



Agenda

Greenville City Council

November 9, 2023

6:00 PM

City Hall Council Chambers, 200 West 5th Street

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call Meeting To Order

II. Invocation - Mayor Connelly

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

1. Calvin Burney - Public Works Department Retiree

VII. Public Comment Period

The Public Comment Period is a period reserved for comments by the public. Items that were or are scheduled to be the subject of public hearings conducted at the same meeting or another meeting during the same week shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

VIII. Appointments

2. Appointments to Boards and Commissions
3. Appointments to the Mid-East Commission

IX. Consent Agenda

4. Proposed Amendment of the Boards & Commissions Policy of the City of Greenville
5. Ordinance Adopting Greenville Utilities Commission's Electric Capital Project Budget and Reimbursement Resolution for the Community Solar Project
6. Ordinance Authorizing the Execution and Delivery of the Amended and Restated Full Requirements Power Sales Agreement between North Carolina Eastern Municipal Power Agency and Duke Energy Progress, LLC
7. Request by Police Department to Utilize Asset Forfeiture Funds to Purchase Equipment and Software.
8. Various tax refunds greater than \$100

X. New Business

Public Hearings

9. Ordinance to annex Abigail Trails, Phase 2 property involving 9.6363 acres located 965+/- feet east of Frog Level Road at the current termini of Abigail Taylor Drive and Sarah Rebecca Drive
10. Ordinance requested by Bluemax Rentals, LLC to rezone 0.43 acres located along the southern right-of-way of Southwest Greenville Boulevard and 520+/- feet west of Frontgate Drive from OR (Office-Residential [High Density Multi-Family]) to CH (Heavy Commercial)
11. Ordinance requested by Rennsport Motorwerks, LLC to amend Title 9, Chapter 4, Section 86 (G) Fraternity or sorority by adding the following language: (5) In addition to the above requirements, in the specific area where properties have frontage along East Fifth Street between Maple Street and Brownlea Drive, the structure shall have no less than 3,500 square feet of mechanically-conditioned space and not be located within a 500-foot radius of a place of worship as measured from property line to property line.

Other Items of Business

12. First reading of ordinances, requested by the Neighborhood and Business Services and Planning and Development Services Departments, to repeal and replace, as amended, Title

9, Chapter 1: *Inspections and Code Enforcement* and Title 12, Chapter 3: *Weeds, Vegetation and Other Public Health Nuisances*.

13. Budget Ordinance Amendment #4 to the 2023-2024 City of Greenville Budget (Ordinance #23-046), Capital Projects Funds (Ordinance #17-024), Donations Fund (Ordinance #18-062), and Special Revenue Grant Fund (Ordinance #11-003)

XI. City Manager's Report

XII. Comments from Mayor and City Council

XIII. Adjournment



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Human Relations Council, Police Community Relations Committee, Sheppard Memorial Library Board, and the Youth Council.

The City Council updated the Boards and Commission Policy on October 9, 2017 to include a provision for extended vacancies: Nominations for Extended Vacancies "In the event there is a vacancy on a City board or commissions which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nomination and elections in Robert's Rules of Order." Under this provision, the following seats are open to nominations from the City Council:

- Heena Shah, Human Relations Council
- 15 seats on the Youth Council

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Affordable Housing Loan Committee, Human Relations Council, Police Community Relations Committee, Sheppard Memorial Library Board, and the Youth Council.

ATTACHMENTS

[November 2023 Boards and Commissions List.DOCX](#)

Appointments to Boards and Commissions

November 2023

Affordable Housing Loan Committee

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Victor Ihuka	3	First term	Resigned	February 2026

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Heena Shah	1	Filling unexpired term	Eligible	September 2022
Laquon Rogers	County	First Term	Resigned	September 2024
Susan Camus	4	First Term	Resigned	September 2024
Mark Rasdorf	4	First Term	Resigned	September 2025
Samar Badwan	4	Second Term	Ineligible	September 2023
Lomax Mizzelle	4	Second Term	Ineligible	September 2023

Police Community Relations Committee

Council Liaison: Council Member At-Large Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Carol Naipaul (Mayor Pro-Tem Glover)	2	First term	Eligible	October 2024

Shepard Memorial Library Board

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Ray Spears	3	Second term	Ineligible	October 2023

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
Jamia Galloway	Second term	Ineligible	September 2022
Diego Lorenzo	Second term	Ineligible	September 2022
Olivia Thorn	First term	Ineligible	September 2022
Landon Elks	First term	Ineligible	September 2023
Shamara Hyman	First term	Ineligible	September 2023
Sadie Smith	First term	Ineligible	September 2023

(15 open seats)

Seats that are open to nominations from the City Council are highlighted.

Applicants for Affordable Housing Loan Committee

Sydney McLeod
22 Upton Ct
Greenville, NC 27858

District #: 4

Application 10/15/2022

Home Phone: (910) 635-8702

Business Phone:

Email: sydneyhmcleod@gmail.com

Demond Hairston
1208 Wyngate Dr
Greenville, NC 27834

District #: 1

Application 09/14/2023

Home Phone: (252) 493-1033

Business Phone:

Email: pastordahairston@gmail.com

Naz M Staton
1206 Cotanche St Apt 3
Greenville, NC 27858

District #: 1

Application 10/03/2023

Home Phone: (252) 658-5738

Business Phone:

Email: statonn18@outlook.com

Applicants for Board of Adjustment

Kimber Stone
4345 Lagan Circle
Winterville, NC 28590
District #: 5

Application 09/11/2023
Home Phone: (919) 608-8421
Business Phone:
Email: kimber@greenvillenc.org

Applicants for Environmental Advisory Commission

Chris Davis
1710 Sassafras Ct
Greenville, NC 27858
District #: 4

Application 10/20/2022
Home Phone: (336) 420-2435
Business Phone: (252) 355-7006
Email: cndavis320@yahoo.com

Tim Ferruzzi
305 Wesley Rd
Greenville, NC 27858
District #: 5

Application 1/16/2023
Home Phone:
Business Phone:
Email: theferruzzi@gmail.com

Applicants for Greenville Utilities Commission

John Minges
3304 Grey Fox Train
Greenville 27858
john@minges.com

Donald (Van) V Smith, Jr.
720 Chesapeake Place
Greenville, NC 27858
dvsmith@ecuhealth.org

James Cox
2009 S Elm St
Greenville, NC 27858
Jcoobox13@gmail.com

Applicants for Historic Preservation Commission

None.

Applicants for Housing Authority

James Cox
2009 S Elm St
Greenville, NC 27858
Jcoobox13@gmail.com

Demond Hairston
1208 Wyngate Dr
Greenville, NC 27834
District #: 1

Application 09/14/2023
Home Phone: (252) 493-1033
Business Phone:
Email: pastordahairston@gmail.com

Naz M Staton
1206 Cotanche St Apt 3
Greenville, NC 27858
District #: 1

Application 10/03/2023
Home Phone: (252) 658-5738
Business Phone:
Email: statonn18@outlook.com

Applicants for Human Relations Council

None.

Applicants for Multimodal Transportation Commission

Kaylyn Levine
2007 Sherwood Dr
Greenville, NC 27858
District #: 4

Application 09/23/2023
Home Phone: (860) 367-3400
Business Phone:
Email: levinek23@ecu.edu

Anthony R Little
909 Wickham Drive
Winterville, NC 28590
District #: 5

Application 09/27/2023
Home Phone: (252) 714-6478
Business Phone:
Email: roblit59@aol.com

Applicants for Pitt-Greenville Airport Authority

Chris Davis
1710 Sassafras Ct
Greenville, NC 27858
District #: 4

Application 10/20/2022
Home Phone: (336) 420-2435
Business Phone: (252) 355-7006
Email: cndavis320@yahoo.com

David Horn
912 Megan Drive
Greenville 27834
horn@encalliance.com

John Minges
3304 Grey Fox Train
Greenville 27858
john@minges.com

James Cox
2009 S Elm St
Greenville, NC 27858
Jcoxbox13@gmail.com

Applicants for
Pitt-Greenville Convention & Visitors Authority

None.

Applicants for Planning & Zoning Commission

Sebastian Krassley
1901 E. 6th St
Greenville, NC 27858
District #: 3

Application 06/10/2022
Home Phone: (856) 495-1039
Business Phone:
Email: skrassley98@yahoo.com

Demond Hairston
1208 Wyngate Dr
Greenville, NC 27834
District #: 1

Application 09/14/2023
Home Phone: (252) 493-1033
Business Phone:
Email: pastordahairston@gmail.com

Applicants for Police Community Relations Committee

Demond Hairston
1208 Wyngate Dr
Greenville, NC 27834
District #: 1

Application 09/14/2023
Home Phone: (252) 493-1033
Business Phone:
Email: pastordahairston@gmail.com

Applicants for Shepard Memorial Library Board

James Cox
2009 S Elm St
Greenville, NC 27858
Jcoobox13@gmail.com

Applicants for Youth Council

Kaiji Fu
3710 Live Oak Ln
Greenville, NC 27858
District #: 5

Application 10/02/2023
Home Phone: (252) 267-0412
Business Phone:
Email: thefuka2@gmail.com

Rihanna Knight
3300 Landmark Street
Greenville, NC 27858
District #: 2

Application 10/17/2023
Home Phone: (252) 320-8191
Business Phone:
Email: n/a



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Appointments to the Mid-East Commission

Explanation: In accordance with the Mid-East Commission's bylaws, the City Council has a regular member and an alternate member on the Mid-East Commission. The members are appointed to serve a term of two calendar years.

Historically, the Planning & Development Services Director serves as the regular member, and a staff member from the Planning & Development Services Department is appointed as the alternate. Appointments are needed for both the regular and alternate seats on the Mid-East Commission.

Staff recommends that Interim Planning & Development Services Director Les Everett be appointed to serve as the regular member, and Planner Chris Kelly be appointed to serve as the alternate member.

Fiscal Note: No direct fiscal impact.

Recommendation: Appoint Interim Planning & Development Services Director Les Everett to serve as the regular member and Planner Chris Kelly as the alternate member on the Mid-East Commission to finish the current term that will expire on December 31, 2023.



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Proposed Amendment of the Boards & Commissions Policy of the City of Greenville

Explanation: Staff has been tasked with finding areas to strengthen and support the City's boards and commissions. Proposed amendments to the City's Board & Commission Policy are listed below:

- Eligibility of City of Greenville Employees to Serve - amendment to clarify that employees of the City of Greenville are not eligible to be appointed to serve on the City's boards and commissions
- Training for Quasi-Judicial Board Members - amendment to require training on quasi-judicial decision-making procedures upon appointment and reappointment of members on quasi-judicial boards

A draft of the policy with the proposed amendments is attached for review and approval.

Fiscal Note: No direct fiscal impact.

Recommendation: Review and adopt the updated Board & Commission Policy.

ATTACHMENTS

[Board and Commission Policy 2.pdf](#)

BOARD AND COMMISSION POLICY FOR THE CITY OF GREENVILLE

Having citizens to serve on boards and commissions gives them an opportunity to participate in local government. In order to maintain some consistency, a policy has been adopted to aid in the appointment process and in other areas dealing with the boards and commissions. In order to provide all citizens of Greenville with an opportunity to serve on City boards and commissions, this board and commission policy is being established.

Talent Bank

A pool of applicants for the various boards and commissions, called the talent bank, shall be maintained by the City Clerk's Office. This talent bank shall be updated on a biennial basis. Solicitation of applications for this pool of applicants shall be done through such methods as advertising in local newspapers, the City website, the government access channel, and posted at some City buildings. On at least a monthly basis, the City Clerk's Office shall notify City Council of new applications received.

Appointments

City Council Members shall be notified of upcoming appointments to City boards and commissions by the first day of the month preceding the month in which the appointment is to be made. A list of persons who have indicated an interest in serving on the board or commission through the talent bank shall also be provided to the City Council.

The list of upcoming appointments shall be advertised in the local newspaper, on the government access channel, and on the City's website at least four weeks prior to the meeting at which the appointment is to be made in order to provide citizens with an opportunity to indicate their interest in serving.

Prior to the 15th day of the month preceding the month in which the appointment is to be made, City Council Members shall submit any recommendations for upcoming vacancies to the elected official responsible for making a nomination to City Council to fill the vacancy on the board or commission. The elected official responsible for making a nomination to City Council to fill the vacancy shall be provided a copy of resumes from citizens for upcoming appointments as they are received by the City Clerk's Office.

During review of nominations for upcoming appointments, the elected official responsible for making a nomination to City Council to fill the vacancy may request the City Clerk's assistance in obtaining the nominees' addresses and any pertinent background information. The elected official responsible for making a nomination to City Council to fill the vacancy shall contact the individual to discuss the applicant's interest in the board and his/her ability to attend the meetings in accordance with this policy.

The City Clerk's Office will mail an appointment letter to a person appointed no later than seven calendar days after the appointment is made.

Several of the boards and commissions have representation from other entities. Also, criteria for the membership is noted in the by-laws or ordinance creating many of the boards and commissions. The criteria and/or appointment process are detailed below.

Affordable Housing Loan Committee. The committee shall have seven regular members and one alternate member. It shall be racially diverse and composed of persons with experience and an interest in housing. The members may be of the following professions: banker, lawyer, realtor, member of the building profession or developer, member of a social service organization, and a member of a local housing group. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Board of Adjustment. The board shall consist of seven regular members and four alternate members. Six of the regular members and three alternate members shall reside within the corporate limits of the City of Greenville at the time of their appointment and shall be appointed by the City Council. One of the regular members and one alternate member shall reside outside of the corporate limits of the city but within the extraterritorial jurisdiction at the time of their appointment and shall be appointed by the Board of Commissioners. City members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The County Commissioners shall appoint county candidates and the appointment letter shall be sent from the County Clerk's Office for those appointments. A copy of the appointment letter shall be sent to the City Clerk's Office, at which time the City records shall be updated. **The Board of Adjustment is a quasi-judicial board and subject to training requirements upon appointment and reappointment.**

The procedure hereinafter set forth for the nomination and appointment of Board of Adjustment members applies to Board of Adjustment members appointed after October 11, 2010, other than Board of Adjustment members who are to be appointed by the Pitt County Board of Commissioners. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Five, for the first appointment, the Mayor, for the second appointment, Council Member, At-large, for the third appointment, Council Member, District One, for the fourth appointment, Council Member, District Two, for the fifth appointment, Council Member, District Three, for the sixth appointment, and, Council Member, District Four, for the seventh appointment.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Prior to City Council making an appointment as a result of a nomination, the elevation of alternate members in accordance with the Alternate Members section of this policy shall occur. In the event the term of an alternate member position is expiring and the person holding this alternate member position was appointed after October 11, 2010, and remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the person holding this alternate member position will be automatically reappointed without the necessity of a nomination and the City Council shall make the reappointment by a motion of appointment. In the event the term of an alternate member position is expiring and the person holding this alternate member position was not appointed after October 11, 2010, and remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the nomination to fill the alternate member position will be made by the next elected official in the rotation order set forth above.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe. In the event any of the appointments will result in a new person being appointed as a regular member after the elevation of alternate members in accordance with the Alternate Members section of this policy, the regular member positions to be filled will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions. In a similar manner, the highest ranked alternate positions will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position on the Board held by the person who was nominated by the elected official will thereafter be assigned for nomination by the same elected official who made the initial nomination of that person. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for a position on the Board held by the person who was nominated by Council Member, District 1, again, due to the expiration of the term or a vacancy in the position on the Board held by the person who was nominated by Council Member, District One, the nomination for that position will be made by Council Member, District One.

For the eighth and ninth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in these two positions due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position and Council Member District Two has made the most recent nomination for the ninth position, when it is time to make another appointment for the eighth position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Three and then when it is time to make another appointment for either position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Four.

Environmental Advisory Commission. The commission shall have seven members that are designated as follows: (A) a lawyer or other person with knowledge of environmental regulations and environmental safety practices; (B) a building contractor, land developer or someone familiar with construction techniques; (C) a member of a local environmental group;

(D) an educator of the natural or physical sciences or physician; (E) a professional engineer; (F) an at-large member from the Greenville community; and (G) an at-large member with skills and interest in environmental public health, safety and/or medicine. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. The mayor or a member of city council shall be designated as an ex-officio, non-voting member of the commission

Firefighters' Relief Fund Committee. The committee shall consist of five trustees. The members of the Fire/Rescue Department shall elect two trustees to serve at the pleasure of the members of the Fire/Rescue Department. The trustees elected by members or the Fire/Rescue Department may serve until such time as they resign or an election is held to replace them. The trustees elected by the members of the Fire/Rescue Department shall be either (1) residents of the fire district or (ii) active or retired trustees of the Fire/Rescue Department. The City Council shall appoint two trustees to serve at the pleasure of City Council. The trustees appointed by City Council shall be residents of the fire district. The Commissioner of Insurance shall appoint one representative to serve as trustee who shall serve at the pleasure of the Commissioner. The trustee appointed by the Commissioner of Insurance shall be either (1) a resident of the fire district or (ii) an active or retired member of the Fire/Rescue Department. North Carolina General Statute 58-84-30 governs the appointment of the trustees of the Firefighter's Relief Fund.

Greenville Utilities Commission. The commission shall consist of eight members, one of whom is the City Manager. The charter specifies that the members shall have utilities expertise. Representation should include some members with financial, engineering, environmental, technical, or development backgrounds. Five City members shall be appointed by the City Council in accordance with this policy, and appointment letters for the City members sent by the City Clerk's Office. Two County candidates shall be nominated by the County Commissioners, at which time the County Clerk shall submit to the City Clerk a letter of recommendation. (The two candidates shall be bonafide residents of Pitt County but residing outside the city limits, who shall be customers of Greenville Utilities.) The City Clerk's Office shall then obtain background information on the nominee and provide it along with the letter to the City Council liaison. The information shall be provided to City Council for consideration at a regular City Council meeting. The City Council shall have the right to reject any nominee from the Board of Commissioners and to request additional nominees. If the Pitt County Board of Commissioners fails to recommend a nominee to the City Council within 60 days of the original date requested by the City Council, then the City Council may appoint any individual that meets the residency requirement. The City Clerk's Office shall send a letter of appointment to the new members informing them of the appointment. A copy of the letter for County appointments shall be sent to the County Clerk. Greenville Utilities Commissioners filling the first three-year term shall automatically fill a second three-year term unless the City Council initiates the replacement process.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed after October 11, 2010, other than commissioners who are to be nominated by the Pitt County Board of Commissioners. Additionally, whenever a commissioner has completed a first three year term, the commissioner will be automatically appointed to a second three year term, without a nomination, unless City Council initiates the replacement process for the commissioner.

Nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Four, for the first appointment, Council Member, District Five, for the second appointment, the Mayor, for the third appointment, Council Member, At-large, for the fourth appointment, Council Member, District One, for the fifth appointment, Council Member, District Two, for the sixth appointment, Council Member, District Three, for the seventh appointment, and, thereafter, the rotation shall be repeated.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council after October 11, 2010, the nomination of a person to fill the unexpired term will be made by the Council Member or the Mayor who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy prior to the completion of a term of office in a commissioner position which was not appointed by City Council after October 11, 2010, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's or the Mayor's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Historic Preservation Commission. The commission shall consist of ten members, the majority of whom shall have demonstrated special interest, experience, or education in history, architecture, and/or archaeology. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members. **The Historic Preservation Commission is a quasi-judicial board and subject to training requirements upon appointment and reappointment.**

Housing Authority. The authority shall consist of seven commissioners. One commissioner shall be appointed by the Mayor and all other commissioners shall be appointed by City Council. No commissioner may be a city official. At least one of the commissioners shall be a person who is directly assisted by the public housing authority. The City Council shall appoint the person directly assisted by the authority unless the authority's rules require that the person be elected by other persons who are directly assisted by the authority. If the commissioner directly assisted by the public housing authority ceases to receive such assistance, the commissioner's office shall be abolished and another person who is directly assisted by the public housing authority shall be appointed by the City Council.

The procedure hereinafter set forth for the nomination and appointment of commissioners applies to commissioners appointed on or after June 30, 2009, (the effective date of Session Law 2009-211). Appointments will be made by City Council unless the appointment is required to be made by the Mayor to ensure that the authority has a commissioner appointed by the Mayor or unless the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members on a rotating basis in the following order: Council Member, At-Large, for the first appointment, Council Member, District One, for the second appointment, Council Member, District Two, for the third appointment, Council Member, District Three, for the fourth appointment, Council Member, District Four, for the fifth appointment, Council Member,

District Five, for the sixth appointment, and, thereafter, the rotation shall be repeated. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

At all times, at least one (1) of the commissioners shall have been appointed by the Mayor. Therefore, the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the only commissioner position on the authority who has been appointed by the Mayor. The Mayor shall make the appointment or reappointment in this event by filing with the City Clerk a certificate of appointment or reappointment.

At all times, at least one (1) of the commissioners shall be a person directly assisted by the authority. Therefore, the nomination by a Council Member and the appointment by City Council will not occur until the next appointment whenever the appointment to be made is the commissioner on the authority appointed as the commissioner who is directly assisted by the authority and the authority's rules require that the person appointed is elected by other persons directly assisted by the authority. City Council shall confirm the appointment of the person who is elected by other persons directly assisted by the authority after receipt of written notice of the election of this person from the authority whenever the authority's rules require that the person appointed as the person directly assisted by the authority is elected by other persons directly assisted by the authority. City Council shall make the confirmation of the appointment by a motion of appointment. In the event the authority's rules do not require that the person appointed as the commissioner directly assisted by the authority is elected by other persons who are directly assisted by the authority and the appointment to be made is the commissioner on the authority who is appointed as the commissioner directly assisted by the authority, the nomination by a Council Member on the rotating basis will not occur until the next appointment and, instead of a nomination, a recommendation from the authority will be sought. City Council is not required to appoint the person recommended by the authority and may, but is not required to, request another recommendation from the authority in the event the initial recommended person is not appointed. In the event the person recommended by the authority is not appointed and another recommendation from the authority is not requested, any Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which has been appointed by City Council, the nomination of a person to fill the unexpired term will be made by the Council Member who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy in a commissioner position which was not appointed by City Council and which is not either the required Mayor appointment or person directly assisted by the authority appointment, the nomination will be made in accordance with the reverse order of the rotating basis set forth above and such nomination will complete the Council Member's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member and may, but is not required to, request another

nomination from the Council Member making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member is not appointed and another nomination from the Council Member making the nomination is not requested, any City Council Member may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in a commissioner position which is either the required Mayor appointment or the person directly assisted by the authority appointment, the procedure to appoint and recommend or elect shall be the same as the procedure to appoint and recommend or elect a person for a full term.

Human Relations Council. The 18-member council shall consist of fifteen citizens, one East Carolina University student, one Shaw University student, and one Pitt Community College student. The fifteen citizens shall reside within the corporate limits of the city. The three students shall reside within the corporate limits of the city during the school year. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Multimodal Transportation Commission. The commission shall consist of seven members, all of whom shall be citizens and residents of the city. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

Neighborhood Advisory Board. The Neighborhood Advisory Board shall consist of ten regular board members with two regular board members being elected from each of the five districts from which Council Members are elected and five alternate board members with one alternate board member being elected from each of the five districts from which Council Members are elected. Each neighborhood association shall appoint a liaison member to the Neighborhood Advisory Board and an alternate liaison member shall serve at the pleasure of the neighborhood association. The alternate liaison member, while attending a meeting of the liaison members or of the Neighborhood Advisory Board in the absence of the liaison member from the same neighborhood association, may serve as the liaison member and shall have and may exercise the powers of the liaison member.

The liaison members of the Neighborhood Advisory Board shall elect, at the initial meeting of the liaison members and annually thereafter, at a meeting of the liaison members established by the Neighborhood Advisory Board for that purpose, ten board members of the Neighborhood Advisory Board with two board members being elected from each of the five districts from which Council Members are elected. The liaison members of the Neighborhood Advisory Board who represent neighborhood associations of neighborhoods located primarily within a district from which a Council Member is elected shall only be eligible to vote for board members for said district. The board members of the Neighborhood Advisory Board elected from a district from which a Council Member is elected must be a liaison member for a neighborhood association of a neighborhood located primarily within said district. For the purpose of determining eligibility to vote and to serve as a board member, a neighborhood is located

primarily within the district if the majority of the residences in the neighborhood served by the neighborhood association are located within said district.

