

December 14, 1970
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Ordinance No. 956-Z

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That, Chapter 23, Section 23-8, of the Code of the City of Charlotte is hereby amended by changing from R-15 to O-6 on the Official Zoning Map, City of Charlotte, N. C. and Perimeter Area the following described property:

BEGINNING at a point on the centerline of Sharon Road, said point being located 699.84 feet from the centerline intersection of Sharon Road and Morrison Boulevard and running thence S. 45-54-30 E. 201.52 feet; thence S. 76-53-40 E. 269.0 feet; thence S. 54-17-50 W. 200.53 feet; thence N. 59-20-20 W. 404.51 feet to the centerline of Sharon Road and running thence with said centerline N. 42-54-30 E. 152.85 feet to point of BEGINNING.

Section 2. That, this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1970, the reference having been made in Minute Book 54, at Page , and recorded in full in Ordinance Book 17, at Page 485.

Ruth Armstrong
City Clerk

AMENDING CHAPTER 5
ARTICLE III

ORDINANCE 957

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE III, OF THE CODE OF THE CITY OF CHARLOTTE, REVISING THE ELECTRICAL CODE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. Chapter 5, Article III, Section 208 is hereby amended by deleting subsections (c), (d), (e) and (f) in their entirety.

Sec. 2. Chapter 5, Article III, Section 209 is to be deleted in its entirety and the following substituted in lieu thereof:

"Sec. 5-209. Special construction rules.

(a) All wiring on or in permanent buildings or structures, wherever situated, which are required to have a Type I Emergency Power Source as listed in Table 1125 of the State Building Code shall utilize approved raceways or metal jacketed cables such as MI, ALS or Metal Clad Type MC (Type A. C. not allowed) where permitted by the National Electrical Code, -- except that all portions of the required emergency lighting system for the entire building and all power and lighting wiring within an assembly area of 2500 square feet (200 persons at 12-1/2 square feet per person) or more shall be wired in metal raceway. Type ALS, or Type MI cable where permitted by the National Electrical Code. When calculating the total area of any specific place of assembly, the area of connecting rooms with movable partitions and balconies shall be included in the total. The assembly area requirement shall apply to sanctuaries and similar places of worship.

(b) All permanent buildings, wherever situated, which are required to have a Type II Emergency Power Source as listed in Table 1125 of the State Building Code, shall have the service entrance conductors enclosed in approved raceway, and in addition to the above, all portions of the required emergency lighting system for the entire building and all power and lighting wiring within an assembly area of 2500 square feet (200 persons at 12-1/2 square feet per person) or more shall be wired in metal raceway, Type ALS, or Type MI cable where permitted by the National Electrical code. When calculating the total area of any specific place of assembly, the area of

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connecting rooms with movable partitions and balconies shall be included in the total. The assembly area requirement shall apply to sanctuaries and similar places of worship.

(c) All permanent buildings or structures, wherever situated, utilizing voltage exceeding 250 volts to ground for power and lighting systems (services, feeders and branch circuits, etc.) shall require throughout the use of approved raceways or metal jacketed cables such as MI, ALS or Metal Clad Type MC, where permitted by the National Electrical Code.

The requirements in (a), (b) and (c) above do not apply to low voltage signal or control circuits of 50 volts or less except where failure of such circuits would create a hazard.

(d) Each individual gasoline pump, dispenser, lighting standard or other electrical device located where gasoline or other volatile flammable liquids or liquefied flammable gases are transferred to the fuel tank of any motor vehicle shall be supplied through an individual rigid metal conduit. The above is not intended to prohibit the consolidation of such individual conduits outside of the hazardous areas.

(e) Service equipment shall not be located in any attic, clothes closet, kitchen storage cabinet, bathroom, toilet room, coal or trash bin."

Sec. 3. That this ordinance shall become effective January 1, 1971

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1970, the reference having been made in Minute Book 54, at Page , and recorded in full in Ordinance Book 17, at Pages 486-487.

Ruth Armstrong
City Clerk

ORDINANCE NO. 958-X

AN ORDINANCE ORDERING THE DEMOLITION AND
REMOVAL OF THE DWELLING AT 619 N. Davidson St.
PURSUANT TO THE HOUSING CODE OF THE CITY OF
CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE
GENERAL STATUTES OF NORTH CAROLINA.

WHEREAS, the dwelling located at 619 N. Davidson St.
in the City of Charlotte has been found by the Superintendent of Building
Inspection to be unfit for human habitation and the owners thereof have
been ordered to demolish and remove said dwelling, all pursuant to the
Housing Code of the City of Charlotte and Article 15, Chapter 160 of
the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order
served by registered mail on the 9-18-70 and
10-27-70, NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Charlotte,
North Carolina, that the Superintendent of Building Inspection is hereby
ordered to cause the demolition and removal of the dwelling located at
619 N. Davidson St. in the City of Charlotte in accordance with the
Housing Code of the City of Charlotte and Article 15, Chapter 160 of the
General Statutes of North Carolina.

