



Agenda

Greenville City Council Workshop

October 9, 2023

4:00 PM

City Hall Conference Room 337, 200 West Fifth Street

I. Call Meeting To Order

II. Roll Call

III. Approval of Agenda

IV. New Business

1. Capital Projects Presentations

2. Ordinances Requesting to Repeal and Replace, as amended, Title 9, Chapter 1: *Inspections and Code Enforcement* & Title 12, Chapter 3: *Weeds, Vegetation and Other Public Health Nuisances*

V. Adjournment



City of Greenville, North Carolina

Meeting Date: 10/09/2023

Title of Item: Capital Projects Presentations

Explanation: City staff will provide in-depth presentations on the capital projects from their respective departments. These presentations address the need and justification as well as anticipated cost and schedule for each of the department's capital projects.

Fiscal Note: The anticipated cost of each capital project will be included in the presentation.

Recommendation: Hear the presentations.



City of Greenville, North Carolina

Meeting Date: 10/09/2023

Title of Item: Ordinances Requesting to Repeal and Replace, as amended, Title 9, Chapter 1: *Inspections and Code Enforcement* & Title 12, Chapter 3: *Weeds, Vegetation and Other Public Health Nuisances*

Explanation: During 2022, the Code Enforcement Division encountered a few unique code cases that required detailed enforcement action. During the enforcement of these cases, it became apparent that the City's ordinances, policies and procedures needed to be reviewed for updates. Many years have passed since the last update of these sections. A few examples of the necessary updates include: new, expanded and redefined terms, reordering some section titles and content, and edits and expansion to detailed processes and checklists.

Title 9, Chapter 1 of the City Code includes the Building & Inspections Division and the Code Enforcement Division. Title 9, Chapter 1 describes the regulations for how both divisions are to enforce the standards of residential and commercial buildings or structures. As such, work was completed to review and update all procedures and processes outlined in the City Code.

Title 12, Chapter 3 of the City Code includes the regulations for the City's *Weeds, Vegetation and Other Public Health Nuisances*, and these regulations are enforced by the Code Enforcement Division. Staff recognized the need to better protect the public health, safety and general welfare of the city's residents. As such, work was completed to review and update all procedures and processes outlined in the City's Code.

Staff members of both the Planning and Development Services Department and the Neighborhood and Business Services Department have worked closely with the City Attorney's Office to ensure all proposed changes are in line with regulatory requirements and procedures.

Fiscal Note: No fiscal impact.

Recommendation: Receive the presentation from staff for review and recommendations for

necessary updates before adoption

ATTACHMENTS

- 1185331 - ORDINANCE AMENDING TITLE 9, CHAPTER 1 INSPECTIONS AND CODE ENFORCEMENT - 4 - COG.DOCX**
- 1185325 - ORDINANCE AMENDING TITLE 12, CHAPTER 3 THE WEEDS, VEGETATION AND OTHER PUBLIC HEALTH NUISANCES - 4 - COG.DOCX**

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1: *INSPECTIONS AND CODE ENFORCEMENT*

WHEREAS, the City Council of the City of Greenville desires to revise certain provisions of Part II, Title 9, Chapter 1 of the Code of Ordinances, City of Greenville;

WHEREAS, Part II, Title 9, Chapter 1 of the Code of Ordinances, City of Greenville has not been substantially revised since 2021, with the majority of the Chapter not having been revised since the 1990s; and

WHEREAS, the repeal and replacement of various provisions of Part II, Title 9, Chapter 1 of the Code of Ordinances, City of Greenville is necessary to adequately ensure uniform compliance with applicable law and continued protection of public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville that:

Section 1. Part II, Title 9, Chapter 1 the Code of Ordinances, City of Greenville is hereby repealed and replaced, as amended, to read as follows:

CHAPTER 1: INSPECTIONS AND CODE ENFORCEMENT

Article A. Adoption of Regulatory Codes by Reference

- 9-1-1 Scope of chapter and codes
- ~~9-1-2 Building Code adopted~~ 9-1-2 Jurisdiction of chapter and codes
- ~~9-1-3 Plumbing Code adopted~~ 9-1-3 Technical Codes
- ~~9-1-4 Mechanical Code adopted~~ 9-1-4 Compliance with Codes
- ~~9-1-5 Electrical Code adopted~~ 9-1-5 Copy of codes filed with Clerk
- ~~9-1-6 Residential Building Code~~
- ~~9-1-7 Amendments to codes; generally~~
- ~~9-1-8 Same; Electrical Code; conduits, steel, metallic tubing or metal molding required in fire district and public buildings~~
- ~~9-1-9 Same; temporary electric service structures~~
- ~~9-1-10 Copies of codes filed with Clerk~~
- ~~9-1-11 Compliance with codes~~

Article B. Inspections Division

- 9-1-20 Organization of Division
- 9-1-21 Functions and duties
- 9-1-22 Inspection procedure
- 9-1-23 Oversight not to legalize violation
- 9-1-24 Administrative liability
- 9-1-25 Conflicts of interest

9-1-26 Reports and records

9-1-27 Stop work orders

~~Article B. Fire Limits (Moved to Article D)~~

~~9-1-21 Fire district~~

~~9-1-22 Restrictions within fire limits~~

~~9-1-23 Structures partly within and partly without fire district~~

~~9-1-24 Same; correction of defects upon notice~~

Article C. Enforcement Provisions

9-1-30 Enforcement of building inspection services and housing standards in extraterritorial jurisdiction of city

9-1-31 Building permits

9-1-32 Limitations on issuance of permits

9-1-33 Application for permits

9-1-34 Issuance of permits

9-1-35 Revocation of permits

9-1-36 Expiration of Building Permits

9-1-37 Changes in work

9-1-38 Permit fees

9-1-39 Violations

9-1-40 Penalties

~~Article C. Inspection Division (Moved to Article B)~~

~~9-1-31 Organization of Division~~

~~9-1-32 General duties of Division and inspectors~~

~~9-1-33 Conflicts of interest~~

~~9-1-34 Reports and records~~

~~9-1-35 Inspection procedure~~

~~9-1-36 Oversight not to legalize violation~~

~~9-1-37 Powers of inspection officials~~

Article D. Fire limits

9-1-60 Fire district

9-1-61 Restrictions within fire limits

~~Article D. Enforcement (Moved to Article C)~~

~~9-1-51 Enforcement of building inspection services and housing standards in extraterritorial jurisdiction of city~~

~~9-1-52 Registration of contractors~~

~~9-1-53 Permits required~~

~~9-1-54 Application for permit~~

~~9-1-55 Plans and specifications~~

~~9-1-56 Limitations on issuance of permits~~

~~9-1-57 Issuance of permit~~

~~9-1-58 Revocation of permits~~

~~9-1-59 Time limitations on validity of permits~~

~~9-1-60 Changes in work~~

~~9-1-61 Permit fees~~

~~9-1-62 Penalties for violation of regulatory codes~~

Article E. Unsafe Buildings Condemned

9-1-70 Designation of Unsafe Building

9-1-71 Removing Notice from Condemned Building

9-1-72 Failure to Take Corrective Action

9-1-73 Order to take corrective action

9-1-74 Appeals; Finality of Order if Not Appealed

9-1-75 Failure to Comply with Order

9-1-76 Enforcement

9-1-77 Notice of lis pendens

9-1-78 Administrative Fees and Costs

Article E. Repair, Closing or Demolition of Abandoned Structures (Merged into Article F)

~~9-1-71 Finding; intent~~

~~9-1-72 Duties of Code Enforcement Coordinator and officer~~

~~9-1-73 Powers of Code Enforcement Coordinator and officer~~

~~9-1-74 Standards for enforcement~~

~~9-1-75 Procedure for enforcement~~

~~9-1-75.1 Vacated and closed structures~~

~~9-1-76 Methods of service of complaints and orders~~

~~9-1-77 In rem action by Code Enforcement Coordinator or officer; placarding~~

~~9-1-78 Costs; a lien on premises~~

~~9-1-79 Alternative remedies~~

Article F. Minimum Housing Code

9-1-90 Minimum Housing Code

9-1-91 Finding; purpose

9-1-92 Scope

9-1-93 Definitions

9-1-94 Minimum standards of fitness for dwellings

9-1-95 Minimum standards for structural conditions

9-1-96 Minimum standards for basic equipment and facilities

9-1-97 Minimum standards for smoke and carbon monoxide detectors

9-1-98 Minimum standards for light and ventilation

9-1-99 Minimum standards for space, use, and location

9-1-100 Minimum standards for safe and sanitary maintenance

9-1-101 Minimum standard to means of egress and exits

~~9-1-101 Minimum standards for porches or raised platform (Merged into 9-1-94)~~

~~9-1-102 Minimum standards for stairs and steps (Merged into 9-1-94)~~

9-1-102 Minimum standards for control of insects, rodents, and infestations

9-1-103 Minimum standards applicable to rooming houses; exceptions

9-1-104 Responsibilities of owners and occupants

9-1-105 Special historic buildings and districts

9-1-106 Duties of Code Enforcement Supervisor or officer

9-1-107 Powers of the Code Enforcement Supervisor or officer

9-1-108 Administrative liability

9-1-109 Conflicts of interest

- 9-1-~~110~~ Inspections; duty of owners and occupants
- 9-1-~~111~~ Procedure for enforcement
- 9-1-~~112~~ Vacated and closed dwellings
- 9-1-113 Abandoned Structures
- 9-1-~~114~~ Methods of service of complaints and orders
- ~~9-1-113 In rem action by the Code Enforcement Coordinator or officer (Merged into 9-1-111)~~
- 9-1-~~115~~ Costs, a lien on premises
- ~~9-1-115 Filing of ordinances (Merged into 9-1-111)~~
- 9-1-116 Alternative remedies
- 9-1-117 Board of Adjustment to hear appeals
- 9-1-118 Conflict with other provisions
- 9-1-119 Violations; penalties ~~Violations; penalty~~
- Article G. Nonresidential Building or Structure Code
- 9-1-121 Title
- 9-1-122 Purpose
- 9-1-123 Definitions
- 9-1-124 Applicability and compliance
- 9-1-125 Maintenance standards for nonresidential buildings and structures
- 9-1-126 Duties of the Enforcement Officer
- 9-1-127 Powers of Enforcement Officer
- 9-1-128 Administrative Liability
- 9-1-129 Conflicts of Interest
- 9-1-~~130~~~~128~~ Inspections
- 9-1-~~131~~~~129~~ Procedure for enforcement
- 9-1-~~132~~~~130~~ Limitations on orders and ordinances; historic landmark or historic district
- 9-1-~~133~~~~131~~ Limitations on orders and ordinances; vacant manufacturing facility or vacant industrial warehouse
- 9-1-~~134~~~~132~~ Vacated and closed nonresidential buildings or structures
- 9-1-~~135~~~~133~~ Methods of service of complaints and orders
- ~~9-1-134 In rem action by the Enforcement Officer (Merged into 9-1-131)~~
- 9-1-~~136~~~~135~~ Costs, a lien on premises
- 9-1-~~137~~~~136~~ Ejectment
- 9-1-~~138~~~~137~~ Filing of ordinances
- 9-1-~~139~~~~138~~ Alternative remedies
- 9-1-~~140~~~~139~~ Board of adjustment to hear appeals
- 9-1-~~141~~~~140~~ Temporary injunction remedy for aggrieved person
- 9-1-~~142~~~~141~~ Conflict with other provisions
- 9-1-~~143~~~~142~~ Penalties ~~Violations; penalty~~
- Article H. Regulations on vacated and closed buildings or structures & dwellings ~~Closing or Securing Vacated and Closed Buildings~~
- 9-1-145 Applicability
- 9-1-146 Definitions
- 9-1-~~147~~~~146~~ Standards
- 9-1-~~148~~~~147~~ Notice of Violation; Penalties ~~Penalty~~
- Article I. Housemovers
- 9-1-151 Use of bond for damages or expenses

9-1-152 Return of unused bond

Editor's note:

For former Art. H, Regulation of the Use, Handling and Storage of Gas, G.S. 119-55 authorizes municipalities to adopt and enforce safety codes dealing with the use, handling and storage of liquefied petroleum gases, provided local safety codes are in accordance with the standards as set forth by the state.

Statutory reference:

Inspection department, see G.S. 160D-1102 et seq.

Minimum housing standards, see G.S. 160D-1201 et seq.

Repair or demolition of buildings or structures dwellings unfit for human habitation, see G.S. 160D-1203 and S.L. 2005-200

ARTICLE A. ADOPTION OF REGULATORY CODES BY REFERENCE

SEC. 9-1-1 SCOPE OF CHAPTER AND CODES.

The provisions of this chapter and of the regulatory codes herein adopted shall apply to the following:

(A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to the building or structure;

(B) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems and all fixtures and appurtenances thereof;

(C) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances thereof; and

(D) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

SEC. 9-1-2 JURISDICTION OF CHAPTER AND CODES

(A) The provisions of this chapter, technical codes and regulatory codes adopted here shall be in effect and apply within the corporate limits of the City and beyond and surrounding the corporate limits within a line which constitutes the boundary of the City's extraterritorial jurisdiction, as described on the map maintained in the office of the City Clerk, as the same may be amended from time to time, as provided by law.

~~BUILDING CODE ADOPTED.~~

~~—The current edition of the North Carolina State Building Code, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein. (Merged into 9-1-3 Technical Codes)~~

SEC. 9-1-3 TECHNICAL CODES

The term technical codes as used here shall mean the collective provisions of the North Carolina: Administrative, Building (Accessibility), Plumbing, Mechanical, Fuel Gas, Energy, Existing Buildings and Residential codes as adopted by the North Carolina Building Code Council, and the National Electrical Code. The most recent edition, including all subsequent amendments, of the North Carolina Building Code, as adopted by the North Carolina Building Code Council is

adopted by reference as fully as though set forth here to the extent such code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in building or structures erected, enlarged, altered, repaired, or otherwise constructed or reconstructed after adoption of this chapter.

(A) In addition, Appendix D-Fire Districts, of the North Carolina Building Code is hereby adopted by reference as fully as though set forth here and shall be enforced as part of this Chapter.

(B) The most recent applicable edition / editions, including all subsequent amendments as set forth by the North Carolina Department of Insurance Manufactured Housing Division, is hereby adopted by reference as fully as though set forth here.

(C) The most recent edition, including all subsequent amendments, of the North Carolina State Building Code, Existing Buildings, as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth here.

(D) The most recent edition, including all subsequent amendments, of North Carolina Energy Code, as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth here.

(E) The most recent Edition, including all subsequent amendments, of the North Carolina Residential Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.

(F) The most recent edition, including all subsequent amendments, of the North Carolina Plumbing Code, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth here.

(G) The most recent edition, including all subsequent amendments, of the North Carolina Mechanical Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.

(H) The most recent edition, including all subsequent amendments, of the North Carolina Electrical Code, as adopted by the North Carolina State Building Code Council, is hereby adopted by reference as fully as though set forth here.

(I) The National Electrical Code, as adopted by the North Carolina Building Code Council, including all subsequent amendments, is hereby adopted by reference as fully as though set forth here.

PLUMBING CODE ADOPTED:

~~—The current edition of the North Carolina Plumbing Code, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein. (Merged into 9-1-3, *Technical Codes*)~~

SEC. 9-1-4 COMPLIANCE WITH CODES

(A) All buildings or structures and connected appurtenances which are constructed, reconstructed, erected, altered, extended, enlarged, repaired, altered, occupied, used, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina Building Code, or the North Carolina Residential Code, whichever is applicable, or both if both are applicable. Where the provisions of this Chapter conflict with any of the technical codes listed above, the more restrictive provisions shall apply.

(B) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended,

repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the North Carolina Plumbing Code.

(C) All mechanical systems consisting of heating, ventilating, air conditioning or refrigeration systems, fuel-burning equipment, incinerators, and other energy related systems, their fittings, appliances, fixtures, and appurtenances shall be installed, erected, altered, replaced, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina State Mechanical Code.

(D) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the National Electrical Code with the subsequent amendments set forth by the North Carolina Building Code Council.

(E) All electrical repairs or permanent interior work done within the fire district and public buildings of the city shall be done either in conduit, steel or metallic tubing or metal molding.

(F) TEMPORARY ELECTRIC SERVICE STRUCTURES.

(1) All temporary electric service structures shall be strongly built and installed pursuant to the guidelines established by Greenville Utilities.

(2) All temporary electrical structures shall be inspected by the electrical inspector before any connection is made with any electrical service line.

(G) The installation of gas piping systems extending from the point of delivery to the inlet connections of equipment served, and the installation and operation of residential and commercial gas appliances and related accessories shall conform to the provisions of the North Carolina Fuel Gas Code.

(H) All manufactured housing shall be constructed, repaired, altered, installed, erected, replaced, or moved to another site in conformance with the provisions of the most recent applicable edition / editions as set forth by the North Carolina Department of Insurance Manufactured Housing Division.

(I) All construction, alterations, repairs, replacement, equipment, and maintenance hereinafter made or installed to any building or structure, other than one- and two-family buildings or structures and townhouses, shall conform to the provisions of the North Carolina Fire Prevention Code.

(J) The thermal envelope of the building and installation of energy systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances, ventilation, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems shall conform to the provisions of the North Carolina Energy Code.

(K) All alterations, repairs, replacement, rehabilitation or change of occupancy of any existing building shall conform to applicable provisions of the North Carolina Building Code- Existing Buildings or other applicable technical codes.

~~MECHANICAL CODE ADOPTED:~~

~~—The current edition of the North Carolina Mechanical Code as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein. (Merged into 9-1-3, *Technical Codes*)~~

SEC. 9-1-5 COPY OF CODES FILED WITH CLERK.

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the City Clerk or Chief Building Inspector. The copies shall be the official copies of the codes and the amendments.

(1971 Code, § 9-1-12)

~~ELECTRICAL CODE ADOPTED.~~

~~—The current edition of the North Carolina Electrical Code, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein. (Merged into 9-1-3, *Technical Codes*)~~

~~SEC. 9-1-6 RESIDENTIAL BUILDING CODE.~~

~~—The current edition of the North Carolina Residential Building Code, as adopted by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein. (Merged into 9-1-3, *Technical Codes*)~~

~~SEC. 9-1-7 AMENDMENTS TO CODES; GENERALLY.~~

~~—Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the city at the time such amendments are filed with the City Clerk or Building Inspector as provided in section 9-1-10. (Removed)~~

~~SEC. 9-1-8 SAME; ELECTRICAL CODE; CONDUITS, STEEL, METALLIC TUBING OR METAL MOLDING REQUIRED IN FIRE DISTRICT AND PUBLIC BUILDINGS.~~

~~—All electrical repairs or permanent interior work done within the fire district and public buildings of the city shall be done either in conduit, steel or metallic tubing or metal molding.— (Merged into 9-1-4, *Compliance with Codes*)~~

~~SEC. 9-1-9 SAME; TEMPORARY ELECTRIC SERVICE STRUCTURES.~~

~~—(A) All temporary electric service structures shall be strongly built to withstand the strains imposed by the service wires and attached equipment under all existing conditions, and may be either of two types, as follows:~~

~~—(1) Pole type, minimum standards. Pole 25 to 30 feet overall, set five feet in the ground, bottom diameter ten inches, top diameter six inches. Meter six feet above ground.~~

~~—(2) Built up type, minimum standards. Upright four inches by six inches or equivalent, supported by 2 two-inch by six-inch braces properly located, with braces locked six feet above the ground. Meter six feet above ground.~~

~~—(B) All temporary service structures shall be located within 75 feet of the pole from which service connection is to be made.~~

~~—(C) The height of all temporary service structures and wires shall be such that a minimum clearance of 19 feet shall, at all times, be maintained over all streets, driveway, alleys and areas accessible to motor vehicles, and a minimum clearance of ten feet over sidewalks and lawns.~~

~~—(D) The specifications and requirements as to the installation of meters, groundings, clearance and wiring methods shall be the same as is provided by law for permanent installation.~~

~~—(E) Each temporary electrical service structure shall have at least one 115-volt three-pole grounded receptacle and at least one 230-volt polarized grounded receptacle. Any additional receptacles shall be three-pole grounded or polarized type receptacles.~~

~~—(F) All temporary electrical structures shall be inspected by the electrical inspector before any connection is made with any electrical service line.
(Ord. No. 2641, § 1, passed 6-10-1993) (Merged into 9-1-4, Compliance with Codes)~~

~~SEC. 9-1-10 COPIES OF CODES FILED WITH CLERK.~~

~~—An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the City Clerk or Chief Building Inspector. The copies shall be the official copies of the codes and the amendments.
(1971 Code, § 9-1-12) (Moved to 9-1-5, Copy of Codes Filed with Clerk)~~

~~SEC. 9-1-11 COMPLIANCE WITH CODES.~~

~~—(A) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina State Building Code or the North Carolina State Residential Building Code, whichever is applicable, or of both if both are applicable.
—(B) Every building or structure intended for human habitation, occupancy or use shall have plumbing, plumbing systems or plumbing fixtures installed, constructed, altered, extended, repaired or reconstructed in accordance with the minimum standards, requirements and other provisions of the North Carolina Plumbing Code.
—(C) All mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina Mechanical Code.
—(D) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements and other provisions of the North Carolina Electrical Code. (Moved to 9-1-4, Compliance with Codes)~~

ARTICLE B. INSPECTIONS DIVISION

SEC. 9-1-20 ORGANIZATION OF DIVISION.

The Inspections Division of the city shall consist of building inspectors, and may also include a plumbing inspector, a mechanical inspector, an electrical inspector and such other inspectors as may be authorized by City Council.

(Ord. No. 1930, § 1, passed 12-8-1988)

SEC. 9-1-21 FUNCTIONS AND DUTIES

(A) It shall be the duty of the Inspections Division to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether the provisions of this chapter and those codes are being met, excepting for the provisions of this chapter designated to be enforced by the Code Enforcement Supervisor or officer.

(B) All inspectors shall give such oath for the faithful performance of their duties as may be required by the City Council.

(C) The administration and enforcement of this Chapter shall be the duty of the

Inspections Division unless otherwise stated, and said Division is hereby authorized and directed to take such lawful action as may be necessary to enforce the provisions of this Chapter.

(D) The Inspections Division, through the appointment of inspectors, shall have the full power, authority and duties prescribed by the general laws and ordinances applicable to the City to make inspections and to perform all other functions which are authorized or directed by law.

(E) Members of the Inspections Division shall have the right to enter public or private property at such reasonable times as may be necessary for the performance of their duties. Should the owner or occupant of any property refuse to permit such reasonable access, the Inspection Division shall proceed to obtain an administrative search warrant pursuant to G.S. § 15-27.2. No person shall obstruct, hamper or interfere with any such representative while in the process of carrying out their lawful duties.

(Ord. No. 97-89, § 16, passed 8-14-1997)

SEC. 9-1-22 INSPECTION PROCEDURE.

(A) Inspections

The Inspections Division shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes.

(1) When deemed necessary by the appropriate inspector, they may require the permit holder to have materials and assemblies inspected at the point of manufacture or fabrication, or inspections or tests to be made by approved and recognized inspection organizations; provided, no approval shall be based upon reports of such organizations unless the same are in writing and certified by a responsible officer of such organization.

(2) All holders of permits, or their agents, shall notify the Inspections Division at each stage of construction and shall give inspectors free access to the premises for the purpose of making inspections. Approval shall be obtained from the Inspections Division before subsequent work can be continued. The inspections required shall conform to the provisions of the North Carolina Administration and Technical Codes.

(B) Calls for inspection.

(1) Requests. Requests for inspections may be made electronically or in-person to the office of the Inspections Division. The Inspections Division shall make inspections as soon as practicable after a request is made, provided the work is ready for inspection at the time the request is made.

(2) Certificate of occupancy.

(a) A local government may, upon completion of work or activity undertaken pursuant to a development approval, make final inspections and issue a certificate of compliance or occupancy if staff finds that the completed work complies with all applicable State and local laws and with the terms of the approval. No building, structure, or use of land that is subject to a building permit required by Article 11 of the North Carolina General Statutes shall be occupied or used until a certificate of occupancy or temporary certificate pursuant to G.S. § 160D-1116 has been issued.

(3) Certificate of compliance; Temporary certificates of occupancy.

(a) At the conclusion of all work done under a building permit, the appropriate inspector shall make a final inspection, and, if the completed work complies with all applicable State and local laws and with the terms of the permit, a certificate of compliance shall be issued.

Except as provided by subsection (b) of this section, no new building or part thereof may be occupied, no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the inspection department has issued a certificate of compliance.

(b) A temporary certificate of occupancy may be issued permitting occupancy for a stated period of time of either the entire building or of specified portions of the building if the inspector finds that the building may safely be occupied prior to its final completion. A permit holder may request and be issued a temporary certificate of occupancy if the conditions and requirements of State and local laws are met.

(c) Any person who owns, leases, or controls a building and occupies or allows the occupancy of the building or a part of the building before a certificate of compliance or temporary certificate of occupancy has been issued pursuant to subsection (a) or (b) of this section is guilty of a Class 1 misdemeanor.

State Law reference-

Administrative development approvals and determinations G.S. § 160D-403;

Certificates of compliance; temporary certificates of occupancy G.S. § 160D-1116;

SEC. 9-1-23 OVERSIGHT NOT TO LEGALIZE VIOLATION.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspections Division of the Planning and Development Services Department or the Code Enforcement Division of the Neighborhood and Business Services Department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.