The Neighborhood Liaison/Ombudsman shall serve as an ex-officio, non-voting member of the Neighborhood Advisory Board. The Liaison Members of the Neighborhood Advisory Board shall consist of the liaison members appointed by each neighborhood association. In addition to electing the board members of the Neighborhood Advisory Board, the liaison members shall offer feedback to the board members of the Neighborhood Advisory Board at least twice each year at a meeting of the Neighborhood Advisory Board.

Pitt-Greenville Airport Authority. The authority shall have eight members, four appointed by the City Council and four appointed by the Pitt County Commissioners. The City Council and Pitt County Commissioner liaisons shall serve as voting members of the authority. City members shall be appointed by the City Council in accordance with this policy. Appointment letters shall be sent by the City Clerk's Office for City Members. County members shall be appointed by the County Commissioners and appointment letters for those members sent by the County Clerk's Office. A copy of the letter shall be forwarded to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Authority members applies to authority members appointed after October 11, 2010, other than Authority members who are to be appointed by the Pitt County Board of Commissions. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Three, for the first appointment, Council Member, District Four, for the second appointment, Council Member, District Five, for the third appointment, the Mayor, for the fourth appointment, Council Member, At-large, for the fifth appointment, Council Member, District One, for the sixth appointment, Council Member, District Two, for the seventh appointment, and, thereafter, the rotation shall be repeated.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

In the event there is a vacancy prior to the completion of the term of office in an Authority member position which has been appointed by City Council after October 11, 2010, the nomination of a person to fill the unexpired term will be made by the Council Member or the Mayor who made the initial nomination to City Council to appoint the commissioner. In the event there is a vacancy prior to the completion of the term of office in a commissioner position

which was not appointed by City Council after October 11, 2010, the nomination will be made in accordance with the reverse order of the rotation set forth above and such nomination will complete the Council Member's or the Mayor's turn in the rotation for filling unexpired terms not previously appointed by City Council only. City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any City Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Pitt-Greenville Convention and Visitors Authority. The authority shall have eleven members as follows: Four owners or operators of hotels, motels, or other taxable accommodations, two of whom shall be appointed by the Pitt County Board of Commissioners and two of whom shall be appointed by the City Council; two individuals who are directly involved in a tourist or convention-related business but do not own or operate a hotel, motel, or other taxable accommodation, one appointed by the Board of Commissioners and one appointed by the City Council; two residents of Greenville, appointed by the City Council, and two residents of Pitt County but not of Greenville, appointed by the Pitt County Board of Commissioners, none of whom is involved in a tourist or convention-related business or owns or operates a hotel, motel, or other taxable accommodation; and one individual who is a member of the Pitt-Greenville Chamber of Commerce, appointed by the Chairman of the Board of Directors of the Pitt-Greenville Chamber of Commerce. City members of the Convention and Visitors Authority Board shall be appointed by the City Council. Appointment letters shall be sent by the City Clerk's Office for the City appointments. The City Council shall also make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The Board of Commissioners has the right to reject any nominee from the City Council and request additional nominees. If the City Council fails to recommend a nominee to the County within sixty days after a written request for nominees is sent by the County to the City, then the Board of Commissioners may appoint any individual meeting the eligibility requirements of the Enabling Legislation. The County Clerk shall be responsible for sending out appointment letters for County members. The Chamber of Commerce shall appoint one of its members and is responsible for sending out the appointment letter for that appointment and sending a copy of the letter to the City Clerk's Office, at which time the records are updated.

Planning and Zoning Commission. The commission shall be composed of nine regular members and three alternate members. Appointments of members appointed by City Council shall be made to promote the representation of a variety of interests. This representation should include some members with environmental, neighborhood preservation, development and business interests. Seven regular City members and two alternate members shall reside within the corporate limits of the City and shall be appointed by the City Council. Appointment letters shall be sent from the City Clerk's Office for the City appointments. The County Commissioners shall appoint two regular County members and one alternate member. The appointment letter for County appointees shall be sent from the County Clerk's Office. A copy

of the appointment/reappointment letters shall be sent to the City Clerk's Office, at which time the City records shall be updated.

The procedure hereinafter set forth for the nomination and appointment of Planning and Zoning Commission members applies to commission members appointed after October 11, 2010, other than Planning and Zoning Commission members who are to be appointed by the Pitt County Board of Commissioners. Appointments will be made by City Council unless the appointment is required to be made by the Pitt County Board of Commissioners.

When the appointment is made by City Council, nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District Two, for the first appointment, Council Member, District Three, for the second appointment, Council Member, District Four, for the third appointment, Council Member, District Five, for the fourth appointment, the Mayor, Council Member, At-large, for the sixth appointment, and Council Member, District One, for the seventh appointment

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Prior to City Council making an appointment as a result of a nomination, the elevation of alternate members in accordance with the Alternate Members section of this policy shall occur. In the event the term of an alternate member position is expiring and the person holding this alternate member position remains in this alternate member position after appointments are made to other positions to be filled at the same time and the elevation of alternate members in accordance with the Alternate Members section of this policy has occurred, the person holding this alternate member position will be automatically reappointed without the necessity of a nomination and the City Council shall make the reappointment by a motion of appointment.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and

Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe. In the event any of the appointments will result in a new person being appointed as a regular member after the elevation of alternate members in accordance with the Alternate Members section of this policy, the regular member positions to be filled will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions. In a similar manner, the highest ranked alternate positions will be assigned to the elected officials whose time it is to make the nominations for positions in the order of the rotation to make the nominations for positions.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position on the Commission held by the person who was nominated by the elected official will thereafter be assigned for nomination by the same elected official who made the initial nomination of that person. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for a position on the Commission held by the person who was nominated by Council Member, District One again, due to the expiration of the term or a vacancy in the position on the Commission held by the person who was nominated by Council Member, District One, the nomination for that position will be made by Council Member, District One.

For the eighth and ninth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in these two positions due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position and Council Member District Two has made the most recent nomination for the ninth position, when it is time to make another appointment for either position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Three and then when it is time to make another appointment for either position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Four.

Police Community Relations Committee. The committee shall be composed of seven members (one from each district, one at-large and one appointed by the Mayor). Members are appointed directly by the Mayor and individual Council Members. Members should not hold any elected office.

Recreation and Parks Commission. The commission shall be composed of nine members, all of whom shall be residents of the City. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

The procedure hereinafter set forth for the nomination and appointment of commission members applies to commission members appointed after October 11, 2010.

Nominations to the City Council will be made by City Council Members or the Mayor on a rotating basis in the following order: Council Member, District One, for the first appointment, Council Member, District Two, for the second appointment, Council Member, District Three, for the third appointment, Council Member, District Four, for the fourth appointment, Council Member, District Five, for the fifth appointment, the Mayor, for the sixth appointment, and, Council Member, At-large, for the seventh appointment.

City Council is not required to appoint the person nominated by a Council Member or the Mayor and may, but is not required to, request another nomination from the Council Member or the Mayor making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a Council Member or the Mayor is not appointed and another nomination from the Council Member or the Mayor making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

When more than one position is to be filled for the first seven positions filled after October 11, 2010, the positions to be filled will be assigned to the elected officials whose time it is to make a nomination as follows: first, if any of the positions to be filled is held by a person residing in a district which a Council Member whose time it is to make a nomination is elected to represent, that Council Member will be assigned to make the nomination for that position, (provided that, if more than one position to be filled are held by persons residing in the same district which a Council Member whose time it is to make a nomination for these positions is elected to represent, the Council Member will be assigned to make the nomination for the position held by person residing in his district alphabetically by last name of the person holding the position) and then, for any remaining positions, elected officials whose time it is to make a nomination will be assigned in the order of the rotation to make the nomination for positions held by persons alphabetically by the last name of the person holding the position. For example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and Council Member, District Three and Council Member District Four are to make the nominations, the Council Member from District Three will make the nomination for the position held by Jane Roe and the Council Member from District Four will make the nomination for the position held by John Doe. As a further example, if two positions are to be filled and the persons holding the positions are John Doe residing in District One and Jane Roe residing in District Three and the elected officials to make the nomination are Council Member, District Four and Council Member District Five, the Council Member, District Four will make the nomination for the position held by John Doe and the Council Member District Five will make the nomination for the position held by Jane Roe.

When a position is filled after a nomination for the first seven positions filled after October 11, 2010, the position will thereafter be assigned for nomination by the same elected official who made the initial nomination for that position. For example, if a position is filled after a nomination by Council Member, District One, and it is time to make an appointment for that

position again, due to the expiration of the term or a vacancy, Council Member, District One, will make the nomination for that position.

For the eighth and ninth position filled after October 11, 2010, nominations will be made in the rotation order indicated above whenever it is time to make an appointment in these two positions due to expiration of a term or a vacancy. For example, if a vacancy occurs in the eighth position and Council Member District One made the most recent nomination for the eighth position and Council Member District Two has made the most recent nomination for the ninth position, when it is time to make another appointment for either position again due to expiration of a term or a vacancy, the nomination will be made by the Council Member, District Three and then when it is time to make another appointment for either position again due to expiration of a term or a vacancy the nomination will be made by the Council Member, District Four.

Sheppard Memorial Library Board of Trustees. The Sheppard Memorial Library Board of Trustees shall consist of at least nine but no more than eleven Trustees, appointed as follows:

- (1) No more than six Trustees appointed by the City Council, who shall be residents of the City.
- (2) No more than three Trustees appointed by the Pitt County Board of Commissioners, who shall be residents of Pitt County.
- (3) One Trustee appointed by the governing body of the Town of Winterville, who shall be a resident of the Town of Winterville.
- (4) One Trustee appointed by the governing body of the Town of Bethel, who shall be a resident of the Town of Bethel.

Trustees shall be appointed in accordance with this policy. Both the City Council and the Pitt County Board of Commissioners may in their discretion each appoint one of their own members as an ex-officio non-voting Liaison to the Board of Trustees to serve in an advisory capacity. Appointment/reappointment letters for City-appointed Trustees shall be sent from the City Clerk's Office. Appointment/reappointment letters for County-appointed Trustees shall be sent from the County Clerk's Office with a copy provided to the City Clerk's Office. Appointment/reappointment letters for the Town of Winterville-appointed Trustee and the Town of Bethel-appointed Trustee shall be sent from each Town's Clerk's Office with a copy provided to the City Clerk's Office.

Youth Council. The Greenville Youth Council shall be composed of twenty members as follows: fifteen representatives from each of the Pitt County public high schools and five representatives from private schools, charter schools and home schools located in Pitt County. All members shall be appointed by the City Council in accordance with this policy and the City Clerk's Office shall send the appointment letters for those members.

When an appointment is to be made by City Council on a particular board or commission, the City Council liaison shall contact the City Clerk's Office by noon on the Monday prior to the Thursday City Council meeting with a name of the person to be recommended for appointment. (Exceptions to this are (1) the Police Community Relations Committee, to which the Mayor and City Council Members each make individual appointments without a vote of City Council, (2)

the Housing Authority, to which either, in accordance with the procedure set forth in the Housing Authority section above, the Mayor makes the appointment or City Council appoints commissioners after receipt of a nomination from Council Members on a rotating basis or City Council appoints a commissioner after receipt of a recommendation from the Housing Authority or City Council confirms the appointment of a commissioner who is elected by other persons directly assisted by the Housing Authority and (3) the Redevelopment Commission, to which the Mayor and each Council Member make a nomination for the individual members so that the Commission consists of members appointed by City Council after receipt of a nomination by either the Mayor or a Council Member.) If a talent bank form is not on file for the individual, the City Council Member shall be responsible for providing one to the City Clerk prior to that time. The City Clerk's Office shall be responsible for providing a copy of the talent bank form to all City Council Members at the Monday night meeting so that a recommendation can be made by the City Council liaison for appointment on Thursday night. Talent bank forms shall be provided to City Council on Monday night and the recommendation discussed, giving other City Council Members an opportunity for comment on the recommendation. A consensus on appointees shall be made at the Monday meeting. If written information is unavailable to be presented at the Monday night meeting, the City Council liaison shall provide a copy of the talent bank form to the City Clerk's Office by Wednesday at noon to be submitted to Council in the Wednesday Notes to Council. Official action on appointments shall be taken at the Thursday Council meeting held during the month in which the appointment is due, unless a recommendation has not been selected, at which time the appointment shall be continued to the following month.

Appointment to a Board at the Conclusion of Service on a Board

When a citizen completes at least one full term on a board or commission, that person shall be eligible to serve on another as a City member at the completion of the term. However, a one-year waiting period is required in order to serve on the same board or commission.

Alternate Members

On certain boards and commissions, members shall originally be appointed as Alternate Members in order to provide a learning period unless there are more vacancies on the Board than the number of alternate slots for the Board at the time of appointment. The alternates vote only when a regular member is absent or unable to vote. City alternates shall be provided for various boards as follows:

Affordable Housing Loan Committee	
Alternate	
Board of Adjustment	Alternate Nos. 1, 2 and 3
Planning and Zoning Commission	Alternate Nos. 1 and 2

Alternates shall move up in rank or to a regular member slot as vacancies become available on the board and in accordance with the following rotation. In the instance of only one alternate, when a vacancy becomes available to replace a regular member who is ineligible for reappointment or is not reappointed, the alternate shall move up and a new alternate member

appointed. In the instance of two alternates, when a vacancy becomes available to replace a regular member who is ineligible for reappointment or is not reappointed, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, and a new Alternate #2 appointed. In the instance of three alternates, when a vacancy becomes available to replace a regular member who is ineligible for reappointment or is not reappointed, Alternate #1 shall be elevated to a regular member, Alternate #2 shall be elevated to Alternate #1, Alternate #3 shall be elevated to Alternate #2, and a new Alternate #3 appointed. In the event that there are two elevations at one time, the Alternate members shall move in the order in which they would have normally been elevated.

Reappointments

Persons serving on City boards and commissions having a term of more than three years shall be ineligible for consideration for reappointment. Persons serving on City boards and commissions having a term of three years or less shall be eligible for consideration for reappointment to a second term, but shall be ineligible for a third term. Persons serving unexpired terms on any City board or commission shall be eligible for consideration for appointment to a full term. On joint City and County boards, such as the Pitt-Greenville Airport Authority and the Sheppard Memorial Library Board of Trustees, City appointees may be reappointed to a second term. The purpose of this exception is to create the same reappointment policy for City appointees as that of the County on joint City/County boards; this policy shall be reviewed if the County of Pitt amends the County appointment policy with regard to joint City/County boards. On the Firefighter's Relief Fund Committee, City Council appointees may be reappointed without a limit on the number of terms. The purpose of this exception is to create the same reappointment policy for City Council appointees and those elected or appointed by others in accordance with statutory provisions. On the Housing Authority, City Council appointees may be reappointed to a second term.

Holdover Beyond Term

Upon the expiration of the term of office of a member of a board or commission, the member shall continue to serve until a successor is appointed and, if an oath is also required to be taken, takes the required oath. The holdover service of the member eligible to be reappointed for another term shall be considered to be a part of the member's service for the next term.

Nominations for Extended Vacancies

In the event there is a vacancy on a City board or commission which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there are more than one nomination, the appointment shall be conducted in accordance with the procedure for nominations and elections in Robert's Rules of Order.

Resignation of Board or Commission Members Elected to Public Office

Members of City boards or commissions who are elected as Mayor or as a City Council Member shall submit a resignation from the board or commission prior to becoming installed as an elected official.

Service of an ~~Full-Time~~ Employee on a Board or Commission

An ~~fulltime~~ employee of the City of Greenville shall not be eligible to serve on a city authority, board, commission or committee as an appointee of the Mayor, City Council or a Council Member. If such a member becomes an ~~fulltime~~ employee of the City of Greenville, that shall constitute a resignation from the authority, board, commission or committee upon which he serves, effective upon the date a replacement is appointed. The prohibition established herein shall not apply to any current ~~fulltime~~ City employee who is currently serving on an authority, board, commission or committee for so long as said employee serves on the same body until the completion of the current term. The prohibition established herein shall not apply to service resulting from being an ex-officio member.

Serving on Two Boards Simultaneously

With the exception of ad hoc committees, task forces, or other like groups created by the City Council for a specified length of time and for a specified purpose, individuals shall not serve on more than one city board or commission as a City Council appointment at the same time. A citizen may resign from a City board or commission in order to serve on another City board or commission. The citizen may be appointed to the new board or commission prior to submitting a resignation from the current board or commission but must submit the resignation from the current board or commission prior to commencing service on the new board or commission.

Individuals shall not hold more than two appointive offices or more than one appointive office and an elective office concurrently in violation of North Carolina General Statute 128-1.1.

Serving on a Quasi-Judicial Board

Each member appointed to a quasi-judicial board shall complete training on procedures for quasi-judicial decision-making within six months of the member's appointment or reappointment. However, a member may provide notice to the City Clerk that such member requests up to an additional six months to complete the training and the Clerk shall enlarge the time as provided herein.

The training shall be coordinated by staff and provided to members at a reasonable time. Members will be required to renew their training upon reappointment within timeframe as provided above. If a member does not meet the specified training requirement due to no fault of the City, the member will be notified of the noncompliance and will be allowed to remedy the noncompliance within a reasonable time. In addition, a copy of the notice of noncompliance shall be sent to the City Council liaison. The member may be subject to replacement as may be determined by City Council for failure to complete training without good cause shown.

Designation of Liaisons and their Roles and Responsibilities

Designation. The Mayor shall designate City Council Members and the Mayor as liaisons to boards and commissions whose members are appointed by the City. Prior to the designation of the liaisons, the Mayor shall ask Council Members to which boards and commissions they prefer to be designated as liaison. The Council Members shall be provided an opportunity to discuss their choices with the Mayor.

Length of Designation. The liaisons shall serve until the end of their elected two-year term as a City Council Member or the Mayor.

Roles of the Liaisons. The liaison is a communication link between the City Council and the appointed board or commission. The liaison role is not to regularly and actively discuss subjects on the agenda with the board or commission members, but to offer insight into overall City goals and policies that have been adopted by the City Council as it may relate to an issue being considered by the board or commission. The liaison, from time to time as appropriate, shall inform City Council of major activities of the board or commission.

Attendance. The attendance at board or commission meetings is at the discretion of the liaison. While attendance at every meeting is not required, attendance sufficient to understand the subjects before the board or commission is important.

Voting. The liaison is not a voting member of the board or commission and may not make motions at a meeting of the board or commission. The exception to this is the Pitt-Greenville Airport Authority where the liaison is a voting member and should participate as a full member.

Appointments. The liaison is to review the applications in the talent bank for vacancies on the board or commission and to make nominations of persons to City Council to fill the vacancies. The exception to this is Housing Authority, the Police Community Relations Committee, the Redevelopment Commission, Board of Adjustment, Greenville Utilities Commission, Pitt-Greenville Airport Authority, Planning and Zoning Commission and Recreation and Parks Commission.

City Council is not required to appoint the person nominated by the liaison and may, but is not required to, request another nomination from the liaison making the nomination in the event the initial nominee is not appointed. In the event the person nominated by a liaison is not appointed and another nomination from the liaison making the nomination is not requested, any Council Member or the Mayor may make a nomination. City Council shall make the appointment by a motion of appointment.

Attendance of Members

All appointed members of the various boards and commissions are expected to attend all regular meetings. Whenever a member of any board or commission has missed two or more consecutive regular meetings or fails to attend seventy-five percent of all regularly scheduled meetings in a

one year period commencing annually on the month immediately after the month which City Council is regularly scheduled to make an appointment for that board or commission as a result of an expired term, the staff liaison to the board or commission shall notify the City Clerk of the member's attendance record. If a regularly scheduled meeting is cancelled due to a lack of a quorum, a member will be considered as failing to attend the meeting if the member's failure to attend or failure to indicate an intent to attend the meeting contributes to the lack of a quorum. The City Clerk's Office shall send a letter and an email to the member asking to be notified about the person's ability to attend future meetings. A copy of the letter and email shall be sent to the City Council liaison. If, within 15 work days after the date the letter is mailed and the email is sent, the member ~~responds that he desires~~ indicates a desire to continue serving and will attend future meetings on a regular basis, the City Clerk's Office will notify the City Council liaison, and the attendance will be monitored for the next two regularly scheduled meetings as a probationary period. If the attendance requirements are still not met during the two regularly scheduled meeting probationary period or during the six month period after the two month probationary period or if the person either fails to respond to the letter within 15 work days after the date the letter is mailed and the email is sent, or indicates ~~that he is unable or unwilling~~ inability or unwillingness to attend, the City Council liaison will be notified by the City Clerk's Office and the vacancy placed on the next possible City Council agenda for replacement or other appropriate action. The appointment shall be for the duration of the unexpired term of the member whose position has been vacated.

Acknowledgement of Attendance Requirement

Persons appointed to a board or commission shall be provided a copy of the attendance requirement and sign a form provided by the City which acknowledges the understanding of the attendance requirement.

Quorum Issues

In the event a board or commission has failed to have two (2) consecutive regularly scheduled meetings due to a lack of a quorum or has failed to have at least fifty percent of its regularly scheduled meetings in a calendar year due to a lack of a quorum, City Council shall be notified. The City employee providing support to the board or commission shall notify the City Manager and City Clerk of this failure. The City Clerk will then notify City Council of the failure electronically. Any member of Council may place the issue for discussion or action in accordance with the Policy on Mayor and Council Members Adding an Agenda Item approved by City Council. If placed on a City Council agenda, City Council will consider whether the board or commission should continue or be eliminated, whether the membership of the board or commission should be reduced, whether the quorum for the board of commission should be reduced, and whether alternate members should be appointed to the board or commission.

Recommendations to City Council

When a board or commission makes a recommendation or comment to City Council, City Council shall be provided the recommendation or comment. The recommendation or comment shall be approved by an action of the board or commission. The recommendation or comment shall be sent to the City Manager and City Clerk by the City employee providing staff support to the board or commission. The City Clerk will forward the recommendation or comment to City Council electronically. Any member of City Council may place the recommendation or comment on a City Council agenda for discussion or action in accordance with the Policy on Mayor and Council Members Adding an Agenda Item approved by City Council.

The following are not subject to this procedure:

- (i) Recommendations from a board or commission in response to a request for a recommendation from City Council,
- (ii) Recommendations from the Planning and Zoning Commission, Recreation and Parks Commission, and Affordable Housing Loan Committee requiring a public hearing by City Council, and
- (iii) Recommendations from the Greenville Utilities Commission, Redevelopment Commission and Airport Authority.

These items will be placed on a City Council agenda by the City Manager in accordance with standard agenda preparation procedures.

Electronic Participation in Meetings

A board or commission may allow a member to participate in a meeting electronically. However, a member who is not physically present at the meeting shall not be counted as present for the purpose of establishing a quorum or for the purpose of compliance with the attendance requirement of this Policy and shall not vote on any matter before the board or commission.

This provision shall not apply to the Greenville Utilities Commission, Airport Authority, the Sheppard Memorial Library Board of Trustees, and Housing Authority and these boards or commissions may establish their own policy relating to electronic participation in meetings.

Minutes

Minutes shall be prepared for each meeting of a board or commission. The minutes for a regular meeting shall be scheduled for approval by the board or commission at its next regular meeting. The minutes for a special meeting shall be scheduled for approval by the board or commission no later than the next regular meeting held thirty days after the special meeting. The approved minutes shall be posted on the City's website no later than seven calendar days after approval.

Annual Presentation to Council

Boards or commissions will make an annual presentation to City Council. The City Clerk shall coordinate the scheduling of the date for the presentation. The presentation shall provide

information on the activities and accomplishments during the past year and the goals and activities for the upcoming year. The goals and activities for the upcoming year shall support approved City Council goals, programs, and projects. The presentation shall comply with the Greenville City Council Policy on Time Limitations at City Council Meetings adopted at City Council.

Validity or Legality of Appointment Not Impacted

Failure to observe any requirement of this policy shall not affect the validity or legality of any appointment.

This policy was adopted by the Greenville City Council on October 11, 2010, and amended on the following dates:

- June 12, 2014
- August 15, 2016
- October 9, 2017.
- Readopted on February 11, 2019 and made retroactive to and effective on September 1, 2018.
- May 8, 2023
- **November 9, 2023**



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Ordinance Adopting Greenville Utilities Commission's Electric Capital Project Budget and Reimbursement Resolution for the Community Solar Project

Explanation: Greenville Utilities Commission's customer interest in renewable energy continues to grow, and community solar provides an option for customers interested in reducing carbon emissions but unable to install solar panels at their home. As such, GUC staff evaluated options for providing community solar and proposed a plan to construct a community solar facility that will interconnect to GUC's electric distribution system. The output from the solar facility will be available to customers for purchase.