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 14th day of December,
1970, the reference having been made in Minute Book 54, at Page ,
and recorded in full in Ordinance Book 17, at Page 488.

Ruth Armstrong
City Clerk

ORDINANCE NO. 959-X

AN ORDINANCE ORDERING THE DEMOLITION AND
REMOVAL OF THE DWELLING AT 621 N. Davidson St.
PURSUANT TO THE HOUSING CODE OF THE CITY OF
CHARLOTTE AND ARTICLE 15, CHAPTER 160 OF THE
GENERAL STATUTES OF NORTH CAROLINA.

WHEREAS, the dwelling located at 621 N. Davidson St.
in the City of Charlotte has been found by the Superintendent of Building
Inspection to be unfit for human habitation and the owners thereof have
been ordered to demolish and remove said dwelling, all pursuant to the
Housing Code of the City of Charlotte and Article 15, Chapter 160 of
the General Statutes of North Carolina, and

WHEREAS, said owners have failed to comply with said order
served by registered mail on the 9-22-70 and
10-22-70, NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Charlotte,
North Carolina, that the Superintendent of Building Inspection is hereby
ordered to cause the demolition and removal of the dwelling located at
621 N. Davidson St. in the City of Charlotte in accordance with the
Housing Code of the City of Charlotte and Article 15, Chapter 160 of the
General Statutes of North Carolina.

Approved as to form:

Henry W. L. DeLoach Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 14th day of December,
1970, the reference having been made in Minute Book 54, at Page ,
and recorded in full in Ordinance Book 17, at Page 489.

Ruth Armstrong
City Clerk

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ORDINANCE NO. 960-X

AN ORDINANCE ORDERING THE REMOVAL OF AN ABANDONED MOTOR VEHICLE (s) LOCATED AT
PURSUANT TO THE ARTICLE 13-1.2 OF THE CODE OF CHARLOTTE
AND CHAPTER 160-200 (43) OF THE GENERAL STATUTES OF NORTH CAROLINA.

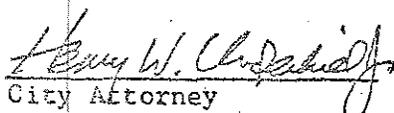
WHEREAS, an abandoned motor vehicle (s) located at adjacent to 307
Sanitary St. in the City of Charlotte has been found by the Supervisor of
the Community Improvement Division of the Building Inspection Department to be
unsafe and to constitute a health hazard, and the owner (s) thereof has/have
been ordered to remove said abandoned motor vehicle (s), all pursuant to the
Article 13-1.2 of the Code of the City of Charlotte and Chapter 160-200 (43)
of the General Statutes of North Carolina, and

WHEREAS, said owner (s) has/have failed to comply with said order served
by registered mail on October 23, 1970; and,

WHEREAS, the City Council, upon consideration of the evidence, finds as
a fact that the aforesaid vehicle (s) is unsafe and constitutes a health hazard;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of
Charlotte, North Carolina, that the Supervisor of the Community Improvement
Division of the Building Inspection Department is hereby ordered to cause the
removal of said abandoned motor vehicle (s) located at adjacent to 307 Sanitary St.
_____, in the City of Charlotte in accordance with Article 13-1.2 of the
Code of the City of Charlotte and Chapter 160-200 (43) of the General Statutes
of North Carolina.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte,
North Carolina, in regular session convened on the 14th day of December,
1970, the reference having been made in Minute Book 54, at Page _____,
and recorded in full in Ordinance Book 17, at Page 490.

Ruth Armstrong
City Clerk

ORDINANCE NO. 961-X

AN ORDINANCE ORDERING THE Removal of Weeds and Grass PURSUANT TO SECTION 6.103 and 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE I, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA

Section 1.

WHEREAS, Weeds and Grass located on the premises at (address) adjacent to 308 Pennsylvania Ave. has been found to be a nuisance by the Supervisor of Community Improvement Division of the Building Inspection Department, and the owner or those responsible for the maintenance of the premises has been ordered to remove the same pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte: and

WHEREAS, the owner (s) or those person (s) responsible for the maintenance of these premises have failed to comply with the said order served by registered mail on November 2, 1970: and

WHEREAS, The City Council upon consideration of the evidence finds as a fact that the aforesaid premises are being maintained in a manner which constitutes a public nuisance because of Weeds and Grass

NOW, THEREFORE, BE IT ORDAINED By the City Council of the City of Charlotte, North Carolina, that the Supervisor of the Community Improvement Division of the Building Inspection Department is hereby ordered to cause removal of weeds and grass from the aforesaid premises in the City of Charlotte, and that the City assess costs incurred, and this shall be a charge against the owner, and shall be a lien against this property, all pursuant to Chapter 10, Article I, Section 10-9 of the Code of the City of Charlotte.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

Henry W. Ludwick Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1970, the reference having been made in Minute Book 54, at Page , and recorded in full in Ordinance Book 17, at Page 491.

Ruth Armstrong
City Clerk

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ORDINANCE NO. 962-X

AN ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE \$10,000,000 BONDS.