(Ord. No. 97-89, § 17, passed 8-14-1997; Ord. 19-045, § 1, passed 9-12-2019)

SEC. 9-1-24 ADMINISTRATIVE LIABILITY

No officer, agent, official (elected or appointed) or employee of the City shall render themselves 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 their duties under this Chapter.

SEC. 9-1-25 CONFLICTS OF INTEREST.

(A) In accordance with G.S. § 160D-109, no staff member shall make a final decision on an administrative decision required by this Article if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance

(B) In accordance with and consistent with the above-referenced Statute, no officer or employee of the Inspections Division shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or any part thereof, or in the making of plans or specifications within the city's jurisdiction or the ETJ, unless they are the owner of the building. No officer or employee of the Inspections Division shall engage in any work which is inconsistent with their duties or with the interests of the city.

(C) In accordance with G.S. § 160D-1108, Staff members, agents, or contractors responsible for building inspections shall comply with G.S. § 160D-109(c). No member of the Inspections Division shall be financially interested or employed by a business that is financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the City's planning and development regulation jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of the building. No member of an Inspections Division or other individual or an employee of a company contracting with the City to conduct building inspections shall engage in any work that is inconsistent with their duties or with the interest of the City, as determined by the City. The City must find a conflict of interest if any of the following is the case:

(1) If the individual, company, or employee of a company contracting to perform building inspections for the City has worked for the owner, developer, contractor, or project manager of the project to be inspected within the last two years.

(2) If the individual, company, or employee of a company contracting to perform building inspections for the City is closely related to the owner, developer, contractor, or project manager of the project to be inspected.

(3) If the individual, company, or employee of a company contracting to perform building inspections for the City has a financial or business interest in the project to be inspected.

(Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-26 REPORTS AND RECORDS.

The Inspections Division, and each inspector, shall keep complete and accurate records in a convenient form of all applications received, permits issued, inspections and re-inspections made, and all other work and activities of the Inspections Division, pursuant to the North Carolina Record Retention Laws. Periodic reports shall be submitted to the City Council, and to other agencies, as required.

SEC. 9-1-27 STOP WORK ORDERS.

(A) Stop work orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner, or in violation of any provision of this part or any other city ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order the work to be immediately stopped. Such work shall not be resumed until adequate measures are taken for the protection of life and property and satisfactory evidence is offered that further work will be prosecuted carefully, in a workmanlike manner, and in conformity with this article and other ordinances relating thereto. Violation of a stop work order shall constitute a Class 1 misdemeanor.

State Law reference- Stop work orders, G.S. § 160D-404(b)

(Ord. No. 97-89, § 18, passed 8-14-1997; Ord. No. 21-032, § 1, passed 6-21-2021)

ARTICLE B. FIRE LIMITS

SEC. 9-1-21 FIRE DISTRICT.

~~—Pursuant to and for the purposes of G.S. 160D-1128, the fire limits are hereby declared to be all areas designated as such on the official map of the City of Greenville, North Carolina, which is on file in the office of the City Clerk. Each time the City Council takes action establishing, altering or abolishing any part of the fire limits the City Manager shall promptly direct an appropriate city officer to amend the official map to reflect the action of the City Council. (Ord. No. 21-032, § 1, passed 6-21-2021)~~

~~SEC. 9-1-22 RESTRICTIONS WITHIN FIRE LIMITS.~~

~~—(A) As provided in G.S. 160D-1128, within the primary fire limits, no frame or wooden building or structure or addition thereto may be erected, altered, repaired or moved (either into the limits or from one place to another within the limits) except in accordance with a permit issued by the building inspector approved by the city council and by the Commissioner of Insurance or designee.~~

~~—(B) As provided in G.S. 160D-1128, within the secondary fire limits, no frame or wooden building or structure or addition thereto may be erected, altered, repaired, or moved, except that Type V construction, as defined by the North Carolina state Building Code, may be used in:~~

~~—(1) Nonresidential buildings if sprinkler systems are installed in accordance with the standards set forth in N.F.P.A. 13.~~

~~—(2) Buildings that combine residential and nonresidential uses if sprinkler systems are installed in accordance with N.F.P.A. 13.~~

~~—(3) Multi-family residential buildings if sprinkler systems are installed in accordance with N.F.P.A. 13-R.~~

~~(Ord. No. 14-042, passed 6-12-2014; Ord. No. 21-032, § 1, passed 6-21-2021)~~

~~SEC. 9-1-23 STRUCTURES PARTLY WITHIN AND PARTLY WITHOUT FIRE DISTRICT.~~

~~—Whenever any warehouse, residence or other structure of any kind shall be erected within the city, any part of which shall be within the fire limits when completed, then each and every part of the building and the land upon which the building shall be erected shall, for the purposes of this section and the following section, be considered to be within the fire limits, and the construction of the warehouse, residence or other structure shall be subject to the restrictions set forth in section 9-1-22.~~

~~(Ord. 14-042, passed 6-12-2014)~~

~~SEC. 9-1-24 SAME; CORRECTION OF DEFECTS UPON NOTICE.~~

~~—It shall be unlawful for the owner or builder erecting any warehouse, residence or other structure, which when completed shall be partly in the fire limits and partly outside the limits, upon notice from the Building Inspector, to fail or refuse to comply with the terms of the notice by correcting the defects pointed out in the notice, so as to make the entire building comply with the law as regards new buildings. Every week during which any defect in the building is willfully allowed to remain after notice from the local Building Inspector shall constitute a separate and distinct offense.— (Moved to Article D. Fire limits)~~

ARTICLE C. ENFORCEMENT PROVISIONS

SEC. 9-1-30 ENFORCEMENT OF BUILDING INSPECTION SERVICES AND HOUSING STANDARDS IN EXTRATERRITORIAL JURISDICTION OF CITY.

Pursuant to G.S. Chapter 160D, Article 2 of the General Statutes of North Carolina, the City Council hereby authorizes the extension and enforcement of building inspection services and minimum housing standards into the city's extraterritorial jurisdiction.

(Ord. No. 21-032, § 1, passed 6-21-2021)

Statutory reference: Extraterritorial jurisdiction, see G.S. § 160D-201

SEC. 9-1-31 BUILDING PERMITS.

(A) No person shall commence or proceed with the construction, alteration, repair, removal or demolition of any single building or other structure or part thereof without a written permit therefor from the Inspections Division except for building construction that is exempted from permit requirements under the North Carolina State Building Code. The copy of the permit shall be kept on the premises for public inspection during the prosecution of the work and until completion of the same. An identification placard showing the permit number signed by the Inspections Division shall be conspicuously posted on the site readily visible from the street.

(B) A permit for the demolition of any single building or structure or part thereof shall be issued only to the following:

- (1) A general contractor licensed by the North Carolina Licensing Board for General Contractors; or
- (2) A demolition contractor; or
- (3) An owner.

Any person receiving a permit under this subsection shall, in the performance of the work, comply with the state building code and all other applicable state and local laws, rules and regulations.

(C) No person shall erect, alter or repair any billboard or sign without first securing a permit from the Inspections Division except for sign construction that is exempt from permit requirements under the North Carolina State Building Code. Said exemption does not apply to any requirements for development approvals, including permits, issued by the Planning Division.

(D) All applications for permits required by this article shall be approved or disapproved by the Inspections Division within a reasonable period from the date of filing thereof. Such applications shall be approved if the work proposed to be done conforms to the requirements of this article, the zoning ordinance, and other ordinances relating thereto.

(E) Failure to apply for and obtain any required building permit prior to commencement of a construction, alteration, repair, removal or demolition, there shall be an additional fee in an amount of twice the permit fee itself or a minimum of \$100.00.

State Law reference- Building permits, G.S. § 160D-1110 et seq.

SEC. 9-1-32 LIMITATIONS ON ISSUANCE OF PERMITS

(A) No building permit shall be issued for any building or structure when the estimated total cost of which is more than outlined in the North Carolina General Statutes unless the work is to be performed by a licensed general contractor. Exceptions may be granted pursuant to G.S. § 87-14.

(B) No building permit shall be issued for any building or structure, other than a one- or two-family building or structure, if the estimated total cost of which more than that is outlined

in the North Carolina Administrative Code, unless the plans bear the North Carolina seal of a registered architect or a registered engineer.

(C) Where any provision(s) of the North Carolina General Statutes or of any ordinance require that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless it is to be performed by the licensed specialty contractor.

(D) Where detailed plans and specifications are required under this Chapter, no building permit shall be issued unless the plans and specifications have been provided.
State Law reference- Building permits, G.S. § 160D-1110

SEC. 9-1-33 APPLICATION FOR PERMIT.

Applications shall be completed and submitted electronically through the City's Inspections Division permitting software for all permits required by this Chapter. Such application shall be completed by the owner of the building or structure affected or by his authorized agent or representative. The owner shall authorize any work for which a building permit is required
State Law reference- Building permits, G.S. § 160D-1110

SEC. 9-1-34 ISSUANCE OF PERMIT.

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this Chapter and the appropriate technical and regulatory codes, upon payment of the proper fee or fees as provided in section 9-1-38, they shall issue the permit.

SEC. 9-1-35 REVOCATION OF PERMITS.

The Chief Building Inspector or their designee may revoke and require the return of any building permit by notifying the permit holder in writing stating the reason for the revocation. Building permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit. Any building permit mistakenly issued in violation of an applicable State or local law may also be revoked.

State Law reference- Revocation of building permits, G.S. § 160D-1115;

SEC. 9-1-36 EXPIRATION OF BUILDING PERMITS.

Permits issued for the removal or demolition of any building shall expire six (6) months after the date of issuance. Permits issued for the construction, alteration or repair of any building shall expire six (6) months after the date of issuance if the work authorized by the permit has not been commenced. If, after the commencement of such work, the same is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by any permit which has expired shall be done until a new permit is secured.

State Law reference- Expiration of building permits, G.S. § 160D-1111

SEC. 9-1-37 CHANGES IN WORK.

After a building permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the Inspections Division.

State Law reference- Changes in work, G.S. § 160D-1112

SEC. 9-1-38 PERMIT FEES.

Fees for building, plumbing, mechanical and electrical permits shall be as fixed from time to time by the City Council, a schedule of which shall be maintained in the *City of Greenville Manual of Fees*.

SEC. 9-1-39 VIOLATIONS

It shall be unlawful for any person to violate any provision, standard, occupancy content, or other requirement of this Chapter or the regulatory and technical codes herein adopted or to refuse or fail to comply with any order of the City or of any inspector made in accordance with this Chapter or the regulatory and technical codes herein adopted. Each day shall be a subsequent violation.

(Ord. No. 1382, § 1, passed 3-8-1984)

SEC. 9-1-40 PENALTIES

(A) *Penalties.* A violation of this article may subject the violator to any or all of the following penalties.

(1) *Criminal.* The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by G.S. § 160D-1124.

(2) *Civil.* A violation of any of the provisions of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

a. *First Violation.* A violation of an order issued by the building inspector shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

b. *Second Violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifth dollars (\$250.00).

c. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(3) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the City's Financial Services Department within five business days from the date of issuance.

(4) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this chapter, if full payment for an assessed civil penalty is not timely received by the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

a. A civil action in the nature of a debt.

b. The use of a collections agency and the assessment of an administrative fee.

c. The use of the provisions of Chapter 105A (the Setoff Debt Collection Act) and N.C.G.S. § 18C-134

d. Equitable remedies issued by a court of competent jurisdiction.

e. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(5) Separate offenses. Each day's continuing violation shall be a separate and distinct offense. (Updated by Ord. No. 23-048, passed 6-8-2023)

ARTICLE C. INSPECTION DIVISION

~~SEC. 9-1-31 ORGANIZATION OF DIVISION.~~

~~—The Inspection Division of the city shall consist of building inspectors, and may also include a plumbing inspector, a mechanical inspector, an electrical inspector and such other inspectors or deputy or assistant inspectors as may be authorized by the governing body.~~

~~(Ord. No. 1930, § 1, passed 12-8-1988)~~

~~SEC. 9-1-32 GENERAL DUTIES OF DIVISION AND INSPECTORS.~~

~~—It shall be the duty of the Inspection Division to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this chapter and those codes are being met, excepting for the provisions of this chapter designated to be enforced by the Code Enforcement Supervisor or officer.~~

~~(Ord. No. 97-89, § 16, passed 8-14-1997)~~

~~SEC. 9-1-33 CONFLICTS OF INTEREST.~~

~~—(A) In accordance with G.S. 160A-109, no officer or employee of the Inspection Division shall make a final administrative decision if the outcome of the decision would have a direct, substantial, and readily identifiable financial impact on the officer or employee, or if the applicant or other person subject to that decision is a person with whom the officer or employee has a close familial, business, or other associational relationship. A "close familial relationship" shall include a spouse, parent, child, brother, sister, grandparent, or grandchild, the terms including step, half, and in-law relationships.~~

~~—(B) In accordance with and consistent with the above-referenced Statute, no officer or employee of the Inspection Division shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or any part thereof, or in the making of plans or specifications within the city's jurisdiction or the ETJ, unless he or she is the owner of the building. No officer or employee of the Inspection Division shall engage in any work which is inconsistent with his or her duties or with the interests of the city.~~

~~(Ord. No. 21-032, § 1, passed 6-21-2021)~~

~~SEC. 9-1-34 REPORTS AND RECORDS.~~

~~—The Inspection Division, and each inspector, shall keep complete, permanent and accurate records in convenient form of all applications received, permits issued, inspections and~~

reinspections made, and all other work and activities of the Inspection Division. Periodic reports shall be submitted to the City Council, and to other agencies, as required.

SEC. 9-1-35 INSPECTION PROCEDURE.

—(A) Inspections. The Inspection Division shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes.

—(1) When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; provided, no approval shall be based upon reports of such organizations unless the same are in writing and certified by a responsible officer of the organization.

—(2) All holders of permits, or their agents, shall notify the Inspection Division and/or the appropriate inspector at each stage of construction as outlined in the North Carolina Administrative Code and Policies so that approval may be given before work is continued.

—(B) Calls for inspection:

—(1) Requests. Request for inspections may be made to the office of the Inspection Division or to the appropriate inspector. The Inspection Division shall make inspections as soon as practicable after request is made therefor, provided the work is ready for inspection at the time the request is made.

—(2) Reinspections may be made at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his or her agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this chapter.

—(3) Street or alley lines. Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley or other public place, he or she shall secure a survey of the line of the street, alley or other public place, adjacent to the property upon which the building or structure is to be erected before proceeding with construction of the building or structure. It shall be the duty of the Building Inspector to verify that the building does not encroach upon the street, alley or other public place.

—(4) Certificate of occupancy. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Inspection Division has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building. Application for a certificate of occupancy may be made by the owner or his or her agent after all final inspections have been made for new buildings, or, in the case of existing buildings, after supplying the information and data necessary to determine compliance with this article, the appropriate regulatory codes and the Zoning Ordinance for the occupancy intended. The Inspection Division shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all respects conforms to the provisions of this article, the regulatory codes and the Zoning Ordinance for the occupancy intended.

~~SEC. 9-1-36 OVERSIGHT NOT TO LEGALIZE VIOLATION.~~

~~—No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspection Division or the Code Enforcement Division of the Planning and Development Services Department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.—~~

~~(Ord. No. 97-89, § 17, passed 8-14-1997; Ord. 19-045, § 1, passed 9-12-2019)—~~

~~SEC. 9-1-37 POWERS OF INSPECTION OFFICIALS.~~

~~—(A) Authority. Inspectors are hereby authorized, empowered and directed to enforce all the provisions of this chapter and the regulatory codes herein adopted, excepting for the provisions of this chapter designated to be enforced by the Code Enforcement Supervisor or officer.~~

~~—(B) Right of entry. With an appropriate warrant or permission from the owner or occupant, inspectors shall have the right of entry on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the applicable regulatory codes.~~

~~—(C) Stop orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner, or in violation of any provision of this part or any other city ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order the work to be immediately stopped. Such order shall be in writing and shall state the reasons therefor and the conditions under which the work may be resumed. Such order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the Planning and Development Services Director or their designee that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1112 (Changes in Work) and G.S. 160D-1208 (Remedies), a stop work order may be appealed pursuant to G.S. 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.~~

~~(Ord. No. 97-89, § 18, passed 8-14-1997; Ord. No. 21-032, § 1, passed 6-21-2021) (Moved to Article B. Inspections Division)~~

ARTICLE D. FIRE LIMITS

SEC. 9-1-60 FIRE DISTRICT.

Pursuant to and for the purposes of G.S. § 160D-1128, the fire limits are hereby declared to be all areas designated as such on the official map of the City of Greenville, North Carolina, as may be amended from time to time, which is on file in the office of the City Clerk. Each time the City Council takes action establishing, altering or abolishing any part of the fire limits the City Manager shall promptly direct an appropriate city officer to amend the official map to reflect the action of the City Council.

(Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-61 RESTRICTIONS WITHIN FIRE LIMITS.

(A) As provided in G.S. § 160D-1128(c), within the primary fire limits of any city, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall hereafter be erected, altered, repaired, or moved, either into the limits or from one place to another within the limits, except upon the permit of the local inspection department approved by City Council and by the Commissioner of Insurance or their designee. The City Council may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

(B) As provided in G.S. § 160D-1128(d), within any secondary fire limits of any city or town, as established and defined by ordinance, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved, except in accordance with any rules and regulations established by ordinance of the areas.

(Ord. No. 14-042, passed 6-12-2014; Ord. No. 21-032, § 1, passed 6-21-2021)

ARTICLE D. ENFORCEMENT

~~SEC. 9-1-51 ENFORCEMENT OF BUILDING INSPECTION SERVICES AND HOUSING STANDARDS IN EXTRATERRITORIAL JURISDICTION OF CITY.~~

~~—Pursuant to G.S. Chapter 160D, Article 2 of the General Statutes of North Carolina, the City Council hereby authorizes the extension and enforcement of building inspection services and minimum housing standards into the city's extraterritorial jurisdiction.~~

~~(Ord. No. 21-032, § 1, passed 6-21-2021)~~

~~Statutory reference:~~

~~—Extraterritorial jurisdiction, see G.S. 160D-201~~

~~SEC. 9-1-52 REGISTRATION OF CONTRACTORS.~~

~~—Every person carrying on the business of building contractor, plumbing contractor, heating-air conditioning contractor or electrical contractor within the city shall register at the office of the Inspection Division, giving name and place of business.~~

~~SEC. 9-1-53 PERMITS REQUIRED.~~

~~—(A) Building permit.~~

~~—(1) No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal or demolition of any building or other structure, or any part thereof, without a written permit therefor from the Inspection Division; provided, however, that no building permit shall be required for work the total cost of which does not exceed \$5,000 and which does not involve any change of the load-bearing structural parts or the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. County Board of Health approval of a septic tank is required.~~

~~—(2) In all cases of removal or demolition of a building or structure, a good and sufficient bond may be required to be posted by the property owner or by his or her contractor at the time of application for a permit, to insure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his or her contractor to completely demolish, remove and clear the premises, after 30 days' notice by the Building Inspector, shall be cause for forfeiture of the bond.~~

~~—(B) Plumbing permit. No person shall commence or proceed with the installation, extension or general repair of any plumbing system without a written permit therefor from the Inspection Division; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if the repairs or replacements do not disrupt the original water supply or the waste or ventilating systems.~~

~~—(C) Mechanical permit. No person shall commence or proceed with the installation, extension, alteration or general repair of any heating or cooling equipment system without a written permit from the Inspection Division; provided, however, no permit shall be required for minor repairs or minor burner services or filter replacements of warm air furnaces or cooling systems.~~

~~—(D) Electrical permit. No person shall commence or proceed with the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the Inspection Division; provided, however, no permit shall be required for minor repair work such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed; provided, further, no permit shall be required for the installation, alteration or repair of the electrical wiring, devices, appliances and equipment installed by or for an electrical public utility corporation for the use of the corporation in the generation, transmission, distribution or metering of electrical energy.~~

~~Statutory reference:~~

~~—Permits for construction, alteration or demolition of buildings, see G.S. 160D-1110 et seq.~~

SEC. 9-1-54 APPLICATION FOR PERMIT.

~~—(A) Written application shall be made for all permits required by this chapter, and shall be made on forms provided by the Inspection Division.~~

~~—(B) Such application shall be made by the owner of the building or structure affected or by his or her authorized agent or representative, and, in addition to such other information as may be required by the appropriate inspector to enable him or her to determine whether the permit applied for should be issued, shall show the following:~~

~~—(1) Name, residence and business address of owner;~~

~~—(2) Name, residence and business of authorized representative or agent, if any; and~~

~~—(3) Name and address of the contractor, if any, together with evidence that he or she has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which application is made.~~

SEC. 9-1-55 PLANS AND SPECIFICATIONS.

~~—Detailed plans and specifications shall accompany each application for a permit when the estimated total cost of the building or structure is in excess of \$90,000 and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him or her to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this chapter and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.~~

SEC. 9-1-56 LIMITATIONS ON ISSUANCE OF PERMITS.

- ~~—(A) No building permit shall be issued for any building or structure, the estimated total cost of which is more than \$30,000 unless the work is to be performed by a licensed general contractor.~~
- ~~—(B) No building permit shall be issued for any building or structure, other than a one or two-family dwelling, if the estimated total cost of which is more than that outlined in section 302.4 of the North Carolina Administration and Enforcement Requirements Code, unless the plans bear the North Carolina seal of a registered architect or a registered engineer.~~
- ~~—(C) Where any provisions of the General Statutes of North Carolina or of any ordinance require that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless it is to be performed by the licensed specialty contractor.~~
- ~~—(D) Where detailed plans and specifications are required under this chapter, no building permit shall be issued unless the plans and specifications have been provided.~~

~~SEC. 9-1-57 ISSUANCE OF PERMIT.~~

~~—When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this article and the appropriate regulatory codes, he or she shall issue the permit, upon payment of the proper fee or fees as hereinafter provided in section 9-1-61.~~

~~SEC. 9-1-58 REVOCATION OF PERMITS.~~

~~—Permits may be revoked in accordance with state law.~~

~~SEC. 9-1-59 TIME LIMITATIONS ON VALIDITY OF PERMITS.~~

~~—All permits issued under this chapter shall expire by limitation six months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.~~

~~SEC. 9-1-60 CHANGES IN WORK.~~

~~—After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this chapter or of any regulatory code adopted herein, shall not be made until specific written approval of the changes or deviations has been obtained from the appropriate inspector.~~

~~SEC. 9-1-61 PERMIT FEES.~~

~~—Fees for building, plumbing, mechanical and electrical permits shall be as fixed from time to time by the City Council, a schedule of which shall be maintained in the City of Greenville Manual of Fees.~~

~~SEC. 9-1-62 PENALTIES FOR VIOLATION OF REGULATORY CODES.~~

- ~~—(A) Any violation of Article A of this chapter, specifically including violation of any regulatory codes adopted in that article of this chapter, shall subject the offender to a civil penalty of \$50. Violators shall be issued a written citation which must be paid within 72 hours.~~
- ~~—(B) Each day's continuing violation shall be a separate and distinct offense.~~

~~—(C) Notwithstanding subsection (A) above, provisions of Article A may be enforced through equitable remedies issued by a court of competent jurisdiction.~~

~~—(D) In addition to, or in lieu of, remedies authorized in subsections (A) and (C) above, violations of Article A may be prosecuted as a misdemeanor in accordance with G.S. 160A-175.~~

~~(Ord. No. 1382, § 1, passed 3-8-1984) (Moved to Article C. Enforcement Provisions)~~

ARTICLE E. UNSAFE BUILDINGS CONDEMNED

Statute Reference: G.S. § 160D-1119 – 160D-1125

SEC. 9-1-70 DESIGNATION OF UNSAFE BUILDINGS

(A) Every building that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress, or other causes shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(B) Nonresidential Building or Structure. In addition to the authority granted in subsection (A) of this section, an inspector may declare a nonresidential building or structure within a community development target area to be unsafe if it meets all of the following conditions:

(1) It appears to the inspector to be vacant or abandoned.

(2) It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, or fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(C) Notice Posted on Structure. If an inspector declares a nonresidential building or structure to be unsafe under subsection (B) of this section, the inspector must affix a notice of the unsafe character of the structure to a conspicuous place on the exterior wall of the building. For the purposes of this section, the term "community development target area" means an area that has characteristics of an urban progress zone under G.S. § 143B-437.09, a "nonresidential redevelopment area" under G.S. § 160A-503(10), or an area with similar characteristics designated by the City Council as being in special need of revitalization for the benefit and welfare of its citizens.

(D) Applicability to Residential Structures. – The City Council may expand subsections (B) and (C) of this section to apply to residential buildings by adopting an ordinance. Before adopting such an ordinance, The City Council shall hold a legislative hearing with published notice as provided by G.S. § 160D-601.

SEC. 9-1-71 REMOVING NOTICE FROM CONDEMNED BUILDING

If any person shall remove any notice that has been affixed to any building or structure by the Inspection Division and that states the dangerous character of the building or structure, that person shall be guilty of a Class 1 misdemeanor.

SEC. 9-1-72 FAILURE TO TAKE CORRECTIVE ACTION

If the owner of a building or structure that has been condemned as unsafe pursuant to Sec.9-1-70, fails to take prompt corrective action, the Inspections Division shall give written notice, by certified mail to the owner's last known address or by personal service, of all of the following:

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:

(a) Constitutes a fire or safety hazard.

(b) Is dangerous to life, health, or other property.

(c) Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.

(d) Has a tendency to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(2) That an administrative hearing will be held before the inspector at a designated place and time, not later than 10 days after the date of the notice, at which time the owner will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice shall be considered properly and adequately served if a copy is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the City of Greenville at least once not later than one week prior to the hearing.