In order to proceed with the project, a capital project budget needs to be established. At the October 19, 2023, the GUC Board of Commissioners adopted an electric capital project budget in the amount of \$1,500,000, adopted a reimbursement resolution, and recommends similar action by City Council.

Fiscal Note: No costs to the City.

Recommendation: Adopt the attached ordinance and reimbursement resolution

ATTACHMENTS

- [Ordinance Community Solar Project.pdf](#)
- [City Reimbursement Resolutions for Community Solar Project.pdf](#)

ORDINANCE NO. 23-_____

ELECTRIC CAPITAL PROJECT BUDGET
Community Solar Project

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. Revenues. Revenues of the Electric Capital Project Budget, Community Solar Project, is hereby established to read as follows:

Revenue

Long-Term Debt	<u>\$1,500,000</u>	
Total Project Revenue		<u><u>\$1,500,000</u></u>

Section 2. Expenditures. Expenditures of the Electric Capital Project Budget, Community Solar Project, is hereby established to read as follows:

Expenditures

Project costs	<u>\$1,500,000</u>	
Total Project Expenditures		<u><u>\$1,500,000</u></u>

Section 3. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the ___ day of _____, 2023.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

RESOLUTION NO. 23-__
RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE TO REIMBURSE THE
GREENVILLE UTILITIES COMMISSION, OF THE CITY OF GREENVILLE, NORTH
CAROLINA, A BODY POLITIC DULY CHARTERED BY THE STATE OF NORTH
CAROLINA, FROM THE PROCEEDS OF ONE OR MORE FINANCING(S) FOR
CERTAIN EXPENDITURES MADE AND TO BE MADE IN CONNECTION WITH THE
ACQUISITION AND CONSTRUCTION OF CERTAIN IMPROVEMENTS

WHEREAS, in accordance with Chapter 861 of the 1991 Session Laws of North Carolina, the Greenville Utilities Commission (the "Commission") has been created for the proper management of the public utilities of the City of Greenville, North Carolina (the "City"), comprising an electric system, a natural gas system, a sanitary sewer system and a water system within and without the corporate limits of the City, (collectively the "Combined Enterprise System") with responsibility for the entire supervision and control of the management, operation, maintenance, improvement and extension of the Combined Enterprise System; and

WHEREAS, Section 1.150-2 of the Treasury Regulations (the "Regulations") prescribes specific procedures which will be applicable to certain bonds, notes or other indebtedness ("Debt") issued by or on behalf of the Commission and the City including, without limitation, a requirement that the City declare official intent to reimburse certain expenditures with proceeds of Debt to be incurred prior to, or within sixty (60) days of, payment of the expenditures to be reimbursed;

WHEREAS, the Commission has determined to pay certain expenditures (the "Expenditures") incurred no more than 60 days prior to the date hereof and thereafter relating to the acquisition and construction of certain improvements (collectively, the "Additional Improvements") more fully described below;

WHEREAS, the Additional Improvements consist of a community solar project; and

WHEREAS, the City Council of the City has determined that those moneys previously advanced by the Commission no more than 60 days prior to the date hereof to pay such Expenditures are available only on a temporary period and that it is necessary to reimburse the Commission for the Expenditures from the proceeds of one or more issues of Debt;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

Section 1. The City hereby declares concurrence with the Commission's intent to reimburse the Commission from the proceeds of the Debt for the Expenditures made with respect to the Additional Improvements no more than 60 days prior to the date hereof and thereafter.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to capital account under general federal income tax principles (determined as of the date of the Expenditures), (b) the cost of issuance with respect to the Debt, (c) a non-recurring item that is not customarily payable from current revenues of the Combined Enterprise System, or (d) a grant to a party that is not related to or an agent of the Commission or City so long as such grant does not

impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Commission or City.

Section 3. The principal amount of the Debt estimated to be issued to reimburse the Commission for Expenditures for the Additional Improvements is estimated to be not more than \$1,500,000.

Section 4. The Commission and the City will make a reimbursement allocation, which is a written allocation by the Commission and the City that evidences the Commission's use of proceeds of the Debt to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, (expenditures by "small issuers" based on the year of issuance and not the year of expenditure), and expenditures for construction projects of at least 5 years.

Section 5. This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations.

Section 6. The resolution shall take effect immediately upon its passage.

Adopted this the ____ day of _____, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar

City Clerk

Upon motion of Council member _____, seconded by Council member _____, the foregoing resolution was adopted by the following vote:

Ayes: _____
_____.

Noes: _____.

* * * * *

I, Valerie Shiuwegar, City Clerk of the City of Greenville, North Carolina DO HEREBY CERTIFY that the foregoing is a true copy of such much of the proceedings of the City Council of said City at a regular meeting held on _____, 2023 as it relates in any way to the passage of the foregoing resolution and that said proceedings are recorded in the minutes of said Council.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City, this ____ day of _____, 2023.

City Clerk

[SEAL]



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Ordinance Authorizing the Execution and Delivery of the Amended and Restated Full Requirements Power Sales Agreement between North Carolina Eastern Municipal Power Agency and Duke Energy Progress, LLC

Explanation: The North Carolina Eastern Municipal Power Agency (NCEMPA) and Duke Energy Progress (DEP) entered into and executed the Tenth Amended and Restated Full Requirements Power Purchase Agreement on June 27, 2023. Included in the Amended and Restated Full Requirements Power Purchase Agreement are changes to many of the defined terms used therein, defined terms that are also used in the Full Requirements Power Sales Agreement entered into among NCEMPA, City of Greenville (COG), and Greenville Utilities Commission (GUC) as of April 25, 2015. Accordingly, and to maintain consistency, the Board of Directors of NCEMPA, on September 22, 2023, determined that it is in the best interest of NCEMPA and its members to enter into an Amended and Restated Full Requirements Power Sales Agreement to give effect to the many changed definitions in the Amended and Restated Full Requirements Power Sales Agreement, and the Board of Directors recommended that the Amended and Restated Full Requirements Power Sales Agreement be approved by NCEMPA's members. At its October 19, 2023 Board meeting, the GUC Board of Commissioners adopted a resolution authorizing the execution and delivery of the Amended and Restated Full Requirements Power Sales Agreement between NCEMPA and DEP and recommends similar action by City Council.

Fiscal Note: No costs to the City.

Recommendation: Adopt the attached ordinance authorizing the execution and delivery of the Amended and Restated Full Requirements Power Sales Agreement between North Carolina Eastern Municipal Power Agency and Duke Energy Progress.

ATTACHMENTS

[COG Ordinance - Amended and Restated Full Requirements Power Sales Agreement \(NCEMPA\).pdf](#)

CLERK'S CERTIFICATE

I, Valerie Shiuwegar, Clerk of the City of Greenville, North Carolina, (the "Municipality"), DO HEREBY CERTIFY as follows:

1. To the date of this Certificate, the City Council of the Municipality ("the Governing Body") has adopted no ordinance, resolution or rule regulating the procedure to be followed or observed by the Governing Body in the adoption of ordinances or resolutions which is not included in the Municipality's Charter, as amended to date.

2. As of the date of this Certificate and the date of introduction and adoption of the Ordinance hereinafter described, the Governing Body of the Municipality consisted of 6 members and the Mayor, all of whom have been duly elected and qualified.

3. P.J. Connelly was the duly elected and qualified Mayor of the Municipality at the time of the introduction and adoption of the Ordinance hereinafter described and at the time of the execution of the documents hereinafter described by the Municipality.

4. The undersigned Clerk has been duly appointed as Clerk of the Municipality to hold office at the pleasure of the Governing Body, and the appointment as Clerk predated the introduction and adoption of the Ordinance hereinafter described and remains in full force and effect.

5. The seal, an impression of which appears below, is the corporate seal adopted by the Municipality.

6. The undersigned, as Clerk, is charged with the duty of keeping custody of the minutes and official records of the proceedings of the Governing Body.

7. At a regular meeting of the Governing Body conducted on the ____ day of _____, 2023, the ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DETERMINING THAT

IT IS IN THE BEST INTERESTS OF THE CITY OF GREENVILLE TO APPROVE AND AUTHORIZE THE EXECUTION AND DELIVERY OF THE AMENDED AND RESTATED FULL REQUIREMENTS POWER SALES AGREEMENT BETWEEN THE CITY OF GREENVILLE AND NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY,” a full, true and complete copy of which is attached hereto and made a part of this Certificate (the “Ordinance”), was introduced and, after consideration by the Governing Body, was duly adopted by the Governing Body by a vote of _____ yeas and _____ nays. The Ordinance was thereafter duly recorded in the ordinance book of the Municipality and the municipal journal, if any. A copy of the minutes of said meeting is attached hereto.

8. The meeting referred to in this Certificate was a duly called and held regular meeting of the Governing Body, open to the public, and a quorum of the Governing Body was present and acting throughout; the copy of the minutes attached hereto has been compared by the undersigned with the original thereof that is on file and of record in the office of the undersigned and it is a full, true and complete copy of said original; the copy of the Ordinance attached hereto has been compared by the undersigned with the original thereof that is on file in the ordinance book (and municipal journal, if any) and it is a full, true and complete copy of said original. The Ordinance has not been amended, modified, superseded or repealed and is in full force and effect as of the date hereof.

9. The Amended and Restated Full Requirements Power Sales Agreement Amendment (the “Amended and Restated FRPSA”) referred to in the Ordinance has been filed in the Clerk’s office with the minutes of the proceedings at which the Ordinance was adopted.

10. Each execution copy of the Amended and Restated FRPSA furnished to North Carolina Eastern Municipal Power Agency by the undersigned has been duly executed by the

Mayor of the Municipality and attested by the undersigned as Clerk of the Municipality, all pursuant to authority granted by the Ordinance.

11. Since May 26, 2015, the Governing Body of the Municipality has not amended, revised or altered the Charter of the Municipality pursuant to legislative action, Section §160A-101 et seq. of the North Carolina General Statutes, or in any other manner whatsoever, except as such may have been amended, revised or altered by the document(s), if any, attached hereto; a copy of such document(s) was compared by me with the original(s) thereof on file and of record in the offices of the undersigned and it is a full, true and complete copy of said original(s); and such document(s) has not been amended, modified, superseded or repealed (except as reflected in the documents attached hereto) and is/are in full force and effect as of the date of this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the City of Greenville, this the _____ day of _____, 2023.

Clerk

(Impress Seal Here)

Attachments:

- Ordinance
- Minutes
- Charter Amendments, if any

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DETERMINING THAT IT IS IN THE BEST INTERESTS OF THE CITY OF GREENVILLE TO APPROVE AND AUTHORIZE THE EXECUTION AND DELIVERY OF THE AMENDED AND RESTATED FULL REQUIREMENTS POWER SALES AGREEMENT BETWEEN THE CITY OF GREENVILLE AND NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY

WHEREAS, the City of Greenville (the “Municipality”) and North Carolina Eastern Municipal Power Agency (“Power Agency”) entered into a Full Requirements Power Sales Agreement (the “FRPSA”), dated as of the twenty-fourth day of September, 2015, pursuant to which Power Agency sells and each Member purchases its Full Requirements Bulk Power Supply requirements (as that term is defined in the FRPSA); and

WHEREAS, the Board of Directors of Power Agency, by motion properly made and approved at its meeting on May 25, 2023, approved and authorized the execution and delivery of Tenth Amended and Restated Full Requirements Power Purchase Agreement (the “FRPPA”) between the Power Agency and Duke Energy Progress, LLC (including successors and permitted assigns, “DEP”), pursuant to which Power Agency has agreed to purchase from DEP and DEP has agreed to sell to Power Agency Power Agency’s full requirements capacity and energy to serve the load of the electric power customers of Power Agency’s members, the electric needs of which the members have undertaken the obligation to meet, and contingent upon a recommendation by the Rate Committee and approval by the Board of Commissioners of Power Agency; and

WHEREAS, by motions properly made and approved at meetings on June 7, 2023 and June 8, 2023, the Rate Committee and the Board of Commissioners, respectively, recommended that staff execute and approve the FRPPA in the name and on behalf of the Power Agency; and

WHEREAS, on September 22, 2023, the Board of Directors of Power Agency adopted Resolution BRR-10-23, which, among other things, (i) ratified the approval and execution of the FRPPA by the Chief Executive Officer in the name and on behalf of Power Agency and (ii) authorized Power Agency to execute and deliver to each Member an Amended and Restated Full Requirements Power Sales Agreement (the “Amended and Restated FRPSA”) to give effect to the transactions contemplated by the FRPPA; and

WHEREAS, Power Agency has caused to be furnished to the Municipality each of the following: (i) the FRPPA, (ii) Resolution BDR-10-23, and (iii) an executed Amended and Restated FRPSA, dated as of September 22, 2023; and

WHEREAS, the City Council of the Municipality (the “Governing Body”) has taken into consideration the benefits which might be achieved by approving, executing and delivering the Amended and Restated FRPSA.

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

1. After due consideration to the contents of each of the preambles set forth above and to each of the documents referred to in such preambles, the Governing Body hereby finds and determines that it is in the best interests of the Municipality to enter into the Amended and Restated FRPSA.

2. The Governing Body hereby authorizes and directs that the Amended and Restated FRPSA be executed for and on behalf of the Municipality by the Mayor and Clerk, sealed with the seal of the Municipality and delivered to the Power Agency in the form and substance of the Amended and Restated FRPSA presented at this meeting.

3. The Governing Body hereby directs the Clerk to furnish or cause to be furnished to Power Agency a certified copy of this ordinance together with the executed Amended and Restated FRPSA.

4. The Governing Body hereby directs the Clerk to file with the minutes of this meeting (i) the FRPPA, (ii) Resolution BDR-10-23, and (iii) the proposed Amended and Restated FRPSA as presented and available at this meeting.

5. This Ordinance shall become effective upon its adoption.

ADOPTED this _____ day of _____, 2023.

Mayor

ATTEST:

Clerk

(SEAL)



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Request by Police Department to Utilize Asset Forfeiture Funds to Purchase Equipment and Software.

Explanation: The Police Department is seeking approval to use Asset Forfeiture Funds to purchase equipment and software for the department. The following is a description of the proposed expenditures requested from the Forfeiture account:

1. Cyber security, detection and response system including hardwired fiber connection to Pitt County 911 system: Provides for hardwired connection to Pitt County system so as to fully utilize all features of new public safety radios; includes software and installation (\$46,100.00)
2. New personal communication equipment for Emergency Response Team: (\$31,214.46)
3. Supplemental funding for replacement of Emergency Response Team equipment truck: (\$60,000.00)
4. Software for use in criminal investigations that will allow for processing of photographic evidence: (\$20,503.00)
5. Software for use in criminal investigations that will assist in processing of cellular phone evidence (\$13,495.00)

Fiscal Note: The total anticipated expenditure from the Asset Forfeiture account is 171,313.00. After the proposed purchase, the Asset Forfeiture Account will have an account balance of approximately \$500 thousand.

Recommendation: Staff recommends approval to use Asset Forfeiture funds to purchase the requested equipment and software.

ATTACHMENTS

- [ASTRO 25.pdf](#)
- [Connection between Pitt County 911.pdf](#)
- [Personal communication system.pdf](#)
- [Vehicle.pdf](#)
- [Clearview AI.pdf](#)
- [Graykey.pdf](#)

Section 4

Proposal Pricing

4.1 Pricing Summary

Motorola Solutions pricing is based on the services and solution presented in Section 2. The addition or deletion of any component(s) may subject the total solution price to modifications.

Description	Price
ASTRO® 25 Managed Detection and Response	\$10,000.00
Installation and Activation Services	\$3,600.00
Year 1 Total	\$13,600.00

Initial Subscription Period after Year 1:

Description	Price
Initial Subscription Period - Year 2	\$10,400.00
Initial Subscription Period - Year 3	\$10,816.00
Initial Subscription Period - Year 4	\$11,248.64
Initial Subscription Period - Year 5	\$11,811.07

4.2 Payment Schedule & Terms

Period of Performance

The initial subscription period of the contract will extend five (5) years from the Commencement Date of Service, defined as the date data is available for analysis, or not later than thirty (30) days after Motorola provides the Customer with necessary hardware or software to connect the first data source.

Term

The Term of the contract begins on the Commencement Date of Service and remains in effect until the expiration of the initial period so specified.

Billing

Upon acceptance of this proposal by the Customer, Motorola Solutions will invoice the Customer for all service fees in advance for the full Year 1 amount according to the Pricing table in Section 4.1.

Thereafter, Motorola Solutions will invoice the Customer annually, in advance for (a) the Services to be performed (as applicable); and (b) any other charges incurred as agreed upon between the parties during the term of the subscription.

Customer will make payments to Motorola within thirty (30) days after receipt of each invoice. Customer will make payments when due in the form of a check, cashier's check, or wire transfer drawn on a United States financial institution.

INFLATION ADJUSTMENT. For multi-year agreements, at the end of the first year of the Agreement and each year thereafter, a CPI percentage change calculation shall be performed using the U.S. Department of Labor, Consumer Price Index, all Items, Unadjusted Urban Areas (CPI-U). Should the annual inflation rate increase greater than 3% during the previous year, Motorola shall have the right to increase all future maintenance prices by the CPI increase amount exceeding 3%. All items, not seasonally adjusted shall be used as the measure of CPI for this price adjustment. Measurement will take place once the annual average for the new year has been posted by the Bureau of Labor Statistics. For purposes of illustration, if in year 5 the CPI reported an increase of 8%, Motorola may increase the Year 6 price by 5% (8%-3% base).

Tax

Unless otherwise noted, this proposal excludes sales tax or other applicable taxes (such as Goods and Services Tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.

Section 5

Contractual Documentation

The agreements and licenses available at the links listed below are incorporated into and made a part of this proposal, which, together with any statements of work or other exhibits or schedules attached to this proposal, collectively form the agreement between Motorola Solutions and City of Greenville Police Department for the Services described in this proposal (the "Agreement"). By signing below, City of Greenville Police Department accepts and agrees to the terms of the Agreement. The Agreement is effective between Motorola Solutions and City of Greenville Police Department as of the date of the last signature below.

MOTOROLA

CUSTOMER

BY: _____

BY: _____

NAME: _____

NAME: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

Document	Links
Addendum to a Primary Agreement	https://www.motorolasolutions.com/content/dam/msi/docs/msi-standards terms-conditions/US addendum to a primary agreement.pdf
Data Processing Addendum – U.S.	https://www.motorolasolutions.com/content/dam/msi/docs/msi-standards terms-conditions/data processing addendum US.pdf

End User License Agreements (EULA), privacy statements, data processing agreements and/or other applicable terms. Such third-party providers and terms may include the following, if applicable, or as otherwise made available publicly, through performance, or upon request:

Third Party Provider	Links
Palo Alto	EULA: www.paloaltonetworks.com/content/dam/pan/en_US/assets/pdf/legal/palo-alto-networks-end-user-license-agreement-eula.pdf Customer Data Processing Addendum: www.paloaltonetworks.com/content/dam/pan/en_US/assets/pdf/legal/palo_alto_networks_customer_data_processing_agreement.pdf
Carbon Black (VMWare)	Terms of Service: www.vmware.com/content/dam/digitalmarketing/vmware/en/pdf/downloads/eula/vmware-cloud-services-universal-tos.pdf Data Processing Agreement: www.vmware.com/content/dam/digitalmarketing/vmware/en/pdf/downloads/eula/vmware-data-processing-addendum.pdf

QUOTE



MOTOROLA SOLUTIONS

Motorola Solutions Inc.
500 W. Monroe St.
Chicago, IL 60601

DATE: 09/25/2023

EXPIRATION DATE: November 25, 2023

TO
Greenville Police Dept.
500 S Greene St
Greenville, NC 27834
Attn: Virginia Bridwell

SALESPERSON	JOB	PAYMENT TERMS	Expiration Date
Joseph Knox	Console Move to Pitt County System from VIPER	Net 30	25 Nov 2023

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	SQM01SUM0323 - ASTRO Master Site CA03517AD – Add: Core Expansion UA00156AA – Add: MCC7500 Console Licenses (Qty 5)	\$5,000.00	\$5,000.00
1	CLN1868 – 2930F 12-Port Switch	\$3,509.00	\$3,509.00
1	T8492 – Site Route & Firewall – AC CA03445AA – Add: Mission Critical Hardening CA03448AA – Add: Stateful Firewall	\$6,391.00	\$6,391.00
1	System integration services (2347311)	\$17,600.00	\$17,600.00
SUBTOTAL			\$32,500.00
SALES TAX			TBD
TOTAL			\$32,500.00

Thank you for your business!

System Description

1.1 Console Move Overview

At the request of the City of Greenville, North Carolina, Motorola is proposing the equipment and services needed to move operation of their current five position MCC 7500 console from the VIPER ASTRO 25 radio system onto the Pitt County ASTRO 25 radio system. Moving a console site off of one ASTRO system and onto another can be very disruptive to console site operation. This proposal includes the hardware, software and services needed to perform this move in a way that is least disruptive to dispatch operations for the City.

1.2 Components Required for Console Move

Moving the operation of the Greenville consoles onto the Pitt County ASTRO core will require hardware and software licenses, both to enable operation on the Pitt County core and to provide for a cutover that is least disruptive to dispatch operations. The following are included as part of the console move.

Console Licenses for Pitt Core

Operation on the Pitt County ASTRO 25 core will require console licenses in sufficient quantity to support the MCC 7500 positions currently in operation at Greenville's dispatch center. Five (5) console licenses have been included for the proposed console move. These licenses will be added to the Pitt County core, prior to the cut over of the Greenville console.

Juniper SRX 345 Console Site Router

The consoles for the City of Greenville currently have a single link to the VIPER core, which includes a single site router. During the time it takes to disconnect this router from the VIPER core, reconfigure it for operation on the Pitt County core, bring the link up and start moving console positions and other dispatch site components onto the link, dispatch operation will be impacted. To minimize this disruption, Motorola is including a new console site router. This will be used to set up the console site on the Pitt County system in advance of the cut over. Then console positions and other console site equipment can be migrated over to the new console site one at a time.

The Juniper SRX 345 Console Site Router provides an interface that handles all of the IP network management traffic between the ASTRO core and the console site. The console site router provides the following functions for the console site:

- **Media conversion**—The router converts Ethernet to the selected transport medium.
- **Traffic prioritization**—The router applies a prioritization marking to the packets leaving the site.
- **Fragmentation**—The router fragments large IP packets per industry standards.



Figure 1-1: SRX 345 Console Site Router

Aruba 2930F Console Site LAN Switch

The consoles for the City of Greenville currently have a single Ethernet LAN switch connecting all the console positions and other dispatch site components. During the time it takes to disconnect this switch from the VIPER network, reconfigure it for operation on the Pitt County network, bring the switch up and start moving console positions and other dispatch site components onto its subnet, dispatch operation will be impacted. To minimize this disruption, Motorola is including a new console site LAN switch. This will be used to set up the console site on the Pitt County system in advance of the cut over. Then console positions and other console site equipment can be migrated over to the new console site one at a time.

The Aruba 2930F 24-port Ethernet LAN switch is used to connect all dispatch positions and other dispatch site components.



Figure 1-2: Aruba 2930F Backhaul Switch

Statement of Work

Motorola is proposing to the City of Greenville, NC the installation and configuration of the following equipment at the specified locations.

Site Name	Major Equipment
Greenville, NC Dispatch Center	Move (5) MCC7500 VPM Consoles from the VIPER

The document delineates the general responsibilities between Motorola and the City of Greenville as agreed to by execution of this quote.

1.3 Motorola Responsibilities

Motorola's general responsibilities include the following:

- Perform the installation of the Motorola-supplied equipment described above.
- Schedule the implementation in agreement with the City of Greenville.
- Coordinate the activities of all Motorola subcontractors under this contract.
- Administer safe work procedures for installation.
- Provide the City of Greenville with the appropriate system interconnect specifications.
-

1.4 The City of Greenville, NC Responsibilities

The City of Greenville will assume responsibility for the installation and performance of all other equipment and work necessary for completion of this project that is not provided by Motorola. General responsibilities for the City of Greenville include the following:

- Provide all buildings, equipment shelters, and towers required for system installation.
- Ensure communications sites meet space, grounding, power, and connectivity requirements for the installation of all equipment.
- Obtain all licensing, site access, or permitting required for project implementation.
- Provide required system interconnections and coordinate with Pitt County Emergency Management.