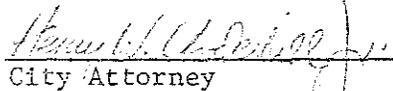
BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. That the sum of \$172,018 is hereby transferred from the funds derived from the sale of \$1,800,000 of Redevelopment Bonds to Account No. 535.04 - Brooklyn Urban Renewal Area Four, said amount then to be used for street improvements, culvert construction, demolition of structures and site improvements in Brooklyn Urban Renewal Area Four.

Section 2. That the sum of \$127,982 is hereby transferred from the funds derived from the sale of \$1,800,000 of Redevelopment Bonds to Account No. 535.05 - Brooklyn Urban Renewal Area Five, said amount then to be used for street improvements, culvert construction, demolition of structures and site improvements in Brooklyn Urban Renewal Area Five.

Section 3. That this ordinance shall become effective upon its adoption.

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1970, the reference having been made in Minute Book 54, at Page , and recorded in full in Ordinance Book 17, at Page 492.

Ruth Armstrong
City Clerk

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ORDINANCE NO. 963-X

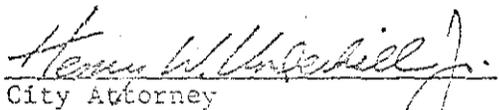
AN ORDINANCE TO AMEND ORDINANCE 732-X, THE 1970-71 BUDGET ORDINANCE
AUTHORIZING THE TRANSFER OF FUNDS TO THE VETERANS SERVICE OFFICE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. That the sum of \$1,000 is hereby transferred from Account 530.82 - Awards, Damages, and Other Fees to Account 530.95 - Veterans Service Office, said amount to be used to provide additional clerical help for the Veterans Service Office.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:


Henry W. Whitehill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1970, the reference having been made in Minute Book 54, at Page , and recorded in full in Ordinance Book 17, at Page 493.

Ruth Armstrong
City Clerk

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ORDINANCE NO. 964-X

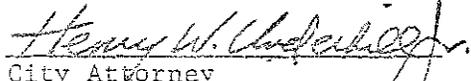
AN ORDINANCE AUTHORIZING THE TRANSFER OF A PORTION OF THE FUNDS FROM THE STATE HIGHWAY COMMISSION RIGHT OF WAY PROJECT TO THE SOUTH MCDOWELL STREET WIDENING PROJECT.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. That the sum of \$130,000 is hereby transferred from Account 537.66 - Provision for State Highway Commission Right of Way Payments to Account 537.72 - South McDowell Street Widening, these funds then to be used for the purchase of Right of Way on McDowell Street.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:


Henry W. Underhill
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1970, the reference having been made in Minute Book 54, at Page , and recorded in full in Ordinance Book 17, at Page 494.

Ruth Armstrong
City Clerk

ORDINANCE 955

AN ORDINANCE AMENDING CHAPTER 10A ENTITLED "HOUSING", OF THE CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. Chapter 10A of the Code of the City of Charlotte, entitled "Housing", is hereby repealed in its entirety and the following substituted in lieu thereof:

"HOUSING

Sec. 10A-1. Title.

The rules and regulations prescribed by this chapter shall be known and may be cited as "The Housing Code of the City of Charlotte," and will be referred to hereinafter as "this code."

Sec. 10A-2. In general.

Pursuant to North Carolina General Statute 160-182, it is hereby found and declared that there exist in the municipalities, dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazard 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 municipalities.

In order to protect the health, safety and welfare of the residents of the municipalities as authorized by Article 15, Chapter 160 of the North Carolina General Statutes, it is the purpose of this ordinance to establish minimum standards and requirements for the initial and continued occupancy of all

buildings used for human habitation as expressly authorized by General Statute 160-185. This section does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this ordinance.

Sec. 10A-3. Definitions.

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

- (1) Alteration - Alteration as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; and the term "alter" in its various moods and tenses and its participle, refers to the making of an alteration.
- (2) Apartment - Apartment means a room or suite of rooms occupied, or which is intended or designed to be occupied as the home or residence of one individual, family or household for housekeeping purposes.
- (3) Approved - As applied to a material, device or mode of construction, means approved by the inspector under the provisions of this code, or by other authority designated by law to give approval in the matter in question.
- (4) Area
 - (a) As applied to the dimension, shall mean the maximum horizontal projected area of the building.
 - (b) As applied to the dimensions of a room, shall mean the total square footage of floor area between finished walls.
- (5) Basement - Basement means a story with 50% or more of its cubical contents below finished grade.
- (6) Building - Building shall mean any structure built for the support, shelter or enclosure of persons which has enclosed walls for 50% of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof."

- (7) Cellar - Cellar shall mean a portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- (8) Close - Close shall mean securing the building so that unauthorized persons cannot gain entrance to the building.
- (9) Demolish - Demolish shall mean the demolition and removal of the entire building leaving the property free and clear of any debris and without holes or pockets which may retain water.
- (10) Deteriorated - 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 50% of its physical value, as determined by finding of the Inspector.
- (11) Dilapidated - Dilapidated shall mean that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of 50% of its physical value, as determined by finding of the Inspector.
- (12) Dwelling - Dwelling shall mean any building or structure, or portion thereof, which is used, or designed or intended to be used, for human habitation including living, sleeping, and eating or any combination thereof and shall include accessory buildings and appurtenances thereto, excluding however, mobile homes as defined in G. S. 143-145(2).
- (13) Dwelling unit - 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.
- (14) Extermination - 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 Inspector.