SEC. 9-1-73 ORDER TO TAKE CORRECTIVE ACTION

If, upon a hearing held pursuant to the notice prescribed in Sec. 9-1-72, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, the inspector shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than 60 days, as the inspector may prescribe, provided that where the inspector finds that there is imminent danger to life or other property, the inspector may order that corrective action be taken in such lesser period as may be feasible.

SEC. 9-1-74 APPEALS; FINALITY OF ORDER IF NOT APPEALED

Any owner who has received an order under Sec. 9-1-73 may appeal from the order to the City Council by giving notice of appeal in writing to the Inspections Division and to the City Clerk within 10 days following issuance of the order. In the absence of an appeal, the order of the inspector is final. The City Council shall hear an appeal in accordance with G.S. § 160D-406 and render a decision within a reasonable time. The City Council may affirm, modify and affirm, or revoke the order.

SEC. 9-1-75 FAILURE TO COMPLY WITH ORDER

If the owner of a building or structure fails to comply with an order issued pursuant to Sec. 9-1-73 from which no appeal has been taken or fails to comply with an order issued by the City Council following an appeal, the owner is guilty of a Class 1 misdemeanor.

SEC. 9-1-76 ENFORCEMENT

(A) Action Authorized. Whenever any violation is denominated a misdemeanor under the provisions of this Article, the Inspections Division, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(B) Removal of Building. In the case of a building or structure declared unsafe under Sec. 9-1-70, the Inspections Division may, in lieu of taking action under subsection (a) of this section, cause the building or structure to be removed or demolished. The amounts incurred by the City in connection with the removal or demolition are a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in Article 10 of Chapter 160A of the General Statutes. If the building or structure is removed or demolished by the City, the City shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The City shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.

(C) Additional Lien. The amounts incurred by the City in connection with the removal or demolition are also a lien against any other real property owned by the owner of the building or structure and located within the City's planning and development regulation jurisdiction, and for cities without extraterritorial planning and development jurisdiction, within one mile of the city limits, except for the owner's primary residence. The provisions of subsection (b) of this section apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

(D) Nonexclusive Remedy. Nothing in this section shall be construed to impair or limit the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

SEC. 9-1-77 NOTICE OF LIS PENDENS

(A) Filing a Notice of Lis Pendens. Any time after an inspector issues a written notice under Sec. 9-1-72 applicable to a residential building or structure, any inspector may file a Notice of Lis Pendens with the Clerk of Superior Court of the county where the property is located. A copy of the written notice or a copy of the order to take corrective action shall be attached to the lis pendens. The Notice of Lis Pendens and a copy of the written notice or order to take corrective action shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. § 1-117. From the date and time of indexing, the written notice or order to take corrective action shall be binding upon the successors and assigns of the owners of and parties in interest in the building or structure, including any lienholders and tenants who may be determined by the exercise of reasonable diligence in accordance with G.S. § 160D-1121 and the methods of

service procedures set forth in Title 9, Chapter 1, Article E, Sec. 9-1-72. The notice of lis pendens shall remain in full force and effect until it is cancelled.

(B) Cancellation of Notice of Lis Pendens. Any Inspector may cancel the notice lis pendens upon a determination by that Inspector that the property fully complies with Title 9, Chapter 1, Article E, "Unsafe Buildings condemned" or if the enforcement action is settled, discontinued or abated. Cancellation of the notice of lis pendens must be made in a writing signed by the Inspector and filed with the Clerk of Superior Court where the property is located.

SEC. 9-1-78 Administrative Fees and Costs

(1) In addition to any other charge, any owner of a building or structure located within the city and its extraterritorial jurisdiction shall be subject to any actual costs incurred by the City in obtaining service including but not limited to, legal publication and personal delivery costs for notices, and orders upon the finding at the hearing held pursuant Sec. 9-1-72, that the building or structure is in an unsafe condition as defined by this Article or State law.

~~ARTICLE E. REPAIR, CLOSING OR DEMOLITION OF ABANDONED STRUCTURES~~

~~SEC. 9-1-71 FINDING; INTENT.~~

~~—It is hereby found that there exist within the city abandoned structures which the City Council finds to be hazardous to the health, safety and welfare of the residents of the city due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. Therefore, pursuant to the authority granted by G.S. 160D-1201, it is the intent of this article to provide for the repair, closing or demolition of any such abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation.~~

~~(Ord. No. 756, passed 2-9-1978; Ord. No. 21-032, § 1, passed 6-21-2021)~~

~~SEC. 9-1-72 DUTIES OF CODE ENFORCEMENT Coordinator AND OFFICER.~~

~~—The Code Enforcement Coordinator and officer are hereby designated as the city officers to enforce the provisions of this article. It shall be the duty of the Code Enforcement Coordinator and officer:~~

~~—(A) To locate abandoned structures within the city and determine which structures are in violation of this article;~~

~~—(B) To take such action pursuant to this article as may be necessary to provide for the repair, closing or demolition of the structures;~~

~~—(C) To keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this article; and~~

~~—(D) To perform such other duties as may be prescribed herein or assigned to him or her by the City Council.—~~

~~(Ord. No. 756, passed 2-9-1978; Ord. No. 97-89, §§ 6, 7, passed 8-14-1997)—~~

~~SEC. 9-1-73 POWERS OF CODE ENFORCEMENT Coordinator AND OFFICER.~~

~~—The Code Enforcement Coordinator and officer are authorized to exercise such powers as may be necessary to carry out the intent and provisions of this article, including the following powers in addition to others herein granted:~~

~~—(A) To investigate the conditions of buildings within the city in order to determine which structures are abandoned and in violation of this article;~~
~~—(B) To enter upon premises for the purpose of making inspections;~~
~~—(C) To administer oaths and affirmations, examine witnesses and receive evidence; and~~
~~—(D) To designate such other officers, agents and employees of the city as he or she deems necessary to carry out the provisions of this article.~~
~~(Ord. No. 756, passed 2-9-1978; Ord. No. 97-89, §§ 6, 8, passed 8-14-1997)~~

SEC. 9-1-74 STANDARDS FOR ENFORCEMENT.

~~—(A) Every abandoned structure within the city shall be deemed in violation of this article whenever the structure constitutes a hazard to the health, safety or welfare of the city citizens, as a result of:~~
~~—(1) The attraction of insects or rodents;~~
~~—(2) Conditions creating a fire hazard;~~
~~—(3) Dangerous conditions constituting a threat to children; or~~
~~—(4) Frequent use by vagrants as living quarters in the absence of sanitary facilities.~~
~~—(B) In making the preliminary determination of whether or not an abandoned structure is in violation of this article, the Code Enforcement Coordinator or officer may, by way of illustration and not limitation, consider the presence or absence of the following conditions:~~
~~—(1) Holes or cracks in the structure's floors, walls, ceilings or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects;~~
~~—(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;~~
~~—(3) Violations of the State Building Code, the State Electrical Code or the Fire Prevention Code, which constitute a fire hazard in the structure;~~
~~—(4) The collection of garbage, rubbish or combustible material which constitutes a fire hazard in the structure;~~
~~—(5) The use of the structure or nearby grounds or facilities by children as a play area;~~
~~—(6) Violations of the State Building Code which might result in danger to children using the structure or nearby grounds or facilities as a play area; and~~
~~—(7) Repeated use of the structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking or eating.~~
~~(Ord. No. 756, passed 2-9-1978; Ord. No. 97-89, § 6, passed 8-14-1997)~~

SEC. 9-1-75 PROCEDURE FOR ENFORCEMENT.

~~—(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Code Enforcement Coordinator or officer by at least five residents of the city charging that any structure exists in violation of this article, or whenever it appears to the Code Enforcement Coordinator or officer, upon inspection, that any structure exists in violation hereof, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in the structure a complaint stating the charges and containing a notice that a hearing will be held before the Code Enforcement Coordinator or officer at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons~~

signing a petition relating to the structure. Any person desiring to do so may attend the 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 hearings before the Code Enforcement Coordinator or officer.

—(1) ~~Filing a Notice of Lis Pendens.~~ After a Code Enforcement Coordinator or officer issues a complaint and a notice of hearing or issues findings of fact and an order pursuant thereto, any Code Enforcement Coordinator or officer may file a notice of lis pendens with the Clerk of Superior Court of the county where the property is located. A copy of the complaint and notice of hearing or a copy of the findings of fact and order shall be attached to the notice of lis pendens. The notice of lis pendens and a copy of the complaint and notice or findings of fact and order shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the complaint and notice or findings of fact and order shall be binding upon the successors and assigns of the owners of and parties in interest in the building or dwelling at the time of filing. When the notice of lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any 103lienholders and tenants who may be determined by the exercise of reasonable diligence in accordance with G.S. 160D-1206 and the method of service procedures set forth in Title 9, Chapter 1, Article E, Sec. 9-1-76 "Methods of Service of Complaints and Orders." The notice of lis pendens shall remain in full force and effect until it is cancelled.

—(2) ~~Cancellation of Notice of Lis Pendens.~~ Any Code Enforcement Coordinator or officer may cancel the notice of lis pendens upon a determination by the Code Enforcement Coordinator or officer that the property fully complies with Title 9, Chapter 1, Article E, "Repair, Closing or Demolition of Abandoned Structures" or if the enforcement action is settled, discontinued or abated. Cancellation of the notice of lis pendens must be made in a writing signed by the Code Enforcement Coordinator or officer and filed with the Clerk of Superior Court where the property is located.

—(B) ~~Procedure after hearing.~~ After such notices and hearing, the Code Enforcement Coordinator or officer shall state in writing his or her determination whether the structure violates this article. If the Code Enforcement Coordinator or officer determines that the dwelling is in violation, he or she shall state in writing his or her findings of fact to support that determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve the structure or else remove or demolish the same within specified period of time, not to exceed 90 days.

—(C) ~~Failure to comply with order.~~

—(1) ~~In personam remedy.~~ If the owner of any structure shall fail to comply with an order of the Code Enforcement Coordinator or officer within the time specified therein, the Code Enforcement Coordinator or officer may 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 the owner to comply with the order of the Code Enforcement Coordinator or officer, as authorized by G.S. 160D-1208(d).

—(2) ~~In rem remedy.~~ After failure of an owner of a structure to comply with an order of the Code Enforcement Coordinator or officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (C)(1), the Code Enforcement Coordinator or officer shall submit to the City Council an ordinance ordering the Code Enforcement Coordinator or officer to cause the structure to be removed or demolished,

as provided in the original order of the Code Enforcement Coordinator or officer and pending the removal or demolition, to placard the dwelling as provided by G.S. 160D-1203.

—(D) ~~Petition to Superior Court by owner. Any person aggrieved by an order issued by the Code Enforcement Coordinator or officer shall have the right, within 30 days after issuance of the order, to petition the Superior Court for a temporary injunction restraining the Code Enforcement Coordinator or officer pending a final disposition of the cause, as provided by G.S. 160D-1208(d).~~

~~(Ord. No. 756, passed 2-9-1978; Ord. No. 97-89, § 6, passed 8-14-1997; Ord. No. 21-032, § 1, passed 6-21-2021; Ord. No. 22-017, § 1, passed 2-10-2022)~~

~~SEC. 9-1-75.1 VACATED AND CLOSED STRUCTURES.~~

—(A) ~~If the City Council shall have adopted an ordinance, or the Code Enforcement Coordinator or officer shall have issued an order, ordering an abandoned structure to be repaired, altered, or improved as provided in section 9-1-75, and if the owner has vacated and closed the structure and kept the structure vacated and closed for a period of six months pursuant to the ordinance or order, then if the City Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the structure and that the continuation of the structure in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the structure would continue to deteriorate, and would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, and would cause or contribute to blight and the deterioration of property values in the area, then in such circumstances, the City Council may, after the expiration of the six-month period, enact an ordinance and serve the ordinance on the owner, setting forth the following:~~

—(1) ~~If it is determined that the repair of the structure can be made at a cost not exceeding 50% of the then current value of the structure, the ordinance shall require that the owner either repair or demolish and remove the structure within 90 days; or~~

—(2) ~~If it is determined that the repair of the structure cannot be made at a cost not exceeding 50% of the then current value of the structure, the ordinance shall require that the owner demolish and remove the structure within 90 days.~~

—(B) ~~An ordinance adopted pursuant to this section shall be recorded in the office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with that ordinance, the Code Enforcement Coordinator or officer shall effectuate the purpose of the ordinance. The cost to repair or demolish and remove the dwelling shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by G.S. Chapter 160A, Article 10.~~

~~(Ord. No. 97-89, § 13, passed 8-14-1997; Ord. No. 05-106, § 1, passed 9-8-2005)~~

~~SEC. 9-1-76 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.~~

—(A) ~~Complaints and orders issued by the Code Enforcement Coordinator or officer under this article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the notice or order by regular~~

mail shall certify that fact and the date thereof, and the certificate shall be conclusive in the absence of fraud.

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

(Ord. No. 756, passed 2-9-1978; Ord. No. 1252, § 1, passed 2-10-1983; Ord. No. 97-89, §§ 6, 12, passed 8-14-1997)

—(C) Each owner of rental property located within the city shall authorize a person residing in Pitt County to serve as his or her agent for the purpose of accepting service of process under this section. The owner shall provide, on a form supplied by the City Clerk, the authorized agent's name and address. The owner shall notify the City Clerk of any changes in the information provided not less than ten days after such changes have occurred. Nothing in this subsection shall be interpreted to require an owner to designate an agent to accept service of process where the owner of the rental property resides within Pitt County. The initial failure of an owner to authorize an agent, as required in this subsection, will not result in the imposition of a civil penalty as hereinafter authorized; however, a civil penalty will be imposed if an owner fails to authorize an agent and fails to provide to the City Clerk, on the form supplied by the City Clerk, the authorized agent's name and address not less than ten days after being notified by the Code Enforcement Coordinator or officer that such a designation is required under this subsection. Any violation of the provisions of this subsection or a failure to comply with any of its requirements will subject the offender to a civil penalty in the amount of \$50. Each ten-day period or part thereof in which a violation continues shall be considered a separate violation for the purpose of the civil penalty provided by this subsection.

(Ord. No. 01-121, § 1, passed 9-13-2001)—

Statutory reference:

—Service of complaints and orders, see G.S. 160D-1206

~~SEC. 9-1-77 IN REM ACTION BY CODE ENFORCEMENT COORDINATOR OR OFFICER; PLACARDING.~~

—(A) After failure of an owner of a structure to comply with an order of the Code Enforcement Coordinator or officer issued pursuant to the provisions of this article, and upon adoption by the City Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. 160D-1203(6), Session Law 2005-200, and section 9-1-75(C) of this article, the Code Enforcement Coordinator or officer shall proceed to cause the structure to be removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of the structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

—(B) Each such ordinance shall be recorded in the office of the Register of Deeds of Pitt County, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1203(6).

(Ord. No. 756, passed 2-9-1978; Ord. No. 97-89, § 6, passed 8-14-1997; Ord. No. 21-032, § 1, passed 6-21-2021)

~~SEC. 9-1-78 COSTS; A LIEN ON PREMISES.~~

~~—As provided by G.S. 160D-1203(7), the amount of the cost of any removal or demolition caused to be made or done by the Code Enforcement Coordinator or officer pursuant to this article shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10.~~

~~(Ord. No. 756, passed 2-9-1978; Ord. No. 97-89, § 6, passed 8-14-1997; Ord. No. 21-032, § 1, passed 6-21-2021)~~

~~SEC. 9-1-79 ALTERNATIVE REMEDIES.~~

~~—Neither this article 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 article by criminal process, 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.—~~

~~(Ord. No. 756, passed 2-9-1978) (Merged into Article F. *Minimum Housing*)~~

ARTICLE F. MINIMUM HOUSING CODE

SEC. 9-1-90 MINIMUM HOUSING CODE

The rules and regulations prescribed by this article shall be known and may be cited as “The Minimum Housing Code of the City of Greenville” and may be referred to in this article as “this code.”

SEC. 9-1-91 FINDING; PURPOSE.

(A) Pursuant to G.S. 160D-1201, it is hereby found and declared that there exists in the city dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such buildings or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the city.

(B) In order to protect the health, safety and welfare of the residents of the city as authorized by G.S. Chapter 160D, Article 12 of the North Carolina General Statutes, it is the purpose of this article to establish minimum standards of fitness **and requirements** for the initial and continued occupancy of all dwellings used for human habitation, as expressly authorized by G.S. § 160D-1201-160D-1212. 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 Chapter.

(C) The purpose of this Article is to remedy and prevent the decay and deterioration of dwellings and to eliminate blighted neighborhoods by providing standards for dwellings for the protection of the life, health, safety, welfare and property of the general public and owners and occupants of dwellings.

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-92 SCOPE

The provisions of this Article shall apply to any dwelling within the corporate limits of the City and beyond and surrounding the corporate limits within a line which constitutes the boundary of the City's extraterritorial jurisdiction, as described on the map maintained in the office of the City Clerk, as the same may be amended from time to time, as provided by law. Portable, mobile or demountable dwellings, including trailers, when used or intended for use for housing or occupancy within the city shall be subject to the applicable provisions of this Article.

SEC. 9-1-~~93~~⁹² DEFINITIONS.

~~Whenever the words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."~~ (a) For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned Structure. Any dwelling thereon that has been vacant or not in active use, regardless of purpose or reason, for the past six (6) month period and is maintained in an uninhabitable condition or a condition of disrepair or deterioration and which is determined by the Code Enforcement Supervisor or officer to be unfit for human habitation or occupancy based upon the standards as set forth in this Article.

Accessory Structure. A structure that is a detached building, like a shed, that is on the same lot as the main building or structure, but is used for a different purpose other than a dwelling.

Basement. A story having a clear height of at least seven (7) feet from finished floor to finished ceiling, the floor level of which is below finished grade but not less than four (4) feet below the average finished grade, having floor and walls of approved construction, and/or having direct access to light and air from windows located above the level of the adjoining ground.

Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory hereto, and also tents, fences and similar structures whether stationary or movable.

Cellar. A portion of a building or structure 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.

Certificate of Compliance. Written certification by the Code Enforcement Supervisor or officer that a building or structure is in compliance with this Article.

Close. Securing the building or structure so that unauthorized persons cannot gain entrance to the building.

Code Enforcement Supervisor or officer. ~~A Code Enforcement Coordinator or officer of the City of Greenville or any agent of the Code Enforcement Coordinator or officer who is authorized by him or her to enforce the provisions of this article.~~ The person(s) authorized to enforce the provisions of this article.

Demolish. Means the demolition and removal of the entire dwelling leaving the property free and clear of any debris and without holes or pockets which may retain water.

Deteriorated. ~~A dwelling unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50% of its value.~~ A dwelling that is unsafe or unfit for human habitation and can be repaired,

altered or improved to comply with all of the minimum standards of fitness established by this Article at a cost not in excess of 50 percent of its physical value, as determined by a finding of the Code Enforcement Supervisor or officer.

~~Dilapidated. A dwelling unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50% of its value.~~ A dwelling that is unsafe or unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards of fitness established by this article at a cost not in excess of 50 percent of its physical value, as determined by a finding of the Code Enforcement Supervisor or officer.

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 includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of G.S. Chapter 160D Article 12. The term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

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 eliminating their harborage places by removing or making inaccessible materials that may serve as their food, or by poisoning, spraying, fumigating, trapping or by other recognized and legal pest elimination methods approved by the Code Enforcement Supervisor or officer.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. This definition shall include any other matter that is also subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors or which before, during or after decay may serve as feeding or breeding material for animals or flies or other insects.

Governing body. The City Council

~~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 connecting corridors, closets and storage spaces.~~

~~Infestations. 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.~~

Impervious to water (as to floors). A clean, smooth floor, without cracks or holes, made of terrazzo, ceramic, asphalt or rubber tile, smooth concrete, linoleum or other similar material, or made of wood, and, if made of wood, then with tightly fitting joints, covered with varnish, lacquer or other similar water-resistant coating.

Infestation. The presence, within or contiguous to, a dwelling or premises of insects, rodents, vermin or other pests.

Maintenance of a building, structure, apparatus or equipment. The way or manner in which any such building, structure, appliance, apparatus or equipment is serviced repairs or altered to perpetuate the use or purpose for which such building, structure, appliance, apparatus or equipment was originally intended.

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

~~Multiple dwelling. Any dwelling containing more than two dwelling units.~~

Occupant. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a building or structure.

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

Owner. ~~The owner of record of the property as identified in the most current records of the Pitt County Tax Assessor or the owner's authorized agent.~~ Any person, group of persons, or any entity owning or lawfully possessing, keeping, or having care, custody, or control of any property covered by this article. In the case of real property, the owner includes the authorized agent or property manager of the owner or any tenant.

Parties in interest. All individuals, associations, and corporations that have interests of record in a building or structure and any that are in possession of a dwelling

Physical Value. The Pitt County property tax listing (as adjusted by the Pitt County Assessor, or pursuant to the assessor's instruction), not including land value. Such value shall be binding unless the owner provides for delivery of a written appraisal conducted within three hundred sixty-five (365) days of the order as to the reasonable value of the building or structure prepared by a North Carolina state certified residential appraiser within ten (10) days after receipt of an order from the Code Enforcement Supervisor or officer. Such written appraisal shall be binding and conclusive for purposes of this code.

Pier. A masonry support extending from the ground and footing to and supporting the dwelling or portion thereof. Pier sizes and spacing shall conform to the specifications of the state building code.

Plumbing. Includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), waste 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. The Greenville Housing Authority or any officer who is in charge of any department or branch of government of the City of Greenville or of Pitt County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the City of Greenville.

Public Space or common space. The space within any dwelling which is open to use by the general public or the occupants of more than one (1) building or structure.

Repair, alter, or improve. The work is workmanlike and performed in a workmanlike manner.

Rooming house. Any dwelling, or that part of any dwelling containing one or more 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, sister or brother of the owner or operator.

~~Rooming units. Any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.~~

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

State building code. The North Carolina State Building Code, as may be amended from time to time, or any superseding regulation.

Structure. Anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, except a currently operable licensed vehicle.

Substantial. A dwelling or fence is firmly constructed, sturdy, safe, sound, solid, or stout in a manner to adequately perform its original purpose.

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

Temporary housing. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

Tenant. Any person, who alone or jointly or severally with others, occupies a dwelling under an oral or written lease or holds a legal tenancy in a dwelling

Unfit for human habitation. A dwelling which contains any of the following conditions which the Code Enforcement Supervisor or officer shall have found render the dwelling dangerous or injurious to the health or safety of the occupants of the dwelling or neighboring dwellings or other residents of the city:

- (1) Interior walls or vertical studs which seriously lean or buckle to such an extent as to render the building or structure unsafe;
- (2) Supporting and nonsupporting member or members which show damage or deterioration
- (3) Floors or roofs which have improperly distributed loads which are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
- (4) Such damage by fire, wind or other causes as render the dwelling unsafe;
- (5) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or general welfare of the occupants of the dwelling, neighboring dwellings, or other residents;
- (6) Inadequate facilities for egress in case of fire, accident or other calamities;
- (7) Defects significantly increasing hazards of fire, accident or other calamities;
- (8) Lack of adequate ventilation, light, heating or sanitary facilities to such an extent as to endanger the health, safety or general welfare of the occupants or other residents of the city;
- (9) Lack of proper electrical heating or plumbing facilities required by this article which constitute a health or safety hazard;
- (10) Lack of adequate weatherization;
- (11) Lack of an operable smoke detector;
- (12) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been cut off because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap; or
- (13) Any combination of substandard items which in the judgment of the Code Enforcement Supervisor or officer renders any dwelling dangerous or injurious to the health, safety, or general welfare of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city.

Ventilation. The adequate supply and removal of air to and from a space through windows, skylights, doors, louvers, grilles, ducts or other similar devices.

Weather Tight. So constructed that dwellings resists weather and excludes rain and snow, and prevents the infiltration of air.

Workmanlike manner. Repairs, alterations, and improvements shall be performed in accordance with accepted standards of each trade using quality materials and craftsmanship.

(b) Whenever the term “dwelling” is used in this Article, it shall be construed as though followed by the phrase “or any part thereof.”

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-~~94~~⁹³ MINIMUM STANDARDS OF FITNESS FOR DWELLINGS-~~AND DWELLING UNITS.~~

1. Every dwelling 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 this article. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article. All work shall be done in a workmanlike manner.

2. All structural repairs, alterations, or improvements to dwelling shall be performed in compliance with all applicable requirements of the State Building Code. ~~Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all the minimum standards of fitness for human habitation and all of the requirements of sections 9-1-94 through 9-1-104 of this article. No person shall occupy as owner or occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all the minimum standards of fitness for human habitation. Only approved building materials for specific purposes may be used in making necessary repairs.~~

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~95~~⁹⁴ MINIMUM STANDARDS FOR STRUCTURAL CONDITIONS.

(A) Foundation.

(1) A foundation wall system shall support the building at all points and shall be free of holes, cracks, and loose mortar or masonry which would admit rodents, water or dampness to the interior of the building or which lessen the capability of the foundation to support the building.

(2) There shall be sound footings, adequate bearing. ~~Crawl space shall be graded so as to prevent any water standing.~~

(3) Piers shall be sound with no loose mortar or masonry.

(4) There shall be no wood stiff-knee piers.

(5) All underpinning shall be in good order and meet the minimum ventilation requirements set forth by State Building Code.

(6) All masonry block and brick foundation systems or components shall have mortared or bonded joints.