- The City of Greenville will provide a dedicated delivery point, such as a warehouse, for receipt, inventory, and storage of equipment prior to delivery to the site(s).
- Coordinate the activities of all the City of Greenville vendors or other contractors.

1.5 Assumptions

Motorola has made several assumptions in preparing this proposal, which are noted below. In order to provide a firm quote, Motorola will need to verify all assumptions or seek alternate solutions in the case of invalid assumptions.

- All existing sites or equipment locations will have sufficient space available for the system described as required/specified by R56.
- All existing sites or equipment locations will have adequate electrical power in the proper phase and voltage, and site grounding to support the requirements of the system described.
- Any site/location upgrades or modifications are the responsibility of the City of Greenville.
- Approved FCC licensing if required will be provided by the City of Greenville.
- Approved local, State, or Federal permits as may be required for the installation and operation of the proposed equipment are the responsibility of the City of Greenville.
- Any required system interconnections not specifically outlined here will be provided by the City of Greenville. These may include dedicated phone circuits, microwave links, or other types of connectivity.
- Cost for system upgrades of the console positions is not provided in the equipment cost and will be provided as a separate cost item under the SUA change order. Consoles on the Pitt County system must maintain console system release versions that are current with the Pitt County system release. **Pitt County tenants are required to have an active SUA on all consoles.**
- A change order to the existing SUA contract that the City of Greenville currently has for VIPER will be provided upon completion of this move. The new contract will provide updated pricing.
- Cybersecurity/MDR pricing will be provided via a separate proposal.
- No coverage guarantee is included in this proposal.
- Motorola is not responsible for interference caused or received by the Motorola-provided equipment except for interference that is directly caused by the Motorola-provided transmitter(s) to the Motorola-provided receiver(s). Should the City of Greenville's system experience interference, Motorola can be contracted to investigate the source and recommend solutions to mitigate the issue.
- **It is the responsibility of the City of Greenville to provide connectivity between the console location and the Pitt County radio system core, with sufficient bandwidth, link performance and Quality of Service (QoS) to support the operational needs of the ASTRO 25 network. Pricing has not been included for Motorola to provide this connectivity. Motorola will provide the City with the link specifications.**
- **The City of Greenville is responsible for working with Pitt County to develop an MOU for the City of Greenville to connect the City of Greenville's (5) MCC7500 VPM Based consoles to the Pitt County Core.**

1.6 Change Order Process

Either Party may request changes within the general scope of this Agreement. If a requested change causes an increase or decrease in the cost or time required to perform this Agreement, the Parties will agree to an equitable adjustment of the quoted Price, Performance Schedule, or both, and will reflect the adjustment in a change order. Neither Party is obligated to perform requested changes unless both Parties execute a written change order.



3319 Arvil Place
Raleigh, NC 27603

800 Clanton Road Suite T
Charlotte, NC 28217

REMIT TO: 3319 Arvil Place, Raleigh, NC 27603

SALES QUOTE	
SQ-397398	10/23/2023



Customer	Contact	Ship To
CITY OF GREENVILLE ATTN: ACCOUNTS PAYABLE 500 SOUTH GREENE STREET GREENVILLE NC 27834 Tel: (252) 329-4323 Fax: (252) 329-4792		CITY OF GREENVILLE DAVID ANDERSON 500 S. GREENE STREET GREENVILLE NC 27834

Account	Terms	Due Date	Account Rep	Schedule Date	
GREENV	NET 30 Days	11/22/2023	Lauren McFaul	10/23/2023	
Quotation	PO #	Reference	Ship VIA	Page	Printed
SQ-397398		ANDERSON	FACTORY DIRECT	1	10/23/2023 4:34:17PM

L	Item	Description	Qty	Price	UM	Discount	Amount
1	PRODUCT	TCI LIB4 A XXX/LODU-GM-V-SP LIBERATOR IV, ADAPTIVE SUSPENSION, LEFT FLEXIBLE BOOM MIC, OD GREEN EARCUP, SINGLE-COMM (See Radio Guide for Interface Code) ALPHA PTT W/VOLUME CONTROL, GAS MASK INPUT, CELL PHONE CABLE, HELMET MOUNT. INCLUDES BTH SUSPENSION (OTH Suspensions sold separately). DOES NOT INCLUDE GAS MASK CABLE.	22	\$1,313.52	EA		\$28,897.44
2	SH	SHIPPING/HANDLING	1	\$274.95	EA		\$274.95

Pricing is valid for 30 days. * Please verify that the part numbers and descriptions are correct before submitting your order. * Restocking fees may apply to returned items. Firearms, ammunition, special order or customized items and certain other products may not be returned. * Many products sold have manufacturer's warranties. For returns related to matters covered by a manufacturer's warranty, please contact the manufacturer directly for instructions to repair or replace your product. We do not augment or supplement the manufacturer warranty. * Prices on this quotation assume payment with cash or check.	Tax Details	
	NCCTTY7.00 \$2042.067	
	Taxable	\$29,172.39
	Total Tax	\$2,042.07
	Exempt	\$0.00
	Total	\$31,214.46
	Balance	\$31,214.46

From: Larry Davis <ldavis@greenvillenc.gov>
Sent: Friday, October 20, 2023 1:36 PM
To: Ted D. Sauls <tsauls@GREENVILLENC.GOV>
Cc: Donald Manley <DManley@greenvillenc.gov>; Richard Tyndall <RTyndall@greenvillenc.gov>
Subject: New ERT Truck / VRF & Asset Forfeiture

Ted,

I have made the changes to the FY24 VRF phase 2 (approved by Kevin M.). You are now turning in 5639 and 6633 to be able to purchase the new ERT truck. The FY24 VRF phase 2 portion can cover \$124,000.00 (if approved) of the purchase so the remaining \$60,000.00 will need to come asset forfeiture. FY24 VRF phase 2 agenda item is still scheduled for the Nov. 9th meeting.

FYI: International **may** already have a chassis for us (depending on timing). So if this is completely approved (VRF & Asset Forfeiture) and everything falls into place we **might** have the vehicle here and ready for service in 8 to 10 months?

Larry Davis

Fleet Superintendent
City of Greenville, NC
ldavis@greenvillenc.gov
www.greenvillenc.gov

Office: (252) 329-4831
Mobile: (252) 364-9184
Fax: (252) 329-4704



* Please note that any and all correspondence to and from this email address is subject to North Carolina Public Records Law and may be disclosed to third parties.

SEPTEMBER 2023

CLEARVIEW AI PROPOSAL

Proposal for: GREENVILLE POLICE DEPARTMENT (NC)

CONTACT INFORMATION

Tina Honeycutt

Account Executive

tina.honeycutt@clearview.ai

980-334-4426



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1.1 CLEARVIEW AI OVERVIEW

1.1.1 CAPABILITIES STATEMENT

Clearview AI's mission is to enhance national security, drastically reduce crime, fraud, and risk to make communities safer and keep commerce secure. In 2019, federal, state, and local police departments across America began using Clearview AI as a solution to help solve crime and ensure public safety. As a platform for intelligence and identity management, it has quickly become a favored resource for law enforcement, helping solve even the most difficult crimes. Today, many law enforcement agencies trust Clearview AI's one-of-a-kind, facial search technology.

Clearview AI's revolutionary investigative platform allows investigators to search any facial image of a suspect, victim, or other person of interest against over 30 billion online images. By using this tool to efficiently process information investigators already possess, Clearview AI helps investigators identify those without a prior arrest record, without an online presence, without a DMV record, or others that would often otherwise go unidentified. Our solutions help to identify persons of interest, criminal offenders, terrorists, human traffickers and child predators. Clearview AI also helps clients accelerate their investigations, meaning they can do more with less.

We appreciate the confidence you have in Clearview AI and welcome the opportunity to work with your agency by providing solutions which help in your mission to solve crimes and ensure National Security. It is our understanding that this procurement can also serve as the basis for sharing intelligence with other fellow domestic and international Public Safety and Intelligence organizations. If awarded this important opportunity, we will leverage our proprietary online database and facial recognition solution to provide a more custom service to meet or exceed your agency and national expectations and to meet regional and national privacy compliance and data protection requirements.

1.2 ABOUT CLEARVIEW AI

Clearview AI is a privately-owned, U.S. based company, dedicated to innovating and providing the most cutting-edge technology to law enforcement to investigate crimes, enhance public safety and provide justice to victims.

We believe law enforcement should have the most cutting-edge technology available to investigate crimes, enhance public safety, and provide justice to victims. And that's why we developed a revolutionary,



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web-based intelligence platform for law enforcement to use as a tool to help generate high-quality investigative leads. Our platform, powered by facial recognition technology, includes the largest known database of facial images sourced from public-only web sources, including news media, mugshot websites, public social media, and other open sources.

Our solutions allow agencies to gain intelligence and disrupt crime by revealing leads, insights and relationships to help investigators solve both simple and complex crimes, increase officer and public safety, and keep our communities and families safer.

1.2.1 NIST: #1 ALGORITHM RANK IN THE UNITED STATES

Clearview AI's first algorithm submission to NIST's latest Face Recognition Vendor Test ("FRVT") ranked #1 in the U.S. for its performance in matching Visa Photos (99.81%), Mugshot Photos (99.76%), Visaborder photos (99.7%) and Border Photos (99.42%), and ranked in top five worldwide in all of these categories out of 650 algorithms.

In the most difficult category of facial recognition tests, "Wild Photos", Clearview AI's algorithm ranked #1 in the U.S. and #2 worldwide. In another key test that evaluates demographic accuracy, Clearview AI's algorithm consistently achieved greater than 99% accuracy across all demographics.

Clearview AI has been instrumental in thousands of cases including finding abducted children, identifying endangered dementia cases, and apprehending drug traffickers, sex offenders, and other violent criminals. Our database is the most representative of the population and is not limited to criminal offenders (mugshot database). With over 30 billion publicly available images, Clearview AI's database covers a multitude of ages, ethnicities, and physical characteristics.

1.2.2 KEY BENEFITS

- **HIGHLY EFFICIENT** Allows agencies to address manpower and resource deficiencies by providing high-probability investigative leads within a few seconds versus days or months.
- **INCREASE OFFICER, VICTIM + PUBLIC SAFETY** Uncover actionable intelligence with powerful tools to create cold case notification alerts. Support intelligence to validate suspect, victim and person of interest identities that is often impossible using legacy identity tools.
- **DATA YOU CAN'T FIND ANYWHERE ELSE** Clearview AI is the only facial recognition company that provides billions of faces captured on the open web and "in the wild", offering the highest probability of a successful match using the Clearview AI patented neural network algorithm and accuracy across all demographics.



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- **CUSTOMIZABLE GALLERIES** Users can import their own private, customized facial datasets such as mugshot repositories, customized watchlists, or any other facial database
- **30+ BILLION FACIAL IMAGE DATABASE** Clearview AI images are sourced from social media posts, personal and professional websites, news articles, online mugshots, criminal databases, public record sites and thousands of other open sources.

1.3 SECURITY & SOC2 COMPLIANCE

1.3.1 SOC2 CERTIFICATION

Clearview AI has successfully completed its System and Organization Controls 2 (SOC 2) examination certifying the company maintains effective controls over the security and processing integrity of its clients' data. The examination was conducted by BARR Advisory, P.A.

SOC 2 is an auditing procedure conducted by licensed and regulated certified public accountants that rigorously reviews data service providers to ensure the secure management and accurate processing of data. It is widely considered the highest standard of cybersecurity certification and is intended to protect company's interests and intellectual property when they engage data service providers.

The American Institute of CPAs (AICPA) outlines principles and criteria for SOC 2 examinations which include exacting standards for security, cybersecurity, availability, process integrity and confidentiality.

1.3.2 DATA STORAGE & SECURITY

We recognize that data storage and security concerns are of tremendous importance to public safety agencies. We protect data in four ways:

- Routine automated code scans pinpoint vulnerabilities or dependencies within our source code. We patch every issue upon discovery.
- Regular professional code audits and a bug bounty program with an industry-leading provider.
- Encrypt all traffic to the latest TLS specifications and protect it with Cloudflare reverse proxy technology as it is routed through Clearview AI's secure data center.

Store data on multiple servers inside a secured data center in Northern Virginia with internal levels of access control.



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1.4 PRICE QUOTE

CUSTOMER INFORMATION

Major David Bowen
Greenville Police Department (NC)
dbowen@greenvillenc.gov

CLEARVIEW AI INFORMATION

Tina Honeycutt
tina.honeycutt@clearview.ai
980-334-4426

QUOTE DETAILS

Today's Date: 09/18/2023

Quote Expiration: 10/28/2023

ONE-TIME FEES			
CLEARVIEW AI PROFESSIONAL SERVICES - ONE-TIME FEES	QTY (If Applicable)	LIST PRICE	DISCOUNTED PRICE TO GPD
IMPI: Implementation Services		\$25,000	\$500
HDS2: Premium Help Desk Support		\$14,500	WAIVED
TOTAL ONE-TIME FEES		\$39,500	\$500



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RECURRING FEES

CLEARVIEW AI SAAS SERVICES RECURRING FEES	QTY (If Applicable)	STANDARD PRICE	PRICE PER YEAR FOR 3 YEAR AGREEMENT**	PRICE FOR 1 YEAR AGREEMENT
Tier 1: Pro Package	Up to 5	\$25,000	\$7,501	\$8,001
Tier 2: Pro Package	Up to 10	\$50,000	\$13,644	\$14,144
Tier 3: Pro Package	Up to 15	\$75,000	\$15,008	\$15,508
SPECIAL OFFER: PRO PKG	12	\$60,000	\$12,006	\$12,506

***NOTE: With a 3 year agreement, the \$500 one-time fee is waived.**



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SAMPLE - 3 YEAR PAYMENT SCHEDULE

Tier 1: Up to 5 licenses- Pro Package with a 3 year agreement

DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 5 licenses, due on EFFECTIVE DATE	\$7,501
**One-Time Setup and configuration fee	\$500
Year 1 Payment for 5 licenses, due on EFFECTIVE DATE	\$7,501
Year 1 Payment for 5 licenses, due on EFFECTIVE DATE	\$7,501
TOTAL FOR 3 YEARS AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$22,503
**OPTIONAL: Discount if you pay 3 years upfront	-\$2,000
Grand Total if you chose the option to pay 3 years upfront	\$20,503

Tier 2: Up to 10 licenses- Pro Package with a 3 year agreement

DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 10 licenses, due on EFFECTIVE DATE	\$13,644
**One-Time Setup and configuration fee	\$500
Year 1 Payment for 10 licenses, due on EFFECTIVE DATE	\$13,644
Year 1 Payment for 10 licenses, due on EFFECTIVE DATE	\$13,644
TOTAL FOR 3 YEARS AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$40,932
**OPTIONAL: Discount if you pay 3 years upfront	-\$4,000
Grand Total if you chose the option to pay 3 years upfront	\$36,932



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Tier 3: Up to 15 licenses- Pro Package with a 3 year agreement

DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 15 licenses, due on EFFECTIVE DATE	\$15,008
**One-Time Setup and configuration fee	€500
Year 1 Payment for 15 licenses, due on EFFECTIVE DATE	\$15,008
Year 1 Payment for 15 licenses, due on EFFECTIVE DATE	\$15,008
TOTAL FOR 3 YEARS AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$45,024
**OPTIONAL: Discount if you pay 3 years upfront	-\$4,500
Grand Total if you chose the option to pay 3 years upfront	\$40,524

SPECIAL OFFER: 12 licenses- Pro Package with a 3 year agreement

DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 12 licenses, due on EFFECTIVE DATE	\$12,006
**One-Time Setup and configuration fee	€500
Year 1 Payment for 12 licenses, due on EFFECTIVE DATE	\$12,006
Year 1 Payment for 12 licenses, due on EFFECTIVE DATE	\$12,006
TOTAL FOR 3 YEARS AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$36,018
**OPTIONAL: Discount if you pay 3 years upfront	-\$3,500
Grand Total if you chose the option to pay 3 years upfront	\$32,518



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SAMPLE - 1 YEAR PAYMENT SCHEDULE	
Tier 1: 5 LICENSES – 1 YEAR AGREEMENT WITH PRO PACKAGE	
DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 5 licenses, due on EFFECTIVE DATE (2023)	\$8,001
**One-Time Setup and configuration fee	\$500
TOTAL FOR 1 YEAR AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$8,501
Tier 2: 10 LICENSES – 1 YEAR AGREEMENT WITH PRO PACKAGE	
DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 10 licenses, due on EFFECTIVE DATE (2023)	\$14,144
**One-Time Setup and configuration fee	\$500
TOTAL FOR 1 YEAR AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$14,644



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Tier 3: 15 LICENSES – 1 YEAR AGREEMENT WITH PRO PACKAGE	
DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 15 licenses, due on EFFECTIVE DATE (2023)	\$15,508
**One-Time Setup and configuration fee	\$500
TOTAL FOR 1 YEAR AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$16,008

SPECIAL OFFER: 12 LICENSES – 1 YEAR AGREEMENT WITH PRO PACKAGE	
DETAILS OF PAYMENTS & DUE DATES	AMOUNT DUE
Year 1 Payment for 15 licenses, due on EFFECTIVE DATE (2023)	\$12,506
**One-Time Setup and configuration fee	\$500
TOTAL FOR 1 YEAR AND ONE-TIME FEE WHEN PAYING ANNUALLY	\$13,006



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BASIC & PRO

Basic Package Includes:

- **Core functions and capabilities necessary to perform facial identification and generate high-quality investigative leads.**
- **Access to #1 ranked facial recognition platform to aid in the identification & investigation of persons of interest.**
- **Access the largest known database of 30+ billion facial images sourced from public-only web sources, including new media, mugshot websites, public social media, & many other open sources.**
- **Use your own database of images with private galleries (i.e. mugshots)**
- **Platform upgrades that are deployed on a regular basis**
- **Basic Support via email and chat offered Monday-Friday, between 9a-5p EST.**
- **An assigned Customer Success Manager to assist you.**

Pro Package includes:

- **Premium features that offer advanced functionality for facial analysis, providing significant improvements to intelligence gathering -- All Basic package features, plus:**
- **[Currently Implemented]. Still Image Enhancement: Extract the highest quality images from video footage and eliminate the need to capture, crop, and upload screenshots during an investigation.**
- **[Currently Implemented]. Image Enhancement: Improve the quality of a probe image to achieve better results. Features include cropping, rotating, brightening, flipping, and sharpening the probe image.**
- **[Future Implementation]. Photo Lineup: Generate a six pack of highly similar faces for more reliable eyewitness identification.**
- **[Future Implementation]. Deconfliction: Enhance interagency collaboration and information sharing**
- **Advanced Support: Engineering resource available for deployment guidance, integration support, and issue review and resolution.**



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We offer 3 year price lock agreements. This option allows you to budget for 3 years without the risk of a pricing increase. With the 3 year price lock agreement, you have a couple of options:

- You will be invoiced for Year 1. At the end of Year 1, if you do not have funding for year 2, you will notify us in writing. You will not have access to the platform and will not have to pay for year 2. At the end of year 2, when you have funding, you can come back onto the platform at the locked in rate.
 - Year 1: Invoiced upon execution of agreement
 - Year 2: Invoiced on year 1 anniversary of agreement execution
 - Year 3: Invoiced on year 2 anniversary of agreement execution
- If you pay all 3 years upfront a discount is applied.
 - Years 1, 2, and 3 total
 - Discount for Paying ALL 3 years upfront: -\$discount
 - Total Due if paying ALL 3 years upfront: \$Grand Total Due
- I am able to prorate months to get you to a budget year
- We have a sole source statement; but we can procure through a contract vehicle if your agency requires that. ***Please be aware of an additional 10% fee associated with using the contract vehicle.***

If you decide to move forward with a formal agreement, I need to know the following to prepare it:

- Which type of renewal works best for your agency?
 - 1 year agreement
 - 3 year price lock
 - Pay ALL 3 years upfront
- Billing Contact: Name/Phone/Email
- Primary Admin: Name/Rank/Phone/Email
- Signatory: Name/Rank/Phone/Email



99 Wall Street #5730
New York, N.Y. 10005

www.clearview.ai
info@clearview.ai

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Please Note: The price quote is not binding unless and until the parties execute an Order Form, including the Clearview Terms of Service and User Code of Conduct.

Search results established through Clearview AI and its related systems and technologies are indicative not definitive. Clearview AI, Inc. makes no guarantees as to the accuracy of its search-identification software. Law enforcement professionals **must** conduct further research in order to verify identities or other data generated by the Clearview AI system. Clearview AI is neither designed nor intended to be used as a single-source system for establishing the identity of an individual. In no event shall Clearview AI be liable for any misuse, negligence or misconduct by Customer in its use of the Clearview AI technologies. This contract is subject to and is incorporated by reference into the Clearview AI, Inc. Terms of Service and User Code of Conduct, located <https://www.clearview.ai/terms-of-service>. To the extent any terms or provisions of this price proposal conflicts with the Order Form, the Order Form shall control.



99 Wall Street #5730
New York, N.Y. 10005

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info@clearview.ai

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This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. This proposal contains trade secrets and commercial or financial information that are either specifically exempted from disclosure by statute or are privileged or confidential within the meaning of exemption that is set forth in 5 USC 552 (b) (3) and (4), respectively, of the Freedom of Information Act, 5 USC 552, and the disclosure of which could invoke the criminal sanctions of 18 USC 1905. Source Selection Information-See FAR 2.101 and 3.104

WHY CLEARVIEW AI?

PREPARED FOR:
Greenville Police Department

Clearview AI's revolutionary investigative platform enables quicker identifications to help solve crimes and make our communities safer.

In just seconds, search countless online data sources — and your agency's images — all at once (mugshots, government issued IDs, custom watchlists, and others)

U.S. OWNED & OPERATED

Clearview AI is a U.S. based company, not foreign-owned. The company serves federal, state, and local law enforcement agencies, including agencies within DOJ, DHS and DOD. References available upon request.

HOW IT WORKS

1. Image is uploaded and required intake form (case number and crime type) is completed
2. Clearview AI searches probe against images indexed from public web sources and custom galleries
3. Facial image results are returned with a source URL for public images
4. End user verifies and supports returned results with further investigative steps

KEY FEATURES

- Comprehensive administrative auditing, dashboards, and reporting tools
- Alerting capabilities for deeper intelligence
- State of the art security
- Unified, easy-to-use interface
- Customizable compliance capabilities specific to your agency



**#1 IN U.S. &
#2 IN WORLD**

across mugshot,
visa, border & wild
photo categories

99+%

accuracy
for all
demographics



Source: FBI FRVT-1 Verification, October 2021

✓ HUGE TIME SAVINGS

Allows agencies to address manpower and resource deficiencies by providing high-quality investigative leads within a few seconds versus hours or days.

✓ INCREASE OFFICER, VICTIM & PUBLIC SAFETY

Helps uncover actionable intelligence with powerful tools like generating watchlists and alerts, and validating identities. Identify victims that would often go unidentified otherwise.

✓ DATA YOU CAN'T FIND ANYWHERE ELSE

Clearview AI is the only facial recognition company on the market that has billions of faces in a database with excellent accuracy.

✓ 30+ BILLION FACIAL IMAGE DATABASE

Images are sourced from social media posts, personal and professional websites, news articles, online mugshots, criminal databases, public record sites and thousands of other open sources.

✓ CUSTOMIZABLE GALLERIES

Users can import their own private, customized facial datasets such as mugshot repositories, customized watchlists, or any other facial database.

TRIAL LEADS DEVELOPED BY GREENVILLE POLICE DEPARTMENT

Greenville Police Department has had countless successful identifications within minutes on suspects in which the case would have taken deputies hours upon hours of work to discover the lead.