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- (15) Garbage - Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (16) Governing body - Governing body shall mean the City Council of the City of Charlotte.
- (17) Habitable room - Habitable room shall mean a room occupied by one or more persons for living, eating or sleeping; and includes kitchen serving apartments or individual households, but does not include bathrooms, toilet compartments, laundries, serving and storage pantries, hall, corridors, basements, and other spaces that are not used frequently or during extended periods.
- (18) Infestation - Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.
- (19) Inspector - Inspector shall mean the chief housing inspector of the city or any agent of the inspector authorized to enforce the provisions of this code.
- (20) Multiple dwelling - Multiple dwelling shall mean any dwelling containing three or more dwelling units.
- (21) Occupant - Occupant shall mean any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (22) Operator - 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.
- (23) Owner - Owner shall mean any person who alone, or jointly or severally with others:
- (a) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (b) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix trustee or guardian of the estate of the owner. Any such person thus representing the actual

owner shall 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.

- (24) Pier - Pier shall mean a masonry support extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the North Carolina Residential Building Code.
- (25) Plumbing - 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 dishwasher, 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.
- (26) Public Authority - Public authority shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city, county, or State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings or buildings in the municipality.
- (27) Public space - Public space shall mean that space within any dwelling which is open to use by the general public.
- (28) Rooming house - Rooming house shall mean 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.
- (29) Rooming unit - Rooming unit shall mean a room or group of rooms forming a single habitable unit used or intended for use for living and sleeping, but not for cooking or eating purposes.
- (30) Rubbish - Rubbish shall mean combustible and noncombustible waste materials except garbage; and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, the residue from the burning of wood, coal, coke, and other combustible material.

- (31) Superintendent - Superintendent shall mean the superintendent of the Building Inspection Department.
- (32) Supplied - Supplied shall mean paid for, furnished, provided by, or under the control of, the owner or operator.
- (33) Temporary Housing - 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.
- (34) Tenant - Tenant shall mean any person who alone or jointly or severally with others occupies a residential building under a lease or holds a legal tenancy in a building.
- (35) Unfit for human habitation - 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 with one or more of the responsibilities of owners and occupants established by this ordinance.
- (36) Meaning of certain words. Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, or premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

Sec. 10A-4. Unfit for human habitation declared nuisance.

All buildings or portions of buildings which are used or intended for use as dwellings and are, under the provisions of this ordinance, unfit for human habitation, are hereby declared to be a public nuisance, and shall be repaired or rehabilitated to the standards of this ordinance or demolished in accordance with the procedure set forth herein.

Sec. 10A-5. Purpose.

The purpose of this chapter is to arrest, remedy and prevent the decay and deterioration of places of habitation and to eliminate blighted neighborhoods by providing standards for places of habitation for the protection of the life, health, safety, welfare and property of the general public and owners and occu-

pants of places of habitation.

Sec. 10A-6. Scope.

The provisions of this code are applicable to all dwellings or dwelling units within the jurisdiction of the municipality regardless of when such units were constructed, altered, repaired, or improved.

Sec. 10A-7. Administration.

(1) Duties of the Superintendent of the Building Inspection Department.

The Superintendent is hereby designated as the officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed. It shall be the duty of the Superintendent:

- and
- (a) to investigate the dwelling conditions, and to inspect dwellings/dwelling units located in the city 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 ordinance with respect to 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 ordinance and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
 - (d) to perform such other duties as may be herein prescribed.

(2) Powers of the Superintendent of the Building Inspection Department.

The Superintendent is authorized to exercise such powers as may reasonably be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance, including the following powers in addition to others herein granted:

- (a) to investigate the dwelling conditions in the city in order to

determine which 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 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 he deems necessary to carry out the purposes of this ordinance.

(3) Creation of the Housing Division.

There is hereby created and established an additional division within the Building Inspection Department, under the direction of the superintendent of the Building Inspection Department, to be known as the Housing Division, which shall be composed of a chief housing inspector and such other employees as shall be authorized by the city council and appointed by the city manager.

(4) Inspections: Duty of Owners and Occupants.

For the purpose of making inspections, the inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises after sufficiently identifying himself. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and

its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

(5) Administrative Liability.

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent or employee of the municipality charged with the enforcement of the housing code shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance unless he acted with actual malice.

Sec. 10A-8. Minimum Standards of Fitness for Dwellings and Dwelling Units.

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 and all of the requirements of subsections 1, 2, 3, 4, 5, 6, 7 and 8 of this section. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling units which do not comply with all of the minimum standards of fitness for human habitation and all of the requirements of subsections 1, 2, 3, 4, 5, 6, 7 and 8 of this section.