(7) Every crawlspace door, doorway, or hatchway shall be maintained to prevent the entrance of rainwater and surface drainage water.

(8) Screening shall be provided for all crawlspace vents or openings.

(B) Floors.

(1) There shall not be decayed, termite-damaged, fire-damaged, broken, overloaded or sagging sills that adversely affect the structural integrity of the building framing system.

(2) Joists shall not be decayed or broken so as to adversely affect the structural integrity of the floor framing system.

(3) Flooring shall be weathertight without holes or cracks which permit excessive air to penetrate rooms.

(4) There shall be no loose flooring.

(5) Bathroom and kitchen flooring surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit the flooring to be easily kept in a clean and sanitary condition.

(6) All floor covering or finishing shall be constructed and maintained as not to constitute a trip hazard and kept in a clean and sanitary condition.

(7) There shall be no use of the ground for floors, or wood floors on the ground.

(8) Flooring shall be reasonably smooth and not decayed, fire damaged or worn through.

(9) Floors shall be reasonably level.

(C) Exterior walls.

(1) The exterior of a dwelling shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(2) All wood and metal surfaces including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

(3) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(4) All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(5) All decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(6) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

~~—(1) There shall be no broken, cracked or fire damaged structural members.~~

~~—(2) All siding shall be weathertight, with no holes or excessive cracks or decayed boards which permit excessive air or moisture to penetrate rooms.~~

~~—(3) There shall be no loose siding.~~

~~—(4) Exterior surfaces not inherently resistant to deterioration shall be treated with a protective coating or covering and maintained in good repair to prevent deterioration.~~

(D) Interior walls.

(1) The interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms and, if painted or papered, shall be free of chips or excessive peeling.

(2) Interior wall finishes and trim shall be free of stains or moisture damage caused by leaks from roofing, or other sources.

~~(2) All interior walls shall be treated and maintained so as to be easily kept in a clean and sanitary condition.~~

(3) No loose plaster, loose boards or other loose wall materials shall be allowed.

(4) There shall be no cardboard, newspaper or highly combustible or improper wall finish; all wall materials shall be of the same or similar quality and material.

~~(5)~~ There shall be no decayed or termite-damaged studs.

~~(56)~~ There shall be no broken or cracked studs or other broken or cracked structure members allowed.

(E) Ceilings.

(1) There shall be no joists, or beams which are decayed or broken, sagging or improperly supported.

(2) There shall be no holes or excessive cracks which permit air to penetrate rooms.

(3) There shall be no loose plaster, boards, gypsum wall board or other ceiling finish.

(4) There shall be no evidence of water damage.

(5) There shall be no cardboard, newspaper or highly combustible or improper wall finish; all wall materials shall be of the same or similar quality and material.

(F) Roof.

(1) Roofing shall be provided to prevent the entrance of moisture and shall be maintained by renewal, repair, waterproofing or other suitable means.

(2) Gutters and downspouts, if installed, shall be provided to properly collect, conduct and discharge the water from the roof and away from the dwelling.

(3) Roofs shall be supported and no rafters shall be rotted, broken, sagging or have improperly supported ends.

(4) Attics, that are required to be ventilated, shall have ventilation that allows the movement of air to dissipate excessive heat buildup. Heat buildup is excessive if it causes deterioration of any structural member or roofing member.

(5) Sheathing shall not be rotted, loose or sagging excessively.

(6) Roof covering shall not be loose, have missing shingles or other damaged roofing components, nor have holes, leaks, or evidence of current leaks.

(7) Adequate flashing shall be provided at walls and chimneys in a manner that continues to be effective.

(8) Roofs shall be kept free of vegetation which compromises or otherwise damages the integrity of materials or function of the roof, roof overhang, fascia, soffit, gutters, or other portion of the roof structure.

~~— (1) There shall be no rafters which are decayed or broken.~~

~~— (2) No rafters shall be damaged by fire.~~

~~— (3) Sheathing shall not be loose.~~

~~— (4) No loose roof covering shall be allowed, nor shall there be any holes or leaks which could cause damage to the structure.~~

~~— (5) There shall be proper flashing at walls and roof penetrations.~~

~~— (6) There shall be no chimneys or part thereof which are defective, deteriorated or in danger of falling, or in such condition to constitute a fire hazard.~~

(G) Porches or Raised Platform.

(1) Foundation flooring, ceiling and roofing for porches and raised platforms shall be equal to standards set forth in this section 9-1-94, except sills, and joists, and floors need not be level if providing drainage of floors; and floors need not be weather tight; the ceiling height may be seven feet; and the attic need not be vented.

(2) Roof post and attached railings shall be structurally sound.

(3) Every porch terrace or raised platform located at least 40~~30~~ inches above the adjacent finished grade shall be equipped with guardrails not less than 36 inches high, unless other effective barriers provide adequate safety. Open guardrails shall have intermediate rails such that a six-inch sphere cannot pass through any opening.

(H) Stairs and Steps.

(1) Stairs and steps shall be free of holes, grooves, and cracks large enough to constitute accident hazards. Stairs and steps shall not be decayed and shall be in good repair.

(2) Stairwells and flights of stairs more than four risers high shall have rails not less than thirty four (34) inches measured vertically from the nose of the treads to the top of the rail. Every rail shall be firmly fastened and maintained in good condition.

(3) Every rail shall be firmly fastened and maintained in good condition. No flight of stairs more than one inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.

(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. Supports shall be structurally sound.

(5) Supports shall not sag and shall be structurally sound and not likely to cause structural weakness in the future. Where steps and stairs that must be replaced due to deterioration, construction must comply with State Building Code standards.

(6) Every stair riser shall be reasonably uniform in height, and treads shall be reasonably uniform in front to back width, sound and securely fastened in position and strong enough to bear a concentrated load of at least 300 pounds without danger of breaking through. Stairways having four or more risers above a floor or finished ground level shall be equipped with handrails located not less than 30 inches nor more than 38 inches above the leading edge of a tread. An exception from this standard is that handrails that form part of a guardrail may be 42 inches high.

(7) Every exit stairway, deck porch, landing, balcony, exit, and all appurtenances shall be structurally sound with proper anchorage, and capable of supporting imposed loads. Gripping surfaces shall be continuous without interruption.

(I) Painting. Effective January 1, 1995, all exterior surfaces of dwellings, not inherently resistant to deterioration, shall be treated with a protective coating, such as paint or other suitable preservative, with sufficient frequency to prevent deterioration. All such portions shall be cleaned and free of flaking, loose or defective surfacing materials prior to painting or coating. All interior loose or peeling wall covering or paint shall be removed and the exposed surface shall be placed in a smooth and sanitary condition. No paint shall be used for interior painting of any dwelling that exceeds the amount of lead paint pigment as established by the Consumer Products Safety Commission. Paint chips or paint dust shall not be left on interior or exterior surfaces of the building or structure, or on the premises.

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-9695 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

(A) Plumbing system.

(1) All plumbing to be installed shall be installed in accordance with the State Plumbing Code. Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewer disposal system.

(2) All plumbing shall be connected to the city sanitary sewer system where available or to another approved system. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and an adequate supply of both cold water and hot water. All systems must be connected to a potable water supply.

(3) All fixtures shall be operable. All plumbing fixtures shall meet the standards of the North Carolina Plumbing Code and shall be maintained in a state of good repair and good working order.

(4) There shall be no broken water closet bowls. 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.

(5) Water closets shall not be loose or leaking. Water closet flush mechanisms shall be maintained in operating condition. Water closet shall be functional and free of leaks.

(6) No leaks shall be in a shower stall floor and/or wall. Water closet shall not be loose from floor or leaking.

(7) There shall be facilities for furnishing adequate hot water to each tub or shower, lavatory, and kitchen sink. All water heaters shall be in good condition, operate as intended, and comply with the current state building code at the time of construction. Tub and shower stall floors and walls shall be watertight.

(8) There shall be installed a potable water supply inside the building or structure for each unit. Fixtures shall not be cracked or broken and function as designed.

(9) There shall be installed a water closet, tub or shower, lavatory and sink for each habitable unit. Kitchen and bathroom faucets shall be sealed. Sewer and water lines shall be properly supported, with no broken or leaking lines.

(10) There shall be separate toilet facilities for each habitable unit.

(11) Toilet and bathing facilities shall be protected from the weather.

(12) Soil and water pipes shall be supported with no broken or leaking pipes.

(13) 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.

(B) Heating system.

(1) Every dwelling shall be weatherproof and capable of being adequately heated, and the heating equipment in every dwelling shall be maintained in good order and repair.

(2) Every dwelling shall have facilities for providing heat in accordance with either of the following:

(a) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every place of habitation to which it is connected to a minimum temperature of 68 degrees Fahrenheit measured at a point three feet above the floor with an outside temperature of 20 degrees Fahrenheit.

(b) Other heating facilities. Where a central or electric heating system is not provided, or is inadequate, each dwelling shall be provided with sufficient chimneys flues, or gas vents, with heating appliances connected, so as to heat all habitable rooms to a minimum temperature of 68 degrees Fahrenheit measured at a point three feet above the floor with an outside temperature of 20 degrees Fahrenheit.

(3) All electric, gas and oil heating equipment installed on the premises shall be listed and labeled by an approved listing agency and installed in accordance with the provisions of the State Mechanical code.

- (4) There shall be no loose bricks in chimneys.
- (5) There shall be no holes in flues.
- (6) There shall be no hanging masonry chimneys.
- (7) No combustible materials shall be within seven inches of the top and seven inches of either side of the fireplace opening.
- (8) Fireplaces shall be closed with masonry when the chimney is used as a flue for a stove.
- (9) Fireplaces, freestanding kerosene heaters, freestanding electric space heaters, and vent free gas appliances may be used for supplementary heating only and not for basic heat.
- (10) When air conditions or cooling facilities are provided, such facilities and components shall be properly installed, safely operable, and maintained to perform as originally intended.

(1) Heating required. Every dwelling and dwelling unit shall provide central heat or other approved permanent source of heating.

~~(2) Central and electric heating system.~~

~~(a) Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected a minimum temperature of 68° Fahrenheit measured at a point three feet above the floor during ordinary winter conditions.~~

~~(b) All ducts, pipes and tubes should be free of leaks and functioning properly.~~

~~(3) Other heating facilities. Where central or electric heating system are not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances are connected so as to heat all habitable rooms with a minimum temperature of 68° Fahrenheit measured at a point three feet above the floor during ordinary winter conditions.~~

~~(a) All floor, wall or room heaters must comply with standards of Chapter 16, Volume VII of the State Building Code.~~

~~(b) Chimneys shall have no loose bricks or mortar and shall have a flue.~~

~~(c) Flues shall have no holes.~~

~~(d) Open masonry fireplaces shall only be used as supplemental heat and not as a primary source of heating.~~

~~(e) No portable kerosene space heater may be used as a primary source of heat.~~

~~(f) If fireplace opening is closed, the closure shall be of noncombustible material and airtight.~~

~~(g) No hanging chimneys will be allowed.~~

(C) Electrical system.

(1) In dwellings, no receptacles, ceiling fixtures, or other fixtures shall be hanging loose. Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall type electric convenience receptacles, connected in such manner as determined by the North Carolina Electric Codes. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall type electric fixture for lighting. In the event wall or ceiling light fixtures are not provided in any habitable room, then the habitable room shall contain at least three floor or wall type electric convenience receptacles.

(2) All switches and receptacles shall be safely operable. Every common hall and stairway in every multiple dwelling shall have adequate lighting by electric lights at all times when natural lighting is not sufficient.

(3) Every habitable unit shall contain not less than two wall-type electrical convenience receptacles. ~~All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair and installed in accordance with the North Carolina Electrical Code.~~

(4) There shall be installed in every habitable unit, bathroom, laundry room, hallway, stairway and furnace room at least one supplied ceiling or wall-type electrical light fixture; provided, further, that the ceiling light fixture may be omitted in the living room and bedrooms, provided three electrical convenience receptacles are installed, one of which is controlled from a wall switch. ~~All receptacles shall have outlet covers installed.~~

(5) There shall be no unsafe wiring. ~~All light switches shall have covers installed.~~

(6) Each habitable unit shall have electric service from a separately metered delivery system provided by a licensed utility company. No drop cords, extension cords or similar wiring mechanism may be utilized in any fashion other than in conformance with the purposes in which it was designed.

(7) No circuits shall be overloaded.

(8) Fuses shall be sized correctly and not bridged out.

(9) All new wiring to be installed shall be in accordance with the National Electrical code.

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-9796 MINIMUM STANDARDS FOR SMOKE AND CARBON MONOXIDE DETECTORS.

(A) *Smoke Detectors.* Smoke detectors, either battery-operated or electrical, having an Underwriters' Laboratories, Inc., shall be installed in each sleeping room and outside each separate sleeping area in the immediate vicinity of the bedrooms.

1) After December 31, 2012, when installing a new smoke alarm or replacing an existing smoke alarm, install a tamper-resistant, 10-year lithium battery smoke alarm. However, said design is not required in either of the following circumstances:

a) The dwelling is equipped with a hardwired smoke alarm with a battery backup

b) The dwelling is equipped with a smoke detector combined with a carbon monoxide detector that meets the requirements provided in subsection (B) *Carbon Monoxide Detectors.*

(B) *Carbon Monoxide Detectors.* Dwellings shall have a minimum of one operable carbon monoxide detector per level, either battery-operated or electrical, that is listed by a nationally recognized testing laboratory (such as Underwriters Laboratories).

This section applies only to dwellings having a fossil-fuel burning heater, appliance, or fireplace, and in any building or structure having an attached garage. Any operable carbon monoxide detector installed before January 1, 2010, shall be deemed to be in compliance with this section.

~~Every owner of a residential dwelling unit shall have UL approved smoke detectors installed, mounted on or near the ceiling on every level, at a point centrally located in the corridor or area giving access to each group of rooms used for sleeping purposes. Where bedrooms are not centrally located more than one smoke detector may be required.~~

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~98~~⁹⁷ MINIMUM STANDARDS FOR LIGHT AND VENTILATION.

(A) The window-glazed area in each habitable room of a dwelling shall not be less than eight percent of the floor area or eight square feet, whichever is greater.

(B) The openable window area in each habitable room in a dwelling shall be equal to at least one-half of the minimum allowance window area and facing directly to the outside for ventilation unless the 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. Screens shall fit openings snugly, and the screen mesh shall not be torn or otherwise defective.

(D) Screens shall not be permanently fixed to the window frame or sash.

(E) Bathrooms shall provide ventilation through natural or mechanical means to the outside.

(F) All windows and doors in dwellings opening to the outside shall be reasonable weather tight, free of cracked or broken glass, and shall have operable locks. Any glazed area shall be glass.

(G) Kitchen exhaust equipment shall be operable, maintained, and vented to exterior. Ductless range hoods are not required to be vented to the exterior.

(H) Clothes dryer vents and ducts shall terminate on the exterior. Screens of a type that may trap lint shall not be installed at the termination. All ductwork shall be properly supported and free of obstructions which impede air flow.

~~—(A) All habitable rooms shall be provided with aggregate glazing area of not less than 8% of the total floor area of the rooms. One half of the required area of glazing shall be openable. For the purpose of determining the light and ventilation requirement, any room may be considered as a portion of an adjoining room when one half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater. Exceptions to this standard are as follows:~~

~~—(1) The glazed areas need not be openable where the opening is not required by Section 310 of Volume VII of the State Building Code and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.~~

~~—(2) The glazed areas may be omitted in rooms where the opening is not required by Section 310 of Volume VII of the State Building Code and an approved mechanical ventilation system is provided capable of producing 0.35 air change per hour in the room or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (7.08 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom, and artificial light is provided capable of producing an average illumination of six foot candles (6.46 L/s) over the area of the room at a height of 30 inches above the floor level.~~

~~—(B) All exterior windows and doors shall be reasonably weathertight, shall have no broken glass, and shall have adequate operable locks and hardware.~~

~~—(C) All interior windows and hardware shall be in good repair.~~

~~—(D) Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same lot as the building.~~

~~—(E) (1) Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than three square feet, one half of which must be openable.~~

~~—(2) An exception to this standard is as follows: The glazed areas shall not be required where artificial light and an approved mechanical ventilation system capable of producing a change of air every 12 minutes are provided. Bathroom exhausts shall be vented directly to the outside. (Ord. No. 99-15, passed 2-11-1999)~~

SEC. 9-1-~~9998~~ MINIMUM STANDARDS FOR SPACE, USE, AND LOCATION.

(A) Those habitable rooms, which must be included to meet the foregoing minimum space requirements, shall be at least seven feet wide in any part with at least one-half of the floor area having a ceiling height as prescribed by the state building code. Not more than 50 percent of the required area may have a sloped ceiling less than the height prescribed by the state building code with no portion of the required area less than five feet in height. If any room has a furred ceiling, the prescribed ceiling height is required for at least 50 percent of the area thereof, but in no case shall the height of the furred ceiling be less than that prescribed by the state building code.

(B) 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 runoff water and are insulated against dampness and condensation.

(2) The total windows area in each room is equal to at least the window area sizes prescribed for habitable rooms. (See section 9-1-98 for light and ventilation requirements.)

(3) Such required window area is located entirely above the grade of the ground adjoining such window are unless provided with adequate window wells.

(4) The total openable window area in each room is equal to at least the area prescribed for habitable rooms (see section 9-1-98 for light and ventilation requirements), except where there is supplied some other device affording adequate ventilation and approved by the Code Enforcement Supervisor or officer.

(C) Toilet and bathing facilities shall be enclosed.

(D) There shall be no holes or excessive cracks in walls, ceilings, outside doors or outside windows.

(E) Doors shall be provided at all doorways leading to bedrooms, toilet rooms, and bathrooms and all rooms adjoining a public space. All interior doors and hardware shall be in good conditions, and free from defects or damage which prevents the door from operating as intended.

(F) All doors providing access to any dwelling shall have operable locks, and, in the case of dwellings, the owner or operator shall provide a change of locks or keys for new tenants.

(G) All doors opening to the outside shall be reasonably weather tight.

~~(A) Ceiling height. Habitable rooms, except kitchens, shall have a ceiling height of not less than seven feet six inches for at least 50% of their required areas. Not more than 50% of the required area may have a sloped ceiling less than seven feet six inches in height with no portion of required areas less than five feet in height. If any room has a furred ceiling, the prescribed ceiling height is required for at least 50% of the area thereof, but in no case shall the height of the furred ceiling be less than seven feet. A portion of a room with a sloping ceiling measuring less than five feet zero inches or a furred ceiling measuring less than seven feet zero inches from~~

the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room. Exceptions to this standard are as follows:

— (1) Beams and girders spaced not less than four feet on center may project not more than six inches below the required ceiling height.

— (2) All other rooms including kitchens, baths and hallways may have a ceiling height of not less than seven feet measured to the lowest projection from the ceiling.

— (3) Ceiling height in basements without habitable spaces may not be less than six feet eight inches clear except for under beams, girders, ducts or other obstructions, where the clear height shall be six feet four inches.

— (B) Cellar. No cellar shall be used for living purposes.

— (C) 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 the window area, except where the window or windows face a stairwell, window well or access way.

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-~~100~~99 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.

(A) Dwellings.

(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.

(3) Every dwelling and all parts thereof used or occupied as a place of habitation shall be kept in good repair, in safe condition and fit for human habitation. The roof and walls of all such dwellings shall be maintained so as not to leak; and all means of draining water therefrom shall be maintained as to prevent dampness in the walls, ceiling or crawl space or basement.

(4) All materials shall be of similar design and similar quality and shall meet the applicable standards set forth in the North Carolina State Building Code. Plumbing, mechanical, and electrical components shall meet the applicable standards set forth in the North Carolina State Building Code. The quality of workmanship shall be based on standards generally accepted in the construction industry.

(5) No dwelling or portion of a dwelling shall be permitted to have any door or windows boarded, secured, or obstructed with wood, plywood or other opaque material, unless authorized by the Code Enforcement Supervisor or officer. The Code Enforcement Supervisor or officer shall establish a policy regarding securing a dwelling.

(6) Premises identification. Dwellings being used as a place of habitation shall have approved address numbers, buildings numbers or approved building identification that is plainly legible and placed in a position visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be a minimum of 4" high with a minimum stroke of 1/2 inch.

~~Exterior foundation, walls, curtain wall and roofs. Every foundation wall, exterior curtain wall, and exterior roof shall be substantially weathertight and rodent proof, shall be kept in sound~~

~~condition and good repair, shall be capable of affording privacy and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or weather.~~

(B) Open areas.

(1) Fences and all accessory buildings or structures shall be maintained in a safe and substantial condition, and be kept in good repair. Accessory buildings or structures shall include, but are not limited to sheds, storage buildings and detached carports and garages.

(2) Retaining walls or any other wall supporting systems shall not present a physical hazard and shall be structurally safe and supported properly.

(3) Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state or repair, and maintained free from hazardous conditions.

(C) Infestation. Grounds, dwellings shall be maintained free of infestation by rodents, insects and other pests. (See section 9-1-102 Minimum Standards for Control of Insects, Rodents, and Infestation for regulations.)

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

(E) Kitchen and bathroom countertops and cabinets shall be covered by nonabsorbent material and maintained so as to easily be kept clean and in sanitary condition.

~~Interior floors, walls and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.~~

~~—(C) Windows and doors. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weathertight, watertight and rodent proof, and shall be kept in sound working condition and good repair.~~

~~—(D) Stairs, porches and appurtenances. Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.~~

~~—(E) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit the 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 article shall be so constructed or installed so that it will function safely and effectively and shall be maintained in satisfactory working condition.~~

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~101~~100 MINIMUM STANDARD TO MEANS OF EGRESS AND EXITS.

(A) Means of Egress

~~(1)~~(A) Every dwelling shall have safe, unobstructed means of egress with a minimum ceiling height of seven feet leading to a safe and open space at ground level.

~~(2)~~(B) Every exterior, cellar or basement door and hatchway shall be substantially weathertight and rodent proof, and shall be kept in sound working condition and good repair.

~~(3)(C)~~ Every exterior door shall be provided with properly installed hardware that is maintained to ensure reasonable ease of operation to open, close and secure as intended by the manufacturer of the door and attached hardware.

~~(4)(D)~~ Exterior door frames shall be properly maintained and shall be affixed with weatherstripping and thresholds as required to be substantially weathertight, watertight and rodent and insect resistant when the door is in a closed position.

~~(5)(E)~~ Exterior door jams, stops, headers and molding shall be securely attached to the structure, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position.

~~(6)(F)~~ All exterior doors shall have manufactured locks specifically designed for use with exterior doors requiring a key to be unlocked from the outside.

~~(7)(G)~~ Every sleeping room shall have at least one openable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of a key or tool. Where windows are provided as a means of egress or rescue they shall have a sill height of not more than 44 inches above the floor.

~~(8)(H)~~ All egress or rescue windows from sleeping rooms must have a net clear opening of 4.0 square feet. The minimum net clear opening height shall be 22 inches. The minimum net clear opening width shall be 20 inches. Each egress window from sleeping rooms must have a minimum total glass area of not less than 5.0 square feet in the case of a second story window.

~~(9)(I)~~ Bars, grills, screens or other obstructions placed over emergency escape windows shall be releasable or removable from the inside without the use of a key or tool.

(B) Exits

(1) There shall be one main exit, each at least 30 inches wide and six feet eight inches high, easily accessible to the occupants of each dwelling. All exit doors must be easily operable and remotely located. (See the State Building Code: residential code for exemptions.)

(2) Platforms, steps, and/or handrails provided to serve exits shall be maintained in safe condition.

(3) There shall be a safe, continuous and unobstructed exit from the interior of the dwelling to the exterior at street or grade level.

(Ord. No. 99-15, passed 2-11-1999)

~~SEC. 9-1-101 MINIMUM STANDARDS FOR PORCHES OR RAISED PLATFORM.~~

~~—(A) Foundation flooring, ceiling and roofing for porches and raised platforms shall be equal to standards set forth in section 9-1-94, except sills and joists need not be level if providing drainage of floor, and floors need not be weathertight.~~

~~—(B) Roof post and attached railings shall be structurally sound.~~

~~—(C) Every porch terrace or raised platform located at least 40 inches above the adjacent finished grade shall be equipped with guardrails not less than 36 inches high. Open guardrails shall have intermediate rails such that a six inch sphere cannot pass through any opening.~~

~~(Ord. No. 99-15, passed 2-11-1999) (Merged into 9-1-94, Minimum standards of fitness for buildings or structures)~~

~~SEC. 9-1-102 MINIMUM STANDARDS FOR STAIRS AND STEPS.~~

~~—(A) Stairs and steps shall not be decayed and shall be in good repair.~~

~~—(B) Every rail shall be firmly fastened and maintained in good condition.~~

~~—(C) No flight of stairs more than one inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.~~

~~—(D) Supports shall be structurally sound.~~

~~—(E) Where steps and stairs that must be replaced due to deterioration, construction must comply with State Building Code standards.~~

~~—(F) Stairways having four or more risers above a floor or finished ground level shall be equipped with handrails located not less than 30 inches nor more than 38 inches above the leading edge of a tread. An exception from this standard is that handrails that form part of a guardrail may be 42 inches high.~~

~~—(G) Gripping surfaces shall be continuous without interruption.~~

~~(Ord. No. 99-15, passed 2-11-1999) (Merged into 9-1-94, *Minimum standards of fitness for buildings or structures*)~~

SEC. 9-1-~~102~~103 MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS, AND INFESTATIONS.