These are *some* of the cases in which suspects were identified by Greenville Police Department using the Clearview AI platform:

INVESTIGATION	CREATED BY	SUMMARY
unknown (Retail Theft / Shoplifting)	Brandon Edgerton	Saw a help identity picture on the local news website. Ran it through Clearview and a match was located.
2023-002998 (Felony theft / larceny)	Jordan Byrd	Subject was positively identified as the larceny suspect for theft.
2023-012236 (Felony theft / larceny)	Brandon Edgerton	Still under investigation but provided several good leads on a possible suspect.
2023-012238 (Retail Theft / Shoplifting)	Brandon Edgerton	Helped confirm suspect ID in larceny case.
2023-002057 (Attempt to ID)	Jordan Byrd	Clearview assisted in identification of a larceny suspect by pulling up prior booking photos for larceny in Pitt County.
2023-009639	Jordan Byrd	Clearview identified social media associated with the subject, was able to utilize the Facebook URL to identify the subject.

TRIAL DATE

September 18, 2023 - October 3, 2023



12
Users



248
Searches



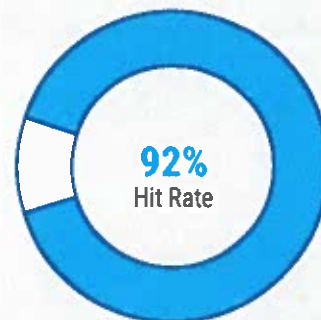
228
Searches
with Results



63
Investigations
Opened



4
Outside Search Requests



INVESTIGATION	CREATED BY	SUMMARY
2023-011363 (Attempt to ID)	Jordan Byrd	1 of the 2 suspects pictured was positively identified
unknown (Murder)	Brandon Edgerton	The photos in this case came from Durham PD from a homicide investigation. They provided leads on the suspects identity which was previously unknown.
2023-011293 (Retail Theft / Shoplifting)	Brandon Edgerton	I found an article on WITN website for a help identify by Jacksonville PD for a fraud case. I ran the image and instantly got back several results which seem to be a good lead. I passed on the information to Jacksonville PD Detective McKnight.
2023-05359 (Fraud)	Brandon Edgerton	I used the image from a Crimestoppers website in Burlington to test this software. The image provided a hit with a female suspect. I contacted Burlington PD who confirmed the suspect shown in Clearview was their main suspect.
2023-011568 (Motor Vehicle Theft)	William Bellasai	Ran a photo of a possible MV Theft suspect from GA. Positive results.
2023-008114 (-Theft)	William Bellasai	Male was already identified via other means, Clearview 100% matched the same subject.
2023-009762 (Forgery and Counterfeiting)	William Bellasai	Ran photograph of theft suspect through the application, positively Identified the subject out of Florida using multiple aliases.

David Bowen

From: Tracy Gossett <tracy.gossett@magnetforensics.com>
Sent: Thursday, September 21, 2023 1:00 PM
To: David Bowen; Bradford Oliver
Subject: [External] GrayKey Pricing
Attachments: GrayKey Licensing Options Online.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, were expecting this message or otherwise know the content is safe.

Major, I've attached the pricing guide for the GrayKey and below are the bundle prices with ArtifactIQ -

Essentials with 3 Pro ArtifactIQ Licenses - \$13,495

Advanced with 8 Pro ArtifactIQ Licenses - \$36,825

Premier with 15 Pro ArtifactIQ Licenses - \$62,715

Please let Bradford or myself know if there are any questions at all!

V/R
Tracy

Tracy Gossett

Magnet Forensics

Strategic Account Manager / Retired LEO

Tracy.Gossett@MagnetForensics.com

Direct – 901-538-9112

Grayshift / Magnet are now merged into one company to meet all of your digital forensics needs.



Magnet Forensics and Grayshift are coming together
to form the ultimate DFIR solution.

This email including any attachments may contain confidential material for the sole use of the intended recipient. If you are not the intended recipient please immediately notify the sender by reply email, permanently delete this message and do not forward it or any part of it to anyone else.

Online Licenses

GrayKey Licensing Options

Mobile device forensics is on the rise and the need to have a mobile extraction solution that you can count on is critical – this is where GrayKey can help. GrayKey is a state-of-the-art forensic access tool that extracts encrypted or inaccessible data from iOS and leading Android devices to access the critical data you need to help you solve more cases.

GRAYKEY PRICING FOR WHERE AND HOW YOU USE IT

Our subscription licensing options provide you with the flexibility and customization you require to address your mobile forensics needs. GrayKey provides comprehensive access to iOS and leading Android devices.

All GrayKey licenses are a 12-month subscription and include:

- Unlimited Known Passcode and Before First Unlock (BFU) support for iOS and Android devices*
- Software updates with new features and newly supported devices and operating systems
- A GrayKey device (with Premier Online you will receive up to 2 GrayKey Devices)
- Support from our World Class Customer Success organization, where you will receive:
 - Technical support and live chat
 - Onboarding
 - Self-paced online training
 - Knowledge-based articles and more



GRAYKEY ONLINE LICENSING OPTIONS

The online licensing option requires that the GrayKey device be connected to the Internet in order to conduct the mobile extraction. *Each of the online pricing licensing options include Unlimited Known Passcode and Before First Unlock (BFU) extractions.*

ESSENTIALS	\$10,995 USD	ADVANCED	\$30,795 USD	PREMIER	\$50,595 USD
Unlimited Known Passcode and Before First Unlock (BFU) extractions		Unlimited Known Passcode and Before First Unlock (BFU) extractions		Unlimited Known Passcode and Before First Unlock (BFU) extractions	
30 Advanced Actions*		125 Advanced Actions*		Unlimited Advanced Actions*	
1 Fixed Geolocation		1 Fixed Geolocation		Category Extractions	
1 GrayKey Device		1 GrayKey Device		1 Fixed Geolocation	
				up to 2 GrayKey Devices	

Advanced Actions Include: After First Unlock (AFU), Instant Unlock, or Brute Force actions.

At Grayshift we strive to provide you with the flexible tools and resources necessary to conduct your mobile investigations in a timely manner and help you with faster case resolution.

EXPANSION PACKS

An expansion pack allow you to add additional AFU, Instant Unlock, and Brute Force Advanced Actions to an individual Essentials or Advanced license.

EXPANSION PACKS				
5 Extractions	10 Extractions	20 Extractions	50 Extractions	75 Extractions
\$3,845 USD	\$5,495 USD	\$9,125 USD	\$15,835 USD	\$17,925 USD
<i>Only available with Essentials and Advanced licensing options.</i>				

If you need to purchase additional GrayKey units or geolocations, please inquire about the GrayKey Hub and Spoke offering by emailing sales@grayshift.com.

GRAYKEY IS AVAILABLE IN A VARIETY OF LICENSING OPTIONS THAT ALIGN TO YOUR BUDGET AND AGENCY'S MOBILE FORENSIC NEEDS. THESE INCLUDE:

- Flexible licensing options based on the type and amount of data extractions you need.
- The ability to purchase additional amounts of data extractions, if you find that your agency's mobile forensic needs increase throughout the year.
- Additional licensing options available for those who work offline or mobile.
- Expanding your mobile forensic capabilities by utilizing GrayKey to access the critical data you need from both iOS and leading Android devices.



BEST-IN-CLASS CUSTOMER SUPPORT

When you purchase GrayKey, you obtain more than just the product. You also receive a dedicated Customer Success Manager (CSM), Training, Onboarding and access to our Community Chat Forum to ensure that you are onboarded and supported on an ongoing basis.

FOR MORE INFORMATION

To learn more about how GrayKey can expedite your digital investigations, contact your sales representative by emailing sales@grayshift.com.



ABOUT GRAYSHIFT: Grayshift is the leader in mobile device digital forensics, specializing in lawful access and extraction. Grayshift's innovative solutions are purpose-built to help law enforcement and government investigative agencies swiftly resolve critical investigations and ensure public safety. The company's innovative GrayKey technology provides same-day access, complete control, and comprehensive data extraction from mobile devices. Designed and assembled in the United States, GrayKey is trusted by 1200 agencies across more than 40 countries worldwide. For more information, visit grayshift.com.



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Various tax refunds greater than \$100

Explanation: Pursuant to North Carolina General Statute 105-381, refunds are being reported to City Council. These are refunds created by a change or release of value for City of Greenville taxes by the Pitt County Tax Assessor. Pitt County Commissioners have previously approved these refunds; they are before City Council for their approval as well. These refunds will be reported as they occur when they exceed \$100.

The Director of Financial Services reports refunds of the following taxes:

Payee	Adjustment Refunds	Amount
Garris Grading & Paving	Registered Motor Vehicle	1,083.68
Carmonia, Sonia Ramona	Registered Motor Vehicle	740.87
Armistead, Druary Lacy	Registered Motor Vehicle	719.85
Hasselbach, Stephen Douglas	Registered Motor Vehicle	631.93
Goldberg, George James	Registered Motor Vehicle	560.45
Bowen, Marshall Lane	Registered Motor Vehicle	460.70
Hamed, Ahmed Said Ismail	Registered Motor Vehicle	460.71
Tillmann, Hans Ludger	Registered Motor Vehicle	454.33
Williams, Garland Wayne	Registered Motor Vehicle	432.28
Bonds, James Jansen	Registered Motor Vehicle	407.76
Pair, Andrew Harrison	Registered Motor Vehicle	407.17
Glover, Michael Keith	Registered Motor Vehicle	400.91
Herring, Charles Tyndall	Registered Motor Vehicle	360.95
Pritchard, Timothy Macarthur	Registered Motor Vehicle	350.22
Williamson, Brian Keith	Registered Motor Vehicle	344.60
Queiroz, Nivaldo	Registered Motor Vehicle	318.09
Dennison, Anthony James	Registered Motor Vehicle	315.83
Eldeen, Nader Salah	Registered Motor Vehicle	305.91
Bullock, Jonathan Evan	Registered Motor Vehicle	305.63
Merritt, James Edward	Registered Motor Vehicle	293.21

Wainright Property Management, LLC	Registered Motor Vehicle	273.34
DeQueiroz, Catherine Lynn	Registered Motor Vehicle	271.88
Lynch, Robert Lee II	Registered Motor Vehicle	269.58
Tyndall, Steven Joseph	Registered Motor Vehicle	258.19
Tucker-McLaughlin, Mary	Registered Motor Vehicle	256.37
Mills, Natalie Grisson	Registered Motor Vehicle	250.75
TNTSMT1 Diversified Svcs, Inc	Registered Motor Vehicle	246.92
Hackney, Paul Harrison	Registered Motor Vehicle	238.71
Alvarenga Dominguez, Franklin Antonio	Registered Motor Vehicle	236.68
John Paul II High School Inc	Registered Motor Vehicle	226.46
Wilson, Donnie Elbert	Registered Motor Vehicle	222.59
Nelson, Kenneth Roger	Registered Motor Vehicle	220.46
Lanier, Christopher Ellis	Registered Motor Vehicle	217.44
Bissell, Sheila Lynn	Registered Motor Vehicle	214.67
Dinapoli, Ciara Joi Hardison	Registered Motor Vehicle	212.81
Langley, Mark Alan	Registered Motor Vehicle	208.45
Crisp, Connie King	Registered Motor Vehicle	205.08
Sanders, Cynthia Louise	Registered Motor Vehicle	204.32
Edwards, Elizabeth Vaughn	Registered Motor Vehicle	201.27
Manning, Theresa Pearl Laput	Registered Motor Vehicle	197.85
Eastern Hospitalist, Inc.	Registered Motor Vehicle	196.60
Riggs, Michael Harold	Registered Motor Vehicle	195.96
Bowen, Marshall Lane	Registered Motor Vehicle	195.14
Harris, Celeste Graham	Registered Motor Vehicle	194.28
Passport Auto Leasing	Registered Motor Vehicle	192.57
Brooks, Thomas	Registered Motor Vehicle	191.85
Smith, Felicia Ann	Registered Motor Vehicle	189.71
Lewis, Kimberly Denise	Registered Motor Vehicle	187.37
Sanyal, Saswata	Registered Motor Vehicle	183.84
Pridgen, Mekaela Ann	Registered Motor Vehicle	182.78
Williams, Reginald Monte	Registered Motor Vehicle	176.82
Story, Roger Lee Jr	Registered Motor Vehicle	173.56
Williams, Tonika Nicole	Registered Motor Vehicle	168.21
Pollard, Randy Bruce	Registered Motor Vehicle	157.93
Conklin, Carlryan Joseph	Registered Motor Vehicle	157.77

Woodall, Ross Evans	Registered Motor Vehicle	153.03
Brinkley, Courtney Leigh	Registered Motor Vehicle	149.97
Wilson, Allan Manning	Registered Motor Vehicle	149.81
Williams, Roger Bryan	Registered Motor Vehicle	147.80
Griffin, William Crane Jr.	Registered Motor Vehicle	144.87
Woodard, William Rudolph	Registered Motor Vehicle	142.91
Charles, Fricien	Registered Motor Vehicle	139.49
Jones, Lester Earl	Registered Motor Vehicle	139.29
Mullins, Collier Machele	Registered Motor Vehicle	138.36
Parker, Candace Poythress	Registered Motor Vehicle	137.31
Barr, Shawan Monique	Registered Motor Vehicle	136.31
Jenkins, Jimmy Ray	Registered Motor Vehicle	134.26
Bannister, Larry George	Registered Motor Vehicle	134.08
James, Lola Williams	Registered Motor Vehicle	133.67
Walker, James Reeve Jr	Registered Motor Vehicle	133.50
Ashton, Robert Spencer	Registered Motor Vehicle	128.75
Rose, Bruce Allen Jr.	Registered Motor Vehicle	126.53
Gregory, Michael Eric	Registered Motor Vehicle	123.02
Haddock, Jimmy Dalton	Registered Motor Vehicle	121.53
Simpson, Randy Earl	Registered Motor Vehicle	119.29
Obryant, Mary S.	Registered Motor Vehicle	118.56
Askew, Edward Carlyle	Registered Motor Vehicle	117.46
Goodwin, Cheryl Meiss	Registered Motor Vehicle	116.45
Powers, Matthew Jason	Registered Motor Vehicle	115.45
Williams, Roger Bryan	Registered Motor Vehicle	114.30
McIntosh, Karen Capps	Registered Motor Vehicle	112.54
Greer, Dartania Ignatius	Registered Motor Vehicle	112.49
Virgin, Jennifer Williamson	Registered Motor Vehicle	110.81
Kelly, Devon Abiron	Registered Motor Vehicle	108.68
Godwin, Janie Wells	Registered Motor Vehicle	107.15
Baker, Monica Leigh	Registered Motor Vehicle	106.50
Singla, Santosh	Registered Motor Vehicle	101.76
Wang, Yutian	Registered Motor Vehicle	100.23
Reaves, Tina	Individual Property Taxes	677.45
Evans, William Brown	Individual Property Taxes	170.53

Fiscal Note: The total refunded is \$21,757.43

Recommendation: Approval of taxes refunded by City Council



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Ordinance to annex Abigail Trails, Phase 2 property involving 9.6363 acres located 965+/- feet east of Frog Level Road at the current termini of Abigail Taylor Drive and Sarah Rebecca Drive

Explanation: A. SCHEDULE

1. Advertising date: October 28, 2023
2. City Council public hearing date: November 9, 2023
3. Effective date: November 9, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 9.6363
4. Voting District: 2
5. Township: Arthur
6. Zoning: R-6A (Residential)
7. Existing land use: Vacant
8. Anticipated land use: 35 two-family lots
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	70 X 2.18	153
Current minority	0	0
Estimated minority at full development	153 X 43.4%	66
Current white	0	0
Estimated white at full development	153 - 66	87

* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$147,160
13. Estimated tax value: \$12,250,000

Fiscal Note: Estimated tax value at full development is \$12,250,000.

Recommendation: Approve the attached ordinance to annex Abigail Trails, Phase 2 property

ATTACHMENTS

- [Ordinance Abigail Trails, Phase 2 Annexation.pdf](#)
- [Abigail Trails, Phase 2 Survey.pdf](#)

ORDINANCE NO. 23-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 9th day of November, 2023, after due notice by publication in The Daily Reflector on the 28th day of October, 2023; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G.S. 160A-31, as amended.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled "Abigail Trails, Phase 2 - Duplexes", involving 9.6363 acres.

LOCATION: Situate in Arthur Township, Pitt County, North Carolina, located 965+/- feet east of Frog Level Road at the current termini of Abigail Taylor Drive and Sarah Rebecca Drive.

GENERAL DESCRIPTION:

Lying and being in Arthur Township, Pitt County, North Carolina, lying south of West Star Street, north of Megan Drive and east of NCSR 1127 Frog Level Road and Abigail Trails, Phase 1 as recorded in Map Book 90, Page 81 and beginning at an existing iron stake in the northern line of Lot 29, Mill Creek Subdivision, Phase One (Map Book 67, Page 25), said stake being the southeast corner of Lot 9A, Abigail Trails, Phase 1 (Map Book 90, Page 81), the TRUE POINT OF BEGINNING.

Thence from the TRUE POINT OF BEGINNING, leaving the common line of Mill Creek Subdivision (Map Book 67, Page 25) and following the eastern line of Lot 9A and then the eastern boundary of Abigail Trails, Phase 1, the following calls: N 00°47'42" W – 119.02' to the southern right-of-way of Sarah Rebecca Drive, thence N 89°12'18" E - 8.00', thence crossing

Sarah Rebecca Drive N 00°47'42" W - 335.00' to the northern right-of-way of Abigail Taylor Drive, thence S 89°12'18" W – 5.60' to the southeast corner of Lot 56B, Abigail Trails, Phase 1, thence leaving the northern right-of-way of Abigail Taylor Drive N 00°47'42" W – 110.00' to the northeast corner of Lot 56B, Abigail Trails, Phase 1, thence leaving Lot 56B and following the southern line of the Common Area and Drainage Easement as platted in Map Book 90, Page 81 N 89°12'18" E – 745.00' to the western boundary of Houses BPR, LLC (Deed Book 4451, Page 743), formerly Carl W. Blackwood, thence with that western line S 00°47'42" E – 567.11' to a point in the northern line of Lot 127, Mill Creek Subdivision, Phase 2 as recorded in Map Book 85, Page 9, thence along the northern line of Mill Creek Subdivision Phase 2 and Phase 1 (Map Book 67, Page 25) S 89°26'32" W – 747.40' to the True Point of Beginning, containing 9.6363 Acres and being all of Parcel Number 88125 as filed with the Pitt County Tax Assessor's Office.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G.S. 160A-23, be annexed into Greenville municipal election district two. The City Clerk, City Engineer, representatives of the Board of Elections, and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district two.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 9th day of November, 2023.

ADOPTED this 9th day of November, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Camillia P. Smith, a Notary Public for said County and State, certify that Valerie Shiuwegar personally came 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 its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

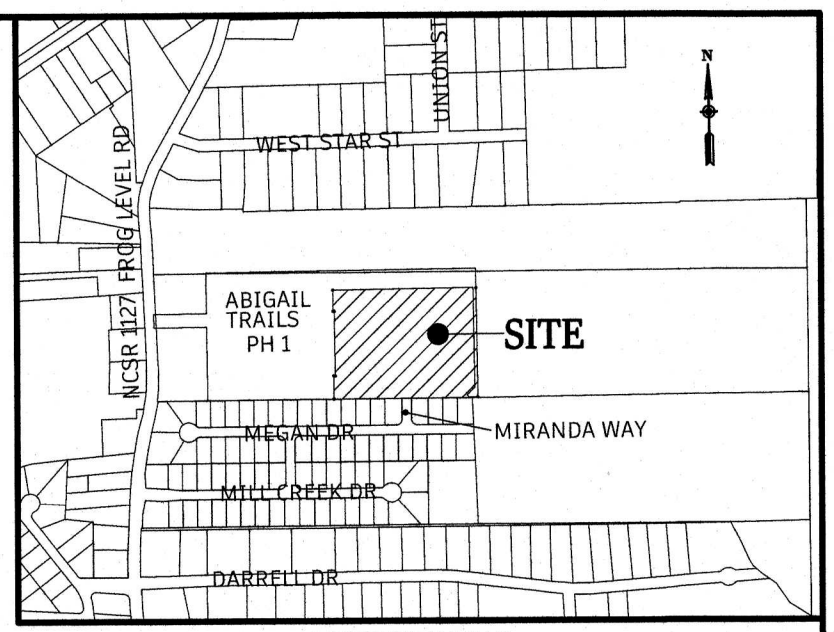
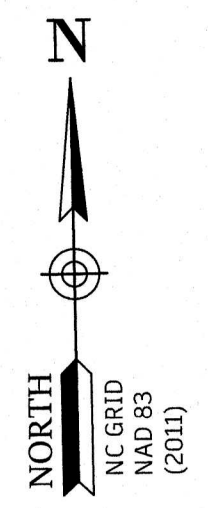
WITNESS my hand and official seal this ____th day of _____, 2023.

Notary Public

My Commission Expires: _____

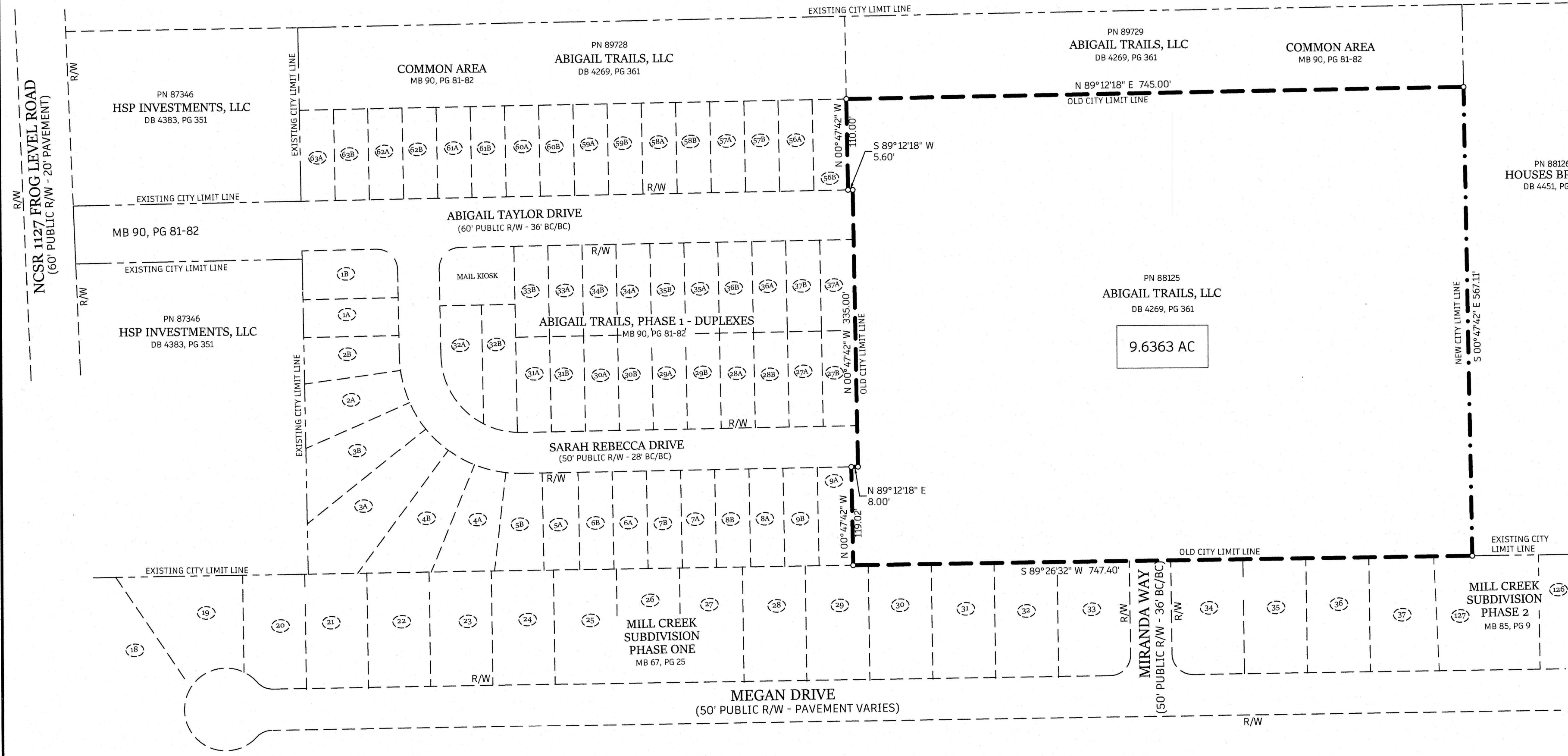
LEGEND

	OLD CITY LIMIT LINE
	EXISTING CITY LIMIT LINE
	NEW CITY LIMIT LINE

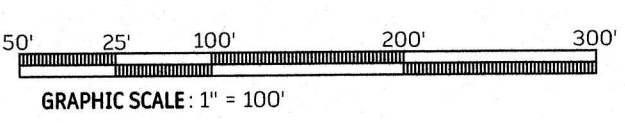


VICINITY MAP
SCALE: 1"=100'

PN 27373
JAMIE GREY STOKES
DB 351, PG 13
MB 27, PG 169



THIS MAP IS EXEMPT FROM GS 47-30 REQUIREMENTS PER GS 47-30 (j) WHICH STATES: "THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED".



