Room sizes.

(1) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the most current edition of the State Residential Building Code.

(2) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

(3) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) Ceiling height. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(C) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 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 shall not be considered as part of the floor area for the purpose of determining 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 area, total openable window area, and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or accessway.

(Amended 03-08-2010)

**§ 151.20 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; and shall be safe to use and capable of supporting the load which normal use would 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 would 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 would cause to be placed thereon and shall be kept in sound condition and good repair.

(E) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will 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 chapter 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 in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(H) Noxious growth. Every yard and all exterior property areas shall be kept free of noxious growth.

(I) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.  
(Amended 09-04-07; 03-08-2010).

**§ 151.21 CONTROL OF INSECTS, RODENTS, AND INFESTATIONS.**

(A) Screens. In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.

(B) 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 equipped with screens or such other approved device as will effectively prevent their entrance.

(C) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable 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.

(D) Rubbish storage and disposal. Every dwelling and every dwelling unit 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.

(E) Garbage storage and disposal. Every 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 approved outside garbage can as required by town ordinances.

(F) Waste Disposal. Except as provided in subsection (G), no owner or occupant may cause, suffer, or permit wastes, including rubbish and garbage, to accumulate on the premises, including yards and exterior property areas, provided that occupants shall be liable under this section only for those parts of the premises under their control.

(G) Yard Wastes. Yard waste may be allowed to accumulate or remain in yards and exterior property areas for uses such as landscaping and composting, provided that these materials do not become or threaten to become a fire hazard or a harboring place for rats, mice, snakes or other vermin or otherwise pose a danger to the public health and safety. This provision does not authorize the commercial storage of landscaping materials on a residential property; commercial storage is permitted only in accordance with the Aberdeen Zoning Ordinance.

(Amended 09-04-07; 03-08-2010).

***MINIMUM STANDARDS FOR ROOMING HOUSES***

**§ 151.35      APPLICATION OF REGULATIONS.**

All of the provisions of this chapter, and all of the minimum standards and requirements of this chapter, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy and any rooming unit in any rooming house, except as provided in the following section of this subchapter.

**§ 151.36 WATER CLOSET, HAND LAVATORY AND BATH FACILITIES.**

At least one water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer systems and in good working condition, shall be supplied for each four rooms within a rooming house wherever these 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 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.

(Amended 03-08-2010)

**§ 151.37 MINIMUM FLOOR AREA.**

Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(Amended 03-08-2010)

**§ 151.38      SANITARY CONDITIONS AND FACILITIES.**

(A)    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. 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.

(B)    Sanitary facilities. Every water closet, flush urinal, lavatory basin, and bathtub or shower required by § 152.36 shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

(Amended 03-08-2010)

**ADMINISTRATION AND ENFORCEMENT**

**§ 151.50      POWERS AND DUTIES OF BUILDING INSPECTOR.**

The Building Inspector is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed. The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. The Building Inspector shall have the following powers and duties:

(A) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town and in the ~~two-mile~~ extraterritorial jurisdiction of the town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to the repair, closing, or demolition of such dwellings and 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 chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;

(D) To administer oaths and affirmations, examine witnesses, and receive evidence;

(E) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with § 152.51 and State law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

(F) To perform such other duties as may be prescribed herein or by the Board of Commissioners.

**§ 151.51      RIGHT OF ENTRY OF BUILDING INSPECTOR.**

(A) For the purpose of making inspections, the Building Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units, and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house, or rooming unit or the person in charge thereof shall give the Building Inspector free access to such dwelling and its premises at all reasonable times for the purposes of such inspection, examination, and survey.

(B) Every occupant of a dwelling, dwelling unit, rooming house, or rooming 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 chapter or with any lawful order issued pursuant to the provisions of this chapter.

## § 151.52 ENFORCEMENT PROCEDURE.

(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Building Inspector by a public authority or by at least five residents of the Town or its extraterritorial jurisdiction, charging that any dwelling, dwelling unit or the premises thereof is unfit for habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling, dwelling unit or the premises thereof is unfit for human habitation, he 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 dwelling, dwelling unit or premises thereof a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of the complaint. The owner or any party in interest shall have a 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. Notice of such hearing shall also be given to at least one (1) of the persons signing a petition relating to such dwelling or premises thereof. Any person desiring to do so may attend such hearing and give evidence. Rules of evidence prevailing in courts or law or equity shall not be controlling in hearings before the Inspector.

### (B) Procedure after hearing.

(1) After such notice and hearing, the Inspector shall state in writing his determination as to whether the dwelling, dwelling unit or the premises thereof are unfit for human habitation, and if so, whether the dwelling or dwelling unit is deteriorated or dilapidated.

(2) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he 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, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under § 151.52(C)(2).

(3) If the Inspector determines that the dwelling or dwelling unit 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 either to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days. If the order permits the owner to

repair the dwelling, the order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. If repairs are allowed, the order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under § 151.52(C)(2).

(4) If the dwelling is located in a historic district of the town and the Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the historic district, and the dwelling has not been condemned as unsafe, an order issued pursuant to § 151.52(B)(3) may require that the dwelling be vacated and closed consistent with G.S. § 160A-400.14(a).

(5) If the Board of Commissioners shall have adopted an ordinance pursuant to § 151.52(C)(2), or the Inspector shall have issued an order, ordering a dwelling to be repaired or vacated and closed, as § 151.52(B)(2), and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order, then if the Board of Commissioners 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 town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State, then in such circumstances, the Board of Commissioners may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within 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 percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Moore county Registry and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

(6) Whenever a determination is made pursuant to § 151.52(B)(2) or (3) that a dwelling must be vacated and closed, or removed or demolished, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Inspector, 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 Inspector or Town Clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter, or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector may submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).

(2) In rem remedy. After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided by § 151.52(C)(1), the Inspector shall submit to the Board of Commissioners an ordinance specifying the property and ordering the Inspector or authorized agent to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed, or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160A-443 and § 151.54 of this code.

(3) Action in the nature of summary ejectment. If any occupant fails to comply with an order to vacate a dwelling, the Inspector or Town Attorney 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 person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 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 Inspector produces a certified copy of an ordinance adopted by the Board of Commissioners pursuant to § 151.52(C)(2) authorizing the Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30.

An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of such judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the Board of Commissioners has ordered the public officer to proceed to exercise his duties under this chapter to vacate and close or remove and demolish the dwelling.

(D) Appeals from orders of Inspector.

(1) An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby or by any officer, board, or commission of the town. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector 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 Inspector 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 Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished to 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 day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § 160A-446(f) and § 151.32(E) of this code.

(2) 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 may 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 all the powers of the Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. 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. The Board shall keep an accurate journal of all its proceedings.

(3) 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.

(E) Petition to superior court by owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order of rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S.

§ 160A-446(f).  
(Amended 09-04-07; 03-08-2010).

**§ 151.53        METHODS OF SERVICE OF COMPLAINTS AND ORDERS.**

(A)        Complaints or orders issued by the Inspector pursuant to an ordinance adopted under this chapter 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 the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

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

(Amended 03-08-2010)

**§ 151.54      IN REM ACTION BY INSPECTOR; PLACARDING.**

(A)      After failure of an owner of a dwelling or dwelling unit to comply with an order of the Building Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Board of Commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) and § 151.52(C) of this code, the Inspector 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 chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Commissioners, 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 misdemeanor.

(B)      Each ordinance so adopted shall be recorded in the Moore County Registry, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).

(Amended 03-08-2010)

**§ 151.55 COSTS A LIEN ON PREMISES.**

(A) That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Inspector 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 G.S. Chapter 160A, Article 10.

(B) If the real property upon which the cost was incurred is located within the corporate limits of the town, then the amount of the cost is also a lien on any other real property of the owner located within the town limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.

(C) If the dwelling is removed or demolished by the Inspector, 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 Inspector, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

(Amended 03-08-2010)

**§ 151.56 ALTERNATIVE REMEDIES.**

(A) In addition to the remedies provided in § 151.52, 151.54, and 151.55, the remedies provided in Code of Ordinances § 10.98 may also be used to enforce the provisions of this chapter.

(B) Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4, 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.

(C) Nothing in this chapter shall be construed to otherwise abrogate or impair the other powers of the town to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.  
(Amended 09-04-07; 03-08-2010).

**§ 151.57 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.**

Repealed.  
(Amended 03-08-2010)

**§ 151.58      OTHER PROVISIONS.**

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

**§ 151.59 VIOLATIONS.**

(A) 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 and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. 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 dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 151.52, 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. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(Amended 03-08-2010)

***HISTORIC PRESERVATION***

**§ 152.01 THROUGH 152.11.**  
Repealed on 6/13/11.

***MINIMUM HOUSING STANDARDS***

**§ 153.02 THROUGH 153.59**

Renumbered to Chapter 151 on 6/13/11.

*LAND USAGE*

*SUBDIVISION REGULATIONS*

***GENERAL PROVISIONS***

§ **154.01 THROUGH 154.09.**  
Repealed on 6/13/11.

***PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS***

§ **154.25 THROUGH 154.34.**  
Repealed on 6/13/11.

***REQUIRED IMPROVEMENT, DEDICATION,  
RESERVATION, MINIMUM STANDARDS OF DESIGN***

§ **154.45 THROUGH 154.53.**  
Repealed on 6/13/11.

***ADMINISTRATION***

§ **154.65 THROUGH 154.72.**  
Repealed on 6/13/11.

§ **154.99 PENALTY.**  
Repealed on 6/13/11.

***LAND USAGE***

***WATERSHED WATER SUPPLY PROTECTION***

§ **156.01 THROUGH 156.12.**  
Repealed on 6/13/11.

***LAND USAGE***

***STREET NAMING AND RENAMING***

***(Renumbered to §150.25 - .28; Am. Ord. 1/12/09)***