(A) (A) Screens. For protection against mosquitoes, flies and other insects every **dwelling** shall have:

1. Supplied and installed screens **on every door opening leading directly from the dwelling to outdoor space, except that sliding doors, doors with a self-closing device, doors on mobile homes with self-closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.**

2. Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year round with an operable and installed heating and air conditioning system.

(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 supplied with screens installed 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 any insects, rodents or other pests therein or on the premises, and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her or her 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 structure or in the shared or public parts of any structure containing two or more dwelling units, extermination shall be the responsibility of the owner. (Enforced under 9-1-104, *Responsibilities of owners and occupants*)~~

~~(C)(D)~~ Garbage storage and disposal. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers as required by the Greenville City Code and the owner, operator or agent in control of the dwelling or dwelling unit shall be responsible for the removal of garbage. At least one 32-gallon outside garbage can will be required for single-family residents.

~~(Ord. No. 99-15, passed 2-11-1999)~~

SEC. 9-1-~~103~~¹⁰⁴ MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES;
EXCEPTIONS.

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

(A) Water closet, hand lavatory and bath facilities. At least one water closet, lavatory basin, and bathtub or shower, properly connected to an approved water system and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever the 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 the 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.

(B) Minimum floor area for sleeping purposes. 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 or older and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) Sanitary facilities. Every water closet, flush urinal, lavatory basin, 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 habitable rooms, which are accessible from a common hall and without going outside the rooming house or through any other room therein.

(D) 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; they shall further be 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.

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~104~~¹⁰⁵ RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Responsibilities of occupants.

(1) Sanitary maintenance. Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the dwelling and the premises thereof which they occupy and control. A clean and sanitary condition shall include, but is not limited to, the following standards:

(a) Floors, floor coverings and other walking surfaces shall be kept clean and free of dirt, filth, garbage, human and animal wastes, litter, refuse and any other unsanitary matter;

(b) Walls, ceilings, windows and doorways shall be kept clean and free of dirt, greasy film, soot and any other unsanitary matter;

(c) Plumbing fixtures shall be kept in a clean and sanitary condition; and no material shall be deposited in any such fixture which may result in the obstruction of such fixture or of any lines connected thereto. Every occupant

shall be responsible for the exercise of reasonable care in the proper use and operation of all plumbing fixtures; and

(d) All screens on windows and doors shall be maintained in good condition. This subsection shall not be construed as requiring any occupant to furnish and install, or cause to be installed, screens on windows or doors at any building or structure.

(2) Garbage and rubbish. Every occupant of a (single) dwelling, and of a (single) unit in a dwelling shall dispose of all garbage and refuse in a clean and sanitary manner and place it in a proper receptacle as required by Title 6, Chapter 3 of the City Code. Discarded or abandoned articles of such bulk as to preclude disposal in such receptacles and refuse not otherwise collected by the city as defined in Title 6, Chapter 3 of the City Code shall be conveyed by the occupant to the county landfill or some other approved private landfill.

(3) Heat. Where the heating facilities of any dwelling are under the control of the occupant thereof, it shall be the responsibility of the occupant to operate such facilities in order to maintain above-freezing temperatures at all times in all portions of the dwelling and the premises thereof which they occupy and control so as to prevent injury or damage to water pipes and plumbing.

(4) Removal of required services, facilities, etc. No occupant shall cause any service, facility, equipment or utility, which is required under this article, to be removed or shut off from, or discontinued for, any occupied dwelling let or occupied by them, except for such process, or during temporary emergencies when discontinuance of service is approved by the Code Enforcement Supervisor or officer.

(5) Termination of occupancy. So as to aid in preventing vandalism to the property, the occupant of a dwelling shall, upon vacating, secure and lock all doors and windows and openings in the basement and any crawl space and shall leave the premises clean and free from all debris and trash.

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

(7) Accumulation of materials inside a dwelling. Accumulation or storage of items or materials that result in dangerous, unsafe, or hazardous conditions shall not be permitted in any habitable portion of a dwelling.

(B) Responsibilities of owners.

(1) Prohibited occupancy. No owner shall occupy or lease or permit the subletting to another for occupancy any vacant or vacated dwelling which does not comply with the provisions of this article, nor shall any owner let to another any vacant dwelling unless it is reasonably clean, sanitary and fit for human occupation.

(2) Sanitary maintenance. Every owner of a multifamily dwelling containing four or more units and every owner of a rooming house shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof. A clean and sanitary condition shall include, but is not limited to, the following:

(a) The exterior property areas of all premises shall be kept free of objects and materials, including abandoned or immobile motor vehicles, which may create a hazard to the health and safety of the occupants or surrounding community or which is a public nuisance.

(b) All sheds, barns, garages, fences and other appurtenant structures standing on the premises shall be kept in good repair.

(c) All required screens shall be furnished and installed in the building or structure and shall be maintained in good condition.

(3) Garbage and rubbish. For every multifamily dwelling containing four or more units and any rooming house, the owner shall provide, in a location accessible to all occupants, an adequate number of receptacles or a stationary bulk refuse container into which garbage and rubbish from the unit's receptacles may be emptied for storage between the days of collection as required by Title 6, Chapter 3 of the City Code. The area surrounding the receptacles provided by the owner or the stationary bulk refuse container shall be maintained in such a way as to prevent the scattering of garbage or refuse on the ground.

(4) Removal of required services, facilities, etc. No owner or agent of an owner shall cause any service, facility, equipment or utility, which is required under this article, to be removed or shut off from, or discontinued for, any occupied dwelling let or occupied by them, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Code Enforcement Supervisor or office.

(5) Rat proofing and pest extermination. Every owner of an occupied dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests in all areas of the premises; except that the occupant(s) shall be responsible for such extermination if it is determined by the Code Enforcement Supervisor or officer they are the cause of said pests. The owner of any dwelling shall be responsible for extermination within the dwelling prior to renting or leasing the dwelling. Such extermination shall include, but is not limited to the following:

(a) Preventing the entrance by blocking or stopping up all passages, by which rats may secure entry from the exterior with rat impervious material;

(b) Preventing the interior infestation by rat stoppage, harborage removal, the paving of basements, cellars and any other areas which are in contact with the soil, and such cleanliness as may be necessary to eliminate rat breeding places;

(c) Providing screens or such other devices for basement windows which might provide a point of entry for rodents.

~~(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 the 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 or dwelling unit and the premises thereof which he or she occupies or controls.~~

~~(C) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.~~

~~(D) Supplied plumbing fixtures. Every occupant of a 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.~~

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~105~~~~106~~ SPECIAL HISTORIC BUILDINGS AND DISTRICTS.

All exterior alterations or repairs required by the provisions of this article to structures that are identified and classified by the City Council as a designated landmark or being within a historic district must meet the requirements of the city as administered by the Historic Preservation Commission.

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~106~~~~107~~ DUTIES OF CODE ENFORCEMENT **SUPERVISOR** OR OFFICER.

The Code Enforcement **Supervisor** or officer is hereby designated as the public officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed. It shall be the duty of the Code Enforcement **Supervisor** or officer:

(A) To investigate the dwelling conditions and to inspect dwellings located in the city in order to determine which dwellings are unfit for human habitation and for the purpose of carrying out the objectives of this article with respect to the dwellings;

(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 article 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.

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~107~~~~108~~ POWERS OF THE CODE ENFORCEMENT **SUPERVISOR** OR OFFICER.

The Code Enforcement **Supervisor** or officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, 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 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 that the entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and

(D) To appoint and fix duties of such officers, agents and employees as **they** ~~he or she~~ deem necessary to carry out the purposes of this article.

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-108 ADMINISTRATIVE LIABILITY

Except as may otherwise be provided by statute, local law or ordinance, no city officer, agent, official (elected or appointed) or employee charged with the enforcement of this article 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 their duties under this chapter unless they acted with actual malice.

SEC. 9-1-109 CONFLICTS OF INTEREST

(A) In accordance with G.S. § 160D-109, no staff member shall make a final decision on an administrative decision required by this Article if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

(B) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Article unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with their duties or with the interest of the local government, as determined by the local government.

SEC. 9-1-~~110~~109 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

For the purpose of making inspections, the Code Enforcement Supervisor or officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the Code Enforcement Supervisor or officer free access to the dwelling, dwelling unit, rooming unit and its premises at all reasonable times for the purpose of the inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of the dwelling or dwelling unit and its premises, at all reasonable times for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-~~111~~110 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation; notice; hearing.

(1) Whenever a petition is filed with the Code Enforcement Supervisor or officer by a public authority or by at least five residents of the city at least 18 years of age charging that any dwelling is unfit for human habitation, or whenever it appears to the Code Enforcement Supervisor or officer, upon inspection, that any dwelling is unfit for human habitation, they shall, if their preliminary investigation discloses a basis for the charges, cause to be served upon the owner and the parties in interest in the dwelling a complaint stating the charges and containing a notice that an administrative hearing will be held before the Code Enforcement Supervisor or officer at a place and time fixed in the complaint, not less than 10 days nor more than 30 days after the serving of the complaint.

(2) It shall be unlawful for the owner or the parties in interest upon whom such complaint has been served to permit any person to occupy any dwelling, at the time of service of such complaint is vacant, or which shall subsequently become vacant, until such owner or parties in interest shall have obtained from the Code Enforcement Supervisor or officer a certificate of compliance. The Code Enforcement Supervisor or officer shall issue such certificate of

compliance upon a determination that the dwelling complies in all respects with the provisions of this Article.

(3) 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, by phone, or virtually and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one person signing a petition relating to the dwelling. Any person desiring to do so may attend the 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 administrative hearings before the Code Enforcement Supervisor or officer.

~~Whenever a petition is filed with the Code Enforcement Coordinator or officer by a public authority or by at least five residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Code Enforcement Coordinator or officer, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for the charges, cause to be served upon the owner and the parties in interest in the dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Code Enforcement Coordinator or officer at a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one person signing a petition relating to the dwelling. Any person desiring to do so may attend the 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 hearings before the Code Enforcement Coordinator or officer.~~

(B) Notice of Lis Pendens.

(1) Filing a Notice of Lis Pendens. After a Code Enforcement Supervisor or officer issues a complaint and a notice of hearing or issues findings of fact and an order pursuant thereto, any Code Enforcement Supervisor or officer may file a notice of lis pendens with the Clerk of Superior Court of the county where the property is located. A copy of the complaint and notice of hearing or a copy of the findings of fact and order shall be attached to the notice of lis pendens. The notice of lis pendens and a copy of the complaint and notice or findings of fact and order shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the complaint and notice or findings of fact and order shall be binding upon the successors and assigns of the owners of and parties in interest in the building or dwelling at the time of filing. When the notice of lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lienholders and tenants who may be determined by the exercise of reasonable diligence in accordance with G.S. § 160D-1206 and the method of service procedures set forth in Title 9, Chapter 1, Article F, Sec. 9-1-112 "Methods of Service of Complaints and Orders." The notice of lis pendens shall remain in full force and effect until it is cancelled.

(2) Cancellation of Notice of Lis Pendens. Any Code Enforcement Supervisor or officer may cancel the notice of lis pendens upon a determination by the Code Enforcement Supervisor or officer that the property fully complies with Title 9, Chapter 1, Article F, "Minimum Housing Code" or if the enforcement action is settled, discontinued or abated. Cancellation of the notice of lis pendens must be made in a writing signed by the Code Enforcement Supervisor or officer and filed with the Clerk of Superior Court where the property is located.

(C) Procedure after hearing-Order. After the notice and hearing provided for in section (A), the Code Enforcement Supervisor or officer shall state in writing their determination whether such dwelling is unsafe or unfit for human habitation and, if so, whether it is deteriorate or dilapidated.

(1) If the Code Enforcement Supervisor or officer determines that the dwelling is deteriorated, they or she shall state in writing their findings of fact in support of the determination and shall issue and cause to be served upon the owner and parties in interest thereof an order directing and requiring the owner to repair, alter, or improve the dwelling to comply with the minimum standards of fitness established by this article or to vacate and close the dwelling within a specified period of time, not less than thirty days and not more than ninety (90) days.

(2) If the Code Enforcement Supervisor or officer determines that the dwelling is dilapidated, they or she shall state in writing their findings of fact in support of that determination and shall issue and cause to be served upon the owner and parties in interest thereof an order directing and requiring the owner to either remove or demolish the same within a specified period of time, not less than thirty days and not more than ninety (90) days.

~~(B) Procedure after hearing.~~

~~—(1) After the notice and hearing, the Code Enforcement Coordinator or officer shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.~~

~~—(2) If the Code Enforcement Coordinator or officer determines that the dwelling or dwelling unit is deteriorated, he or she or she shall state in writing his or her findings of fact in support of the 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 the dwelling or dwelling unit to comply with the minimum standards of fitness established by this article or to vacate and close the dwelling within a specified period of time, not to exceed 90 days.~~

~~—(3) If the Code Enforcement Coordinator or officer determines that the dwelling is dilapidated, he or she or she shall state in writing his or her findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either remove or demolish the same within a specified period of time, not to exceed 90 days.~~

~~—(4) If the Code Enforcement Coordinator or officer determines that the dwelling or dwelling unit does not meet any of the requirements of sections 9-1-94 through 9-1-105 of this article but is not unfit for human habitation, then he or she shall state in writing his or her findings of fact in support of the determination and shall issue and cause to be served on the owner thereof an order directing and requiring the owner to repair, alter or improve the dwelling to comply with the minimum standards of fitness established by this article within a specified period of time, not to exceed 90 days.~~

(D) Failure to comply with order. Remedies for the failure to comply with the order are as follows:

(1) In personam remedy. If the owner of any deteriorated dwelling shall fail to comply with an order to the Code Enforcement Supervisor or officer to repair, alter or improve or to vacate or and close the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Code Enforcement Supervisor or officer to demolish and remove the same within the time specified therein, the Code Enforcement Supervisor or officer may submit to City Council, at its next regular meeting, a resolution directing the City Attorney

~~to petition the Superior Court for an order directing the owner to comply with the order of the neighborhood service Code Enforcement Supervisor or officer, as authorized by G.S. § 160D-1208(d).~~

~~(2) *In rem* remedy. After failure of an owner of a deteriorated dwelling or of a dilapidated dwelling to comply with an order of the Code Enforcement Supervisor or officer within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (D(1), the Code Enforcement Supervisor or officer shall submit to the City Council, at its next regular meeting, an ordinance ordering the Code Enforcement Supervisor or officer to cause the dwelling to be repaired, altered or improved, or vacated and closed or to be demolished and removed as provided in the original order of the Code Enforcement Supervisor or officer. The Code Enforcement Supervisor or officer may cause to be posted on the main entrance of the dwelling a placard with the following words: "This dwelling is unfit for human habitation; the use or occupation of this dwelling for human habitation is prohibited and unlawful." Occupation of a dwelling so posted shall constitute a Class 1 misdemeanor, as provided by G.S. § 160D-1203(4).~~

~~(3) *Ejectment*. If any occupant fails to comply with an order to vacate a dwelling, the Code Enforcement Supervisor may file a civil action in the name of the City of Greenville to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. If the summons appears to have been duly served and if at the hearing the Code Enforcement Supervisor produces a certified copy of an ordinance adopted by the City Council pursuant to G.S. § 160D-1203(3) and section 9-1-111(D) to vacate the 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 City Council has ordered the Code Enforcement Supervisor to proceed to exercise their duties under G.S. § 160D-1203(3) and section 9-1-111(D) to vacate and close or remove and demolish the dwelling.~~

~~(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 to the Code Enforcement Coordinator or officer to repair, alter or improve or to vacate or close the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Code Enforcement Coordinator or officer to remove or demolish the same within the time specified therein, the Code Enforcement Coordinator or officer may submit to City Council a resolution directing the City Attorney to petition the Superior Court for an order directing the owner to comply with the order of the neighborhood service Coordinator or officer, as authorized by G.S. 160D-1208(d).~~

~~—(2) *In rem* remedy. After failure of an owner of a deteriorated dwelling or of a dilapidated dwelling to comply with an order of the Code Enforcement Coordinator or officer within the~~

time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (C)(1), the Code Enforcement Coordinator or officer shall submit to the City Council an ordinance ordering the Code Enforcement Coordinator or officer to cause the dwelling or dwelling unit to be repaired, altered or improved, or vacated and closed or to be removed or demolished as provided in the original order of the Code Enforcement Coordinator or officer. The Code Enforcement Coordinator or officer may cause to be posted on the main entrance of the 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.

(3) Civil penalty. If the owner of a dwelling, determined not to comply with any of the minimum standards of fitness established by this article but not determined to be unfit for human habitation, shall fail to comply with an order of the Code Enforcement **Supervisor** or officer to repair, alter or improve the same within the time specified therein, then the Code Enforcement **Supervisor** or officer may impose the civil fines authorized by section 9-1-106.

(4) Filing of Ordinances. An ordinance adopted by City Council pursuant to sections 9-1-111 of this Article shall be recorded in the office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160D-1203(6).

(E) Appeals from orders of the Code Enforcement Supervisor or officer.

(1) An appeal from any decision or order of the Code Enforcement Supervisor or officer may be taken by any person aggrieved thereby. Any appeal from the Code Enforcement Supervisor or officer shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the Code Enforcement Supervisor or officer and with the Board of Adjustment.

(2) The Board shall fix a reasonable time for the hearing of all appeals, shall give 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.

(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 Code Enforcement Supervisor or officer or a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Code Enforcement Supervisor or officer pending a final disposition of the cause, as provided by G.S. 160D-1208(d).

~~(D) Appeals from orders of the Code Enforcement Coordinator or officer.~~

~~—(1) An appeal from any decision or order of the Code Enforcement Coordinator or officer may be taken by any person aggrieved thereby. Any appeal from the Code Enforcement Coordinator or officer 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 Code Enforcement Coordinator or officer and with the 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 Code Enforcement Coordinator or officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the Code Enforcement~~

~~Coordinator or officer refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the Code Enforcement Coordinator or officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Code Enforcement Coordinator or officer 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 or her 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 Code Enforcement Coordinator or officer, by the Board, or by a court of record upon petition made pursuant to G.S. 160D-1208(d) and subsection (E) of this section.~~

~~—(2) The Board shall fix a reasonable time for the hearing of all appeals, shall give 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 the 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 Code Enforcement Coordinator or officer, 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 Code Enforcement Coordinator or officer. The Board shall have power also in passing upon appeals, in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.~~

~~—(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 Code Enforcement Coordinator and officer or a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Code Enforcement Coordinator or officer pending a final disposition of the cause, as provided by G.S. 160D-1208(d).~~

~~(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021; Ord. No. 22-017, § 2, passed 2-10-2022)~~

SEC. 9-1-~~112~~111 VACATED AND CLOSED DWELLINGS.

(A) If the City Council shall have adopted an ordinance, or the Code Enforcement Supervisor or officer shall have issued an order, ordering a dwelling to be repaired, altered or improved or vacated and closed, as provided in section 9-1-~~111~~110, and if the owner has vacated and closed the dwelling and kept the dwelling vacated and closed for a period of six months pursuant to the ordinance or order, then if the City Council 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 city in that the building or structure 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 City Council may, after the expiration of the six-month period, enact an ordinance and serve the ordinance on the owner, setting forth the following:

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

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

(B) An ordinance adopted pursuant to this section shall be recorded in the office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with that ordinance, the Code Enforcement Supervisor or officer shall effectuate the purpose of the ordinance. The cost to repair, alter, or improve, or demolish and remove the dwelling shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by G.S. Chapter 160A, Article 10. (Ord. No. 99-15, passed 2-11-1999; Ord. No. 05-108, § 2, passed 9-8-2005)

SEC. 9-1-113 ABANDONED STRUCTURES

(A) Any abandoned structure that is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities shall be repaired, closed, or demolished. It shall be unlawful for the owner of an abandoned structure to allow the abandoned structure to become or to remain a health or safety hazard as defined in this subsection.

(B) The Code Enforcement Supervisor or officer shall have the authority to attempt to accomplish the repair, alteration, or improvement, or closing, or removal or demolition of the abandoned structure through the procedures set out in section 9-1-111, except that if the estimated cost to repair the structure is 50 percent or more of its value, the structure shall be considered dilapidated, and the Code Enforcement Supervisor or officer shall order that it be removed or demolished.

Upon the failure of the owner of an abandoned structure to comply with an order of the Code Enforcement Supervisor or officer to repair, alter, or improve, or close, or remove or demolish such structure, the Code Enforcement Supervisor or officer shall present the matter to the City Council. If the City Council finds that the abandoned structure is unsafe pursuant to subsection (A), it may adopt an ordinance ordering the Code Enforcement Supervisor or officer to cause such abandoned structure to be repaired, altered, or improved, or closed, or removed or demolished. Each such ordinance shall be recorded as provided in section 9-1-111 (D), and the cost of any repair, altering, or improving, closing, or removal or demolition caused to be made by the Code Enforcement Supervisor or officer shall be a lien on the premises as provided in section 9-1-115.

(C) For the purpose of subsection (A) and (B), the term “abandoned structure” shall mean any dwelling thereon that has been vacant or not in active use, regardless of purpose or reason, for the past six (6) month period and is maintained in an uninhabitable condition or a condition of

disrepair or deterioration and which is determined by the Code Enforcement Supervisor or officer to be unfit for human habitation or occupancy based upon the standards as set forth in this Article.

SEC. 9-1-~~114~~¹¹² METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

(A) In accordance with G.S. § 160D-1206, complaints or orders issued by the Code Enforcement Supervisor or officer under this Article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner or service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date thereof, and the certificate shall be conclusive in the absence of fraud.

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

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 01-121, § 2, passed 9-13-2001; Ord. No. 21-032, § 1, passed 6-21-2021)

~~SEC. 9-1-113 IN REM ACTION BY THE CODE ENFORCEMENT COORDINATOR OR OFFICER.~~

~~—After failure of an owner of a dwelling or dwelling unit to comply with an order of the Code Enforcement Coordinator or officer issued pursuant to the provisions of this article and upon adoption by the City Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. 160D-1203(6), Session Law 2005-200 and section 9-1-110(C) or section 9-1-111 of this article, the Code Enforcement Coordinator or officer shall proceed to cause the dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council.~~

~~(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021)~~ *(Merged into 9-1-111, Procedure for enforcement)*

SEC. 9-1-~~115~~¹¹⁴ COSTS, A LIEN ON PREMISES.

As provided by G.S. § 160D-1203, the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Supervisor or officers shall be a lien against the real property upon which the cost was incurred. Such lien shall be filed, have the same priority, and be collected as the lien for special assessment.

~~As provided by G.S. 160D-1203(7), 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 Code Enforcement Coordinator or officer pursuant to section 9-1-110(C) or section 9-1-111~~

shall be a lien against the real property upon which the costs were incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10, of the North Carolina General Statutes.

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-115 FILING OF ORDINANCES.

~~—An ordinance adopted by City Council pursuant to sections 9-1-110 and 9-1-111 of this article shall be recorded in the office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1203(6).~~

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021) (Merged into 9-1-111)

SEC. 9-1-116 ALTERNATIVE REMEDIES.

Neither this article 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 article by criminal process as authorized by G.S. § 160D-1203(4), and section 9-1-106 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws. (Updated by Ord. No. 23-048, passed 6-8-2023, with the exception of the new language for the SEC # change)

~~Neither this article 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 article by criminal process as authorized by G.S. 14-4, and section 9-1-119 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.~~

(Ord. No. 99-15, passed 2-11-1999)

SEC. 9-1-117 BOARD OF ADJUSTMENT TO HEAR APPEALS.

All appeals which may be taken from decisions or orders of the Code Enforcement Supervisor or officer pursuant to section 9-1-111(E) ~~110(D)~~ of this article shall be heard and determined by the Board of Adjustment. As the appeals body, the Board shall have the power 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. In addition to its other duties as prescribed under this Title, and applicable State laws, the Board shall perform the duties prescribed by section 9-1-111(E) ~~110(D)~~ and shall keep an accurate journal of all its proceedings.

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-118 CONFLICT WITH OTHER PROVISIONS.

In the event any provision standard or requirement of this article is found to be in conflict with any other ordinance or code of the city, the provisions which establish the higher standard or more stringent requirement for the promotion and protection of health and safety of the residents of the city shall prevail; provided, however, such provision, standard, or requirement shall be consistent with applicable State laws.

(Ord. No. 99-15, passed 2-11-1999; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-119 VIOLATIONS; PENALTIES. ~~PENALTY.~~

(A) Offenses.

(1) It shall be unlawful for the owner of any dwelling to fail, neglect, or refuse to repair, alter or improve the same, or to vacate and close, or demolish and remove the same, upon order of the Code Enforcement Supervisor or officer duly made and served in accordance with the provisions of this article, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense.

(2) It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to section 9-1-111 of this article, to occupy or permit the occupancy of the same in a dilapidated or deteriorated condition found to be unfit for human habitation in violation of such order for its repair, alteration, improvement, or its vacation, closing or demolition, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) Penalties. A violation of this article may subject the violator to any or all of the following penalties.

(1) Criminal. The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by G.S. § 160D-1203(4).

(2) Civil. A violation of any of the provisions of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

a. First Violation. A violation of an order issued by the Code Enforcement Supervisor or officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

b. Second Violation within 365 days of the first violation. A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifth dollars (\$250.00).

c. Third and subsequent violations within 365 days of the first violation. A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(3) Appeals; payment of civil penalty. Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the City's Financial Services Department within five business days from the date of issuance.