FOR REVIEW ONLY

CERTIFICATION

I, _____, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OR FROM REFERENCES HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES AND ARE PLOTTED FROM INFORMATION FOUND IN DEEDS AND MAPS REFERENCED HEREON.

WITNESS MY HAND AND SEAL THIS DAY OF _____, _____.

PROFESSIONAL LAND SURVEYOR L _____

NORTH CAROLINA, _____ COUNTY
I, _____, NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT _____, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS THE _____ DAY OF _____.

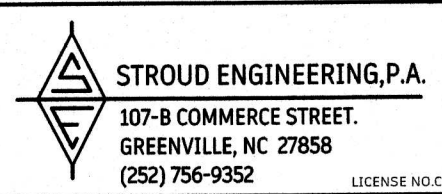
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

SHEET 1 OF 1

PN 88125

ABIGAIL TRAILS, PHASE 2 - DUPLEXES

REFERENCE: DEED BOOK 4269, PAGE 361 OF THE PITT COUNTY REGISTRY
ARTHUR TOWNSHIP PITT COUNTY NORTH CAROLINA



SURVEYED: DWE/JD	APPROVED: DTB
DRAWN: DTB	DATE: 09/18/23
CHECKED: DTB	SCALE: 1" = 100'

MAP NO.	MAPS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY		
THE CITY OF GREENVILLE		
DATE	ORDINANCE NO.	9.6363 ACRES AREA



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Ordinance requested by Bluemax Rentals, LLC to rezone 0.43 acres located along the southern right-of-way of Southwest Greenville Boulevard and 520+/- feet west of Frontgate Drive from OR (Office-Residential [High Density Multi-Family]) to CH (Heavy Commercial)

Explanation:

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 3, 2023.

On-site sign(s) posted on October 3, 2023.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on October 24, 2023.

Public hearing legal advertisement published on October 28, 2023 and November 4, 2023.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of Southwest Greenville Boulevard and Frontgate Drive transitioning to office/institutional (OI) to west and traditional neighborhood, medium to high density (TNMH) to the south.

Commercial

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern

should evolve to become more walkable with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

Office/Institutional

These areas serve as a transition between more intense commercial areas and surrounding neighborhoods. The form of future development should take a more walkable pattern with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings; cluster buildings to consolidate and share surface parking
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

Primary uses:

Office

Institutional/civic

Residential, Low-Medium Density

Residential, low to medium density areas are primarily single-family developments arranged along wide, curvilinear streets with few intersections. Building and lot size range in size and density but tend to be highly consistent within a development with limited connectivity between different residential types and non-residential uses.

Intent:

- Provide better pedestrian and vehicular connectivity between residential developments
- Improve streetscape features such as consistent sidewalks, lighting, and street trees

Primary uses:

Single-family detached residential

Secondary uses:

Two-family residential

Institutional/civic (neighborhood scale)

Traditional Neighborhood, Medium-High Density

Primarily residential area featuring a mix of higher density housing types ranging from multi-family, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center.

Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees, and lighting
- Allow neighborhood-scale commercial or mixed use centers at key intersections within neighborhoods

Primary uses:

Multi-family residential

Single-family residential attached (townhomes) and detached (small-lot)

Secondary uses:

Institutional (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Staff does not anticipate any change in intensity between the current and proposed zoning. Therefore, a traffic volume report was not generated.

History/Background:

In 1990, the property was rezoned from RA20 to its current zoning.

Existing Land Uses:

Woodland

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property drains to the Greens Mill Run (Tar River Basin). If stormwater rules apply, it would require 25-year detention, nitrogen and phosphorus reduction.

The property is not located in the Special Flood Hazard Area. No jurisdiction wetlands, streams and riparian buffers exist on the property.

Surrounding Land Uses and Zoning:

North: RA20 – Victory Christian Center

South: CH – Vacant (under common ownership)

East: CH – Vacant (under common ownership)

West: RA20 – One (1) single-family residence and one (1) vacant lot

Density Estimates:

Staff does not anticipate any change in density between the current and proposed zoning.

Fiscal Note:

No cost to the City.

Recommendation: In staff's opinion the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

Therefore, staff recommends approval.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promoted the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted unanimously to approve the request at its October 17, 2023 meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

"Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest."

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

ATTACHMENTS

- [Ordinance_Bluemax_Rentals__LLC_Rezoning.pdf](#)
- [Excerpt Bluemax Rentals, LLC.pdf](#)
- [APO Map Bluemax Rentals, LLC.pdf](#)
- [Bluemax Rentals, LLC Survey.pdf](#)
- [ListofUsesORtoCH.pdf](#)
- [Bufferyard Chart.pdf](#)

ORDINANCE NO. 23-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 6, Chapter 160D, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of November, 2023, at 6:00 p.m., conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

WHEREAS, in accordance with the applicable provisions of North Carolina General Statute 160D-605, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160D-605, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the applicable provisions of North Carolina General Statute 160D-605, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character Map and is located in a Primary Service Area;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1. That the following described territory is rezoned from OR (Office-Residential) to CH (Heavy Commercial).

TO WIT: Bluemax Rentals, LLC

LOCATION: Located along the southern right-of-way of Southwest Greenville Boulevard and 520+/- feet west of Frontgate Drive.

DESCRIPTION: BEGINNING AT A FOUND IRON BAR ON THE SOUTH LINE OF GREENVILLE BLVD SW (US HIGHWAY 264 BY-PASS; 100 FOOT PUBLIC RIGHT OF WAY) AT THE COMMON CORNER OF LANDS NOW OR FORMERLY OWNED BY GARY DON RIGGS AND BETTY JEAN JONES (DB V50 PG 757) AND BLUEMAX RENTALS LLC (DB 2583 PG 454); SAID IRON BAR HAVING NORTH CAROLINA STATE PLANE COORDINATES (NAD83) OF N: 667,190.98 AND E: 2,471,899.43; THENCE S 67° 38' 43" E ON THE SOUTH LINE OF SAID GREENVILLE BLVD SW, A DISTANCE OF 109.75 FEET A POINT; THENCE S 01° 19' 25" E FOR A DISTANCE OF 171.11 FEET TO A POINT; THENCE N 89° 52' 47" W A DISTANCE OF 94.49 FEET TO A FOUND IRON BAR ON THE EAST LINE OF LANDS NOW OR FORMERLY OWNED BY MARIA GOMEZ (DB 3334 PG 865); THENCE N 02° 57' 05" W ON THE EAST LINE OF GOMEZ LANDS AND THE EAST LINE OF SAID RIGGS/JONES LANDS, A DISTANCE OF 212.89 FEET TO THE POINT OF BEGINNING;

CONTAINING 18,643 SF (0.43 ACRES) MORE OR LESS.

Section 2. That the Director of Planning and Development Services is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 9th day of November, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1187076

Excerpt from the draft Planning & Zoning Commission Minutes (10/17/2023)

2. REQUEST BY BLUEMAX RENTALS, LLC TO REZONE 0.43 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF SOUTHWEST GREENVILLE BOULEVARD AND 520+/- FEET WEST OF FRONTGATE DRIVE FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CH (HEAVY COMMERCIAL).

Christopher Kelly, Planner I, presented for staff. This property is located in the southwestern quadrant of the City and more specifically located along the southern right-of-way of Southwest Greenville Boulevard and 520+/- feet west of Frontgate Drive. For reference, Pelicans Snoballs is to the north, on the northern right-of-way of SW Greenville Boulevard. The property off of Southwest Greenville Boulevard facing south, Frontgate Drive is to the left. The property is 0.43 acres. The property is located in the Greens Mill Run Watershed and if Stormwater rules apply it will require 25-year detention, nitrogen and phosphorus reduction. The property is not located in the Special Flood Hazard Area. No jurisdictional wetlands, streams, and riparian buffers exist on the property. Due to staff not anticipating a change in intensity between the current and requested zoning districts, a traffic volume report was not generated. The request tonight is currently zoned OR, Office Residential and the remainder of the property being zoned CH, Heavy Commercial. The request intends is to make the entire property one zoning district, which would be CH, Heavy Commercial. The Future Land Use and Character Map recommends commercial (C) at the southeastern corner of the intersection of Frontgate Drive and SW Greenville Boulevard transitioning to Office and Institutional to the west. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use Plan and staff recommends approval.

Vice Chair Faison opened the public hearing.

Luke Shealy, Kimley-Horn Associates, we believe the request is consistent with the surrounding use.

Mr. Peyton asked can you provide the intent of use for this property?

Mr. Shealy stated they are looking for a commercial use for this property but I am unaware of full details. I believe the maximum parking is ten parking spaces.

No one spoke in opposition.

Vice Chair Faison closed the public hearing and opened board discussion.

Motion made by Mr. Parker, seconded by Mr. West, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Bluemax Rentals, LLC

From: OR

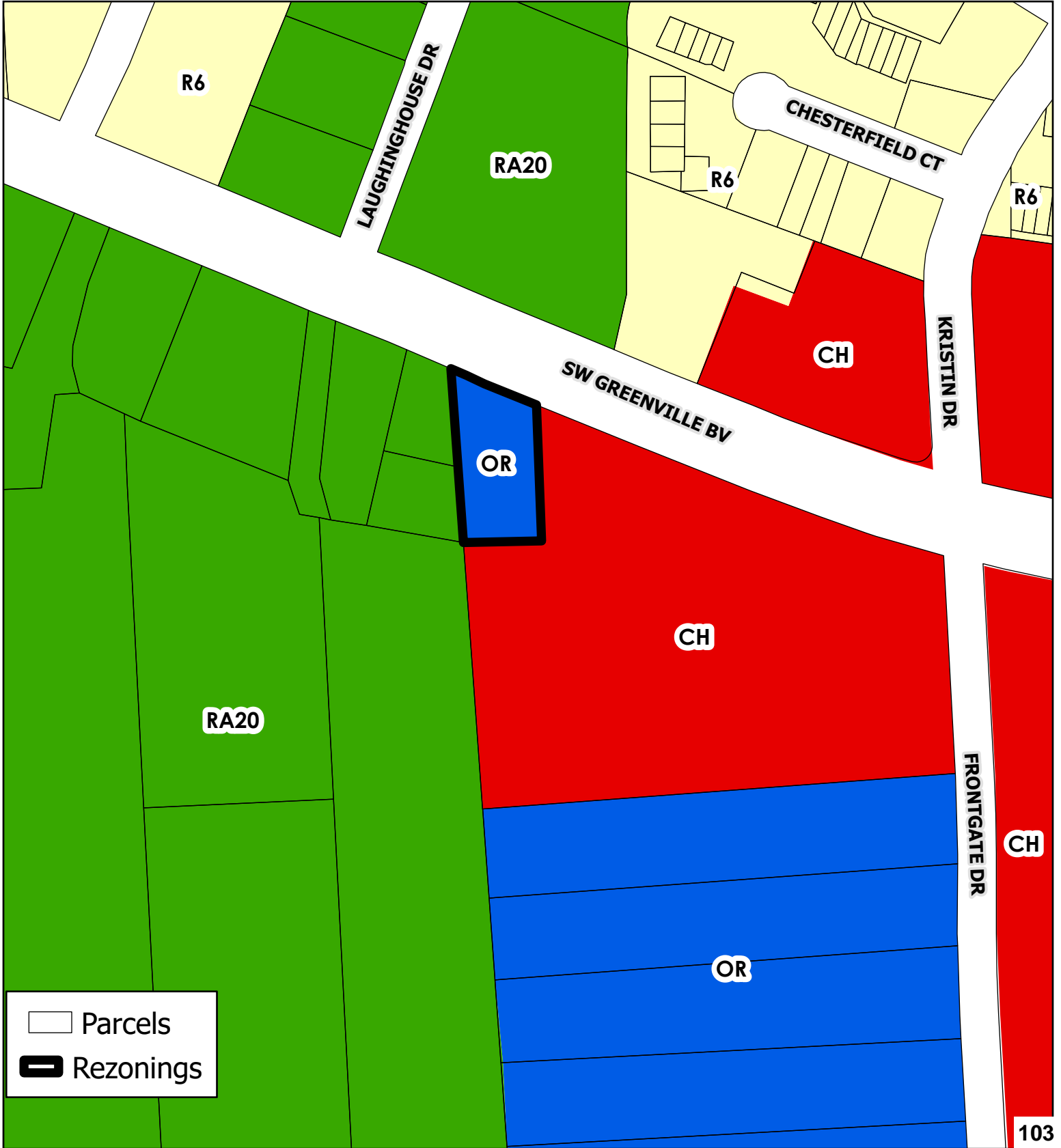
To: CH

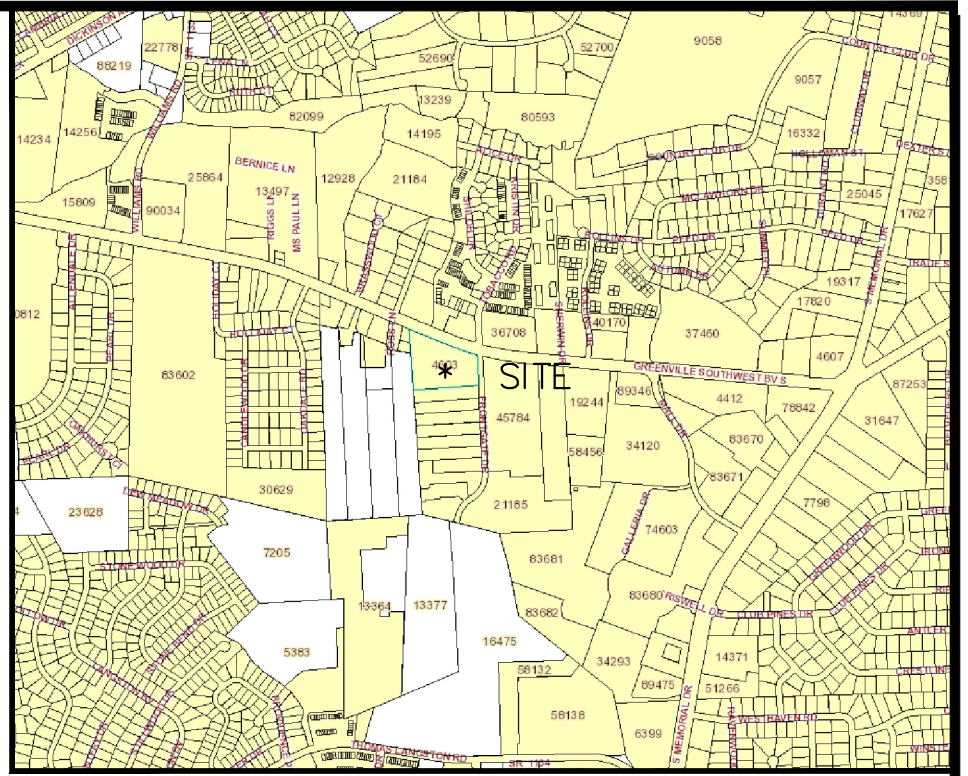
Acres: 0.43

October 3, 2023

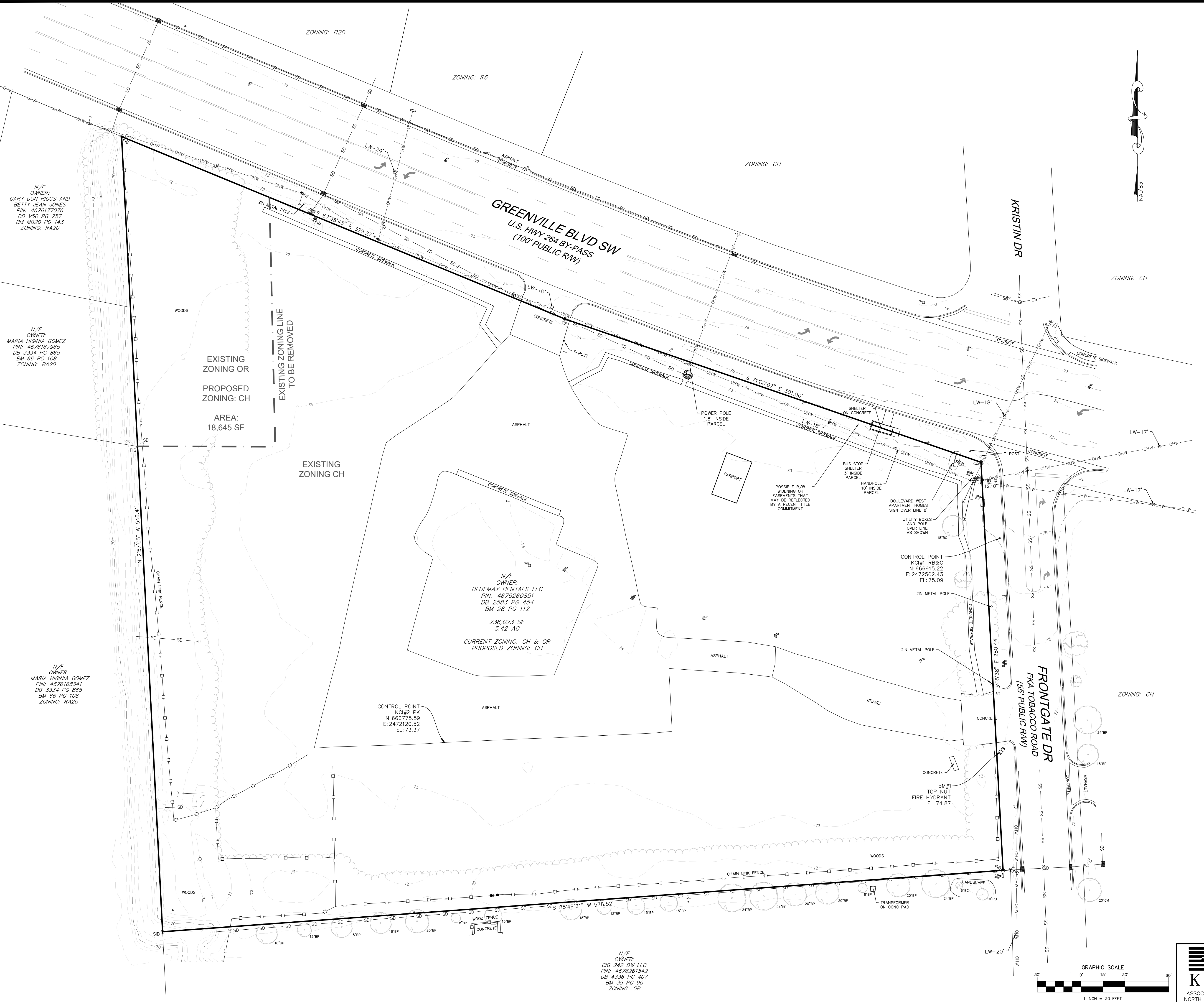


0 0.01 0.02 0.04 Miles





VICINITY MAP (NOT TO SCALE)



GENERAL SURVEY NOTES:

1. THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH CAROLINA STATE PLANE GRID (NAD83/2011). VERTICAL DATUM BASED ON NAVD88.
2. UTILITY NOTE: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD SURVEY INFORMATION.
3. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF NORTH CAROLINA.
4. THIS SURVEY WAS MADE WITH THE BENEFIT OF A TITLE COMMITMENT BY FIRST AMERICAN TITLE INSURANCE COMPANY. FILE NO. FN-UON-04938-SI DATED DECEMBER 19, 2001.
5. SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 3720467600K, WITH AN EFFECTIVE DATE OF JULY 07, 2014.
6. THE PROPERTY HAS ACCESS TO GREENVILLE BLVD SW AND FRONTGATE DR; DEDICATED AND PUBLICLY MAINTAINED STREETS OR HIGHWAYS.
7. NO MARKED PARKING SPACES ON SUBJECT TRACT
8. THERE IS NO EVIDENCE OF CURRENT EARTH MOVING WORK OR CONSTRUCTION ON THE SUBJECT SITE.
9. THERE ARE NO KNOWN PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.
10. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.
11. AREA COMPUTED BY COORDINATE METHOD.
12. EXISTING ZONING: CH & OR PROPOSED ZONING: CH

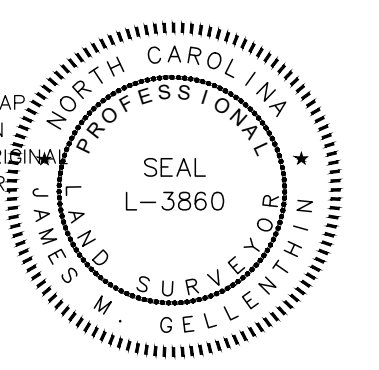
LEGEND

▲	SURVEY CONTROL	⊙	SPRINKLER HEAD
●	BOUNDARY MONUMENT	⊙	IRRIGATION CONTROL VALVE
○	DOLLARD	⊙	WATER VALVE
⊙	STORM INLETS	⊙	FIRE HYDRANT
⊙	STORM MANHOLE	⊙	WATER METER
⊙	CLEANOUT	⊙	AIR CONDITIONING UNIT
⊙	TRAFFIC HANDHOLE	⊙	ELEC. OUTLET
⊙	ELEC. BOX	⊙	ELEC. HANDHOLE
⊙	ELEC. HANDHOLE	⊙	HANDHOLE
⊙	LIGHT POLE	⊙	UTILITY POLE
⊙	UTILITY POLE	⊙	GROUND LIGHT
⊙	GROUND LIGHT	⊙	PATH LIGHT
⊙	YARD LIGHT	⊙	SIGNAL POLE
⊙	COMMUNICATIONS MANHOLE	⊙	SEWER MANHOLE
⊙	SEWER MANHOLE	⊙	ELECTRIC MANHOLE
⊙	ELECTRIC MANHOLE	⊙	MANHOLE
⊙	MANHOLE	⊙	WATER MANHOLE
⊙	TELEPHONE PED	⊙	GUY WIRE

SURVEYOR'S CERTIFICATION

I, JAMES M. GELLENTHIN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY MADE UNDER MY SUPERVISION; THAT THIS MAP DOES NOT REPRESENT AN OFFICIAL BOUNDARY SURVEY AND HAS NOT BEEN PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINIAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 7TH DAY OF SEPTEMBER, 2023.