(1) Minimum standards for space and use.

- (a) At least one room in the dwelling shall contain not less than 150 square feet.
- (b) A kitchen-dining room combination, if any, shall be not less than 100 square feet.

- (c) A first bedroom, if any, shall be not less than 100 square feet.
- (d) A second bedroom, if any, shall be not less than 70 square feet.
- (e) There shall be at least 70 square feet in each habitable room.
- (f) There shall be at least 150 square feet of floor space in habitable rooms for the first occupant in each dwelling unit; at least 100 square feet for each of the next three occupants; and at least 50 square feet for each additional occupant over the number of four. (Children one year of age and under shall not be counted).
- (g) At least 80 square feet bedroom floor space for the first occupant; at least 20 square feet for the second occupant; and at least 30 square feet for each occupant over the number of two (children one year of age and under shall not be counted).
- (h) Those habitable rooms which must be included to meet the foregoing minimum space requirements shall be at least seven (7) feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven feet, six inches. That portion of any room where the ceiling height is less than five (5) feet shall not be considered as the required floor area.
- (i) No basement shall be used as a habitable room or housing unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness and condensation.
 - (2) The total window area in each room equal to at least the window area sizes prescribed herein for habitable rooms. (See subsection 2, page _____, Light and ventilation requirements.)
 - (3) Such required window area is located entirely above the grade of the ground adjoining such window area unless provided with adequate window wells.

- (4) The total of openable window area in each room is equal to at least the area prescribed herein for habitable rooms, (see subsection 2, page _____ Light and ventilation requirements), except where there is supplied some other device affording adequate ventilation and approved by the Inspector.
- (j) Toilet and bathing facilities shall be enclosed.
- (k) Access provided to at least one toilet room without passing through a bedroom, except where every bedroom has direct access to a toilet room. Toilet rooms shall not open directly onto an open porch.
- (l) Access provided to living rooms, kitchens and bedrooms without passing through a bedroom, except in a dwelling unit with only one bedroom.
- (m) No holes or excessive cracks shall be in walls and/or ceilings of rooms.
- (n) Access shall be provided to all rooms within a dwelling unit without passing through a public space.
- (o) Doors shall be provided at all doorways leading to bedrooms, toilet rooms, and bathrooms and all rooms adjoining a public space.
- (p) Doors providing access to any living unit shall be capable of being locked.
- (q) All doors opening to the outside shall be reasonably weathertight.
- (2) Minimum standards for light and ventilation.
 - (a) Window glazed area in each habitable room shall not be less than ten (10) per cent of the floor area or ten (10) square feet, whichever is greater.
 - (b) Openable window area in each habitable room shall be equal to at least one-half of the minimum allowance window area and facing directly to the outside for ventilation unless room is served by an approved ventilating system.

- (c) All windows and doors opening to the outside shall be adequately screened unless the room is served by an approved ventilating system.
 - (d) Screens shall not be permanently fixed to the window frame or sash.
 - (e) Openable window area in each toilet room shall be at least one and one-half (1-1/2) square feet, unless served by an approved ventilating system.
 - (f) Every public hall and inside stairway in every multi-family dwelling shall be adequately lighted at all times with an illumination of at least three (3) foot-candles per square foot in the darkest portion of the normally traveled stairs and passageways.
 - (g) All windows opening to the outside shall be reasonably weathertight.
- (3) Minimum standards for exit requirements.
- (a) There shall be two (2) main exits, each at least 30 inches wide and 6 feet, 8 inches high easily accessible to the occupants of each building. All exit doors must be easily operable and remotely located. (See N. C. State Building Code for exemptions.)
 - (b) Platforms, steps, and/or handrails provided to serve exits shall be maintained in safe condition.
 - (c) There shall be a safe, continuous and unobstructed exit from the interior of the buildings to the exterior at street or grade level.
- (4) Minimum standards for plumbing facilities.
- (a) All plumbing to be installed shall be installed in accordance with the N. C. State Plumbing Code.
 - (b) All plumbing shall be connected to the city sanitary sewer system where available or other approved system.
 - (c) All fixtures shall be operable.
 - (d) There shall be no broken water closet bowls.
 - (e) Water closet shall not be loose or leaking.

- (f) No leaks shall be in shower stall floor and/or wall.
 - (g) There shall be adequate facilities for furnishing hot water to each tub or shower, lavatory, and kitchen sink.
 - (h) There shall be installed potable water supply inside building for each dwelling unit.
 - (i) There shall be installed water closet, tub or shower, lavatory and sink for each dwelling unit. Kitchen sink shall be at least 12 inches by 16 inches by 6 inches (12 x 16 x 6).
 - (j) There shall be separate toilet facilities for each dwelling unit.
 - (k) Toilet and bathing facilities shall be protected from the weather.
 - (l) All water piping shall be protected from freezing by proper installation in protected space.
 - (m) Soil and water pipes shall be supported with no broken or leaking pipes.
 - (n) Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.
- (5) Minimum standards for heating facilities.
- (a) Every building and every dwelling unit shall be weather-proof and capable of being adequately heated, and the heating equipment in every dwelling or dwelling unit shall be maintained in good order and repair.
 - (b) Heating system shall be properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in an occupied building, to a temperature of at least 70 degrees F. at a distance of 3 feet above floor level with an outside temperature at 20 degrees F.
 - (c) All electric, gas and oil heating equipment installed on the premises shall be listed by Underwriters' Laboratories or American Gas Association and installed in accordance with the provisions of the N. C. State Heating Code.

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- (d) There shall be no loose bricks in chimneys.
 - (e) There shall be no holes in flues.
 - (f) There shall be no hanging masonry chimneys.
 - (g) Thimbles shall be grouted in tightly.
 - (h) Thimbles shall not be broken or cracked.
 - (i) Thimbles shall be high enough for stovepipe to rise 1/4 inch per foot minimum.
 - (j) Hearth shall be at least 16 inches deep and 8 inches beyond each side of fireplace opening.
 - (k) No combustible materials shall be within 7 inches of the top and 7 inches of either side of the fireplace opening.
 - (l) If fireplace opening is closed, it shall be a masonry closure.
 - (m) Stove shall be within six feet of thimble serving it.
 - (n) No combustible material shall be within 12 inches of stovepipe.
 - (o) No stovepipe shall be through combustible walls.
 - (p) In multiple dwellings and rooming houses with central heat, the furnace room shall be enclosed with material having at least a one-hour fire protection rating.
 - (q) Fireplaces may be used for supplementary heating only and not for basic heat.
- (6) Minimum standards for electrical facilities.
- (a) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose.
 - (b) All switches and receptacles shall be safely operable.
 - (c) Every habitable room shall contain not less than two (2) wall type electrical convenience receptacles.

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- (d) There shall be installed in every habitable room, bathroom, laundry room, hallway, stairway and furnace room at least one supplied ceiling or wall type electrical light fixture. Provided further, that ceiling light fixture may be omitted in living room and bedrooms, provided three (3) electrical convenience receptacles are installed, one of which is controlled from a wall switch.
 - (e) There shall be no unsafe wiring.
 - (f) There shall be no drop or extension cords in excess of six (6) feet in length.
 - (g) No circuits shall be overloaded.
 - (h) Fuses shall be sized correctly and not bridged out.
 - (i) All wiring to be installed shall be in accordance with the National Electrical Code.
- (7) Minimum structural standards.
- (a) Foundation.
 1. Beneath the building there shall be firm ground, which is reasonably dry, properly drained and no water running under building.
 2. There shall be sound footings, adequate bearing.
 3. There shall be sound piers, no loose mortar or masonry.
 4. There shall be no piers in which plumb line from top center falls outside middle one-third of pier base.
 5. There shall be no isolated solid masonry piers exceeding in height 10 times least dimension of pier.
 6. There shall be no wood stiff-knee piers.
 7. There shall be masonry underpinning on all dwelling units with ventilation as required by the N. C. State Residential Building Code.

(b) Floors.

1. There shall be no decayed, termite damaged, fire damaged, broken, overloaded or sagging sills.
2. Sills shall be properly supported and reasonably level.
3. There shall be no decayed, termite damaged, fire damaged, broken, overloaded or sagging joist.
4. Maximum spans for floor joist and sills, providing they show signs of being weak or overloaded, shall comply with the requirements of the N. C. State Residential Building Code.
5. Flooring shall be weathertight without holes or excessive cracks which permit air to penetrate rooms.
6. Flooring shall be reasonably smooth and not decayed, fire damaged or worn through.
7. There shall be no loose flooring.
8. Floors shall be reasonably level.

(c) Walls, exterior.

1. There shall be no wall in which plumb line from top center of studs falls outside base plate at any point along wall.
2. Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the N. C. State Residential Building Code.
3. No studs shall be decayed, fire or termite damaged.
4. There shall be no broken or cracked structural members.
5. All siding shall be weathertight, with no holes or excessive cracks or decayed boards which permit air to penetrate rooms.

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6. There shall be no loose siding.
7. There shall be no deterioration because of lack of preventive maintenance consisting of painting, waterproofing, and repair.

(d) Walls, interior.

1. Interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms.
2. There shall be no walls in which plumb line from top center of studs falls outside base plate at any point along wall.
3. There shall be no loose plaster, loose boards, or other loose wall materials.
4. There shall be no cardboard, newspaper, or other highly combustible or improper wall finish.
5. Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the N. C. State Residential Code.
6. There shall be no decayed, fire damaged or termite damaged studs.
7. There shall be no broken or cracked studs or other structural members.

(e) Ceilings.

1. There shall be no joists decayed, broken, sagging, or improperly supported at ends.
2. Maximum spacing for ceiling joists, provided they show signs of sagging and being weak, shall comply with the requirements of the N. C. State Residential Building Code.
3. Maximum spans for ceiling joists, provided they show signs of being weak or overloaded, shall comply with the requirements of the N. C. State Residential Building Code.

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4. There shall be no holes or excessive cracks which permit air and dust to penetrate rooms.
5. There shall be no loose plaster, boards, gypsum wall board, or other ceiling finish.
6. There shall be no cardboard or other highly combustible finishes.
7. There shall be no ceiling joists seriously damaged by fire.

(f) Roof.

1. There shall be no rafters decayed, broken, or improperly supported at ends.
2. No rafters shall be seriously damaged by fire.
3. Rafters shall be properly braced and tied 4 feet on center maximum.
4. Attic shall be ventilated as required by the N. C. State Residential Building Code.
5. There shall be no loose, decayed, or fire damaged sheathing.
6. There shall be no loose roof covering, no holes, or no leaks causing damage to structure or rooms.
7. There shall be a minimum of Class "C" roof covering.
8. There shall be proper flashing at walls or chimney.

(g) Porches.

1. Floor, ceiling, and roof shall be equal to requirements set forth above, except sills, joists, and floors need not be level if providing drainage of floors; floors need not be weathertight; ceiling height may be 7 feet; and attic need not be vented.
2. Every porch, terrace or entrance platform 30 inches above adjacent finish grade shall be equipped with railings or guards not less than 30 inches high.

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3. If post and railings are provided, they shall not be decayed or termite damaged.

(h) Stairs and steps.

1. Stairs and steps shall be free of holes, grooves, and cracks large enough to constitute accident hazards.
2. Stairwells and flights of stairs more than four risers high shall have rails not less than 2 feet 6 inches measured vertically from the nose of the treads to the top of the rail.
3. Every rail shall be firmly fastened and maintained in good condition.
4. No flight of stairs shall be settled more than one inch out of its intended position or pulled away from supporting or adjacent structures.
5. There shall be no decayed, sagging, or deteriorating supports.
6. Every stair riser shall be reasonably uniform in height, and treads shall be sound and securely fastened in position and strong enough to bear a concentrated load of at least 300 pounds without danger of breaking through.

(8) Property Maintenance

(a) Building structure

1. Exterior wood surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative with sufficient frequency to prevent deterioration.
2. Floors, walls, ceilings, and fixtures shall be maintained in a clean and sanitary condition.

(b) Open areas.

1. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds.

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2. Fences and other accessory buildings shall be maintained in safe and substantial condition or demolished.
3. Yards and courts shall be kept clean and free of physical hazards, rubbish, trash, garbage, junked vehicles, vehicle parts and other similar material.
4. There shall be no heavy undergrowth or accumulation of plant growth which is noxious or detrimental to health.

(c) Infestation.

Grounds, buildings and structures shall be maintained free of infestation by rodents, insects and other pests.

(d) Garbage and rubbish.

There shall be adequate sanitary facilities and methods used for the storage, handling, and disposal of garbage and rubbish.

Sec. 10A-9. Minimum Standards Applicable to Rooming Houses:
Exceptions.

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:

(1) Water closet, hand lavatory and bath facilities.

At least one (1) water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooming units 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.

(2) Minimum floor area for sleeping purposes.

Every room occupied 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 additional occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each additional occupant under twelve (12) years of age.

(3) 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.

(4) 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.

Sec. 10A-10. Responsibilities of owners and occupants.

(1) The relative responsibilities of the owners of dwelling units and of the occupants of the dwelling units shall be as follows:

- (a) Public spaces: Every owner of a building shall be responsible for maintaining in a reasonably clean and sanitary condition, the shared or public spaces of the building and premises thereof.

- (b) Cleanliness: Every occupant shall be responsible for maintaining in a reasonably clean and sanitary condition that part of the dwelling unit and premises which he occupies and controls.
- (c) Infestation: Every occupant shall be responsible for the extermination of any insects, rodents, or other pests infesting the dwelling unit; provided, however, that the owner shall be responsible for such extermination if, as a consequence of violations of the Standards of Fitness, the dwelling unit is not reasonably impervious to pests.
- (d) Rubbish and garbage: Every occupant shall be responsible for disposing of his rubbish and garbage in a clean and sanitary manner by placing it in adequate facilities for such disposal.
- (e) Plumbing: Every owner shall be responsible for providing adequate operable plumbing facilities, including an adequate water heater, and for maintaining such facilities in efficient operating condition; every occupant shall be responsible for exercising reasonable care in the use of such facilities and for maintaining such facilities in a clean and sanitary condition.
- (f) Heating: Every owner shall be responsible for providing adequate operable facilities for supplying heat throughout the dwelling unit in compliance with the Standards of Fitness; every occupant shall be responsible for exercising reasonable care in the use of such facilities.
- (g) Care of premises: No occupant shall wilfully destroy, deface or otherwise impair any of the facilities or equipment of the owner on the premises which they occupy and control, or any part of the building itself. Wilful destruction of the premises by the occupant shall be deemed legal grounds for eviction.

(2) Every owner shall remain ultimately responsible for violations of responsibilities imposed upon him by this ordinance or any other ordinance although a similar responsibility may also be imposed upon the occupant and although the occupant may have agreed to bear the responsibility imposed by ordinance upon the owner.