(4) Methods of recovery of unpaid civil penalty. Unless appealed in accordance with the appeal provisions of this article, if full payment for an assessed civil penalty is not timely received by the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

a. A civil action in the nature of a debt.

b. The use of a collections agency and the assessment of an administrative fee.

c. The use of the provisions of Chapter 105A (the Setoff Debt Collection Act) and N.C.G.S. § 18C-134.

d. Equitable remedies issued by a court of competent jurisdiction.

e. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(5) Separate offenses. Each day's continuing violation shall be a separate and distinct offense. (Updated by Ord. No. 23-048, passed 6-8-2023)

~~(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 Code Enforcement Coordinator and officer duly made and served in accordance with the provisions of this article, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with the 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 9-1-110 of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.~~

~~—(B) The violation of any provisions of this article shall constitute a misdemeanor, as provided by G.S. 14-4.~~

~~—(C) In addition to or in lieu of the other remedies provided by this article, any owner of a dwelling or dwelling unit that fails to comply with an order of the Code Enforcement Coordinator or officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.~~

~~(Ord. No. 99-15, §§ 1-2, passed 2-11-1999)~~

ARTICLE G. NONRESIDENTIAL BUILDING OR STRUCTURE CODE

SEC. 9-1-121 TITLE.

This article shall be known and may be cited and referred to as the “Nonresidential Building or Structure Code.”

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-122 PURPOSE.

In order to protect the health, safety and welfare of the city and its citizens, it is the purpose of this article to establish minimum standards of maintenance, sanitation, and safety relating to nonresidential buildings or structures, as expressly authorized by G.S. 160D-1129. This article provides for the repair, closing or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare.

(Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-123 DEFINITIONS.

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

Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; as 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.

Approved. As applied to a material, device or mode of construction, means approved by the enforcement officer under this article or by other authority designated by law to give approval in the matter in question.

Basic structural elements. The parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

Building. Any structure, place or any other construction built for the shelter or enclosure of persons, animals, chattels or property of any kind or any part of the structure, shelter or property.

Governing body. The City Council of the City of Greenville.

Demolish. The demolition and removal of the entire building or structure, leaving the property free and clear of any debris and without holes or pockets which may retain water.

Enforcement officer. A city code enforcement officer, building inspector, fire code inspector, or other employee designated by the City Manager to enforce the provisions of this article.

Nonresidential. Any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling unit, home, residing place, living space or sleeping space for one or more human beings, either permanently or transiently.

Occupant. Any person who is a tenant or has actual possession of a nonresidential building or structure or part thereof.

Operator. Any person who has charge, care or control of a nonresidential building or structure, or part thereof.

Owner. Any person, group of persons, or any entity owning or lawfully possessing, keeping, or having care, custody, or control of any property covered by this article. In the case of real property, the owner includes the authorized agent or property manager of the owner or any tenant.

~~Any person who alone, or jointly, or severally with others:~~

~~—(1) Shall have title in fee simple to any nonresidential building or structure, with or without accompanying actual possession thereof; or~~

~~—(2) Shall have charge, care or control of any nonresidential building or structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he or she or she were the owner.~~

Parties in interest. All individuals, associations, and corporations that have interests of record in a building or structure and any that are in possession of a nonresidential building or structure.

~~All individuals, associations and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.~~

Premises. Any lot or parcel of land inclusive of any building or improvements located thereon.

Safe. A condition which is not likely to do harm to humans or to real or personal property.

State building code. The North Carolina State Building Code, as may be amended from time to time, or any superseding regulation.

Structurally sound. Substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

Structure. Anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, except a currently operable licensed vehicle.

Unsafe. A condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.

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.

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.

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-124 APPLICABILITY AND COMPLIANCE.

(A) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the city.

(B) Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this article, whether or not the building or structure shall have been constructed, altered or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This article establishes minimum standards for all nonresidential buildings and structures and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building or structure, equipment or facilities contained therein.

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-125 MAINTENANCE STANDARDS FOR NONRESIDENTIAL BUILDINGS AND STRUCTURES.

(A) All nonresidential buildings and structures shall be free of all conditions that are dangerous and injurious to the public health, safety and welfare of occupants or members of the general public.

(B) Without limitation of the foregoing requirement, the existence of any of the following conditions shall be deemed to be dangerous to the public health, safety and welfare for which a public necessity exists for the repair, closing or demolition of the building or structure and must be corrected in accordance with the provisions of this article:

(1) Interior walls, vertical studs, partitions, supporting members, sills, joists, rafters, or other basic structural members that list, lean, or buckle to such an extent as to render the building unsafe, that are rotted, deteriorated or damaged, and that have holes or cracks which might admit rodents;

(2) Exterior walls that are not structurally sound, free from defects and damages, and capable of bearing imposed loads safely. Where a wall of a building has become exposed as a result of demolition of adjacent buildings, the wall must have all doors, windows, vents or other

similar openings closed with material of the type comprising the wall. The exposed wall shall be painted, stuccoed or bricked and sufficiently weatherproofed to prevent deterioration of the wall;

(3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used. Roofs shall be kept structurally sound and shall be maintained in such a manner so as to prevent rain or other objects from penetrating into the interior of the building;

(4) Such damage by fire, wind or other causes as to render the building unsafe;

(5) Dilapidation, decay, unsanitary conditions or disrepair, which is dangerous to the health and safety of the occupants or members of the general public;

(6) Lack of adequate ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or members of the general public;

(7) Buildings and structures including their environs that have accumulations of garbage, trash or rubbish, which creates health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary manner;

(8) Buildings and structures that have loose and insufficiently anchored overhanging objects, which constitute a danger of falling on persons or property;

(9) Buildings and structures including their environs that have insufficiently protected holes, excavations, breaks, projections, obstructions, and other such dangerous impediments on and around walks, driveways, parking lots, alleyways and other areas which are accessible to and generally used by persons on or around the premises;

(10) Buildings and structures that have cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic, or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration and repaired or replaced with like or similar material according to its original use;

(11) Buildings and structures that have objects and elements protruding from building walls or roofs, which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects;

(12) Chimneys, flues and vent attachments thereto which are not structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases;

(13) Exterior porches, landings, balconies, stairs, or fire escapes which are not structurally sound. All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept sound, in good repair and free of defects;

(14) Cornices which are not structurally sound. Rotten or weakened portions shall be repaired and/or replaced. All exposed wood shall be treated or painted;

(15) Improperly attached gutters or down-spouts that are located so as to cause a hazard to pedestrian, vehicular traffic or adjacent property;

(16) Advertising sign structures, attached or freestanding awnings, marquees and their supporting members, and other similar attachments and structures that cause a safety hazard to the occupants or members of the general public;

(17) All exterior surfaces that may cause unsafe conditions due to a lack of maintenance. Exterior surfaces shall be painted or sealed in order to protect the underlying surface from deterioration. All exterior surfaces that have been painted shall be maintained generally free of peeling and flaking. Where 50% or more of the aggregate of any painted surface shall have peeling or flaking or previous paint worn away, the entire surface shall be repainted in order to prevent further deterioration;

(18) Windows containing broken or cracked glass that could be in danger of falling or shattering. All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints, or broken or loose mullions;

(19) All openings originally designed as windows, doors, loading docks or other means of egress or ingress which have been temporarily closed by boarding or other manner in a non-secure manner so as to allow unauthorized admittance. If an opening is temporarily closed by boarding to secure the building or structure, the boarding shall be trim fit, sealed to prevent water intrusion, and painted or stained to properly conform with the other exterior portions of the building and the building or structure shall be maintained in a state that secures the building or structure from any unauthorized admittance from humans, animals or birds; and

(20) Any combination of conditions which in the judgment of the Enforcement Officer renders any building or structure dangerous or injurious to the health, safety or general welfare of occupants or members of the general public.

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-126 DUTIES OF THE ENFORCEMENT OFFICER.

(A) The Enforcement Officer is hereby designated as the public officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed.

(B) It shall be the duty of the Enforcement Officer:

(1) To investigate the conditions of nonresidential buildings and structures in the city and to inspect nonresidential buildings and structures located in the city in order to determine which nonresidential buildings and structures are not being maintained so that the health and safety of its occupants or members of the general public are jeopardized, and for the purpose of carrying out the objectives of this article with respect to the nonresidential buildings and structures;

(2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect the repair or demolition of nonresidential buildings and structures which have not been properly maintained in compliance with minimum standards established by this article;

(3) To keep a record of the results of inspections made under this article and an inventory of those nonresidential buildings and structures which have not been properly maintained in compliance with the minimum standards established by this article; and

(4) To perform such other duties as may be herein prescribed.

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-127 POWERS OF ENFORCEMENT OFFICER.

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

(A) To investigate nonresidential buildings and structures in the city to determine whether they have been properly maintained in compliance with the minimum standards established by

this article so that the safety or health of the occupants or members of the general public are not jeopardized;

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

(D) To appoint and fix duties of such officers, agents and employees as the Enforcement Officer deems necessary to carry out the purposes of this article.

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-128 ADMINISTRATIVE LIABILITY

No officer, agent, official (elected or appointed) or employee of the City shall render themselves 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 their duties under this Article.

SEC. 9-1-129 CONFLICTS OF INTEREST.

(A) In accordance with G.S. § 160D-109, No staff member shall make a final decision on an administrative decision required by this Article if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

(B) No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Article unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with their duties or with the interest of the local government, as determined by the local government.

(C) In accordance with G.S. § 160D-1108, Staff members, agents, or contractors responsible for building inspections shall comply with G.S. § 160D-109(c). No member of Inspections Division shall be financially interested or employed by a business that is financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the City of Greenville's planning and development regulation jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he is the owner of the building. No member of an Inspections Division or other individual or an employee of a company contracting with the City to conduct building inspections shall engage in any work that is inconsistent with their duties or with the interest of the City of Greenville, as determined by the City. The City of Greenville must find a conflict of interest if any of the following is the case:

(1) If the individual, company, or employee of a company contracting to perform building inspections for the City of Greenville has worked for the owner, developer, contractor, or project manager of the project to be inspected within the last two years.

(2) If the individual, company, or employee of a company contracting to perform building inspections for the City of Greenville is closely related to the owner, developer, contractor, or project manager of the project to be inspected.

(3) If the individual, company, or employee of a company contracting to perform building inspections for the City of Greenville has a financial or business interest in the project to be inspected.

SEC. 9-1-~~130~~¹²⁸ INSPECTIONS.

(A) For the purpose of making inspections, the Enforcement Officer is hereby authorized to enter, examine and survey, at all reasonable times, nonresidential buildings and structures.

(B) If entry upon the premises for purposes of investigation is necessary, the 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.

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-~~131~~¹²⁹ PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation. Whenever it appears to the Enforcement Officer 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 the minimum standards established by this article, the Enforcement Officer shall undertake a preliminary investigation, including, but not limited to, an inspection of the premises and discussion with any witnesses.

(B) Complaint and hearing. If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the Enforcement Officer shall issue a complaint 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 an administrative hearing will be held before the Enforcement Officer at a place and time fixed in the complaint, not less than ~~ten~~ 10 days nor more than 30 days, after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or by electronic means and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Enforcement Officer.

(C) Procedure after hearing.

(1) If, after notice and hearing, the Enforcement Officer 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 established by this article, the Enforcement Officer 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 in accordance with the provisions of subsections (C)(2) and (C)(3) of this section and subject to the limitations set forth in sections 9-1-132 and 9-1-133.

(2) If the Enforcement Officer determines that the cost of repair, alteration or improvement of the building or structure would not exceed 50% of its then current value, then the Enforcement Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner to either: repair, alter or improve the nonresidential building or

structure in order to bring it into compliance with the minimum standards established by this article; or vacate and close the nonresidential building or structure for any use, not less than thirty days and not more than ninety (90) days.

(3) If the Enforcement Officer determines that the cost of repair, alteration or improvement of the building or structure would exceed 50% of its then current value, then the Enforcement Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner to either: remove or demolish the nonresidential building or structure; or repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article, not less than thirty days and not more than ninety (90) days.

~~(1) If, after notice and hearing, the Enforcement Officer determines that the nonresidential building or structure has been maintained in that the property meets the minimum standards established by this article, the Enforcement Officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof a copy of the determination.~~

~~—(2) If, after notice and hearing, the Enforcement Officer 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 established by this article, the Enforcement Officer 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 in accordance with the provisions of subsections (C)(3) and (C)(4) of this section and subject to the limitations set forth in sections 9-1-130 and 9-1-131.~~

~~—(3) If the Enforcement Officer determines that the cost of repair, alteration or improvement of the building or structure would not exceed 50% of its then current value, then the Enforcement Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner, within a reasonable time specified in the order, to either: repair, alter or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by this article; or vacate and close the nonresidential building or structure for any use.~~

~~—(4) If the Enforcement Officer determines that the cost of repair, alteration or improvement of the building or structure would exceed 50% of its then current value, then the Enforcement Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner, within a reasonable time specified in the order, to either: remove or demolish the nonresidential building or structure; or repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article.~~

(D) Failure to comply with order and ordinances.

(1) If the owner fails to comply with an order to either repair, alter or improve the nonresidential building or structure, or vacate and close the nonresidential building or structure, the Enforcement Officer shall submit to the City Council an ordinance ordering the Enforcement Officer to cause the nonresidential building or structure to be repaired, altered or improved in order to bring it into compliance with the minimum standards established by this article or to be vacated and closed for any use. The property shall be described in the ordinance. If City Council adopts the ordinance, the Enforcement Officer shall cause the building or structure to be vacated and closed for any use.

(2) If the owner fails to comply with an order to either: remove or demolish the nonresidential building or structure; or repair, alter or improve the nonresidential building or structure, the Enforcement Officer shall submit to the City Council an ordinance ordering the Enforcement Officer to cause the nonresidential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or 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 City Council. The property shall be described in the ordinance. If City Council adopts the ordinance, the Enforcement Officer shall cause the building or structure to be removed or demolished.

(E) *In rem action.* After failure of an owner of a nonresidential building or structure to comply with an order of the Enforcement Officer issued pursuant to the provisions of this article and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by G.S. § 160D-1129(f) and section (D) of this article, the Enforcement Officer shall proceed to cause the nonresidential building or structure to be repaired, altered or improved to comply with the minimum standards established by this article, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the City Council. The Enforcement Officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and 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 1 misdemeanor, as provided by G.S. § 160D-1124.

(Ord. No. 09-07, passed 1-8-2009) (Updated by Ord. No. 23-048, passed 6-8-2023)

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-~~132~~¹³⁰ LIMITATIONS ON ORDERS AND ORDINANCES; HISTORIC LANDMARK OR HISTORIC DISTRICT.

Notwithstanding any other provision of this article, 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 City Council determines, after a public hearing, 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, an order issued by the Enforcement Officer pursuant to section 9-1-129(C) and an ordinance approved by City Council pursuant to section 9-1-129(D) may only require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this article.

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-~~133~~¹³⁴ LIMITATIONS ON ORDERS AND ORDINANCES; VACANT MANUFACTURING FACILITY OR VACANT INDUSTRIAL WAREHOUSE.

Notwithstanding any other provision of this article, an order issued by the Enforcement Officer pursuant to section 9-1-129(C) and an ordinance approved by City Council pursuant to section 9-1-129(D) may not require repairs, alterations or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require the 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.
(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-~~134~~¹³² VACATED AND CLOSED NONRESIDENTIAL BUILDINGS OR STRUCTURES.

(A) If the City Council has adopted an ordinance or the Enforcement Officer has issued an order requiring the building or structure to be repaired, altered or improved, 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, then if the City Council finds 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 city 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, then City Council may, after the expiration of the two-year period, adopt an ordinance and serve the ordinance on the owner, setting forth the following:

(1) The ordinance shall require that the owner either demolish and remove the nonresidential building or structure within 90 days, or repair, alter, or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within 90 days.

(2) The ordinance shall require that if the owner does not either demolish and remove the nonresidential building or structure within 90 days, or repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within 90 days, then the Enforcement Supervisor or officer shall demolish and remove the nonresidential building or structure.

(B) In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before City Council may take action under this section.

(C) If the owner fails to comply with the requirements of the ordinance within 90 days, the Enforcement Officer shall demolish and remove the nonresidential building or structure.
(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-~~135~~¹³³ METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

(A) In accordance with G.S. § 160D-1129(h), complaints or orders issued by the Enforcement Officer under this article shall be served upon persons either personally or by certified mail, so long as the means used are reasonably designed to achieve actual notice. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. When the manner of service is by regular mail in conjunction with certified mail, and the certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the complaint or order by regular mail shall certify that fact and the date thereof, and the certificate shall be conclusive in the absence of fraud. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(B) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the Enforcement Officer in the exercise of reasonable diligence, and the

Enforcement Officer makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected. (Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)

~~SEC. 9-1-134 IN REM ACTION BY THE ENFORCEMENT OFFICER.~~

~~—After failure of an owner of a nonresidential building or structure to comply with an order of the Enforcement Officer issued pursuant to the provisions of this article and upon adoption by the City Council of an ordinance authorizing and directing the owner to do so, as provided by G.S. 160D-1129(f) and section (D) of this article, the Enforcement Officer shall proceed to cause the nonresidential building or structure to be repaired, altered or improved to comply with the minimum standards established by this article, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the City Council. The Enforcement Officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and 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.~~

~~(Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)~~ (Merged into 9-1-131(E), *In rem action*)

SEC. 9-1-~~136~~135 COSTS, A LIEN ON PREMISES.

(A) As provided by G.S. 160D-1129(i), 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 Enforcement Officer pursuant to section 9-1-~~131~~129(D) or section 9-1-~~134~~132 shall be a lien against the real property upon which the costs were incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10. The amount of the costs shall also be a lien on any other real property of the owner located within the city limits 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.

(B) If the nonresidential building or structure is removed or demolished by the Enforcement Officer, the Enforcement Officer 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. Any balance remaining shall be deposited in the Superior Court by the Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the City Council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-~~137~~136 EJECTMENT.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Enforcement Officer may file a civil action in the name of the city 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 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 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 Enforcement Officer produces a certified copy of an ordinance adopted by the City Council pursuant to G.S. § 160D-1129(f) and section 9-1-~~131~~129(D) 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 30 days before the filing of the summary ejectment proceeding, that the City Council has ordered the Enforcement Officer to proceed to exercise his or her duties under G.S. § 160D-1129(f) and section 9-1-~~131~~129(D) to vacate and close or remove and demolish the nonresidential building or structure. (Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-~~138~~137 FILING OF ORDINANCES.

An ordinance adopted by City Council pursuant to section 9-1-~~131~~129(D) or section 9-1-~~134~~132 of this article shall be recorded in the office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1129(f) and (g). (Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-~~139~~138 ALTERNATIVE REMEDIES.

Neither this article 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 article by criminal process as authorized by G.S. § 160D-1120 and section 9-1-144 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws. (Updated by Ord. No. 23-048, passed 6-8-2023)

~~Neither this article 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 article by criminal process as authorized by G.S. 14-4 and section 9-1-142 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws. (Ord. No. 09-07, passed 1-8-2009)~~

SEC. 9-1-~~140~~139 BOARD OF ADJUSTMENT TO HEAR APPEALS.

(A) All appeals which may be taken from decisions or orders of the Enforcement Officer pursuant to this article shall be heard and determined by the Board of Adjustment. As the appeals body, the Board shall have the power 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.

(B) Appeals shall be subject to the following:

(1) An appeal from any decision or order of the Enforcement Officer may be taken by any person aggrieved thereby, and otherwise entitled to bring an appeal under applicable State law. Any appeal from the Enforcement Officer 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 Enforcement Officer's Department Head or their designee ~~Enforcement Officer~~ and with the 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 Enforcement Officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the Enforcement Officer refusing to allow the person aggrieved thereby to do any act, the Enforcement Officer's decision shall remain in force until modified or reversed. When any appeal is from a decision of the Enforcement Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Enforcement Officer certifies to the Board, after the notice of appeal is filed, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant) a suspension of the requirement would cause imminent peril to life or property, in 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 Enforcement Officer, by the Board, or by a court of record upon petition made pursuant to G.S. 160D-1208(d) and section 9-1-~~141~~440.

(2) The Board shall fix a reasonable time for the hearing of all appeals, shall give 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 Enforcement Officer, 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 Enforcement Officer. The Board shall have power also in passing upon appeals, in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.

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

(Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-~~141~~440 TEMPORARY INJUNCTION REMEDY FOR AGGRIEVED PERSON.

Any person aggrieved by an order issued by the Enforcement Officer or a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining

the Enforcement Officer pending a final disposition of the cause, as provided by G.S. 160D-1208(d).

(Ord. No. 09-07, passed 1-8-2009; Ord. No. 21-032, § 1, passed 6-21-2021)

SEC. 9-1-~~142~~~~144~~ CONFLICT WITH OTHER PROVISIONS.

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

(Ord. No. 09-07, passed 1-8-2009)

SEC. 9-1-~~143~~~~142~~ PENALTIES VIOLATIONS; PENALTY.

(A) It shall be unlawful for the owner of any nonresidential building or structure 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 Enforcement Officer duly made and served in accordance with the provisions of this article, within the time specified in the order, and each day that any such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an order has been issued pursuant to section 9-1-~~131~~~~129~~(C) of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement, or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) Penalties. A violation of this article may subject the violator to any or all of the following penalties.

(1) Criminal. The violation of any provisions of this article shall constitute a class 1 misdemeanor, as provided by G.S. § 160D-1124.

(2) Civil. A violation of any of the provisions of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

a. First Violation. A violation of an order issued by the Enforcement Supervisor or officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

b. Second Violation within 365 days of the first violation. A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifth dollars (\$250.00).

c. Third and subsequent violations within 365 days of the first violation. A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(3) Appeals; payment of civil penalty. Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the City's Financial Services Department within five business days from the date of issuance.

(4) Methods of recovery of unpaid civil penalty. Unless appealed in accordance with the appeal provisions of this article, if full payment for an assessed civil penalty is not timely received by the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- a. A civil action in the nature of a debt.
- b. The use of a collections agency and the assessment of an administrative fee.
- c. The use of the provisions of Chapter 105A (the Setoff Debt Collection Act) and N.C.G.S. § 18C-134
- d. Equitable remedies issued by a court of competent jurisdiction.
- e. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(5) Separate offenses. Each day's continuing violation shall be a separate and distinct offense. (Updated by Ord. No. 23-048, passed 6-8-2023)

~~—(B) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.~~

~~—(C) In addition to or in lieu of the other remedies provided by this article, any owner of a nonresidential building or structure that fails to comply with an order of the Enforcement Officer within the time specified therein, shall be subject to a civil penalty in the amount of \$50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250. Each 30-day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense. (Ord. No. 09-07, passed 1-8-2009)~~

ARTICLE H. REGULATION OF VACATED AND CLOSED BUILDINGS OR
~~STRUCTURES & DWELLINGS~~CLOSING OR SECURING VACATED AND CLOSED
~~BUILDINGS~~

SEC. 9-1-145 APPLICABILITY.

(A) It is the purpose of this article to promote the health, safety and general welfare of the citizens and preserve the dignity and peace of the city by establishing regulations governing boarded up buildings or structures and dwellings in order to prevent their detrimental effects in the city's neighborhoods.

(B) The Code Enforcement Division shall be responsible for the administration and enforcement of the provisions of this article and shall have the following authority:

- 1. To inspect the properties;
- 2. To obtain administrative search and inspection warrants, if necessary, as provided in G.S. § 15-27.2; and
- 3. To issue notices of violation and impose civil penalties.

(C) The provisions of this section shall apply to the following:

- (1) Abandoned structures which are being vacated and closed as a result of an order by the Code Enforcement ~~Supervisor~~ ~~Coordinator~~ or officer or an ordinance adopted by City Council pursuant to the abandoned structure provisions of Article ~~F E~~ of this chapter;
- (2) Dwellings which are being vacated and closed as a result of an order by the Code Enforcement ~~Supervisor~~ ~~Coordinator~~ or officer or an ordinance adopted by City Council pursuant to the Minimum Housing Code provisions of Article F of this chapter; and
- (3) Nonresidential buildings or structures which are being vacated and closed as a result of an order by the ~~Code~~ Enforcement ~~Supervisor~~ ~~Coordinator~~ or officer or an ordinance adopted

by City Council pursuant to the Nonresidential Building or Structure Code provisions of Article G of this chapter.

~~(D) Buildings or structures which are being vacated and closed for a period of time greater than 30 days.~~

(Ord. 15-042, § 1, passed 8-13-2015)

SEC. 9-1-146 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Board Up. The boarding up of any means of egress and ingress, including, without limitation, windows and doors that are clearly visible from the public right-of-way, to an unoccupied building or structure.

Dwelling. Any building, structure, manufactured home or mobile home, or part thereof, intended to be used for human habitation or intended to be so used, and includes any appurtenances therewith.

Department. The Neighborhood and Business Services Department, Code Enforcement Division. With respect to the department, the Neighborhood and Business Services Department director may delegate any of the functions or powers of the department under this article to such officers and agents they may designate.

Nonresidential. Any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling unit, home, residing place, living space or sleeping space for one or more human beings, either permanently or transiently.

Owner. Any person, group of persons, or any entity owning or lawfully possessing, keeping, or having care, custody, or control of any property covered by this article. In the case of real property, the owner includes the authorized agent or property manager of the owner or any tenant.

Unoccupied. A building or structure that is not occupied or that is occupied by unauthorized persons. In the case of a multi-unit building or structure, unoccupied means when any one unit is unoccupied or occupied by unauthorized persons.

SEC. 9-1-147146 STANDARDS.