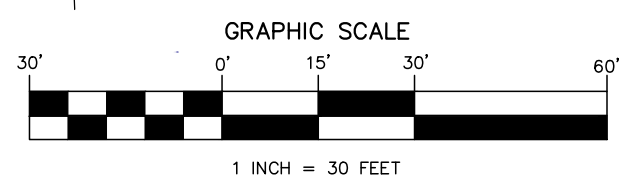
James M. Gellenthin
 JAMES M. GELLENTHIN, NC PLS No. L-3860



KCI ASSOCIATES OF N.C.
 ENGINEERS, SURVEYORS AND PLANNERS
 4505 FALLS OF NEUSE, FLOOR 4
 RALEIGH, NC 27607
 PHONE (919) 783-9214 • FAX (919) 783-9266
 rob.baumgartner@kci.com

REZONING EXHIBIT
 FOR BLUEMAX RENTALS LLC
 1105 GREENVILLE BLVD SW
 CITY OF GREENVILLE
 PITT COUNTY NORTH CAROLINA

DATE: SEP 07, 2023
 SCALE: 1" = 30'
 SHEET: 1 OF 1



N/F OWNER:
 GARY DON RIGGS AND
 BETTY JEAN JONES
 PIN: 4676177076
 DB V50 PG 757
 BM MB20 PG 143
 ZONING: RA20

N/F OWNER:
 MARIA HIGNIA GOMEZ
 PIN: 4676167965
 DB 3334 PG 865
 BM 66 PG 108
 ZONING: RA20

N/F OWNER:
 MARIA HIGNIA GOMEZ
 PIN: 4676168341
 DB 3334 PG 865
 BM 66 PG 108
 ZONING: RA20

N/F OWNER:
 BLUEMAX RENTALS LLC
 PIN: 4676260851
 DB 2583 PG 454
 BM 28 PG 112
 236,023 SF
 5.42 AC
 CURRENT ZONING: CH & OR
 PROPOSED ZONING: CH

CONTROL POINT
 KCI#2 PK
 N: 666775.59
 E: 2472120.52
 EL: 73.37

N/F OWNER:
 CIG 242 BW LLC
 PIN: 4676261542
 DB 4336 PG 407
 BM 39 PG 90
 ZONING: OR

EXISTING ZONING	
OR (OFFICE-RESIDENTIAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
b.	Internal service facilities
c.	On-premise signs per Article N
f.	Retail sales; incidental
(2) Residential	
b.	Two-family attached dwelling (duplex)
c.	Multi-family development per Article I
k.	Family care homes (see also 9-4-103)
n.	Retirement center or home
o.	Nursing, convalescent or maternity home; major care facility
p.	Boarding or rooming house
q.	Room renting
(3) Home Occupations - None	
(4) Governmental	
b.	City of Greenville municipal government building or use (see also section 9-4-103)
c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
d.	Federal government building or use
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
g.	Private noncommercial recreation; indoor only, not otherwise listed
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed
b.	Operation/processing center
c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
d.	Bank, savings and loans or other savings or investment institutions
e.	Medical, dental, ophthalmology or similar clinic, not otherwise listed
(8) Services	
c.	Funeral home
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
g.	School; junior and senior high (see also section 9-4-103)
h.	School; elementary (see also section 9-4-103)
i.	School; nursery and kindergarten (see also section 9-4-103)
j.	College and other institutions of higher learning
k.	Business or trade school
n.	Auditorium
o.	Church or place of worship (see also section 9-4-103)
p.	Library
q.	Museum

r.	Art gallery
u.	Art studio including art and supply sales
v.	Photography studio including photo and supply sales
w.	Digital broadcast studio (see also section 9-4-103)
x.	Dance studio
y(2)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 120 feet in height or cellular telephone and wireless communication towers not exceeding 120 feet in height (see also section 9-4-103)
y(4) Distributed Antenna System (See also 9-4-103 (Q))	
bb.	Civic organizations
cc.	Trade or business organizations
jj.	Health services not otherwise listed including not limited to speech, physical and occupational therapy
ss.	Tattooing
tt.	Microblading
(9) Repair - None	
(10) Retail Trade	
s.	Book or card store, news stand
w.	Florist
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
OR (OFFICE-RESIDENTIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
d.	Land use intensity multi-family (LUI) development rating 50 per Article K
e.	Land use intensity multi-family (LUI) development rating 67 per Article K
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
m.	Shelter for homeless or abused (see also section 9-4-103)
o(1).	Nursing, convalescent or maternity home; minor care facility
r.	Fraternity or sorority house
(3) Home Occupations - None	
(4) Governmental	
a.	Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
c(1).	Tennis club; indoor and outdoor facilities
h.	Commercial recreation; indoor only, not otherwise listed
(7) Office/Financial/Medical	

f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
ff.	Mental health, emotional or physical rehabilitation day program facility
ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair- None	
(10) Retail Trade - None	
h.	Restaurant; conventional
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation	
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
PROPOSED ZONING	
CH (HEAVY COMMERCIAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
b.	Internal service facilities
c.	On-premise signs per Article N
d.	Off-premise signs per Article N
e.	Temporary uses; of listed district uses
f.	Retail sales; incidental
g.	Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
c.	Multi-family development per Article I
(3) Home Occupations - None	
(4) Governmental	
a.	Public utility building or use
b.	City of Greenville municipal government building or use (see also section 9-4-103)
c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
d.	Federal government building or use
e.	County government operation center
g.	Liquor store, state ABC
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)

b.	Greenhouse or plant nursery; including accessory sales
d.	Farmers market
e.	Kennel (see also section 9-4-103)
h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
i.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
b.	Golf course; par three
c.	Golf driving range
c(1).	Tennis club; indoor and outdoor facilities
e.	Miniature golf or putt-putt course
f.	Public park or recreational facility
h.	Commercial recreation; indoor only, not otherwise listed
i.	Commercial recreation; indoor and outdoor, not otherwise listed
j.	Bowling alley
n.	Theater; movie or drama, indoor only
o.	Theater; movie or drama, including outdoor facilities
q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
s.	Athletic club; indoor only
t.	Athletic club; indoor and outdoor facilities
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed
b.	Operation/processing center
c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
d.	Bank, savings and loans or other savings or investment institutions
e.	Medical, dental, ophthalmology or similar clinic, not otherwise listed
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
g.	Catalogue processing center
(8) Services	
c.	Funeral home
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
n.	Auditorium
o.	Church or place of worship (see also section 9-4-103)
q.	Museum
r.	Art gallery
s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
u.	Art studio including art and supply sales
v.	Photography studio including photo and supply sales
w.	Digital broadcast studio (see also section 9-4-103)
y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
y(4) Distributed Antenna System (See also 9-4-103 (Q))	
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books

aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
bb.	Civic organizations
cc.	Trade or business organizations
hh.	Exercise and weight loss studio; indoor only
kk.	Launderette; household users
ll.	Dry cleaners; household users
mm.	Commercial laundries; linen supply
oo.	Clothes alteration or shoe repair shop
pp.	Automobile wash
qq.	Pet grooming facility (see also section 9-4-103)
ss.	Tattooing
tt.	Microblading
(9) Repair	
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
d.	Upholsterer; furniture
f.	Appliance; household and office equipment repair
g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
c.	Wine shop; including on-premise consumption (see also section 9-4-103)
d.	Pharmacy
e.	Convenience store (see also gasoline sales)
f.	Office and school supply, equipment sales
g.	Fish market; excluding processing or packing
h.	Restaurant; conventional
i.	Restaurant; fast food
k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
m.	Appliance; household use, sales and accessory repair, excluding outside storage
o.	Appliance; household, commercial or industrial use, sales and accessory repair, including outside storage
p.	Furniture and home furnishing sales not otherwise listed
q.	Floor covering, carpet and wall covering sales
r.	Antique sales, excluding vehicles
s.	Book or card store, news stand
t.	Hobby or craft shop
u.	Pet shop (see also animal boarding; outside facility)
v.	Video or music store; records, tape, CD and the like sales
w.	Florist
x.	Sporting goods sales and rental shop
y.	Auto part sales (see also major and minor repair)
aa.	Pawnbroker
bb.	Lawn and garden supply and household implement sales and accessory service

cc.	Farm supply and commercial implement sales
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
mm.	Grocery store
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
b.	Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.))
c.	Rental of clothes and accessories; formal wear, and the like
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
e.	Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
g.	Mobile home sales including accessory mobile home office
(12) Construction	
a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
c.	Construction office; temporary, including modular office (see also section 9-4-103)
e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
f.	Hardware store
(13) Transportation	
c.	Taxi or limousine service
e.	Parcel delivery service
f.	Ambulance service
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
a.	Ice plant and freezer lockers
b.	Dairy; production, storage, and shipment facilities
c.	Bakery; production, storage, and shipment facilities
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
h.	Engraving; metal, glass or wood
i.	Moving and storage of nonhazardous materials; excluding outside storage
k.	Mini-storage warehouse, household; excluding outside storage
m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
u.	Tire recapping or retreading plant
(15) Other Activities (not otherwise listed - all categories) - None	
CH (HEAVY COMMERCIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None	
(4) Governmental - None	
(5) Agricultural/Mining	
k.	Sand mining
m.	Beekeeping; major use
(6) Recreational/Entertainment	
d.	Game center
l.	Billiard parlor or pool hall
m.	Bar
r.	Adult uses
u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical - None	
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
dd.	Massage establishment
ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair	
a.	Major repair; as an accessory or principal use
(10) Retail Trade	
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
z.	Flea market
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
gg.	Tobacco shop (Class 2) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
(13) Transportation - None	
(14) Manufacturing/Warehousing	
d.	Stone or monument cutting, engraving
j.	Moving and storage; including outside storage
l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
y.	Recycling collection station or facilities
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales not otherwise listed

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs
Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.	

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.	

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.	

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.	

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item:

Ordinance requested by Rennsport Motorwerks, LLC to amend Title 9, Chapter 4, Section 86 (G) Fraternity or sorority by adding the following language: (5) In addition to the above requirements, in the specific area where properties have frontage along East Fifth Street between Maple Street and Brownlea Drive, the structure shall have no less than 3,500 square feet of mechanically-conditioned space and not be located within a 500-foot radius of a place of worship as measured from property line to property line.

Explanation:

* This request was continued from the October 19, 2023 City Council meeting.

This is a request to allow a "Fraternity or Sorority" with a special use permit in the specific area where properties have frontage along East Fifth Street between Maple Street and Brownlea Drive, the structure shall have no less than 3,500 square feet of mechanically-conditioned space and not be located within a 500-foot radius of a place of worship as measured from property line to property line.

Currently, this use is allowed as a special use in the following zoning districts: R6 (Residential [High Density Multi-family]), R6A (Residential [Medium Density Multi-family]), OR (Office-Residential [High Density Multi-family]), and CDF (Downtown Commercial Fringe). These districts allow a variety of uses and are not predominantly single-family zoning districts.

Below are the existing standards and the text in red indicates the proposed changes.

Section 9-4-22 Definition:

Fraternity or sorority house. A dwelling and associated grounds occupied by and maintained for college or university students who are affiliated with a social, honorary or professional organization recognized by a college or university or within which the functions of such an organization are conducted.

Section 9-4-86 Listed Uses; Specific Criteria

(G) Fraternity or sorority.

- (1) The minimum lot size shall be 20,000 square feet.
- (2) The gross floor area of the structure or structures shall be no less than 250 square feet per resident.

(3) The total amount of land devoted to structures and parking shall not exceed 70% of the total lot area.

(4) No part of any principal structure or accessory shall be located within 15 feet of any property line or street right-of-way for new construction and conversions.

(5) In addition to the above requirements, in the specific area where properties have frontage along East Fifth Street between Maple Street and Brownlea Drive, the structure shall have no less than 3,500 square feet of mechanically-conditioned space and not be located within a 500-foot radius of a place of worship as measured from property line to property line.

The table below is a representation of some of the uses that are allowed in the zoning districts relative to this request.

USE	Single-family	Duplex	Multi-family	Frat/Sorority
R6	P	P	P	S
R6A	P	P	P	S
OR		P	P	S
CDF	P	P	P	S

P: Permitted

S: Special Use

If blank, the use is not allowed at all.

Comprehensive Plan:

Horizons 2026: Greenville's Community Plan was adopted in 2016. As part of the plan, there were several neighborhood small area plans that were recognized and incorporated in the plan. Specifically, there were neighborhood plans for Tar River/University area, College Court/Coghill, and Oak Grove Subdivisions.

In February 2004, City Council established the Task Force on Preservation of Neighborhoods and Housing. Later that year, the task force delivered its findings, recommendations and strategies to Council. One of the strategies was to "Identify neighborhoods that are predominantly single-family in character, but are zoned in a manner that would permit intrusion of duplex or multi-family uses. Rezone such neighborhoods to prohibit further intrusion".

In 2005 and 2006, the City initiated several rezonings of predominantly single-family in character, but were zoned in a manner that would permit intrusion of duplex or multi-family. Some of these neighborhoods were Tar River/University area, College Court/Coghill, Oakdale and Red Oak. The purpose of these rezonings was to maintain the single-family character of these neighborhoods. These neighborhoods, or portions, were specifically zoned to R9S.

Additional Staff Comments:

At the time of this report, with the exception of parcel 24835 (Wilkerson Funeral Home and Crematory), the remaining properties are zoned R9S (single-family). Parcel 24835 is zoned OR (Office-Multi-family). While there are some uses in the eligible area that are not single-family dwellings, the intent of the single-family rezonings in 2005 and 2006 was to prohibit further multi-family type development and preserve the single-family character.

Recommendation: In staff's opinion, the proposed amendment is not in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 5 Creating Complete Neighborhoods,

Action 5.5 Develop Neighborhood Reinvestment Strategy. Establish strategies that build off of the Task Force on Neighborhoods and Housing report in order to strengthen neighborhoods, maintain high quality housing and enhance existing neighborhoods. Strategies may also address relations between private sector providers of off-campus housing, ECU housing services, and surrounding neighborhoods.

Therefore, staff recommends denial.

The Planning and Zoning Commission voted unanimously to deny the request at its September 19, 2023 meeting.

If City Council determines to approve the request, a motion to adopt the attached ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the amendment, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

"Motion to deny the requested text amendment, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 5 Creating Complete Neighborhoods, *Action 5.5 Develop Neighborhood Reinvestment Strategy. Establish strategies that build off of the Task Force on Neighborhoods and Housing report in order to strengthen neighborhoods, maintain high quality housing and enhance existing neighborhoods. Strategies may also address relations between private sector providers of off-campus housing, ECU housing services, and surrounding neighborhoods.*"

ATTACHMENTS

- Ordinance for fraternity and sorority.pdf**
- Excerpt_Item9_P&ZMeeting_09192023_Rennsport.pdf**
- Email sent to P&Z.pdf**
- EligibleArea.pdf**

ORDINANCE NO. 23-
AN ORDINANCE AMENDING THE CITY CODE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 6, Chapter 160D, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of November, 2023, at 6:00 p.m., conduct a meeting and conduct a public hearing on the adoption of an ordinance amending the City Code;

WHEREAS, in accordance with the provisions of North Carolina General Statute § 160D-605, the City Council of the City of Greenville does hereby find and determine that although the adoption of the ordinance involving the text amendment is inconsistent with Horizons 2026: Greenville's Community Plan, and other officially adopted plans, in this instance, the adoption of the ordinance involving the text amendment is reasonable due to allowing a fraternity or sorority to be located in the area described in Section 1 with the issuance of a special use permit is appropriate and reasonable due to its proximity to East Carolina University and the described area consists of a relatively small section (0.5+/- mile) along East 5th Street.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1. That Title 9, Chapter 4, Section 86(G) is hereby amended by adding the following:

(5) In addition to the above requirements, in the specific area where properties have frontage along East Fifth Street between Maple Street and Brownlea Drive, the structure shall have no less than 3,500 square feet of mechanically-conditioned space and not be located within a 500-foot radius of a place of worship as measured from property line to property line.

Section 2. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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: That this ordinance shall become effective upon its adoption.

ADOPTED this 9th day of November, 2023.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1186692

Excerpt from the draft Planning & Zoning Commission Minutes (09/19/2023)

REQUEST BY RENNSPORT MOTORWERKS, LLC TO AMEND TITLE 9, CHAPTER 4, SECTION 86 (G) FRATERNITY OR SORORITY BY ADDING THE FOLLOWING LANGUAGE: (5) IN ADDITION TO THE ABOVE REQUIREMENTS, IN THE SPECIFIC AREA WHERE PROPERTIES HAVE FRONTAGE ALONG EAST FIFTH STREET BETWEEN MAPLE STREET AND BROWNLEA DRIVE, THE STRUCTURE SHALL HAVE NO LESS THAN 3,500 SQUARE FEET OF MECHANICALLY-CONDITIONED SPACE AND NOT BE LOCATED WITHIN A 500-FOOT RADIUS OF A PLACE OF WORSHIP AS MEASURED FROM PROPERTY LINE TO PROPERTY LINE.

Chantae Gooby, Chief Planner, presented for staff. The city considers fraternities and sororities as the same use: Greek housing. The amendment is to add an area where Greek housing could locate. This is the definition and it also requires a special use permit: *Fraternity or sorority house. A dwelling and associated grounds occupied by and maintained for college or university students who are affiliated with a social, honorary or professional organization recognized by a college or university or within which the functions of such an organization are conducted.* These are the current standards: minimum lot size is 20,000 square feet or roughly 0.5 acre; at least 250 square feet per person. No more than 70% of the lot can be used for the house and parking, 15 foot setback on the sides and rear. Each resident must have a parking space. The amendment is adding the section of East 5th Street between Maple Street and Brownlea Drive. The current standards will still apply. For properties on East 5th Street, the structure must have at least 3,500 square feet and can't be located within 500 feet of a place of worship. In 2005, the City established the Task Force on Preservation of Neighborhoods and Housing. The purpose was to explore the link between rental houses and neighborhood livability. One of the specific strategies from this Task Force was number 6: "Identify neighborhoods that are predominantly single-family in character, but are zoned in a manner that would permit intrusion of duplex or multi-family uses. Rezone such neighborhoods to prohibit further intrusion". In 2005 and 2006, the City rezoned several neighborhoods that had zoning that allowed for duplexes and multi-family and were rezoned to single-family only districts. The Tar River neighborhood is one of those areas. In the table of uses each use is assigned a Land Use Classification number, which is a measure of the intensity of each use such as, traffic, noise, and expected number of people. The scale runs from 1-5 with 5 being the most intensive. Single-family homes are considered a 1, multi-family and Greek houses are considered a 2, which means multi-family homes and Greek houses are considered more intensive. In staff's opinion, this amendment is not in compliance with the strategies in the Task Force on Preservation of Neighborhoods and Housing Report and the Horizons 2026: Greenville's Community Plan, specifically Action 5.5: *Action 5.5 Develop Neighborhood Reinvestment Strategy. Establish strategies that build of the Task Force on Neighborhoods and Housing report in order to strengthen neighborhoods, maintain high quality housing and enhance existing neighborhoods. Strategies may also address relations between private sector providers of campus housing, ECU housing services, and surrounding neighborhoods.* Staff recommends denial.

Chair Faison opened the public hearing.

Attorney Jeremy King, Rennsport Motorwerks, LLC, spoke in favor of request. This is a text amendment. We are asking that this be an allowable use with a special use permit. We're not talking about a departing from the great character of this neighborhood. There really are only four eligible parcels in this one, and they're also located specifically where the Greek houses already are. We're just asking that we be allowed in this area, according to all those other rules, plus we're adding some additional rules - which is 500 feet from a church and also the 3,500 square foot minimum size. We're not asking for anything revolutionary here, it's just that this being allowed use under the special use permit in this district.

Chair Faison stated so it seems like you are asking for a text amendment and it's going to also add restrictions to what already exists.

Attorney King stated you are correct. It is more restricted for this district to alleviate any possible concerns.

Mr. Brock asked what is the closest Greek housing to this area?

Attorney King stated it's about a block away, at 5th and Elm Street.

Mr. Peyton asked are you able to comment on your specific plans?

Attorney King stated I actually don't know the answer. I know that there has been a national sorority that reached out but I do not know the specifics.

Maury York, resident, spoke in opposition of the request. I live at 2001 East 5th Street. I'm the President of the Tar River University Neighborhood Association. I'm speaking against this proposal on behalf of members of the board. My wife and I are longtime residents. We object to this proposal since we live in the section of East 5th Street relevant to this text amendment. The portion of 5th Street affected by this proposal is part of a single-family neighborhood and a majority of the residents on that portion of 5th Street are owner-occupied. Neighborhood preservation and enhancement of areas is a focus in the [Horizons 2026: Greenville's Community Plan](#). Tonight's proposal, if approved, would radically change the residential character of East 5th Street and thus be inconsistent with the Horizons plan. Many of our neighbors made a conscious decision to purchase a home in this diverse single-family neighborhood where they could live in community with East Carolina University and its students. Our neighborhood and other older neighborhoods were designed for single-family homes, not for large numbers of multi-family structures, which often lead to serious problems for neighbors, including noise, dangerous increases in traffic. There could be parking of multiple cars on properties that were designed for only one or two vehicles. They also place a costly strain on aging infrastructure. Our neighborhood has many owner occupants who have lived here for decades. They deserve to live in a peaceful and safe environment just like everyone else in Greenville. The proposed zoning change would indeed be a detriment to the neighbors who call East 5th Street home because it would potentially allow for the location of more than a few Greek houses, with many residents along a small section of East 5th Street. The increase in noise from events would disturb the peace of residence and the increase in traffic in the area would adversely affect the safety of motorists and pedestrians on a major thoroughfare. Finally, and this is important, the proposal would be potentially dangerous to students who might come to live in these large houses. Fire is a real concern in such situations. The houses in the neighborhood are very close to one another, and a fire in one house could easily spread to others. It would be much better for the City and East Carolina University to cooperate plan fully. In an effort to locate Greek houses in an area of the city that is not a single family neighborhood. For these reasons, it would be wrong for the City to officially sanction new Greek houses on East 5th Street simply to accede to the wishes of a developer and potential landlord. I'm asking you not only to oppose this proposal, but also to make a concerted effort, along with the City Council, to do all you can to protect our neighborhood and others in this city. I would like to ask all of those in attendance who are opposed to this proposal to please stand. *Approximately 25 people stood.*

Will Corbett, resident, spoke in opposition of the request. For over 45 years, my wife and I have lived on the corner of 5th and Elm Street, right in the middle of this stretch of 5th Street. The petitioner doesn't even live in our neighborhood. We raised our family here. It is a pedestrian-friendly neighborhood. To rezone a six-block stretch in the middle of our neighborhood to accommodate a Greek houses, how would you like it if the new property owner who doesn't even live in your neighborhood, came into your neighborhood and petition to have six blocks rezoned? In conclusion, a fraternity located in the middle of our neighborhood could cause disruption to the peace and quiet we enjoy every night. In addition, most likely it would decrease the value of our homes, a situation that none of us would want. Please consider this request as you would if a person that doesn't live in your neighborhood came in and petitioned to have a six block section of your neighborhood rezoned.

Elizabeth Craig, resident, spoke in opposition of the request. I live at 1908 East 6th Street, which is just one street over from this proposed area. I have lived in this neighborhood for over 30 years and love the quiet and the peace and the sense of community. This is a really bad idea and it's not in the interest of the community and the citizens of Greenville. We want a town where people want to have, safe and clean neighborhoods. There are several problems. Several years ago, a house one door down from me became an unapproved fraternity and they had big parties. They would put their Greek letters in the yard, so they made it clear that they were a fraternity. There were huge parties with students parking in their driveways or parking on the street blocking our driveways. There was consistently cars coming and going and there was yelling in the street late at night. The party goers treated our backyards as part of Party Central. They left behind beer cans and trash for us to pick up the next day. Police were called because they continued to play loud music long after 11:00 PM. I could say more but I will just stop there.

Jennifer McKinnon, resident, spoke in opposition of the request. I live at the corner of Elm and 5th Street. I have live there with my husband and my 10 year old son for 10 years now. I'm opposed to the text amendment. First, because I think it underlines the balance between homeowners and renters and the activity that goes on in the neighborhood, which attracted me to the neighborhood in the first place. I do like some of that movement and excitement but it interferes with the expectations of the neighborhood for me as a homeowner. Its not just the house itself, but it's the environment around the house that actually creates an additional problem. To me, it seems like it's a favoritism towards, you know, the landowner who has purchased this house. I'm not against capitalism. In fact, I'm for it. I want to maintain that. The crossing guards has been hit by traffic within that area. I also think it sets a precedent for others who want to make these text amendments for special use areas and zone areas.

Dennis Chestnut, resident, spoke in opposition of the request. I live at 1801 East 5th Street and I have lived here since 1983. I purchased a house that had been in an estate for 10 years. I've spent thousands of dollars in trying to maintain that corner. This proposal is disingenuous. I was approached over 10 years ago to sell my property to a supposed sorority or fraternity. For all the problems that we've heard here that go along with fraternity and the traffic, I often cannot get out of my driveway. The cups, I don't care what the event is, whether it's just another day out of school or what. The lawns are covered with beer cans, cups and all. We are big town, trying to be a big city without a coherent identification. We keep switching and jumping and coming up with divisive kinds of measures. Parking and drinking are the two major issues that we have spent a lot of our time. Yet we want to come in and tear up our neighborhood that is coherent. I planned to move to Greensboro after my retirement but i decided I'm going to say right where i am and be happy and try to make it although I know that putting a fraternity or sorority down that stretch is not good for Greenville at all.

Ann Hamze, resident, spoke in opposition of the request. I have some idea of what it's like to live with an unofficial fraternity in my neighborhood. Groups of young men have big parties. Naked party goers on the roof looking into our yards, trash, and urination along the street. I just want to give credit to the city for continually looking back at the Horizon plan. I think it's a wonderful document.

Bill Raine, resident, spoke in opposition of the request. My wife and I live at 601 South Elm Street and have lived there for 37 years. It's been a wonderful neighborhood for the most part, but there are students that have lived around us that have been very problematic mostly guys living in a house together. We've had to call the police at 3AM for mostly noise issues, sometimes fire issues. There's a lot of garbage issues, parking on lawn issues, and this is the kind of thing we don't need to promote with additional proposals like this.

Andrew Morehead, resident, spoke in opposition of the request. I live at 409 South Harding Street. This neighborhood has been zoned single-family to help stabilize it. The neighborhood was damaged by the efforts to spot zone years ago and at that time we pointed out the issues such as reduced property values and increased crime. So any effort to increase density, in this neighborhood is only going to result in further degradation. Part

of that issue the sorority fraternity particularly is it's almost a permanent conversion because of the kind of interior work that's required to turn it into a Greek housing. It decreases the property value tax.

Chair Faison closed the public hearing and opened board discussion.

Motion made by Mr. Woodmansee, seconded by Mr. Collins, to recommend denial of the proposed amendment, to advise that it is inconsistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Information presented to the Planning and
Zoning Commission at the 9/19/2023 meeting

Chantae Gooby

From: Les Everett
Sent: Monday, September 18, 2023 8:18 AM
To: Chantae Gooby
Subject: FW: [External] 9/16 Meeting item

(yi)

Les Everett
Assistant Director of Planning and Development Services
City of Greenville, NC
leverett@greenvillenc.gov
www.greenvillenc.gov
252-329-4513



* Please note that any and all correspondence to and from this email address is subject to North Carolina Public Records Law and may be disclosed to third parties.

From: Brewer, Kori <BREWERK@ecu.edu>
Sent: Sunday, September 17, 2023 1:18 PM
To: Thomas Barnett <TBarnett@greenvillenc.gov>; Les Everett <leverett@GREENVILLENC.GOV>
Subject: [External] 9/16 Meeting item

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Mr. Barnett and Mr. Everett,

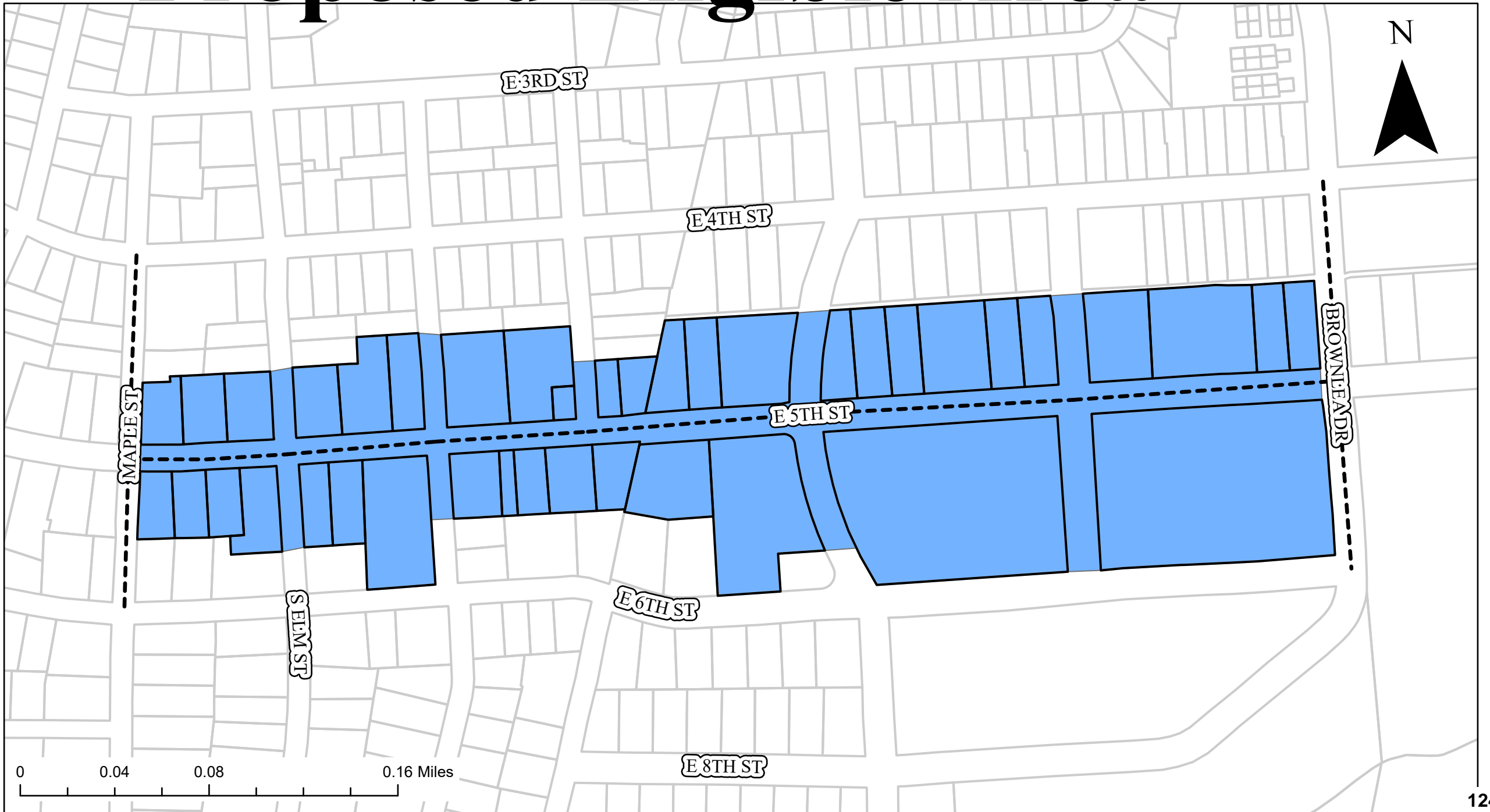
I am a long-term resident of the TRUNA neighborhood and want to express my opposition to the request to be discussed as item 9 at this week's upcoming planning meeting (details below). I feel that this request is simply an example of spot zoning which would only destabilize our residential neighborhood that has worked hard to encourage and maintain owner-occupied/single-family properties for many years. While TRUNA leadership will be at the meeting to express similar concerns, I am not able to attend but want to add my voice to those opposed to this request.

Thank you for your time and consideration of this input.

Respectfully,
Dr. Kori Brewer

Request by Rennsport Motorwerks, LLC to amend Title 9, Chapter 4, Section 86 (G) Fraternity or sorority by adding the following language: (5) In addition to the above requirements, in the specific area where properties have frontage along East Fifth Street between Maple Street and Brownlea Drive, the structure shall have no less than 3,500

Proposed Eligible Area





City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item:

First reading of ordinances, requested by the Neighborhood and Business Services and Planning and Development Services Departments, to repeal and replace, as amended, Title 9, Chapter 1: *Inspections and Code Enforcement* and 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
- re-ordering some section titles and content
- edits and expansion to detailed processes and checklists

The proposed changes include amendment to the following Chapters:

Title 9, Chapter 1: Inspections and Code Enforcement

Title 9, Chapter 1 describes the regulations for how the City is to enforce the standards of residential and commercial buildings or structures. The following is a summary of the proposed amendments:

- Article A: Merges all State codes adopted into one section: Technical Codes
- Article B, F: Adds General Statute language for Administrative Liability and Conflicts of Interest
- Article F: Merges the process for Abandoned Structures into the Article for Minimum Housing
- Article F: Provides for various Minimum Housing updates to follow N.C.

State Code

- Article H: Provides for inclusion of notice period for owners to secure or re-secure their properties before enforcement action
- Article C, F, G, H: Aligns penalties with City Ordinance 23-048, adopted June, 2023

Title 12, Chapter 3: Weeds, Vegetation and Other Public Health Nuisances

Title 12, Chapter 3 includes the regulations for the City’s Weeds, Vegetation and Other Public Health Nuisances. The following is a summary of the proposed amendments:

- Vegetation: Creates an allowance for properties greater than 1 acre
- Creates a definition section for Article A: Nuisances
- Provides addition of language for enforcement of items used as tables in front yards
- Updates the Appeals Process to allow for internal review
- Updates Article C: Graffiti to allow for efficient and consistent enforcement
- Aligns penalties with Ordinance 23-048, adopted June, 2023

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 is anticipated with this item.

Recommendation: Per N.C.G.S. §160A-175, two readings of this request must be held. This is the first of those two readings, and therefore no action is requested on this item at this time. City Council will be asked to take action after a public hearing is held at the December 14, 2023 meeting.

Staff will recommend approval at the December 14, 2023 meeting.

ATTACHMENTS

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

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~~ Jurisdiction of chapter and codes
- ~~9-1-3 Plumbing Code adopted~~ Technical Codes
- ~~9-1-4 Mechanical Code adopted~~ Compliance with Codes
- ~~9-1-5 Electrical Code adopted~~ 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-~~9897~~ 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 ½ 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 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:



City of Greenville, North Carolina

Meeting Date: 11/09/2023

Title of Item: Budget Ordinance Amendment #4 to the 2023-2024 City of Greenville Budget (Ordinance #23-046), Capital Projects Funds (Ordinance #17-024), Donations Fund (Ordinance #18-062), and Special Revenue Grant Fund (Ordinance #11-003)

Explanation: Attached for consideration at the November 9, 2023 City Council meeting is an ordinance amending the 2023-2024 City of Greenville Budget (Ordinance #23-046), Capital Projects Funds (Ordinance #17-024), Donations Fund (Ordinance #18-062), and Special Revenue Grant Fund (Ordinance #11-003).

For ease of reference, a footnote has been added to each line item of the Budget Ordinance Amendment, which corresponds to the explanation below:

<u>Item</u>	<u>Justification</u>	<u>Funds Amended</u>	<u>Net Adjustment</u>
A	To recognize grant funding received from Homeland Security, in addition to a general fund match, for Assistance to Firefighters Grant.	General Special Revenue	- \$297,567
B	To reallocate funding from General fund to Housing for funded positions in the Neighborhood and Business Services Department.	General	-
C	To reallocate funds from FIP to Capital Project Fund for Guy Smith improvements. A portion of this project is funded by donations.	FIP Rec & Parks Capital Projects	534,000
D	To recognize Rec & Parks donations during the current fiscal year.	Donations	77,141
E	To recognize funding received from NC Tri-Party Grant for NCHFA for construction training program.	Housing	70,000
F	To adjust transfers to reflect projected actuals through the first quarter of FY 24.	General	1,059,064

G	To transfer additional funding from General fund for the Greenfield Terrace project.	General Rec & Parks Capital Projects	497,361
H	To recognize partnership funding for the ShotSpotter program.	General Special Revenue	240,000
I	To appropriate Federal Forfeiture funds for equipment and software for the Police Department as presented to Council at 11/9/ 2023 meeting.	General	171,313

Fiscal Note:

The Budget Ordinance Amendment affects the following funds:

<u>Fund</u>	<u>2023-24 Original Budget</u>	<u>Amendment #4</u>	<u>2023-24 Budget per Amendment #4</u>
General	\$106,291,365	\$1,727,738	\$108,019,103
Debt Service	6,863,408	-	6,863,408
Public Transportation (Transit)	5,572,716	-	5,572,716
Fleet Maintenance	6,357,587	-	6,357,587
Sanitation	9,416,250	-	9,416,250
Stormwater	12,618,171	-	12,618,171
Housing	1,935,938	124,852	2,060,790
Health Insurance	14,376,386	-	14,376,386
Vehicle Replacement	8,346,170	-	8,346,170
Facilities Improvement	2,311,139	-	2,311,139
Special Revenue Grants	14,204,591	537,567	14,742,158
Public Works Capital Projects	59,693,491	-	59,693,491
Recreation & Parks Capital Projects	17,015,218	1,031,361	18,046,579
Community Development Capital Projects	19,554,227	-	19,554,227
Engineering Capital Projects	60,314,786	-	60,314,786
Donations	451,551	77,141	528,692
Occupancy Tax	4,654,328	-	4,654,328
Fire/Rescue Capital Projects	13,394,528	-	13,394,528

Recommendation:

Approve Budget Ordinance Amendment #4 to the 2023-2024 City of Greenville Budget (Ordinance #23-046), Capital Projects Funds (Ordinance #17-024), Donations Fund (Ordinance #18-062), and Special Revenue Grant Fund (Ordinance #11-003)

ATTACHMENTS

 [BA_4 Final.xlsx](#)

ORDINANCE NO. 23-
CITY OF GREENVILLE, NORTH CAROLINA
Ordinance (#4) Amending the 2023-24 Budget (Ordinance #23-046),
Capital Projects Funds (Ordinance #17-024), Donations Fund (Ordinance #18-062), and Special Revenue Grant Fund (Ordinance #11-003)

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

Section I: Estimated Revenues and Appropriations. General Fund, of Ordinance #23-046 is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	Budget Amendment #4							Total Amend #4	2023-24 Budget per Amend #4
	2023-24 Revised Budget	A.	B.	F.	G.	I.			
ESTIMATED REVENUES									
Property Tax	\$ 39,689,205	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,689,205
Sales Tax	30,616,976	-	-	-	-	-	-	-	30,616,976
Video Prog. & Telecom. Service Tax	738,769	-	-	-	-	-	-	-	738,769
Rental Vehicle Gross Receipts	176,125	-	-	-	-	-	-	-	176,125
Utilities Franchise Tax	6,896,611	-	-	-	-	-	-	-	6,896,611
Motor Vehicle Tax	1,705,845	-	-	-	-	-	-	-	1,705,845
Other Unrestricted Intergov't	871,145	-	-	-	-	-	-	-	871,145
Powell Bill	2,390,610	-	-	-	-	-	-	-	2,390,610
Restricted Intergov't Revenues	598,603	-	-	-	-	171,313	171,313	-	769,916
Licenses, Permits and Fees	4,728,426	-	-	-	-	-	-	-	4,728,426
Rescue Service Transport	3,200,000	-	-	-	-	-	-	-	3,200,000
Parking Violation Penalties, Leases, Other Revenues	300,000	-	-	-	-	-	-	-	300,000
Other Revenues	1,244,518	-	-	-	-	-	-	-	1,244,518
Interest on Investments	750,000	-	-	-	-	-	-	-	750,000
Transfers In GUC	7,140,532	-	-	1,059,064	-	-	1,059,064	-	8,199,596
Appropriated Fund Balance	5,244,000	-	-	-	497,361	-	497,361	-	5,741,361
Total Revenues	\$ 106,291,365	\$ -	\$ -	\$ 1,059,064	\$ 497,361	\$ 171,313	\$ 1,727,738	\$ -	\$ 108,019,103
APPROPRIATIONS									
Mayor/City Council	\$ 641,788	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 641,788
City Manager	3,598,762	-	-	31,220	-	-	31,220	-	3,629,982
City Clerk	392,046	-	-	4,805	-	-	4,805	-	396,851
City Attorney	732,553	-	-	12,822	-	-	12,822	-	745,375
Human Resources	3,512,642	-	-	22,174	-	-	22,174	-	3,534,816
Information Technology	4,259,352	-	-	50,162	-	-	50,162	-	4,309,514
Engineering	6,033,873	-	-	42,481	-	-	42,481	-	6,076,354
Fire/Rescue	18,145,330	(27,052)	-	248,353	-	-	221,301	-	18,366,631
Financial Services	3,134,640	-	-	38,706	-	-	38,706	-	3,173,346
Recreation & Parks	9,303,540	-	-	95,365	-	-	95,365	-	9,398,905
Police	30,106,328	-	-	287,547	-	171,313	458,860	-	30,565,188
Public Works	7,698,370	-	-	70,784	-	-	70,784	-	7,769,154
Planning & Development	2,714,190	-	(54,852)	40,729	-	-	(14,123)	-	2,700,067
Neighborhood & Business Services	1,368,841	-	-	18,916	-	-	18,916	-	1,387,757
OPEB	700,000	-	-	-	-	-	-	-	700,000
Contingency	40,000	-	-	-	-	-	-	-	40,000
Indirect Cost Reimbursement	(1,950,887)	-	-	-	-	-	-	-	(1,950,887)
Total Appropriations	\$ 90,431,368	\$ (27,052)	\$ (54,852)	\$ 964,064	\$ -	\$ 171,313	\$ 1,053,473	\$ -	\$ 91,484,841
OTHER FINANCING SOURCES									
Transfers to Other Funds	\$ 15,859,997	\$ 27,052	\$ 54,852	\$ 95,000	\$ 497,361	\$ -	\$ 674,265	\$ -	\$ 16,534,262
Total Other Financing Sources	\$ 15,859,997	\$ 27,052	\$ 54,852	\$ 95,000	\$ 497,361	\$ -	\$ 674,265	\$ -	\$ 16,534,262
Total Approp & Other Fin Sources	\$ 106,291,365	\$ -	\$ -	\$ 1,059,064	\$ 497,361	\$ 171,313	\$ 1,727,738	\$ -	\$ 108,019,103

Section II: Estimated Revenues and Appropriations. Recreation & Parks Capital Project Fund, of Ordinance #17-024 is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	2023-24 Revised Budget	C.	G.	Total Amend #4	2023-24 Budget per Amend #4
ESTIMATED REVENUES					
Restricted Intergovernmental	\$ 1,122,457	\$ -	\$ -	\$ -	\$ 1,122,457
Transfer from General Fund	3,171,308	-	497,361	497,361	3,668,669
Transfer from Capital Reserve	128,822	-	-	-	128,822
Transfer from CD Cap Proj Fund	82,965	-	-	-	82,965
Transfer from FIP	44,818	110,000	-	110,000	154,818
Transfer from FEMA-Hurricane	117,340	-	-	-	117,340
Transfer from PW Cap Proj Fund	30,000	-	-	-	30,000
Transfer from Occupancy Tax Reserve	558,200	-	-	-	558,200
Special Donations	1,491,352	424,000	-	424,000	1,915,352
Miscellaneous Revenue	567,148	-	-	-	567,148
Appropriated Fund Balance	971,573	-	-	-	971,573
Long Term Financing	8,729,235	-	-	-	8,729,235
Total Revenues	\$ 17,015,218	\$ 534,000	\$ 497,361	\$ 1,031,361	\$ 18,046,579
APPROPRIATIONS					
Water Sports Facility Project	\$ 306,325	\$ -	\$ -	\$ -	\$ 306,325
Wildwood Park	11,041,321	-	-	-	11,041,321
Transfer to General Fund	9,000	-	-	-	9,000
Parks Improvements	45,000	-	-	-	45,000
Pool Replacement	4,310,290	-	-	-	4,310,290
Off-Lease Dog Park	100,000	-	-	-	100,000
Parks Comprehensive Master Plan	147,000	-	-	-	147,000
Pickleball Conversion	75,000	-	-	-	75,000
Sports Complex Feasibility Study	58,200	-	-	-	58,200
Guy Smith Improvements	500,000	534,000	-	534,000	1,034,000
Greenfield Terrace	-	-	497,361	497,361	497,361
Transfer to Other Funds	423,082	-	-	-	423,082
Total Appropriations	\$ 17,015,218	\$ 534,000	\$ 497,361	\$ 1,031,361	\$ 18,046,579

Section III: Estimated Revenues and Appropriations. Donations Fund, of Ordinance #18-062 is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	2023-24 Revised Budget	D.	Total Amend #4	2023-24 Budget per Amend #4
ESTIMATED REVENUES				
Restricted Intergov/Donations	\$ 248,263	\$ 77,141	\$ 77,141	\$ 325,404
Transfer From General Fund	203,288	-	-	203,288
Total Revenues	\$ 451,551	\$ 77,141	77,141	\$ 528,692
APPROPRIATIONS				
Mayor & City Council	\$ 550	\$ -	\$ -	\$ 550
Financial Services	1,336	-	-	1,336
Police	44,387	-	-	44,387
Fire / Rescue	20,202	-	-	20,202
Community Development	3,270	-	-	3,270
Recreation & Parks	381,806	77,141	77,141	458,947
Total Appropriations	\$ 451,551	\$ 77,141	77,141	\$ 528,692

Section IV: Estimated Revenues and Appropriations. Special Revenue Grant Fund, of Ordinance #11-003 is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	2023-24 Revised Budget	A.	H.	Total Amend #4	2023-24 Budget per Amend #4
ESTIMATED REVENUES					
Special Fed/State/Loc Grant	\$ 10,952,618	\$ 270,515	\$ 145,000	\$ 415,515	\$ 11,368,133
CARES Act Funding	1,561,332	-	-	-	1,561,332
Transfer From General Fund	1,555,327	27,052	95,000	122,052	1,677,379
Transfer From Pre-1994 Entitlement	27,419	-	-	-	27,419
Transfer from Other Funds	107,895	-	-	-	107,895
Total Revenues	\$ 14,204,591	\$ 297,567	\$ 240,000	\$ 537,567	\$ 14,742,158
APPROPRIATIONS					
Personnel	\$ 2,295,650	\$ -	\$ -	\$ -	\$ 2,295,650
Operating	6,044,601	-	240,000	240,000	6,284,601
Capital Outlay	2,006,385	-	-	-	2,006,385
Transfers	27,419	-	-	-	27,419
COVID-19	1,526,923	-	-	-	1,526,923
Rural Housing Recovery Grant	350,000	-	-	-	350,000
Environmental Enhancement Grant	150,935	-	-	-	150,935
STAR Grant	330,000	-	-	-	330,000
Governor's Crime Commission Grant 22	24,500	-	-	-	24,500
Governor's Crime Commission Grant 23	22,900	-	-	-	22,900
COPS Community Policing Development	175,000	-	-	-	175,000
Justice Assistance Grant 2022	55,135	-	-	-	55,135
Justice Assistance Grant 2023	27,761	-	-	-	27,761
Project Lucky - Job Creation Grant	100,000	-	-	-	100,000
Opioid Settlement Trust	45,532	-	-	-	45,532
Energy Efficient Conservation Block Grant	146,850	-	-	-	146,850
Assistance to Fire Fighters Grant	-	297,567	-	297,567	297,567
Transfer to Other Funds	875,000	-	-	-	875,000
Total Appropriations	\$ 14,204,591	\$ 297,567	\$ 240,000	\$ 537,567	\$ 14,742,158

Section V: Estimated Revenues and Appropriations. Facilities Improvement Fund, of Ordinance #23-046 is hereby amended by increasing estimated revenues and appropriations in the amount indicated:

	2023-24 Revised Budget	C.	Total Amend #4	2023-24 Budget per Amend #4
ESTIMATED REVENUES				
Transfer from General Fund	\$ 1,565,000	\$ -	\$ -	\$ 1,565,000
Appropriated Fund Balance	746,139	-	-	746,139
Total Revenues	\$ 2,311,139	\$ -	\$ -	\$ 2,311,139
APPROPRIATIONS				
Facilities Improvement Fund	\$ 2,311,139	\$ (110,000)	\$ (110,000)	\$ 2,201,139
Transfer to Other Fund	-	110,000	110,000	110,000
Total Appropriations	\$ 2,311,139	\$ (110,000)	\$ (110,000)	\$ 2,311,139

Section VI: Estimated Revenues and Appropriations. Housing Fund, of Ordinance #23-046 is hereby amended by decreasing estimated revenues and appropriations in the amount indicated:

	2023-24 Revised Budget	B.	E.	Total Amend #4	2023-25 Budget per Amend #4
ESTIMATED REVENUES					
CDBG Grant Income	\$ 963,874	\$ -	\$ -	\$ -	\$ 963,874
HOME Grant Income	599,237	-	-	-	599,237
Transfer from General Fund	372,827	54,852	-	54,852	427,679
NC Tri-Party Grant	-	-	70,000	70,000	70,000
Total Revenues	\$ 1,935,938	\$ 54,852	\$ 70,000	\$ 124,852	\$ 2,060,790
APPROPRIATIONS					
Personnel	\$ 552,128	\$ 54,852	\$ -	\$ 54,852	\$ 606,980
Operating	1,383,810	-	70,000	70,000	1,453,810
Total Appropriations	\$ 1,935,938	\$ 54,852	\$ 70,000	\$ 124,852	\$ 2,060,790

Section VII: All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed:

Adopted this 09th day of November, 2023

P. J. Connelly, Mayor

ATTEST:

Valerie P. Shiuwegar, City Clerk