Sec. 10A-11. Enforcement of owner and occupant responsibilities.

Upon discovering in any building a condition resulting from noncompliance with the provisions of Section 10A-10, the inspector is hereby authorized to order, to take, or otherwise to cause to be taken, such remedial action as is necessary to correct such condition.

Sec. 10A-12. Procedure for enforcement.

(a) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Superintendent by a public authority or by at least five (5) residents of the city at least 18 years of age, charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the superintendent, upon inspection, that any dwelling or dwelling unit 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 or dwelling unit, a complaint stating the charges and containing a notice that a hearing will be held before the Superintendent at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of said complaint. The owner or any party in interest shall have the right to correct the violation or 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 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. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearing before the superintendent.

(b) Procedure after hearing. After such notice and hearing, the

superintendent shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

If the superintendent 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, and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this ordinance within a specified period of time, not to exceed ninety (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.

If the superintendent determines 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 vacate and close the dwelling, and to remove or demolish the same within a specified period of time, not to exceed ninety (90) days.

Provided, however, if in the opinion of the superintendent, a dwelling is dilapidated as a direct result of an act of God including, but not limited to fire, windstorm or ice storm, then, in that event, the owner will be allowed to repair, alter and improve the dwelling to comply with the minimum standards of fitness.

(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 superintendent to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the superintendent to vacate and close, and remove or demolish the same within the time specified therein, the superintendent shall submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the Superior Court for an order directing such owner to comply with the order of the superintendent as authorized by G. S. 160-187(g).

(2) In rem remedy. After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the superintendent within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph (1), the superintendent shall submit to the City Council an ordinance ordering the superintendent to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the superintendent, and pending such removal or demolition, to placard such dwelling as provided by G. S. 160-184 and Section 10A-15 of this ordinance.

(d) Appeals from order of superintendent. An appeal from any decision of the superintendent may be taken by any person or persons aggrieved thereby. Any appeal from the superintendent shall be taken within 10 days

from the rendering of the decision or service of the order, and shall be taken by filing with the superintendent and with the Housing Appeals Board, a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the superintendent 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 superintendent refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the superintendent 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 superintendent 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 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 superintendent, by the Board, or by a court of record upon petition made pursuant to G. S. 160-187(f), and subsection (e) of this section.

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 superintendent, but the concurring vote of four (4) members of the Board shall be necessary to reverse or modify any decision or order of the superintendent. 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.

Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.

(e) Petition to Superior Court by owner. Any person aggrieved by an order issued by the superintendent or a decision rendered by the Board shall 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 superintendent pending a final disposition of the cause, as provided by G. S. 160-187(f).

Sec. 10A-13. Methods of service of complaints and orders.

Complaints or orders issued by the superintendent shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the superintendent in the exercise of reasonable diligence, the superintendent shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same once each week

for two successive weeks in a newspaper, printed and published in the city. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Sec. 10A-14. In rem action by superintendent; placarding.

After failure of an owner of a dwelling or dwelling unit to comply with an order of the superintendent issued pursuant to the provisions of this ordinance, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by G. S. 160-184(5) and Section 10A-13, subsection (c) of this ordinance, the superintendent 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 City 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."

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. 160-184(5).

Sec. 10A-15. Costs, a lien on premises.

As provided by G. S. 160-184(6) and Section 6.61 of the City Charter, 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 superintendent pursuant to Section 10A-15 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 provided by Article 9 of Chapter 160 of the General Statutes and Section 6.61 of the City Charter.

Sec. 10A-16. Alternative remedies.

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the city 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 10A-19 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.

Sec. 10A-17. Housing Appeals Board.

There is hereby created a Housing Appeals Board to which appeals may be taken from decisions or orders of the superintendent, as provided by Section 10A-13, subsection (d) of this ordinance. The board shall consist of five (5) members to serve for three-year staggered terms and shall be appointed by the City Council. The board shall consist of the following members: (1) One member shall be a building contractor whose primary business is in the area of residential construction or residential repair. (2) One member shall be a tenant-occupant whose annual family income is below \$6,000.00. (3) One member shall be a realtor or real estate agent licensed in the State of North Carolina. (4) One member shall be a person whose primary occupation is

in the field of public health. (5) One member shall be a tenant-occupant with no limitation as to annual family income. The board shall have power to elect its own officers, to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by Section 10A-13, subsection (d) and shall keep an accurate record of all its proceedings.

Sec. 10A-18. 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 city, 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 city shall prevail:

Sec. 10A-19. Violations; penalty.

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 superintendent 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. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 10A-13 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.

The violation of any provision of this ordinance shall constitute a misdemeanor, as provided by G. S. 14-4 and Section 1-6 of the City Code.

Sec. 10A-20. 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 provisions of this ordinance are hereby declared to be severable."

Sec. 2. That this ordinance shall become effective December 14,
1970

Approved as to form:

Henry W. Underhill, Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 14th day of December, 1970, the reference having been made in Minute Book 54, at Pages 410-414, and recorded in full in Ordinance Book 18, beginning on Page 1.

Ruth Armstrong
City Clerk