(A) When a building or structure or dwelling subject to the provisions of this section is closed or secured, all openings to be boarded shall be covered in one piece of wood, cut to size to fit and secured by screws no less than three inches in length. Broken windows must be either completely repaired or securely boarded. Boards secured to openings shall be painted after installation to match the primary color or trim color of the residence to minimize the appearance of a dilapidated structure. The building or structure will be closed or secured in compliance with the checklist of materials and procedures prepared by the Code Enforcement Division and filed in the office of the City Clerk.

(B) After a building or structure or dwelling subject to the provisions of this section is closed or secured, the owner or manager of the building or structure or dwelling shall remain responsible for compliance with maintenance of the exterior including the grounds and for interior safety including preventing access to the interior during the period of closure.

(Ord. 15-042, § 1, passed 8-13-2015)

SEC. 9-1-148147 NOTICE OF VIOLATION; PENALTIES. PENALTY.

(A) The Code Enforcement Supervisor or officer shall notify the owner of a boarded up building or structure or dwelling of a violation of this article and the owner shall have ten business days from the date of the notice of violation to abate the violation.

(B) Penalties. A violation of this article may subject the violator to any or all of the following penalties.

(1) Civil. A violation of any of the provisions of this article shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

a. First Violation. A violation of an order issued by the Code Enforcement Supervisor or officer shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

b. Second Violation within 365 days of the first violation. A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifth dollars (\$250.00).

c. Third and subsequent violations within 365 days of the first violation. A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(2) Appeals; payment of civil penalty. Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the City's Financial Services Department within five business days from the date of issuance.

(3) Methods of recovery of unpaid civil penalty. Unless appealed in accordance with the appeal provisions of this article, if full payment for an assessed civil penalty is not timely received by the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

a. A civil action in the nature of a debt.

b. The use of a collections agency and the assessment of an administrative fee.

c. The use of the provisions of Chapter 105A (the Setoff Debt Collection Act) and N.C.G.S. § 18C-134

d. Equitable remedies issued by a court of competent jurisdiction.

e. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(4) Separate offenses. Each day's continuing violation shall be a separate and distinct offense.

(C) Abatement by the City. Failure to abate the violation shall result in the owner's assessment of the costs of abatement and imposition of administrative fees. The Code Enforcement Supervisor or officer may afford the owner additional time to abate the violation if the failure was caused by weather conditions or other factors as determined by the Code Enforcement Supervisor or officer not to have been within the control of the owner.

Any violation of the provisions of this chapter shall subject the offender to a civil penalty in the amount of \$25. Each day that any violation continues shall be considered a separate offense for the purpose of the penalty. Violators shall be issued a written citation, which must be paid within

~~72 hours. If the person fails to pay the civil penalty within 72 hours, the city may recover the penalty including all costs and attorney's fees by filing a civil action in the general court of justice in the nature of a suit to collect a debt.~~

ARTICLE I. HOUSEMOVERS

SEC. 9-1-151 USE OF BOND FOR DAMAGES OR EXPENSES.

If damages occur to any city-owned, -occupied or -maintained property as a result of the moving activities, or if the activities cause the use of city personnel for traffic control or other ancillary assistance, the cost of repairs or expenses will be retained by the city from the bond. However, the mover is liable for all such damages and expenses and his or her liability is not limited to the amount of bond.

(1971 Code, § 9-1-152) (Ord. No. 1025, passed 11-13-1980)

SEC. 9-1-152 RETURN OF UNUSED BOND.

After verification by the Building Inspector and police that no damages or expenses occurred in the moving, the entire bond will be returned to the mover. If damages or expenses were incurred, the amount of the bond remaining, if any, after payment of the damages and expenses, will be returned to the mover.

(1971 Code, § 9-1-153) (Ord. No. 1025, passed 11-13-1980)

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 4. This ordinance will become effective upon passage.

This the _____ day of _____ 2023.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public in and for said state and county, do hereby certify that Valerie Shiuwegar personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by the Mayor, sealed with the corporate seal and attested by herself as its City Clerk.

Witness my hand and notarial seal this _____ day of _____ 2023.

Notary Public

My Commission Expires:

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING TITLE 12, CHAPTER 3: WEEDS, VEGETATION AND OTHER PUBLIC HEALTH NUISANCES

WHEREAS, the City Council of the City of Greenville desires to revise certain provisions of Part II, Title 12, Chapter 3 of the Code of Ordinances, City of Greenville;

WHEREAS, Part II, Title 12, Chapter 3 of the Code of Ordinances, City of Greenville has not been substantially revised since 2006 with the majority of the Chapter not having been revised since the 2000s; and

WHEREAS, the repeal and replacement of various provisions of Part II, Title 12, Chapter 3 of the Code of Ordinances, City of Greenville is necessary to adequately ensure uniform compliance with applicable law and insure continued protection of the public health, safety, and general welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville that:

SECTION 1. Part II, Title 12, Chapter 3 of the Code of Ordinances, City of Greenville is repealed and hereby replaced and amended to now read as follows:

Article A. Nuisances

- 12-3-1 Definitions ~~Weeding and tidying of premises, cutting of right of way; required~~
- 12-3-2 Weeding and tidying of premises, cutting of right-of-way; required ~~Enforcement~~
- 12-3-~~3~~ Enforcement ~~Nuisances prohibited; enumeration~~
- 12-3-~~4~~ Nuisances prohibited; enumeration
- 12-3-~~5~~ Enforcement authority; Right of entry ~~Civil penalty~~
- 12-3-~~6~~ Notice to abate; Emergency abatement by the city
- 12-3-~~7~~ Service of notice
- 12-3-~~8~~ Chronic violator
- 12-3-~~9~~ Abatement by city where the owner fails to abate
- 12-3-~~10~~ Appeal of Determination of Nuisance; Abatement
- 12-3-~~11~~ Penalties ~~Nuisance prohibited~~

Article B. Flood Damaged Manufactured Homes

- 12-3-~~12~~ Nuisance prohibited ~~Nuisance abatement procedures~~
- 12-3-~~13~~ Nuisance abatement procedures ~~Methods of service of complaints and orders~~
- 12-3-~~14~~ Methods of service of complaints and orders ~~Board of Adjustment to hear appeals~~
- 12-3-~~15~~ Board of Adjustment to hear appeals

Article C. Graffiti

- ~~12-3-21~~ ~~Graffiti as nuisance~~
- 12-3-~~21~~ Definitions

- ~~12-3-22 Graffiti as Nuisance; Purpose of Article; Authority of Division-Definitions~~
- ~~12-3-23 Engaging in Graffiti Unlawful; Penalties-Graffiti prohibited~~
- ~~12-3-24 Graffiti Abatement Procedures; Penalties-Abatement procedures~~
- ~~12-3-25 Civil penalty~~

Statutory reference:

General ordinance-making power, see Article 8, G.S. § 160A-174

Abatement of public health nuisances, see Article 8, G.S. § 160A-193

ARTICLE A. NUISANCES

SEC. 12-3-1 DEFINITIONS.

The following words, terms and phrases, and their derivatives, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Building Materials. Lumber, brick, stone carpet, plumbing materials, plaster, concrete, roofing, floor coverings, gutters or other materials or substances suitable for or commonly used in the construction or repair of houses, commercial buildings and other structures, driveways, fences, decks, landings, patios, porches or carports

Building Rubbish. Rubbish from construction, remodeling, and repair operations on houses, commercial buildings, and other structures, including but not limited to stones, brick, plaster, lumber, concrete, and waste parts occasioned by installations and replacements.

Combustible refuse. Refuse, capable of incineration or burning, such as garbage, paper, rags, boxes and wood.

Chronic violator. A person who owns property whereupon, in the previous calendar year, the City abated a nuisance as defined in section 12-3-4(B), (C) or (D) on at least three occasions.

Firewood. Parts of trees cut into logs suitable for use in fireplaces or for use in wood-burning heaters which are not rotten or decayed.

Garbage. The accumulation of solid waste, trash, yard waste, recyclables or junk which produces offensive, noxious or foul odors or vapors or which provides refuge or sustenance for rodents, harmful insects or other pests.

Harmful insects. Mosquitoes, ticks, fleas and flies and other arthropods which can be living transporters and transmitters of a causative agent of a disease.

Heavily wooded lot. A lot so densely covered with trees and undergrowth that equipment cannot maneuver.

Junk. Any furniture, appliances, machinery, equipment, building fixture, automotive parts, tires, or other similar items which is either in a wholly or partially rusted, wrecked, dismantled, or inoperative condition.

Litter. Any discarded manmade materials, including but not limited to, garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, or motor vehicle parts, solid waste material, industrial materials and hazardous waste, or discarded material in any form resulting from domestic, industrial, commercial, medical or agricultural operations.

Noxious vegetation. Plants that cause dermatitis through direct or indirect contact or plants that cause internal poisoning if eaten or ingested including but not limited to poison sumac, poison ivy or poison oak.

Nuisance. Any condition that is dangerous or prejudicial to the public health or public safety.

Open Place. An area of property or portion thereof that is open, including building openings or residential units that are open to the exterior, such as attached carports, or porches, and any other exterior portions of properties ordinarily exposed to public view.

Ornamental grasses. True grasses (Gramineae) including close relatives such as sedges (Cyperaceae), rushes (Juncaceae), hardy bamboos (particularly the genus Phyllostachys), and others.

Owner. Any person, group of persons, or any entity owning or lawfully possessing, keeping, or having care, custody, or control of any property covered by this article. In the case of real property, the owner includes the authorized agent or property manager of the owner or any tenant.

Pest. Any destructive or troublesome insect or small animal.

Refuse. Ashes, tin cans, dirty rags, trash, house sweepings, paper, paper cups, shavings, bottles and other rubbish.

Verified Violation. Means a violation of section 12-3-4(B), (C) or (D), of the City of Greenville Code as designated and determined by the Code Enforcement Supervisor or officer.

Weed. Any undesired, uncultivated plant.

Yard waste. Grass, weeds, leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens.

SEC. 12-3-2 WEEDING AND TIDYING OF PREMISES, CUTTING OF RIGHT-OF-WAY; REQUIRED.

Any person owning real property within the city is hereby required to maintain both the property and adjoining right-of-way under the following criteria:

- (A) Before any weeds and grass reach a height of ten inches;
- (B) Prevent any weeds and grass from encroaching upon the sidewalk, driveway, or the curb or edge of the pavement of the abutting street;
- (C) To keep such property and right-of-way free from trash and refuse matter at all times; and

(D) To keep such property and right-of-way free from the conditions enumerated in section 12-3-4.

(Ord. No. 97-114, § 1, passed 10-9-1997; Ord. No. 06-127, § 1, passed 12-14-2006)

SEC. 12-3-3 ENFORCEMENT.

The Code Enforcement Division of the City shall be responsible for the administration and enforcement of this chapter. The Code Enforcement Supervisor or officer(s) are authorized to exercise such powers as may be necessary to carry out the intent and provisions of this chapter.

(Ord. No. 97-89, § 5, passed 8-14-1997; Ord. No. 97-114, § 1, passed 10-9-1997; Ord. No. 06-75, §§ 3, 4, passed 8-10-2006)

SEC. 12-3-4 NUISANCES PROHIBITED; ENUMERATION.

The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the public health and the public safety of the inhabitants of the city and are found, deemed and declared to be public nuisances wherever the same may exist, and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

(A) Any condition which is a breeding ground or harbor for ~~mosquitoes or a breeding ground or harbor for rats~~ rodents, harmful insects or other pests;

(B) A place of dense growth of weeds, grass or other noxious vegetation exceeding ten (10) inches in height, provided this condition shall not apply to those lands certified, dedicated or designated by the city or other appropriate governmental agency as vegetative buffer, floodplain, stream buffer, open space or other natural or environmentally sensitive area established to protect the public or protect and preserve natural greenways, floodways, streams or water quality. The following exceptions shall also apply for lots exceeding one (1) acre in size:

1. These lots shall be maintained to a depth of twenty (20) feet from the improved road surface for all dense growth and noxious vegetation.

2. If and only if the adjacent property is occupied by a building or structure, lots exceeding one (1) acre, or vacant undeveloped lots shall be maintained to a depth of one hundred (100) feet from the side and rear property lines for all dense growth and noxious vegetation.

~~—(B) A place of heavy growth of weeds, grasses, vines or other vegetation over ten inches in height;~~

(C) The growth of shrubs, vines or other vegetation on one's commercial or residential lot in such a manner as to allow such shrubs, vines or other vegetation to become a breeding ground or harbor for rodents, harmful insects or other pests, a collecting place for trash and litter, or a fire hazard. This subsection does not apply to lots using shrubs, vines or vegetation as a perimeter wall or barrier as long as such does not become a nuisance. A place of growth of vines, shrubs or other vegetation when such condition is causing a breeding ground for rodents or is a focal point for any other nuisance enumerated in this section;

(D) A concentrated growth of kudzu, poison sumac (Rhus vernix), poison ivy (Rhus radicans), poison oak (Rhus toxicodendron) or other noxious vegetation, other than kudzu or noxious vegetation growing in a heavily wooded lot unless such growth from the heavily wooded lot is:

(1) Encroaching upon any adjoining property with a building or structure. Removal of any noxious vegetation found overhanging onto adjoining properties shall be the responsibility of said adjoining property owner(s);

(2) Encroaching upon the sidewalk, the driveway, or the curb or edge of the pavement of any abutting street, or

(3) A focal point for any other nuisance enumerated in this Code;

~~A place of growth of poison sumac, poison ivy, poison oak or other noxious vegetation;~~

(E) Any concentration of rubbish, trash, junk, mattresses, boxes, old clothes, rags or any other combustible material or objects of like kind causing or threatening to cause a fire hazard; or causing or threatening to cause the accumulation of stagnant water; or causing or threatening to cause the inhabitation therein of mosquitoes, rats, mice, snakes or vermin of any kind, or any other condition which poses a public health nuisance or safety hazard; ~~An open place of collection of stagnant water where insects tend to breed;~~

(F) Any accumulation of fallen trees, dead trees, sections of tree trunks or tree limbs on a parcel of land, provided this condition shall not apply to natural accumulations on parcels of land or portions thereof that are considered a heavily wooded lot; Any concentration of combustible refuse items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;

(G) The open storage of building material, firewood or other similar materials not elevated a minimum of six (6) inches off the ground; Any concentration of building materials including concrete, steel or masonry which are not suitable for building construction, alterations or repairs, and which are in open places;

(H) An open place of collection of garbage, food waste, animal waste, yard waste or any other rotten or putrescible matter of any kind; however, nothing in this subsection shall be construed to prevent the generally accepted use of a properly maintained compost pile or storage of animal manure being used as fertilizer for lawns and gardens and for other agricultural or horticultural purposes;

(I) Any household or office furniture, appliances or other metal products of any kind kept in open places or any indoor upholstered furniture kept outside in a location exposed to the weather; likewise, plywood board; construction materials; saw horses; tubes, pipes; or rigid materials suspended between two supports so as to be use used as a table in any yard, alley, front porch, or in any other outside area viewed from a public street or walkway, alley, or other public property;

(J) Any products which have jagged edges of metal or glass or areas of confinement kept in open places;

(K) The presence, accumulation, storage or placement of junk, including but not limited to, deteriorated, unusable or inoperative furniture, appliances, machinery, equipment, building materials, worn out and disused automobiles or parts, tires or any other man-made items which are either in whole, or in part, wrecked, junked, disused, worn out, dismantled or inoperative.

(1) Storage of junk shall only be allowed on any properties used for nonresidential purposes if completely enclosed within a building or otherwise evenly placed or neatly stacked and concealed by a solid fence, cover or other means so as to not be visible at the property line from abutting properties or a public street.

(2) Storage of junk shall only be allowed on any property used for residential purposes if completely stored in an enclosed building or completely concealed by a solid fence, cover or other means so as not to be visible at the property line from abutting properties or a public street, concentrated in one area within the rear yard and neatly arranged or stacked so as not to exceed six (6) feet in height.

(3) Whether stored on a residential or nonresidential property such storage of junk shall be maintained in such a manner so as to prevent overgrown grass or weeds or an infestation of wild animals, reptiles, rodents or harmful insects;

(L) Any swimming pool or its accessories which is dangerous or prejudicial to public health and safety, including but not limited to pools with stagnant water, debris, dead animals or structural deficiencies;

~~(K) Any open place of concentration of trash, refuse, discarded bottles, cans or medical supplies;~~

(M) Any condition whereby any fence, sign, billboard, shrubbery, bush, tree, mailbox or other object or combination of objects which obstructs the view of motorists using any street, private driveway or approach to any street intersection adjacent to and abutting such and so as to constitute

a traffic hazard as a condition dangerous to public safety upon any such street, private driveway or at any such street intersection;

(N) Any fence or perimeter wall, as determined by the Director of the Department of Planning and Development Services or their designee, which through neglect, lack of repair, type or manner of construction, method of placement or otherwise, becomes undesirable or constitutes a hazard or endangers any person, animal or property;

(O) Any improper or inadequate drainage, as determined by the City Engineer, on private property which causes flooding, interferes with the use of or endangers in any way the streets, sidewalks, parks or other city-owned property of any kind;

(P) Any condition, as determined by the City Engineer, which blocks, hinders or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches or drains;

(Q) Any stormwater retention or impoundment device which is operating improperly, as determined by the City Engineer;

(R) Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than storm water, unless associated with permitted activity as identified in section 9-9-16(A), into a storm water conveyance, the waters of the state or upon the land in such proximity to the same, such that the substance is likely to reach a storm water conveyance or the waters of the state or any unlawful connection that allows the discharge of non-storm water to the storm water conveyance system or waters of the state in violation of Chapter 9 of Title 9 of the Greenville City Code;

(S) A condition which occurs when a tenant leaves leased property either voluntarily or involuntarily (including but not limited to ejectment or other landlord removal action) and leaves or abandons trash, debris and property and the owner or property manager fails to remove the trash, debris or property from the leased property within 24 hours after the voluntary or involuntary removal of the tenant;

(T) Any place of growth of shrubs, trees or other vegetation that impedes public safety vehicle and firefighting equipment ingress and egress in the following locations that are utilized as public safety vehicle and firefighting equipment access routes and areas: private street easements, private drives, parking lots and/or drive isles, fire hydrant easements, designated fire lanes or other public vehicular areas;

~~—(V) A condition which exists as the result of garbage, debris, refuse matter and recyclables located upon property which pose a public health nuisance or safety hazard; and (Merged into 12-3-4(E))~~

(U) Nuisance vehicle violation(s) as regulated by G.S. § 160A-303; provided, the process for abating the nuisance vehicle shall be as provided for in Title 12, Chapter 4, *Abandoned, Nuisance, and Junk Motor Vehicles*, of this Code;

~~(Ord. No. 06-127, §§ 2, 3, passed 12-14-2006; Ord. No. 09-03, § 1, 2, passed 1-8-2009; Ord. No. 09-39, § 4, 5, passed 5-14-2009; Ord. No. 21-010, § 3, passed 2-15-2021)~~

SEC. 12-3-5 ENFORCEMENT AUTHORITY; RIGHT OF ENTRY. NUISANCE ABATEMENT PROCEDURES.

(A) It is the duty of the Code Enforcement Supervisor or officer, to enforce all of the provisions of this chapter, unless otherwise specified, and shall have such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the

authority to make all inspections necessary to determine whether the provisions of this chapter are being met. The Code Enforcement Supervisor or officer shall be authorized to enter upon and within premises and buildings for the purpose of making examinations and investigations; provided that such entries shall be made at reasonable hours in such a manner as to cause the least possible inconvenience to persons in possession or by obtaining an administrative inspection warrant, if necessary, as provided in G.S. § 15-27.2.

SEC. 12-3-6 NOTICE TO ABATE; EMERGENCY ABATEMENT BY THE CITY.

(A) If any person shall violate the provisions of section 12-3-4, it shall be the duty of the Code Enforcement Supervisor or officer to give notice to the owner and property manager, if known, or to any person in possession of the subject property, as provided by section 12-3-7, directing that all unlawful conditions existing thereupon be abated within ten (10) days from the date of such notice is received; provided, that if, in the opinion of the Code Enforcement Supervisor, the unlawful condition is such that it is of imminent danger or peril to the public, then the Code Enforcement Supervisor may, without notice, authorize the unlawful condition be abated, and the cost thereof shall be charged against the property as is provided in section 12-3-9.

SEC. 12-3-7 SERVICE OF NOTICE.

(A) Notices or orders issued by the Code Enforcement Supervisor or officer under this article shall be served on the owner and property manager, if known, of the identified property by either personal delivery or by registered or certified mail and regular mail. Service by mail shall be deemed complete by depositing the notice or order in the mail at the address listed in the Pitt County tax records. When the manner of service is by registered or certified mail and regular mail and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days of mailing, service is deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date of mailing and such certification shall be conclusive evidence of service in the absence of fraud.

SEC. 12-3-8 CHRONIC VIOLATOR.

(A) Notwithstanding any other provision of this section and in accordance with G.S. § 160A-200.1, the Code Enforcement Supervisor or officer may notify a chronic violator that if the chronic violator's property is determined to be a nuisance as defined in section 12-3-4 (B), (C) or (D), the City shall, without further notice in the calendar year in which the notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.

(B) In accordance with G.S. § 160A-200.1(b), notice shall be served by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice 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 ten (10) days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

(C) A chronic violator's property is no longer determined chronic when there have been no verified violations within 12 months of the last verified violation.

SEC. 12-3-9 ABATEMENT BY CITY WHERE THE OWNER FAILS TO ABATE.

(A) Upon the failure of the owner or person in possession of any premises to abate any unlawful condition existing thereupon within the time prescribed by section 12-3-6, it shall be the duty of the Code Enforcement Supervisor or officer to cause the removal and abatement of such unlawful condition therefrom.

(B) Upon the completion of such removal and abatement, the Code Enforcement Supervisor or officer shall deliver to the city collector a statement showing the actual cost of the abatement of the unlawful condition plus an additional fee to cover the cost of notice and cost of collection. The city collector shall thereupon mail to the owner of the subject property a bill covering the cost, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon the subject property, and if not paid with 30 days shall be collected as in the manner provided for the collection of delinquent taxes.

(C) The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one (1) mile of the city limits, except for the person's primary residence. A lien established pursuant to this section is inferior to all prior liens and shall be collected as a money judgment. This section shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

(D) A Code Enforcement Supervisor or officer shall have the following authority:

(1) To enter upon or authorize an agent to enter upon and clean up premises in violation of this article;

(2) To utilize the services of an outside contractor to clean up premises in violation of this article.

(E) Where a public nuisance as identified in section 12-3-4(S) exists, the Code Enforcement Supervisor or officer may cause the abatement or removal of the nuisance without further notice to the owner and property manager, if known, of the identified property.

SEC. 12-3-10 APPEAL OF DETERMINATION OF NUISANCE; ABATEMENT.

(A) Within the period for abatement specified on the notice of violation, the property owner or other responsible person(s) may request in writing a review of the nuisance determination by the Code Enforcement Supervisor. Unless the unlawful conditions are dangerous so as to require summary abatement per section 12-3-6, such written request shall stay the abatement of the nuisance by the City until the completion of the review by the Code Enforcement Supervisor. In the event no appeal is taken, the City may proceed to abate the nuisance.

(B) Within ten days of receiving a request for review, the Code Enforcement Supervisor shall hold a hearing to review the nuisance determination. At this hearing, all interested persons shall be heard and may offer evidence and be represented by an attorney. The hearing shall be conducted in an informal manner to determine whether there is a sufficient legal and factual basis to affirm the nuisance determination, and the rules of evidence shall not apply; provided, that the decision of the Code Enforcement Supervisor shall be based upon substantial and reliable evidence. If, following the hearing, the Code Enforcement Supervisor upholds the findings, and declares the condition existing on the property to be a danger and hazard to the health, safety, and general welfare of the inhabitants of the city and a public nuisance, the Code Enforcement Supervisor shall issue a written order directing the property owner or other responsible person to abate the nuisance within 10 (ten) days and if the nuisance is not abated by the property owner, directing the Code Enforcement Officer to abate the condition constituting a nuisance.

(C) Within a period of five (5) days after the determination of the Code Enforcement Supervisor, the property owner or other responsible person(s) may request in writing a review of the Code Enforcement Supervisor's determination to the Director of Neighborhood and Business Services or their designee. Unless the unlawful condition(s) is/are dangerous so as to require summary abatement per section 12-3-6, such written request shall stay the abatement of the nuisance by the City until the completion of the review by the Director of Neighborhood and Business Services or their designee. In the event no appeal is taken, the city may proceed to abate the nuisance.

(D) If the property owner or other responsible person(s) wish to appeal the determination of the Director of Neighborhood and Business Services or their designee, they shall do so in writing to the Board of Adjustment. Such appeal shall be within 30 days of the date of determination. Appeals of a decision by the Board of Adjustment shall be as provided by law.

(E) If a nuisance is found to exist, the responsibility for abatement shall rest with the property owner and any other responsible person(s).

(F) Nothing in this section shall prevent the property owner or other responsible parties from abating the nuisance in question in accordance with the notice of violation prior to any requested review pursuant to this section.

SEC. 12-3-11 PENALTIES.

(A) An owner that fails to comply with an order to abate any unlawful condition described in section 12-3-4 shall be subject to civil penalties in an amount as follows:

(1) *First violation.* A violation of any of the provisions of this Code of Ordinances shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

(2) *Second violation within 365 days of the first violation.* A second violation by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

(3) *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(B) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this Code of Ordinances must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(C) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (1) *A civil action in the nature of a debt.*
- (2) *The use of a collections agency and the assessment of an administrative fee.*
- (3) *The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.*
- (4) *Equitable remedies issued by a court of competent jurisdiction.*

- (5) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(D) Separate offenses. Each violation of any provision of this Code of Ordinances and each day that a violation continues is considered a separate offense.

~~When any public nuisance as set out in section 12-3-3 is found to exist on any property, including rights-of-way and easements, within the city or within one mile of the city limits, the following procedures shall be followed:~~

~~—(A) A Code Enforcement Coordinator or officer shall have the following authority:~~

~~—(1) To enter upon property;~~

~~—(2) To obtain an administrative search and inspection warrant, if necessary, as provided in G.S. 15-27.2;~~

~~—(3) To issue a notice of violation and impose civil penalties;~~

~~—(4) To enter upon or authorize an agent to enter upon and clean up premises in violation of this article;~~

~~—(5) To utilize the services of an outside contractor to clean up premises in violation of this article; and~~

~~—(6) To summarily remove, abate or remedy everything in the city limits that is considered by ordinance to be either dangerous or prejudicial to the public health or which has been declared to be a nuisance.~~

~~—(B) Where any public nuisance as set out in section 12-3-3 requires immediate abatement to avoid and prevent an immediate and dangerous threat to the health, safety and welfare of the inhabitants of Greenville and would degrade adjoining properties as determined by the Code Enforcement Coordinator or officer, the nuisance may be summarily removed and abated by the city without prior notice to the property owner. The owner as determined from the tax records of Pitt County shall be responsible for all abatement costs, administrative fees and civil penalties as provided in section 12-3-5 of this article.~~

~~—(C) Notices or orders issued by the Code Enforcement Coordinator or officer under this article shall be served on the owner or property manager of the identified property by either hand delivery or by registered or certified mail and regular mail. Service by mail shall be deemed complete by depositing the notice or order in the mail at the address listed in the Pitt County tax records. When the manner of service is by registered or certified mail and regular mail and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days of mailing, service is deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date of the mailing and such certification shall be conclusive evidence of service in the absence of fraud.~~

~~—(D) Except in situations identified in subsection (B) above, notification to the property owner will advise that the conditions that exist on the identified property constitute a public nuisance and such shall be abated within ten days of the date of the notification and that failure to abate or remove the nuisance shall result in the owner's assessment of the costs of abatement or removal, imposition of administrative fees and the assessment of a civil penalty as identified in section 12-3-5. The Code Enforcement Coordinator or officer may afford the owner additional time to remove~~

or abate the nuisance if the failure was caused by weather conditions or other factors as determined by the Code Enforcement Coordinator or officer not to have been within the control of the owner.

~~—(E) The Code Enforcement Coordinator or officer shall send the owner of the property the civil penalty citation as provided in section 12-3-5, after the nuisance has abated or removed. After the abatement of the nuisance, the Code Enforcement Coordinator or officer shall make a written report of the actual costs incurred by the city and shall deliver the report, including the administrative fee and a copy of the civil penalty citation to the City Revenue Supervisor. Such charges shall be assessed against the property owner and shall become a lien upon the property, subject only to the city and county ad valorem taxes thereon. Such charges shall be collected and enforced in the same manner as unpaid taxes.~~

~~—(F) Where a public nuisance as identified in section 12-3-3(R) or section 12-3-3(T) exists, the code enforcement officer may cause the abatement or removal of the nuisance without further notice to the owner or property manager of the identified property. The costs for such abatement or removal, administrative fees and a civil penalty as provided in section 12-3-5 shall be assessed and charged against the owner. Such charges and expenses shall be assessed against the property owner and shall become a lien upon the property and also on other real property owned by the person or business within the city limits and within one mile of the city limits except for the owner's personal residence, subject only to the city and county ad valorem taxes thereon. Such charges shall be collected and enforced in the same manner as unpaid taxes.~~

~~—(G) Notwithstanding any other provision of this section, the Code Enforcement Coordinator or officer may notify a chronic violator that if the chronic violator's property is determined to be a nuisance as defined in section 12-3-3(B), (C) or (D), the city shall, without further notice in the calendar year in which the notice is given, take action to remedy the violation and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. Notice shall be served in a manner provided by this article. Upon notice, the Code Enforcement Coordinator or officer has full power and authority to enter the premises involved and abate or remove the nuisance, by means provided by this article, found to exist during the calendar year in which the notice is given, without further notice. The owner of the property shall be liable to the city for the actual cost incurred by the city in such nuisance abatement including an administrative fee and civil penalties as provided in section 12-3-5. Such cost shall be a lien upon the property and shall be collected as unpaid taxes. For the purpose of this subsection, a "chronic violator" is a person who owns property whereupon, in the previous calendar year, the city abated a nuisance as defined in section 12-3-3(B), (C) or (D) on at least three occasions.~~

~~—(H) Appeals of any decision by the Code Enforcement Coordinator or officer shall be to the Board of Adjustment within 30 days of the date of the assessment. Appeals of a decision by the Board of Adjustment shall be as provided by state law.~~

~~SEC. 12-3-5 PENALTIES.~~

~~—In addition to or in lieu of the other remedies. Any owner of a property whose property shall be declared a public nuisance as provided in this chapter shall be subject to a civil penalty in the amount of 50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.~~

~~(Ord. No. 97-114, § 1, passed 10-9-1997)~~ (MOVED TO 12-3-11, Penalties)

ARTICLE B. FLOOD DAMAGED MANUFACTURED HOMES

SEC. 12-3-12 NUISANCE PROHIBITED.

Any manufactured home which has been damaged as a result of a flood and which has been declared by a building inspector to be unsafe due to it being in a condition, whether boarded up or not, that constitutes a fire or safety hazard or renders it dangerous to life, health or other property, either upon the property where the manufactured home is located or other property within the vicinity, is hereby found, deemed and declared to constitute a detriment, danger and hazard to the health or safety of the citizens of the city, and within one mile thereof, and is found, deemed and declared to be a public nuisance.

(Ord. No. 00-20, §§ 1, 2, passed 2-10-2000)

SEC. 12-3-13 NUISANCE ABATEMENT PROCEDURES.

When any public nuisance as set out in section 12-3-12 is found to exist on any property within the city, or within one mile thereof, the following procedure shall be followed:

(A) Whenever a determination by a building inspector is filed with the Code Enforcement Supervisor or officer that a public nuisance as set out in section 12-3-12 is found to exist on any property, the Code Enforcement Supervisor or officer shall cause to be served upon the owner and the parties in interest in the manufactured home and of the premises where the nuisance is located a notice stating the determination and containing a notice that a hearing will be held before the Code Enforcement Supervisor or officer at a place therein fixed, not less than ten days nor more than 30 days after the mailing of the notice. The owner or any party in interest shall have the right to file an answer and to appear in person, or otherwise, and give testimony at the place and time fixed in the notice. Any person desiring to do so may attend the 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 hearings before the Code Enforcement Supervisor or officer.

(B) If the Code Enforcement Supervisor or officer determines, after such notice and hearing, that a public nuisance exists, the Code Enforcement Supervisor or officer shall notify the owner of the manufactured home and of the premises where the nuisance is located that conditions exist which constitute a public nuisance and unless the condition is abated within 15 days from the date of the notice, the conditions constituting a nuisance will be abated and the cost of abatement, including an administrative fee, if not paid, shall constitute a lien against the premises.

(C) The Code Enforcement Supervisor or officer is hereby given full power and authority to enter upon the premises involved for the purpose of abating the nuisance found to exist as herein set out. If any owner served with notice shall fail or refuse to correct or eliminate the condition causing the nuisance within 15 days after such notice has been given, the Code Enforcement Supervisor or officer may proceed to abate the nuisance by utilization of city forces or an outside contractor. The Code Enforcement Supervisor or officer may allow the owner additional time to correct or eliminate the condition causing the nuisance if he or she determines that the failure to correct or abate the condition was caused by factors not within the control of the owner.

(D) After the abatement of the nuisance, the Code Enforcement Supervisor or officer shall make a written report of the actual cost incurred by the city and shall deliver the report to the City Revenue Supervisor. The owner of the premises shall be liable to the city for the actual cost

incurred by the city in the nuisance abatement including an administrative fee. Such cost, if not paid, shall be charged against the property owner and shall be collected in the same manner and at the same time as the ad valorem taxes of the owner are collected and the costs shall be a lien on the real property subject only to the lien of the city and county ad valorem taxes thereon.
(Ord. No. 00-20, §§ 1, 2, passed 2-10-2000)

SEC. 12-3-~~13~~ **14** METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

(A) Notices or orders issued by the Code Enforcement Supervisor or officer under this article shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner or service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date thereof, and the certificate shall be conclusive in the absence of fraud.

(B) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the Code Enforcement Supervisor or officer in the exercise of reasonable diligence, and the Code Enforcement Supervisor or officer makes an affidavit to that effect, then the serving of the notice or order upon the unknown 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 article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(Ord. No. 00-20, §§ 1, 2, passed 2-10-2000)

SEC. 12-3-~~14~~ **15** BOARD OF ADJUSTMENT TO HEAR APPEALS.

All appeals which may be taken from decisions or orders of the Code Enforcement Supervisor or officer pursuant to section 12-3-~~13~~ shall be heard and determined by the Board of Adjustment. As the appeals body, the Board shall have the power 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. Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted by a petition to the Superior Court within 30 days to the decision of the Board, but not otherwise.

(Ord. No. 00-20, §§ 1-2, passed 2-10-2000; Ord. No. 06-75, § 3, passed 8-10-2006)

ARTICLE C. GRAFFITI

~~SEC. 12-3-21 GRAFFITI AS NUISANCE.~~

~~—The purpose of this article is to provide for a procedure for removal and eradication of graffiti from buildings, walls and other structures within the city in order to reduce social deterioration within the city, to remove and abate public nuisances, and to promote public safety and health. Graffiti is hereby found, deemed and declared to constitute a public nuisance.~~

~~(Ord. No. 07-123, § 1, passed 9-13-2007)~~

SEC. 12-3-21 DEFINITIONS.

For the purpose of this article, regardless of capitalization, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abate or abatement; abated. Eliminate or nullify; eliminated or nullified.

~~City. The City of Greenville or its agent.~~

Code Enforcement Supervisor or officer. The person who has been designated, in writing, by the city manager to enforce this article.

Division. The City's Neighborhood and Business Services Department, Code Enforcement Division.

~~Commercial property. Any structure or area which is not defined in this section as a governmental or residential property.~~

~~Deface. To cover, mark, write on, paint, color, etch, scratch, engrave or otherwise mar, disfigure or draw whatsoever on any governmental, commercial or private property, being real or personal property of any nature, without the express consent or authorization of the owner.~~

~~Director. The Director of the City Public Works Department.~~

~~Governmental property. A structure or area operated by a government entity not including property leased to non-governmental entities.~~

~~Graffiti. Any inscription, word, figure, marking or design that is affixed, marked, etched, scratched, drawn or otherwise created on any building, structure, fixture or other improvement or any other real property or any personal property, whether permanent or temporary, without the consent of the owner of the property or the owner's authorized agent. For the purposes of this article, "graffiti" shall not include temporary and easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, nor shall it include temporary and easily removable chalk or other water soluble markings used in connection with any lawful business or public purpose or activity.~~

———Graffiti. Any covering, writing, scribbling, painting, defacing, coloring, etching, scratching, engraving, marring, disfiguring, drawing, besmearing, inscription, word, figure, marking, or design in any manner whatsoever, whether permanent or temporary, on any portion of real or personal property of any kind or nature without the express consent of the owner of the property.

~~Owner. The owner of record of the property as identified in the most current records of the Pitt County Tax Assessor or the owner's authorized agent.~~ Any person, group of persons, or any entity owning or lawfully possessing, keeping, or having care, custody, or control of any property covered by this article. In the case of real property, the owner includes the authorized agent or property manager of the owner or any tenant. In the case of a vehicle the owner includes the driver or operator of the vehicle.

Property. Real or personal property of any kind or nature within the corporate limits of the City or within the extraterritorial jurisdiction of the City including but not limited to any building, parcel, premises, lot, grounds, facility, vehicle, apparatus, street, sidewalk, lot, monument, tombstone, or structure.

Regular mail. The deposit of a notification, letter, or other paper enclosed in a post-paid, properly addressed wrapper in a post office or official depository under the exclusive care and custody of the United States Postal Service.

Remediation. To remove, restore, redress, or obscure, cover, or clean graffiti upon property to such a degree and in such a manner as to effectively return the property to its former state before the graffiti, or as nearly so as is practical.

~~Residential property.~~ Any structure serving as a home, residence or sleeping place.
(Ord. No. 07-123, § 1, passed 9-13-2007)

SEC. 12-3-22 GRAFFITI AS NUISANCE; PURPOSE OF ARTICLE; AUTHORITY OF DIVISION.

(A) Graffiti declared a nuisance. Graffiti is hereby found, deemed, and declared to be a public nuisance and detrimental to the health, safety, and welfare of the public as well as the peace and dignity of the City, and is therefore subject to enforcement, removal, abatement, and penalty as specifically set forth in this article and by any other operation of law.

(B) Purpose and scope of article. The purpose of this article is to provide for the effective enforcement of this article and the procedure for abatement, removal, and eradication of graffiti from property located within the City and within the extraterritorial jurisdiction of the City so as to reduce social deterioration within the City and to promote public safety, health, and welfare.

(C) Authority of Division. When any graffiti is found on any property, a Code Enforcement Supervisor or officer shall have the following authority:

- (1) To enter upon property;
- (2) To obtain an administrative search and inspection warrant, if necessary, as provided in G.S. § 15-27.2;
- (3) To issue a notice of violation and, as may be applicable, impose civil penalties, administrative fees, and abatement by remediation costs in accordance with the article and the Manual of Fees;
- (4) To enter upon or authorize an agent to enter upon and abate by remediation the property in violation of this article; and
- (5) To utilize the services of an outside contractor to abate by remediation the property in violation of this article.

SEC. 12-3-23 ~~GRAFFITI PROHIBITED.~~ ENGAGING IN GRAFFITI UNLAWFUL; PENALTIES.

(A) Engaging in graffiti unlawful. It shall be unlawful for any person to engage in graffiti unless the person has the express consent, permission, or authority of the owner of the property.

(B) Penalties. In addition to or in lieu of any remedies available in this article or by other operation of law, a violation of this section may subject the offender to any or all of the following penalties:

- (1) Criminal. Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. § 14-4 and G.S. § 160A-175 and shall pay a criminal penalty of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00). Any individual engaging in graffiti shall also be subject to prosecution for such offenses as found within the statutes of the State of North Carolina, including but not limited to restitution costs for abatement by remediation of the nuisance and damage to the property.

(2) Civil.

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. First Violation. A violation of this section shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

2. Second and subsequent violation within 365 days of the first violation. Any subsequent violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00).

(b) Contents and service of civil citation. A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by regular mail upon the violator by a Code Enforcement Supervisor or officer or by member of the Greenville Police Department.

(c) Appeals; payment of civil penalties. Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the Revenue Division of the City's Financial Services Department within five business days from the date of issuance.

(d) Methods of recovery of unpaid civil penalties. Unless appealed in accordance with Part II, Title 1, Chapter 1, Chapter 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the Revenue Division of the city's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.

2. The use of a collections agency.

3. The use of the provisions of G.S. § Chapter 104A (The Setoff Debt Collection Act) and G.S. § 18C-134.

4. Equitable remedies issued by a court of competent jurisdiction.

5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) Continuing violations. Each day's continuing violation of this section shall be a separate and distinct offense.

~~(A) It shall be unlawful for any person, without express permission or authority of the owner of the property, to deface with graffiti any governmental, commercial or residential property or any other real property or any personal property. Any violation of the provisions of this subsection shall be a misdemeanor punishable by a maximum fine of \$500. Any individual defacing such property also shall be subject to prosecution for such offenses as found within the statutes of the State of North Carolina, including but not limited to restitution costs for abatement of the nuisance and damage to the property.~~

~~(B) Subsection (A) of this section shall not be construed to prohibit temporary, easily removable chalk or other water soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stickball, kickball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other easily removable water soluble markings used in connection with any lawful business, public purpose or activity.~~

~~(C) It shall be unlawful for the owner of any real or personal property or any person acting as manager or agent for the owner of property to fail to remove or effectively obscure any graffiti upon such property. Failure to abate any nuisances shall be deemed unlawful.~~

~~(Ord. No. 07-123, § 1, passed 9-13-2007)~~

SEC. 12-3-24 GRAFFITI ABATEMENT PROCEDURES; PENALTIES.

(A) Notice of Violation. Upon determination that graffiti is present upon property, the Code Enforcement Supervisor or officer shall serve in accordance with this section a Notice of Violation to the owner of the property upon which the graffiti is located. The Notice of Violation shall include all of the following:

(1) The street address or description of the property sufficient for proper identification of such property.

(2) A description and general location of the graffiti.

(3) A statement that the graffiti is a public nuisance with reference to the provisions of this article.

(4) An order that the graffiti must be abated by remediation within 10 calendar days of receipt and that, if the nuisance is not so abated by remediation within such time, the City will:

(a) Issue a civil penalty to the owner.

(b) Abate by remediation the public nuisance.

(c) Charge the owner an administrative fee in accordance with the *Manual of Fees* and the cost of the abatement by remediation.

(5) Information concerning procedures for appeal of the Notice of Violation

(6) A certificate of service showing the method of service as defined in this section.

(B) Method of Service. The Notice of Violation issued in accordance with this section by the Code Enforcement Supervisor or officer shall be served on the owner of the identified property by either of the following methods:

(1) Hand delivery.

(2) Certified mail and regular mail addressed to the owner of the property as stated in the most current records of the Pitt County Tax Assessor. When the manner of service is by certified mail and regular mail and the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days of mailing, service is deemed sufficient. The person mailing the Notice of Violation by regular mail shall certify that fact and the date of the mailing, and that certification shall be conclusive evidence of service in the absence of fraud.

(C) Appeal of notice of violation. The owner shall have five business days from receipt of a Notice of Violation to file an appeal. The appeal must be made in writing to the Board of Adjustment and the appeal fee paid in accordance with the *Manual of Fees*. Appeals of decision by the Board of Adjustment shall be as provided by state law.

(D) Failure of owner to abate by remediation. It shall be unlawful for the owner of any property to fail to abate by remediation graffiti upon such property within 10 calendar days after receipt of written notice to do so by the Code Enforcement Supervisor or officer in accordance with this section.

(E) Abatement by remediation by the City. If the City has served a Notice of Violation to the owner in accordance with this section and that person fails or refuses to abate by remediation the nuisance as directed by the Notice of Violation, in addition to any other penalties herein authorized, the Code Enforcement Supervisor or officer is authorized to issue a civil penalty to the owner, abate by remediation the graffiti, and charge the owner an administrative fee in accordance with the *Manual of Fees* and the cost of the abatement by remediation.

(F) The Code Enforcement Supervisor may authorize the allowance of additional time for the owner to abate by remediation the graffiti if such failure to do so was caused by weather conditions or other factors as determined by the Code Enforcement Supervisor not to have been within the control of the owner.

(G) Immediate abatement by remediation; no prior notice required. Where any public nuisance graffiti as set forth in this article requires immediate abatement to avoid and prevent an immediate and dangerous threat to the health, safety, and welfare of the inhabitants of the City and would degrade adjoining properties as determined by the Code Enforcement Supervisor or officer, the nuisance may be summarily abated by remediation by the City without prior notice to the property owner, but the owner shall be responsible for all abatement by remediation costs, administrative fees, and civil penalties.

(H) Civil penalties.

(1) An owner that violates subsection (D) of this section may be issued a civil citation or citations, as may be required, as follows:

(a) First violation. A violation of any of the provisions of this Code of Ordinances shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

(b) Second violation within 365 days of the first violation. A second violation by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

(c) Third and subsequent violations within 365 days of the first violation. A third violation and any subsequent violations by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(2) Contents and service of civil citation. A civil citation issued for a violation of subsection (D) of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by regular mail upon the violator by a Code Enforcement Supervisor or officer.

(3) Appeals; payment of civil penalty. Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for violations of any provision of this section must be paid to and received by the City's Financial Services Department within five business days from the date of issuance.

(4) Methods of recovery of unpaid civil penalty. Unless appealed in accordance with the appeal provisions in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full

payment for an assessed civil penalty is not timely received by the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

- (a) A civil action in the nature of a debt.
- (b) The use of a collections agency and the assessment of an administrative fee.
- (c) The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and N.C.G.S. § 18C-134.
- (d) Equitable remedies issued by a court of competent jurisdiction.
- (e) Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(5) Continuing violations. Each day's continuing violation of subsection (D) of this section shall be a separate and distinct offense.

(6) In addition to any of the recovery methods stated in this section if the owner fails or refuses to abate the nuisance by remediation, the Code Enforcement Supervisor or officer is authorized to forward to the Finance Department for collection a report and invoice for the costs of the abatement by remediation of the nuisance, administrative fees in accordance with the *Manual of Fees*, and a copy of any unpaid civil citation issued pursuant to subsection (D) of this section. Such charges and costs shall be assessed against the property owner and shall become a lien upon the property, subject only to the City and County advalorem taxes thereon. Such charges and costs shall be collected and enforced in the same manner as unpaid taxes.

(7) In addition to any of the recovery methods stated in this section, if the owner fails or refuses to abate the nuisance by remediation and fails to pay the civil penalty plus any administrative fees and abatement costs within 30 days after being notified of the amount due, the City may recover the penalties together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt in addition to any other remedy available under this section.

~~—(A) The owner of record of any governmental, commercial or residential property, being real or personal in nature, or their agents or managers, which has any form of graffiti on any building, structure or apparatus owned, managed or operated by the owner or owner's managers, agents, tenants and employees, shall be required to restore the defaced surface(s) by removing or concealing the graffiti within ten calendar days after receipt of written notice, by any Code Enforcement Coordinator or officer, requiring such removal. Notifications shall be made by personal service or certified mail and regular mail.~~

~~—(B) When any graffiti as defined in this article is found on any property, including rights-of-way and easements, within the city or within one mile of the city limits, a Code Enforcement Coordinator or officer shall have the following authority:~~

~~—(1) To enter upon property;~~

~~—(2) To obtain an administrative search and inspection warrant, if necessary, as provided in G.S. § 15-27.2;~~

~~—(3) To issue a notice of violation and impose civil penalties;~~

~~—(4) To enter upon or authorize an agent to enter upon and clean up property in violation of this chapter; and~~

~~—(5) To utilize the services of an outside contractor to remove the graffiti from the property in violation of this article.~~

~~(C) *Method of Service.* Notice of Violation issued by the Code Enforcement Coordinator or officer under this article shall be served on the owner and property manager of the identified property by either hand delivery or by certified mail and regular mail. Service by mail shall be deemed complete by depositing the notice or order in the mail at the address listed in the Pitt County tax records. When the manner of service is by certified mail and regular mail and the certified mail is unclaimed or refused but the regular mail is not returned by the post office within ten days of mailing, service is deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date of the mailing, and that certification shall be conclusive evidence of service in the absence of fraud.~~

~~—(D) Notification to the property owner will advise that the conditions that exist on the identified property constitute graffiti and such shall be abated within ten calendar days of the date of the notification and that failure to abate or remove the graffiti shall result in the assessment of the costs of abatement or removal, imposition of administrative fees, and the assessment of a civil penalty as identified in this chapter. The Code Enforcement Coordinator or officer may afford the owner additional time to remove or abate the graffiti if such failure was caused by weather conditions or other factors as determined by the Code Enforcement Coordinator or officer not to have been within the control of the owner.~~

~~—(E) When the owner of the property, property manager or agent fails or refuses to abate the declared nuisance, then the Code Enforcement Coordinator or officer shall issue to the owner a civil penalty in the amounts stated herein and shall forward to the Revenue Division of the Finance Department a report and invoice for the costs of the abatement of the nuisance, administrative fees and a copy of the civil citation for collection. Such charges shall be assessed against the property owner and shall become a lien upon the property, subject only to the city and county ad valorem taxes thereon. Such charges shall be collected and enforced in the same manner as unpaid taxes.~~

~~—(D) A property owner, agent or manager shall have five business days from receipt of a notice of violation to file an appeal. The appeal must be made in writing to the Board of Adjustment and the appeal fee paid. Appeals of decision by the Board of Adjustment shall be as provided by state law.~~

~~—(E) Where any public nuisance as set forth in this article requires immediate abatement to avoid and prevent an immediate and dangerous threat to the health, safety and welfare of the inhabitants of the city and would degrade adjoining properties as determined by the Code Enforcement Coordinator or officer, the nuisance may be summarily removed and abated by the city without prior notice to the property owner, but the owner shall be responsible for all abatement costs, administrative fees and civil penalties.~~

~~(Ord. No. 07-123, § 1, passed 9-13-2007)~~

~~SEC. 12-3-25 PENALTIES.~~

~~In addition to or in lieu of the other remedies. Any owner of a property whose property shall be declared a public nuisance as provided in this chapter shall be subject to a civil penalty in the amount of 50 for the first offense, \$100 for the second offense in the calendar year, and \$250 for the third and subsequent offenses in the calendar year. If a person fails to pay the civil penalty within 30 days after being notified of the amount due, the city may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.~~

~~(Ord. No. 07-123, § 1, passed 9-13-2007)~~

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

SECTION 4. This ordinance will become effective upon passage.

This the ____ day of _____, 2023.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public in and for said state and county, do hereby certify that Valerie Shiuwegar personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by the Mayor, sealed with the corporate seal and attested by herself as its City Clerk.

Witness my hand and notarial seal this _____ day of _____ 2023.

Notary Public

My Commission Expires: