

Ordinance #2021-18
2021 Ordinance Book, Page 78

**ORDINANCE AMENDING CHAPTER 10, ARTICLE V, DIVISION 1 ENTITLED
“HOUSING CODE” OF THE CODE OF THE CITY OF WINSTON-SALEM**

BE IT ORDAINED, by the Mayor and City Council of the City of Winston-Salem, North Carolina that the Code of the City of Winston-Salem is hereby amended to read as follows

Section 1. Chapter 10, Article V, Division 1 Entitled “Housing Code” is hereby amended to read as follows:

“DIVISION 1. - HOUSING CODE

Sec. 10-191. - Title.

The rules and regulations prescribed by this article shall be known and may be cited as the Housing Code of the City of Winston-Salem.

Sec. 10-192. - Findings of fact; statutory authority.

The city council hereby finds and declares that there now exists in the city and that there may reasonably be expected to exist in the future housing which is unfit for human habitation because of dilapidation, defects increasing the hazards of fire, accidents or other calamities, or lack of ventilation, light or sanitary facilities, or because of conditions rendering such housing unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the city, and that a public necessity exists to exercise the police powers of the city pursuant to G.S. 160A-441 ~~D-1202~~ et seq., and other applicable law, as now or hereafter amended, to cause the repair and rehabilitation, closing or demolishing of such housing in the manner provided in this article. Pursuant to the exercise of such police power, the city council finds as facts and so declares that the ensuing sections of this article are necessary to the implementation of its purposes declared in this section and that, specifically but without limitation, the minimum standards of fitness for dwellings and dwelling units, as enacted in section 10-197, are reasonable and necessary for this community and are, all and sundry of them, reasonable and necessary criteria for determining whether dwellings and dwelling units in this city are fit for human habitation.

Sec. 10-193. - Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building and *outhouse* mean a building or structure the use of which is incidental to that of the main building or structure, and which is located on the same lot or on a contiguous lot.

Agent means any person, firm or corporation who is responsible for the management, maintenance, operation, renting, leasing or sale of any property, or who makes application for or seeks a permit or certificate on behalf of the owner or who in any other way represents the owner in any particular case.

Basement means that portion of a building partially or completely below grade; a shallow unfinished space beneath the first floor.

Ceiling means the surface suspended from or attached to the underside of floors or roofs which does not form a structural part of a floor or roof or the underside of an exposed floor or roof construction.

Ceiling height means the clear distance between the floor and the ceiling directly above.

Cellar means a portion of a building located partly or wholly underground and having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Central heating unit means a unit controlled by a thermostat or some other device designed to provide heating to a dwelling or dwelling unit through a duct, wall-mounted system or baseboard-mounted equipment.

Dwelling. This article interchanges the word "housing" for the word "dwelling" as used in G.S. 160-A-442 D-1202; see the definition of "housing" in this section.

Emergency situations may include community disasters or climactic events as well as individual or site based circumstances beyond the control of the occupant. Examples might include but not be limited to fallen trees, service disconnects, or a structure being struck by a vehicle.

Exit means a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

Extermination means the control and elimination of insects, rodents and other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and lawful pest elimination methods approved by the housing conservation administrator.

Family means one or more persons living together and having common housekeeping facilities.

Garbage means, except for human excreta, the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable space and *habitable room* mean any room or enclosed floorspace in a building or structure used or intended for use for living, sleeping, cooking or eating, including kitchens, but excluding bathrooms, toilets, halls, corridors, pantries, storage space, closets, laundries and other spaces not used frequently or during extended periods.

Housing means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, including any accessory buildings and appurtenances belonging thereto or usually enjoyed therewith.

Housing conservation administrator means the housing conservation administrator of the city community development department, or any agent or employee of such department. The housing conservation administrator may also be referred to as the administrator.

Housing unit means a habitable space or spaces in any structure occupied or intended for occupancy by not more than one family and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating.

Infestation means the presence within or around housing of any insects, rodents or other pests in such numbers as to constitute a threat or deterioration to the housing or a hazard to the health or physical well-being of the occupants.

Inspector means the housing conservation administrator and any other employee of the city community development department whose assigned duties include the enforcement of provisions of this article.

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

Multifamily housing means a building or structure occupied or intended for occupancy as the home or residence of more than two families, living independently of each other, and doing their own cooking within their respective housing units.

North Carolina State Building Code means all of the North Carolina Building Codes as adopted by the Building Code Council including but not limited to the North Carolina Residential Code, Plumbing Code and Electric Code.

Occupant means any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a housing unit or rooming unit.

Owner means a holder of the title in fee simple and every mortgagee of record.

Parties in interest means all individuals, associations and corporations who have interest of record in a dwelling, and any who are in possession thereof.

Party wall means a wall which is used or adapted for joint service between two building units and in which the owner or occupant of each dwelling unit has a common interest.

Person means any individual, firm, co-partnership, corporation, company or association, and shall include any personal representative, trustee, receiver, assignee or other similar representative.

Plumbing means and include 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, showerbaths, installed clothes-washing machines, catchbasins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Premises means a lot, plot or parcel of land, including the building or structure thereon or any part thereof, except land occupied by streets, alleys or public thoroughfares.

Public authority means any housing authority, or any officer who is in charge of any department or branch of the government of the city, county or state relating to health, fire, building regulations, or other activities concerning dwellings in the city.

Public space means that space within any multifamily housing which is open to common use by the occupants of and visitors to the premises.

Removal means the demolition and removal of the entire building, leaving the premises free and clear of any debris, with any excavation properly filled in and with no holes or pockets which may retain water.

Rooming unit means any room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

Rooming house means any dwelling, or that part of any dwelling, containing one or more rooming units in which space is let by the owner or operator to three or more persons, none of whom is husband, wife, son, daughter, mother, father, sister or brother (or in a step or in-law kinship, with respect to the six last-named relationships) of the owner or operator.

Rubbish means combustible or noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, and discarded appliances.

Shall, may and should. The term "shall" is to be construed and meaning mandatory, and the term "may" or "should" is to be construed as meaning permissible.

Story means that part of a building comprised between a floor and the floor or roof next above.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term structure shall be construed as if followed by the words "or part thereof."

Substandard means any condition existing in any housing or structure which does not meet the standards of fitness of this article.

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

Unfit for human habitation means a residential building which contains any of the following conditions, which conditions the city council hereby finds render any building dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city:

- (1) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the building unsafe.
- (2) Supporting members which show 33 percent or more damage or deterioration, or a nonsupporting, enclosing or outside wall or covering which shows 50 percent or more of 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 to render the building unsafe.
- (5) Dilapidation, decay, insanitary conditions or disrepair which is dangerous to the health, safety or morals of the occupants or other people in the city.
- (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, morals 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 definite safety hazard.
- (10) Lack of adequate weatherization as required by section 10-197(j).
- (11) Lack of an operable smoke detector as required by section 10-197(l).
- (12) Lack of an operable carbon monoxide alarm/detector as required section 10-197(m).
- (13) Excessive standing water, sewage, or flooding problems caused by plumbing leaks or inadequate drainage that may contribute to mosquito infestation or mold.
- (14) Any combination of other substandard items under section 10-197 which, in the judgment of the housing conservation administrator, renders any building dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city.

Ventilation means the insufflation and the exsufflation of air by natural or mechanical means, to and from housing.

Ventilation, mechanical means ventilation by power-driven devices.

Ventilation, natural means ventilation by opening to outer air through windows, skylights, doors, louvers or stacks, with or without wind-driven devices.

- (b) Whenever the term "dwelling," "dwelling unit," "rooming house," "rooming unit" or "premises" is used in this article, it shall be construed as though it were followed by the words "or any part thereof."

Sec. 10-194. - Applicability of article.

The provisions of this article shall apply to all existing housing and to all housing hereafter constructed within the city. Portable, mobile or demountable buildings or structures, including trailers, when used or intended for use as housing within the city, shall be subject to the applicable provisions of this article.

Sec. 10-195. - Responsibility for enforcement; designation of areas for inspection.

- (a) The housing conservation administrator shall be responsible for the enforcement of this article.
- (b) ~~The housing conservation administrator shall have authority to request the advice and assistance of the city county planning board, the housing authority of the city, the redevelopment commission of the city, the fire department, the health department and any~~

other public authority he or she may deem appropriate, in determining those areas of the city in which substandard housing may be prevalent, and shall designate and schedule such areas for comprehensive inspection under this article. This procedure shall be in addition to regular citywide inspections under section 10-197. The city may require periodic inspections as part of a targeted effort to respond to blighted or potentially blighted conditions within a geographic area that has been designated by city council. However, the total aggregate of targeted areas within the city at any one time shall not be greater than 1 square mile or five percent (5%) of the area within the city, whichever is greater. A targeted area designated by the city council shall reflect the city's stated neighborhood revitalization strategy and shall consist of property that meets the definition of a "blighted area" or "blighted parcel" as those terms are defined in G.S.160A-503(2) and G.S.160A-503(2a), respectively, except that for purposes of this subsection, the planning board is not required to make a determination as to the property. The city shall not discriminate in its selection of areas or housing types to be targeted and shall (i) provide notice to all owners and residents of properties in the affected area about the periodic inspections plan and information regarding a legislative hearing regarding the plan, (ii) hold a legislative hearing regarding the plan, and (iii) establish a plan to address the ability of low-income residential property owners to comply with minimum housing code standards.

- (c) Except as provided in subsection (b) of this section, the housing conservation administrator or other officers and agents as he or she may designate may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. However, when the housing conservation administrator or other officers and agents as he or she may designate determines that a safety hazard exists in one of the dwelling units within a multifamily building, which in the opinion of the inspector poses an immediate threat to the occupant, the inspection department may inspect, in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units in the multifamily building to determine if that same safety hazard exists. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period, (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected, (iii) the inspection department has actual knowledge of an unsafe condition within the building, or (iv) violations of the local ordinances or codes are visible from the outside of the property. In conducting inspections authorized under this section, the housing conservation administrator or other officers and agents as he or she may designate shall not discriminate between single-family and multifamily buildings or between owner-occupied and tenant-occupied buildings. In exercising this power, members of the community development department shall have a right to enter on any premises within the city at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. Nothing in this section shall be construed to prohibit periodic inspections in accordance with State Fire Prevention Code or as otherwise required by State law.

Sec. 10-196. - Substandard and unfit housing generally.

- (a) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, which does not comply with all the requirements of section 10-197 shall be deemed substandard.
- (b) Unless otherwise provided in this article, all requirements relating to housing shall be the responsibility of the owner.
- (c) No person shall occupy as owner-occupant, or let to another or others for occupancy or use, or cause to be used as a human habitation, any dwelling or dwelling unit which exhibits any of the conditions described in section 10-193 under the definition of the term "unfit for human habitation."
- (d) The inspector shall determine that a residential building is unfit for human habitation if he finds that any of the conditions contained in section 10-193 under the definition of the term "unfit for human habitation" exist in such building.
- (e) A vacant residential dwelling unit that has been inspected and found to be unfit for human habitation may not be occupied until its owner receives a certificate of fitness from the city.

Sec. 10-197. - Standards.

(a) *Space and use standards.*

- (1) A principal room shall have not less than 120 square feet.
- (2) A kitchen-dining room combination, shall have not less than 100 square feet.
- (3) A first bedroom, if any, shall have not less than 100 square feet.
- (4) A second bedroom, if any, shall have not less than 70 square feet.
- (5) Each habitable room shall have at least 70 square feet.
- (6) At least 120 square feet of floor space in habitable rooms shall be provided for the first occupant in each housing unit, at least 100 square feet of additional floor space shall be provided for each additional occupant (children one year of age and under shall not be counted).
- (7) At least 80 square feet of bedroom floor space shall be provided for the first occupant, and at least 30 square feet of additional bedroom floor space shall be provided for each additional occupant (children one year of age and under shall not be counted).
- (8) Those habitable rooms which must be included to meet the minimum space standards set out in this subsection shall be at least seven feet wide in any part, with at least one-half of the floor area having a ceiling height of at least seven feet. That portion of any room where the ceiling height is less than five feet shall not be considered as part of the floor area.
- (9) No basement space shall be used as a habitable room or housing unit unless:
 - a. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 - b. The total of window area in each room is equal to at least the window area sizes prescribed in this section for habitable rooms (see subsection (b) of this section, pertaining to light and ventilation standards).

- c. Such required window area is located entirely above the grade of the ground adjoining such window area.
 - d. The total of openable window area in each room is equal to at least the area prescribed in this section for habitable rooms (see subsection (b) of this section, pertaining to light and ventilation standards), except where there is supplied some other device affording adequate ventilation and approved by the housing conservation administrator.
- (10) Toilet and bathing facilities shall be enclosed.
- (11) Access shall be provided to at least one toilet room without passing through a bedroom, except where every bedroom has direct access to a toilet room.
- (12) Access shall be provided to living rooms, kitchens and bedrooms without passing through a bedroom, except in a housing unit with only one bedroom.
- (13) Bathroom walls, toilet room walls and bedroom walls shall have no holes or excessive cracks.
- (14) Access shall be provided to all rooms within a dwelling unit without passing through a public space or other dwelling unit.
- (15) Doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms and at all rooms adjoining a public space.
- (16) Each living unit shall have a specific kitchen space, which contains a sink with counter work space and having hot and cold running water, and adequate space for storing cooking utensils. Minimum areas and dimensions of kitchen storage space shall be as follows:
- a. Minimum total area of shelving in wall and base cabinets shall be 30 square feet.
 - b. Minimum drawer area shall be five square feet.
 - c. Usable storage shelving in the cooking range or under the sink may be counted in the total shelving needed.
 - d. Shelving shall be a minimum of 11½ inches in width.
 - e. A minimum of four square feet of counter top shall be provided, not including the range top.
- (17) Clothes closet space should be provided within each living unit on the basis of approximately 12 square feet for the first bedroom plus six square feet for each additional bedroom. The space provided should be, if possible, divided into separate closets serving each bedroom and having one closet located so as to open directly off a hall or living or dining room. None of the minimum clothes closet space should be located within the kitchen. Where separate closets for each existing bedroom are not possible, a closet elsewhere within the living unit shall be acceptable only if the minimum clothes closet space for the dwelling unit is provided and the closet in question is reasonably accessible to the bedroom. Clothes closets should have a shelf and rod. Within each living unit, total shelf area or built-in drawer space of at least eight square feet should be provided for linens. This space should be increased two square feet for each additional bedroom.

- (18) Each living unit should have a designated closet or other suitable space within the unit or locked space elsewhere within the building or within an accessory building, conveniently accessible, for general storage. The minimum volume of general storage space for each housing unit should be 100 cubic feet and should be increased 32 cubic feet for each additional bedroom over two.
- (19) Toilet room, bathroom and bedroom doors shall be easily operable.
- (b) *Light and ventilation standards.*
- (1) Window area in each habitable room shall be at least eight percent of the floor area of such rooms and shall face directly to the outside. Whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than four feet from the window and extend to a level above that of the ceiling of the room, the window area shall be at least 20 percent of the floor area served by the window or 15 square feet, whichever is greater. Whenever walls or other portions of structures are located less than six feet but at least four feet from the window and extend to a level above that of the ceiling of the room, the window area shall be at least 15 percent of the floor area served by the window or 12 square feet, whichever is greater.
 - (2) Openable window area in each habitable room shall be at least one-half of the minimum window area.
 - (3) All windows and doors opening to the outside shall be adequately screened, unless the room or unit is served by an approved ventilating system.
 - (4) Windows and doors shall be reasonably weathertight, shall have no broken glass, and shall have adequate operable locks and hardware.
 - (5) Natural ventilation of spaces such as attics and enclosed basement space should be provided by openings of sufficient size to overcome dampness and to minimize the effect of conditions conducive to decay and deterioration of the structure, and to prevent excessive heat in attics.
 - (6) Utility spaces containing heat-producing, air conditioning and other equipment shall be ventilated to the outer air, and inside air from such activity utility spaces shall not be recirculated to any dwelling unit.
 - (7) All glazing materials shall be maintained free from cracks and holes.
 - (8) Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
 - (9) Clothes dryer exhaust systems shall be independent of all other systems, be exhausted to the outside in accordance with the manufacturer's instructions.
- (c) *Exit standards.*
- (1) Two main exits, each at least 30 inches wide and six feet eight inches high, easily accessible to the occupants of each housing unit, shall be provided, unless a single exit is permitted as an exception by provisions of the 1994 edition of the North Carolina State Building Code, as from time to time amended. All exit doors shall be easily operable.
 - (2) Steps or handrails shall be provided to serve exits and retained in safe condition.

- (3) All exterior doors, door assemblies, and hardware shall be easily openable and maintained in good condition.
 - (4) Entrance locks shall tightly secure the door.
 - (5) Every common hall and stairway in other than one and two family dwellings shall be lighted at all times with at least a 60 watt light bulb for each 200 square feet of floor area. Spacing between lights shall not exceed 30 feet.
 - (6) Bars, grills, grates, or similar devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than required for normal operation of the opening.
- (d) *Plumbing standards.*
- (1) The plumbing system shall be connected to the city sanitary sewer system where available; otherwise, the plumbing system shall be connected onto an approved septic tank.
 - (2) All fixtures shall be properly installed, maintained in working order, capable of performing the function for which it was designed and in a safe, sanitary, and functional condition.
 - (3) Water closet bowls shall not be broken.
 - (4) Water closets shall not be loose or leaking.
 - (5) Shower stall floors shall have no leaks.
 - (6) Fixtures shall not be cracked, broken or badly chipped.
 - (7) There shall be no hopper bowl toilets.
 - (8) There shall be provided a hot water heater (minimum 40-gallon capacity) furnishing hot water to each tub or shower, lavatory and kitchen sink; provided, however, that each one-bedroom unit is required to have a minimum 30-gallon capacity hot water heater. A drainpipe, discharge tube, shall be attached to the pressure relief valve and terminate within six inches of floor level.
 - (9) An installed water supply inside the building shall be provided for each housing unit. The water supply shall be connected to either a public water system or an approved private water system.
 - (10) An installed water closet, tub or shower, lavatory and sink shall be provided for each housing unit. The kitchen sink shall be at least 12 inches by 12 inches and shall be at least six inches deep.
 - (11) Separate toilet facilities shall be provided for each housing unit.
 - (12) Toilet and bathing facilities shall be protected from the weather.
 - (13) All water piping shall be protected from freezing by proper installation in protected space.
 - (14) At least one main vent of a minimum diameter of 2½ inches shall be properly installed for each building.
 - (15) Sewer and water lines shall be properly supported, with no broken or leaking lines.

- (16) Every water closet compartment floor surface and every bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and as to permit such floor to be readily kept in a clean and sanitary condition.
 - (17) The arrangement of fixtures shall provide for the comfortable use of each fixture and shall permit at least a 90-degree door swing. Wall space shall be available for a mirror or medicine cabinet and towel bars. Bathtubs shall be not less than four feet six inches long, and, if a square tub, four feet minimum. Shower floors, if a shower is provided instead of a bathtub, shall have a least dimension of not less than 30 inches.
 - (18) Adequate space should be provided for home laundry equipment (washing machine and dryer) in either of the following locations:
 - a. Within each living unit having two or more bedrooms, and located in the kitchen or other suitable service space; or
 - b. In the basement, cellar or other suitable public space within the building for the use of all occupants.
 - (19) A kitchen sink shall not be used as a substitute for a lavatory.
 - (20) Hazards due to inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage shall be corrected.
 - (21) All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water.
 - (22) An approved pressure relief valve shall be installed and maintained on water heaters.
 - (23) Every plumbing stack, vent, waste, and sewer line shall function properly and be kept free from obstructions, leaks, and defects.
 - (24) Every dwelling unit shall be maintained so as to prevent persistent excessive dampness or moisture on interior or exterior surfaces. Building materials discolored or deteriorated by mold or mildew shall be cleaned, dried, and repaired.
- (e) *Heating standards.*
- ~~(1) All occupied dwelling units shall have heating facilities, central or other.~~
 - ~~(2) Heating facilities, central or other, shall be properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in occupied housing to a temperature of at least 68 degrees Fahrenheit at a distance of three feet above floor level with an outside temperature of 20 degrees Fahrenheit.~~
 - ~~(3) All gas and oil burning equipment installed on the premises shall be of a type approved by Underwriters' Laboratories, Inc., or by the American Gas Association, and shall be installed in accordance with the provisions of the state building code.~~
 - ~~(4) Liquid fuel stored on the premises shall be stored in accordance with the provisions of the fire prevention code.~~
 - ~~(5) Chimneys shall have no loose bricks.~~
 - ~~(6) Flues shall have no holes.~~

- ~~(7) There shall be no hanging masonry chimneys.~~
 - ~~(8) Thimbles shall be grouted in tight.~~
 - ~~(9) Thimbles shall be installed high enough for stovepipe to rise one fourth inch per foot minimum.~~
 - ~~(10) The hearth shall be at least 20 inches deep and seven inches beyond each side of the fireplace opening.~~
 - ~~(11) No combustible materials shall be within seven inches of the top and seven inches of either side of the fireplace opening.~~
 - ~~(12) If the fireplace opening is closed, the closure shall be of masonry.~~
 - ~~(13) Any stove shall be within six feet of the thimble serving it.~~
 - ~~(14) No combustible materials shall be within 12 inches of stovepipe.~~
 - ~~(15) No stovepipe shall be routed through combustible walls.~~
 - ~~(16) Fireplaces shall be used only for supplemental heat and not for basic heating.~~
 - ~~(17) Temporary heating facilities shall not be allowed as a substitute to or for permanent heating facilities or a fuel source for permanent heating facilities. Temporary heating facilities may be allowed during and in the event of a natural disaster or in emergency situations.~~
- (e) Heating.
- (1) Heating facilities. Every dwelling and dwelling unit shall be provided with a heating unit which is properly designed, installed and balanced or adjusted, maintained in good and safe condition and which is capable of safely and adequately heating all habitable rooms, bathrooms and water compartments located therein to a temperature of 68°F (20°C). The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall. Either central or space heating units designed for continuous use may be used. Portable or temporary space heaters are strictly prohibited as a primary source of heat, but may be used to supplement heating.
 - (2) Central heating units.
 - a. Every central heating unit shall:
 - 1. Have every duct, pipe or tube free of leaks and functioning properly;
 - 2. Be provided with proper seals between sections of hot air furnaces to prevent the escape of noxious fumes and gases into heat ducts;
 - 3. Be properly connected to an electric circuit of adequate capacity in an approved manner if electrical power is required; and
 - 4. Be provided with all required automatic or safety devices and be installed and operated in the manner required by the laws, ordinances and regulation of the city.

- b. All liquid fuel used to operate any central heating unit shall be stored in accordance with the city's fire prevention and building codes;
- c. All gas and oil heating equipment installed on the premises shall be listed by a testing laboratory and shall be installed, including proper ventilation, in accordance with the applicable provisions of the North Carolina State Building Code.

(3) Space heating units.

- a. Every space heating unit shall:
 - 1. Not use gasoline or other similar highly flammable liquid fuel;
 - 2. Not be of portable type using solid, liquid or gaseous fuel;
 - 3. Be properly connected according to the manufacturer's instructions on installation;
 - 4. Be so located or protected as to prevent any overheating of adjacent combustible material;
 - 5. If employing electricity, be connected to a circuit of adequate capacity in an approved manner;
 - 6. Be provided with all required automatic or safety devices; and
 - 7. Be installed under permit and be properly operated.
- b. A kerosene space heater which has its fuel piped to the heater from a remotely installed bulk tank shall be permissible under this section. Other portable kerosene space heaters are strictly prohibited as a primary source of heat.
- c. All unvented gas-fired heating units are strictly prohibited, as a primary source of heat and as a secondary source of heat in bedrooms and sleeping areas.
- d. Ornamental gas logs may be installed in a fireplace provided that such installation is in compliance with the applicable portions of the North Carolina State Building Code.

(4) Fireplaces and chimneys. The following standards and conditions shall be applicable to fireplaces and chimneys unless rendered inoperable:

- a. Chimneys shall be tight and safe, and capable of maintaining proper draft for carriage of combustion by-products to outside air.
- b. Chimneys shall be kept clean of soot and other debris.
- c. No holes shall be permitted in flue, except for necessary vent connections and clean out doors.
- d. All existing hanging masonry chimneys shall be removed.
- e. Thimbles shall be grouted in tight.
- f. Thimbles shall be located high enough to provide proper draft for the heating appliances served thereby.

- g. Fireplaces may be used only for supplemental heat and not as the primary heating source for a dwelling. This section does not exclude the use of wood burning stoves or inserts as the primary heating source for a dwelling.
 - h. The hearth and the hearth extension shall extend a minimum of 36 inches from the back of the firebox to the end of the hearth extension. The hearth extension shall extend at least 16 inches in front of and at least eight inches beyond each side of the fireplace opening. Where the fireplace opening is six square feet or larger, the hearth extension shall extend at least 20 inches in front of and at least 12 inches beyond each side of the fireplace opening.
 - i. No combustible materials shall be permitted within seven inches of the top and seven inches of either side of the fireplace opening.
 - j. Where fireplace is closed and converted to other use, there shall be masonry closure of face and proper lining or vent installed in chimney where same does not exist.
- (f) *Electrical standards.*
- (1) No receptacles, ceiling fixtures or other fixtures shall be broken or hanging loose.
 - (2) All toggle switches and fixtures shall be safely operable.
 - (3) At least two duplex convenience outlets, as remote from each other as practicable, shall be provided per habitable room.
 - (4) At least one light outlet shall be provided in each bathroom, kitchen, hall and porch, and over exterior steps to the second floor.
 - (5) There shall be no bare wires, open joints or spliced cables.
 - (6) Flexible cords shall not be used as a substitute for the fixed wiring of a structure, nor shall flexible cords be run through holes in walls, ceilings or floors, or through doorways, windows or similar openings, or be attached to building surfaces or concealed behind building walls, ceilings or floors. (See article 400-4 of the National Electrical Code.)
 - (7) No branch circuits shall be overloaded.
 - (8) Fuses shall be sized correctly and not bridged out.
 - (9) A minimum of three branch circuits, plus separate circuits for each fixed appliance, shall be provided in each dwelling unit.
 - (10) There shall be provided service equipment and a lighting panel of adequate capacity and size (minimum of 100-ampere capacity) to accommodate the existing or the required number of branch circuits, and the equipment shall be properly grounded.
 - (11) All electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe manner.
 - (12) Flexible cords or extension cords shall not be used to provide power to appliances.
 - (13) Face plates shall be attached to receptacles and to switches and shall be free of cracks and of breaks.
 - (14) Receptacles and switches shall not be painted over.

(15) Service panels shall be free of missing blanks and missing knock-outs.

(g) *Structural standards.*

(1) *Foundation.*

- a. A foundation shall support the building at all points and shall be free of all holes and cracks which admit rodents, water or dampness to the interior of the building or which lessen the capability of the foundation to support the building.
- b. The foundation shall be on firm, reasonably dry ground, and there shall be no water standing or running under the building.
- c. Footings shall be sound and have adequate bearing capacity.
- d. Piers shall be sound.
- e. No piers in which the plumb line from top center falls outside the middle one-third of the pier base shall be allowed.
- f. There shall be no isolated masonry piers exceeding in height ten times the least horizontal dimension of the pier.
- g. Adequate foundation drainage shall be provided and maintained so as to prevent standing water or other conditions so as to avoid the presence of mold. Crawlspace shall be free of high-moisture conditions or sealed from dwelling areas.
- h. No wood stiff-knees or other improper piers shall be allowed.
- i. The space between the ground and the first floor of every dwelling shall be enclosed with masonry or other permanent material of at least one-half inch in thickness, except where underpinning is not consistent with the architecture of the dwelling, as determined by the housing conservation administrator or his designee. Where wood is used as underpinning, such wood, in addition to the conditions set out in this subsection, shall be weather treated and permanently affixed. Where no underpinning is required, the ground level floor shall be substantially weathertight and insulated to R-19 value.
- j. All crawl space doors and access doors shall be maintained to prevent entrance of rodents, rain, and surface drainage water.

(2) *Floors.*

- a. No rotted or termite-damaged sills shall be allowed.
- b. No broken, seriously fire damaged, overloaded or sagging sills shall be allowed.
- c. Sills shall be reasonably level.
- d. Sills shall be properly and sufficiently supported.
- e. Sills shall clear the ground by at least 15 inches.
- f. No rotted, seriously fire damaged, or termite-damaged joists shall be allowed.
- g. No broken or sagging joists shall be allowed. Sagging joist deflection exceeds $1/360$ where 1 is the unsupported length between bearing points.

- h. Reserved.
 - i. There shall be no two-inch by four-inch floor joists.
 - j. Reserved.
 - k. Joists shall be properly bridged at midspan when the span exceeds ten feet.
 - l. Flooring shall be weathertight, without holes or cracks which permit air excessively to penetrate rooms.
 - m. Flooring shall be reasonably smooth, not rotten or worn through.
 - n. No loose flooring nor floor covering shall be allowed. Throw rugs and area rugs shall be exempt from this provision.
 - o. Floors shall be reasonably level.
 - p. Replacement of structural members shall require a building permit (G.S. 143-138(b) as amended) and shall be in accordance with the State Building Code.
- (3) *Exterior walls.*
- a. No wall in which a plumb line from top center of the studs falls outside the base plate at any point along the wall shall be allowed.
 - b. Reserved.
 - c. No studs which are rotted, seriously fire damaged, or termite-damaged shall be allowed.
 - d. No broken or cracked structural members shall be allowed.
 - e. The maximum permissible spacing, horizontal or vertical, for lateral support shall be eight feet zero inches except where steel reinforced.
 - f. All siding shall be weathertight, with no holes, cracks or rotted boards which permit air excessively to penetrate rooms.
 - g. No loose siding shall be allowed.
 - h. All exterior surfaces, other than decay resistant materials, shall be protected from the elements and decay by painting or other protective covering or treatment.
 - i. All siding and masonry joints as well as those around windows, doors, and skylights shall be maintained weather resistant and water tight.
 - j. Replacement of structural members shall require a building permit (G.S. 143-138(b) as amended) and shall be in accordance with the State Building Code.
- (4) *Interior walls.*
- a. The interior finish shall be free of holes and cracks which permit air excessively to penetrate rooms.
 - b. No walls in which a plumb line from top center of the studs falls outside the base plate at any point along the wall shall be allowed.
 - c. No loose plaster, loose boards or other loose wall materials shall be allowed.

- d. There shall not be allowed as a wall finish any cardboard, newspaper or other highly combustible material.
- e. Reserved.
- f. No studs shall be rotted, seriously fire damaged, or termite damaged.
- g. No broken or cracked studs or other broken or cracked structural members shall be allowed.
- h. Reserved.
- i. All materials in high moisture areas shall be protected from decay and deterioration by painting or a protective covering.
- j. Peeling, chipping, or flaking paint shall be repaired or removed and the surface covered with a protective coating.
- k. Interior doors shall fit reasonably well within the frame and shall be capable of being opened and closed easily.
- l. Replacement of structural members shall require a building permit (G.S. 143-138(b) as amended) and shall be in accordance with the State Building Code.

(5) *Ceilings.*

- a. No joists shall be rotted, seriously fire damaged, broken or sagging or have improperly supported ends.
- b. Reserved.
- c. Reserved.
- d. There shall be allowed no holes or cracks which permit air excessively to penetrate rooms.
- e. No loose plaster, loose boards, loose sheetrock or other loose ceiling finish shall be allowed.
- f. There shall not be allowed as ceiling finishes any cardboard or other highly combustible material.
- g. Replacement of structural members shall require a building permit (G.S. 143-138(b) as amended) and shall be in accordance with the State Building Code.

(6) *Roof.*

- a. Rafters shall not be rotted, broken, sagging or have improperly supported ends.
- b. No rafters seriously fire damaged shall be allowed.
- c. The maximum permissible interval for the bracing and tying of rafters shall be four feet zero inches o.c.
- d. Attics shall be properly vented.
- e. No rafters shall be nearer than two inches to any chimney.
- f. No rotted, loose or sagging sheathing shall be allowed.

- g. No loose roof covering shall be allowed, nor shall there be allowed any holes or leaks which could cause damage to the structure or rooms.
- h. The roof covering shall be at least class C, as defined by the State Building Code ~~state building code~~.
- i. Walls and chimneys shall have proper flashing.
- j. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
- k. Replacement of structural members shall require a building permit (G.S. 143-138(b) as amended) and shall be in accordance with the State Building Code.

(7) *Porches.*

- a. The foundation, floor, ceiling and roof shall be equal to standard as set forth in this section, except sills and joists need not be level if providing drainage of floors, floors need not be weathertight, floors need not be level if providing for drainage, ceiling height shall be not less than seven feet zero inches, and the attic need not be vented.
- b. Posts and railings shall not be rotted or termite damaged.
- c. Every porch, terrace or entrance platform located at least 36 inches above the adjacent finished grade shall be equipped with railings not less than 30 inches high.

(8) *Stairs and steps.*

- a. Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards.
- b. Stairwells and flights of stairs, attached to or within a dwelling unit, that contain more than four risers shall have rails not less than two feet six inches measured vertically from the nose of the treads to the top of the rail.
- c. Every rail shall be firmly fastened and maintained in good condition.
- d. No flight of stairs settled more than one inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.
- e. No rotting, sagging or deteriorated supports shall be allowed.
- f. Every stair tread shall be uniform in height, sound and securely fastened in position, and strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.

(9) All accessory buildings and structures, including detached garages, shall be maintained structurally sound and in good repair or shall be razed to grade level and the debris therefrom removed from the premises.

(10) Where applicable because of the number of dwelling units in a structure, the fire resistance rating requirements of the ~~state building code~~ State Building Code shall apply to party walls and ceilings.

(h) *Property maintenance.*

(1) *Buildings and structures.*

- a. 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.
 - b. Floors, walls, ceilings and fixtures shall be maintained in clean and sanitary condition.
- (2) *Public areas.* Every owner of a structure containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the structure and premises thereof.
- (3) *Rubbish and garbage disposal.* Every person who occupies and controls a dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in proper storage facilities. In the case of single-family and two-family dwellings, the persons who occupy and control the dwellings shall be responsible for providing the receptacles for disposing of garbage and rubbish. In the case of multifamily housing, the owner shall be responsible for providing the receptacles for the storage of garbage and rubbish. In all cases, the receptacles shall meet the specifications set out in section 26-3.
- (4) *Interior cleanliness and safety.* Every occupant of a dwelling unit shall be responsible for the following as applied to that unit which he occupies or controls:
- a. The occupant shall keep the occupied area and all facilities in a clean and sanitary condition. A clean and sanitary condition shall include but is not limited to the following:
 1. Floors, floor coverings and other walking surfaces shall be kept clean and free of dirt, filth, garbage, fecal matter, litter, refuse and other insanitary matter.
 2. Walls, ceilings, windows and doors shall be kept clean and free of dirt, greasy film, soot and any other insanitary matter.
 3. Plumbing fixtures shall be kept in a clean, sanitary and operable condition. No materials shall be deposited in any such fixture which may result in the obstruction of such fixture or any lines connected thereto.
 4. The cookstove, refrigerator, cabinets and other furnishings shall be kept clean and free of dirt, greasy film, soot and any other insanitary condition.
 - b. No occupant shall destroy, deface, damage, impair or carry away any of the facilities, equipment or appurtenances or any part of the dwelling unit or rooming unit.
 - c. No occupant shall obstruct in any manner any means of egress from any portion of the premises.
- (5) *Premises.*
- a. Fences and other minor structures shall be maintained in a safe and substantial condition.
 - b. Yards and courts shall be kept clean and free of physical hazards, rubbish, trash and garbage.
 - c. No heavy undergrowths or accumulations of plant growth which are noxious or detrimental to health shall be allowed.

- d. Every premises shall be provided with vehicular access to and from the premises at all times by an abutting public or private street.
 - e. Walks and steps, constructed so as to provide safety, reasonable durability, and economy of maintenance, should be provided for convenient all-weather access to the structure.
 - f. Access to the rear yard from each dwelling unit shall be required. Such access is not, however, acceptable where it is dependent upon passage through another dwelling unit. Each building shall be provided with access to the rear yard. This access for a detached dwelling shall be directly from a street.
 - g. Any nonresidential use of the premises shall be subordinate to its residential use and character.
 - h. All sidewalks, walkways, stairs, driveways, parking spaces and similar spaces shall be kept in a proper state of repair and maintained free from hazardous conditions.
- (6) *Infestation.*
- a. Premises, buildings and structures shall, by generally accepted methods of extermination, be maintained free of vermin and rodent harborage and infestation.
 - b. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement or cellar which might provide an entry for rodents shall be supplied with screens installed or with such other approved devices as will effectively prevent entrance by rodents.
 - c. Every head-of-household occupant of a structure containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Every head-of-household occupant of a dwelling unit in a structure containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a structure in a rodentproof or reasonably ~~inspect~~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.
- (7) *All appliances and fixtures.* All appliances and fixtures shall be installed in accordance with the manufacturer's instructions and shall be maintained in a safe manner.
- (8) *Vacant structures.* All vacant structures shall be maintained secure at all times.
- (i) *Insulation.* Ceiling insulation rated at least R-19, or a minimum thickness of four inches of insulation when approved by the housing conservation administrator, and consisting of rock wool (glass) or fiberglass, or other materials exhibiting fire resistant capacities equal to or greater than rock wool or fiberglass, shall be required in the ceilings of all dwellings within 30 months after April 8, 1980.
 - (j) *Weatherization.* All structures shall be weatherized as set forth in subsections (b)(4) and (6), (g)(1)a, (g)(2)l, (g)(3)f, (g)(4)a, (g)(5)d and (g)(6)d and i of this section.

(k) *Additional requirements for rooming houses.*

- (1) No person shall operate or cause to be operated any rooming house, unless there are provided:
 - a. Lavatory facilities consisting of one flush water closet, one washbasin and one bathtub or shower for every six persons residing in the rooming house.
 - b. Access within the rooming house to lavatory facilities without entering another rooming unit.
 - c. Walls, floors and ceilings maintained in a sanitary condition.
 - d. Prompt and sanitary disposal of all garbage.
- (2) All furnace rooms which are not in an open basement shall be enclosed with a material having at least a one-hour protection rating.
- (3) No person shall operate or cause to be operated any rooming house that permits the heating or cooking of food within a rooming unit.

(l) *Smoke detectors.*

- (1) Within six months after February 11, 1992, each occupied dwelling unit shall be required to contain at least one operable smoke detector installed outside the sleeping area, to be located on or near the ceiling.
- (2) Detectors shall be electrically or battery operated and provide an audible alarm when activated.
- (3) For purposes of this subsection, the term "operable" is defined as working when a battery is inserted or the electricity is on; however, the landlord is not obligated to provide the battery or the electricity.
- (4) Notwithstanding the provisions of this subsection, where the ~~state building code~~ State Building Code requires the installation of an electrical smoke detector or alarm, that code or provision shall apply.
- (5) Effective 18 months from adoption, each room designated for sleeping purposes, or used for sleeping more than occasionally, or listed as a bedroom on a set of plans and each story, excluding crawl space and attic space, shall be required to contain a smoke detector located on the ceiling and no closer than 12 inches to the intersection of the wall and the ceiling.

(m) *Carbon monoxide alarms/detectors.*

- (1) By December 1, 2018, each existing occupied dwelling unit shall have at least one operable carbon monoxide alarm per level, either battery-operated or electrical, that is listed by a nationally recognized testing laboratory that is OSHA-approved to test and certify to American National Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075, installed and maintained in accordance with either the standards of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions. This provision applies only to dwelling units having a fossil-fuel burning heater, appliance, or fireplace, and in any dwelling unit having an attached garage. This provision applies to the existing dwelling units not

currently covered by the Residential Code Section of the North Carolina State Building Code.

- (2) The term "operable" is defined as working when a battery is inserted or the electricity is on; however, this code does not obligate the landlord to provide the battery or the electricity.

Sec. 10-198. - Right of entry of inspectors; access by owner for purpose of making repairs.

For the purpose of making inspection and otherwise performing their duties under this article, the housing conservation administrator and his or her duly appointed agents are hereby authorized, upon presentation of proper credentials, 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 or rooming unit, or the person in charge thereof, shall, upon being presented with proper credentials, give the housing conservation administrator free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article. If the owner or occupant refuses admission for this purpose, admission may be obtained through the provisions of G.S. 15-27.2.

Sec. 10-199. - Designation of agent by property owner.

Any owner of real property within the city who is not a resident of the county shall be required to provide, on a form supplied by the community development department, the name, address and telephone number of an agent located within Forsyth County and authorized by the owner to accept service in an action involving a violation of this article. The owner shall notify the community development department of any changes in the information provided not more than ten days after such change occurs.

Sec. 10-200. - Nonliability of city personnel.

No officer, agent or employee of the city shall render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this article. Any suit brought against any officer, employee or agent of the city as a result of any act required or permitted in the discharge of the duties under this article shall be defended by the city attorney until the final determination of the proceedings therein.

Sec. 10-201. - Refusal to permit entry by inspectors.

It shall be unlawful for any owner or person in possession of premises on which housing is located in the city to refuse, after being presented with a warrant ~~as~~ issued under G.S. 15-27.2, to

permit the housing conservation administrator or ~~his~~ the administrator's duly appointed agents to enter upon the premises for the purpose of making examinations as authorized by this article. Violation of this section shall constitute a misdemeanor.

Sec. 10-202. - Repair, closing or demolition of abandoned structures.

In addition to the exercise of police power authorized in this article with respect to dwellings, the city shall cause to be repaired, closed or demolished any abandoned structure which the city council finds to be 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. The repair, closing or demolition of such structures shall be pursuant to the same provisions and procedures as are prescribed in this article for the repair, closing or demolition of dwellings found to be unfit for human habitation.

Sec. 10-203. - Procedure for correction of dwellings unfit for human habitation.

- (a) ~~Issuance Investigation, of complaint, hearing.~~ Whenever a petition is filed with the housing conservation administrator by a public authority, or by at least five residents of the city, charging that any ~~housing~~ dwelling is unfit for human habitation, or whenever it appears to the housing conservation administrator, ~~on his own motion,~~ that any ~~housing~~ dwelling is unfit for human habitation, the housing conservation administrator shall, if ~~his~~ a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such ~~housing dwellings~~ dwellings a complaint stating the charges in that respect and containing a notice that ~~a~~ an administrative hearing will be held before the housing conservation administrator at a place within the city at a time fixed not less than ten days and not more than 30 days after the serving of the complaint. The owner and parties in interest shall have the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law ~~or equity~~ shall not be controlling in administrative hearings before the housing conservation administrator. The owner and parties in interest shall also have the right to file with the housing conservation administrator a written statement agreeing that the housing referred to in the complaint is unfit for human habitation, that the housing should be demolished, agreeing that the city may have the housing demolished, and agreeing that the cost of demolition shall be a lien in the nature of a special assessment upon the property. In such cases, the housing conservation administrator may proceed with the demolition without complying with the additional provisions of this section.
- (b) ~~Orders to repair or demolish.~~
 - (1) If, after ~~such~~ notice and hearing, the housing conservation administrator determines that the dwelling under consideration is unfit for human habitation, ~~he~~ the housing conservation administrator shall state in writing ~~his~~ findings of fact in support of that determination and shall issue and cause to be served upon the owner ~~thereof an order, requiring the owner, within the time specified in the order, to repair, alter or improve such housing to render it fit for human habitation or to vacate and close the housing as a human habitation as follows~~ one of the two following orders, whichever is appropriate:
 - a. If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, not to exceed 65 percent of the value, to

make such repair, alteration or improvement in order to render it fit for human habitation. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. Failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order pursuant to the provisions in subsection (e) of this section; or

b. If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, not to exceed 65 percent of the value, then the owner shall, within the time specified in the order, to remove or demolish such housing. However, notwithstanding any other provision of law, if the condition of the dwelling would require removal or demolition under subsection (b)(1)b of this section and the dwelling is located in a historic district of the city and the Forsyth County Historic Resources Commission determines, after a public hearing as provided by the ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a) D-949.

(2) The housing conservation administrator's order shall also provide that the housing to which it applies shall not be occupied if it is vacant as of the date of the order or becomes vacant before the required repair, alteration or improvement has been made, unless the owner obtains from the housing conservation administrator a certificate of fitness for occupancy, which shall be issued upon a finding by the administrator that the housing subject to the order is not unfit for human habitation.

(c) *Determination of value of housing.* The housing conservation administrator is hereby authorized to fix the reasonable value of any dwelling for the purpose of this section, and such value shall be binding unless the owner protests such value in writing to the housing conservation administrator within ten days after receipt of an order. Upon such protest, the administrator shall nominate one competent and disinterested person, the protesting party shall nominate one competent and disinterested person, and the two persons so nominated shall nominate a third competent and disinterested person, and the three persons so nominated shall serve as commissioners of appraisal. The commissioners shall make their appraisal of the value of the housing under consideration, and shall return the appraisal to the administrator and the protesting party within ten days after their appointment, and the appraisal shall be binding and conclusive for the purpose of this section. The costs of any such appraisal shall be paid by the protesting party to the housing conservation administrator at the time of filing written protest.

(d) ~~*Authority of administrator on owner's failure to comply with order; placarding*~~ *Repair, closing, and posting.* If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing conservation administrator, subject to the provisions of subsection (e) of this section, may cause the dwelling to be repaired, altered or

improved or to be vacated and closed, ~~that the public officer and~~ may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The powers of the administrator set forth in subsections (d) and (e) of this section shall not be exercised until the city council shall have, by ordinance, ordered the administrator to proceed to effectuate the purpose of this article with respect to the particular property or properties which the administrator shall have found to be unfit for human habitation and which shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds of the county, and shall be indexed in the name of the property owner in the grantor index.

- (e) ~~Adoption of ordinance ordering repair or demolition~~ Demolition. If the owner fails to comply with an order to remove or demolish the dwelling, the housing conservation administrator may cause such dwelling to be removed or demolished; provided, however, that the powers of the administrator set forth in subsections (d) and (e) of this section shall not be exercised until the city council shall have, by ordinance, ordered the administrator to proceed to effectuate the purpose of this article with respect to the particular property or properties which the administrator shall have found to be unfit for human habitation and which shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. The ordinance shall be recorded in the office of the register of deeds of the county, and shall be indexed in the name of the property owner in the grantor index.

- (f) ~~Order by city council after failure to repair or demolish for six months~~ Abandonment of intent to repair. Whenever the city council has adopted an ordinance or the housing conservation administrator has issued an order ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this section, and the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of six months pursuant to the order, 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 municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling ~~which~~ that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this s-State; then in such circumstances, after the expiration of such six month period, the city council may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:
 - (1) Repair or demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost less than 50 percent of the present value of the dwelling; or

- (2) Demolish and remove the dwelling within 90 days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of 50 percent of the present value of the dwelling.

~~For all orders issued prior to November 15, 2004, the previous one year provision shall apply. Upon expiration of each order based upon the one year provision, the city council shall make findings as indicated above and enact an ordinance and serve such ordinance upon the owner requiring the owner to either repair or demolish or demolish and remove based upon the cost as indicated above.~~

All ordinances adopted pursuant to subsection (f) shall be recorded in the office of the register of deeds of the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance within the time fixed by such ordinance, then the housing conservation administrator shall cause such dwelling to be repaired or demolished and removed pursuant to the ordinance.

- (g) ~~Payment of costs of work done by city~~ Liens; cancellation or reduction of demolition and other remediation liens.

(1) Liens. The cost of such repairs, alterations, improvements, vacating and closing, including occupant relocation, removal, demolition, grading, filling, seeding, or securing and making safe by the housing conservation administrator and the actual cost of service of complaints and orders by publication shall be a lien in the nature of a special assessment as provided for in Article 10 of Chapter 160A of the General Statutes against the real property upon which such cost was incurred. If the real property upon which the cost was incurred is located within the city limits, then the amount of the cost is also a lien on any other real property of the owner located within the city limits or within one mile thereof except for the owner's primary residence, unless of course the primary residence is the original property subject to the lien. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment. If the dwelling is removed or demolished by the administrator, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the administrator, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

- (2) Cancellation or reduction of demolition and other remediation liens in limited circumstances.

- (i) The city manager may authorize the reduction or cancellation of the amount of the cost of repairs, alterations, or improvements; vacating and closing; securing, or removal or demolition, or other remediation by the administrator which is a lien against the real property upon which the cost was incurred as provided for in this article, or other appropriate provisions of law, in the following circumstances:
 - a. When the owner of the property completes construction of a dwelling on the property to be used for affordable housing. The owner must also obtain and provide a certificate of compliance required by this article and agree to execute a declaration of restrictive covenant conditions limiting the use of the property for this purpose for a period of no less than thirty (30) years commencing with the date the certificate of

compliance is issued under this article or certificate of occupancy is issued by the city/county inspections department, whichever occurs last.

b. When the owner of the property conveys the property subject to the lien to a person who completes construction of a dwelling on the property to be used for affordable housing, completion of construction shall be evidenced by a certificate of compliance issued by the city/county inspections department.

(ii) The city council may, in its discretion, reduce or cancel the cost described in this subsection, when the cost is past due, the owner offers to convey the property to the city and the city council agrees to accept the deed to the property in payment of the cost.

(iii) The city manager shall establish a policy to implement this subsection. The policy shall define "affordable housing," and contain criteria for which owners may apply for the reduction or cancellation of a lien under this subsection. The policy shall include other provisions designed to effectuate the purposes of this subsection. Such other provisions may include time limits for completion of construction of the dwelling, descriptions of covenants to be incorporated in the title to property conveyed to ensure it will be used for affordable housing; and requirements that a lien be in effect for a specified period of time before the manager will consider reducing or canceling a lien under this subsection. For each instance of exercising the authority to reduce or cancel a lien under this subsection, the city manager shall make a record of the reasons why such action is appropriate.

(h) ~~*Order to occupant to vacate dwelling*~~ *Civil Actions*. If any occupant fails to comply with an ordinance ordering a dwelling to be vacated, the housing conservation administrator may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as ~~parties~~-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 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~~ If the summons appears to have been duly served, and if at the hearing the housing conservation administrator produces a certified copy of an ordinance adopted by the governing body pursuant to subsection (e) of this section authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection 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 subsection unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the governing body has ordered the housing conservation administrator to proceed to exercise his duties as set forth in subsections (d) and (e) of this section to vacate and close or remove and demolish the dwelling.

- (i) ~~Notice to organizations concerned with providing affordable housing~~ Additional notices to affordable housing organizations. Whenever a determination is made pursuant to subsection (b) of this section that a dwelling must be vacated and closed or removed or demolished under the provisions of this section, notice of the order shall be given by first class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the housing conservation administrator, to allow the opportunity for any organization to negotiate with the owner to make repairs or lease or purchase the property for the purpose of providing affordable housing. The housing conservation administrator shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the housing conservation administrator to wait 45 days before causing removal or demolition.
- (j) *Service of complaints or orders.*
- (1) Complaints or orders issued by the administrator or ordinances adopted pursuant to this article shall be served upon persons either personally or by ~~registered or~~ certified mail. When service is made by ~~registered or~~ certified mail, a copy of the complaint, order or ordinance may be sent by regular mail. Service shall be deemed sufficient if the ~~registered or~~ certified mail is returned unclaimed or refused, but the regular mail is not returned by the post office within ten days after mailing. If the regular mail is used, a notice of the pending proceeding or ordinance shall be posted on the premises affected.
- (2) If the identity of any owner or the whereabouts of any owner is unknown and cannot be ascertained by the administrator in the exercise of reasonable diligence, or the identity or whereabouts of an owner is known and the administrator after exercising reasonable diligence, is unable to serve the complaint, order or ordinance by certified mail, and the administrator makes an affidavit to that effect, then the serving of the complaint, order or ordinance upon the owner(s) or other person(s) may be made by publishing the complaint, or order, or ordinance at least once no less than ten days but no more than 30 days prior to hearing, and for orders and ordinances at least once no less than ten days but no more than 30 days after the issuance of the order or adoption of the ordinance in a newspaper having general circulation in the city. A copy of such complaint, order or ordinance shall be posted in a conspicuous place on the premises affected.
- (k) *Appeals.*
- (1) The zoning board of adjustment shall hear and determine appeals from any decision or order of the housing conservation administrator. An appeal from any decision or order of the housing conservation administrator is a quasi-judicial matter and ~~An appeal from any decision or order of the administrator~~ may be taken by any person aggrieved thereby or ~~by any~~ the public officer, board or commission of the city. Any appeal from the administrator 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 housing conservation administrator and with the board of adjustment a notice of appeal, which shall specify the grounds upon which the appeal is based and by paying any filing fees assessed pursuant to the ordinances, and rules applicable to the zoning board of adjustment. Upon the filing of any

such notice of appeal, the administrator shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the administrator refusing to allow the person aggrieved thereby to do any act, the decision shall remain in force until modified or reversed. When any appeal is from a decision of the administrator 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 administrator 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 this 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 housing conservation administrator, by the board, or by a court of record upon petition made pursuant to subsection (4) of this subsection.

- (2) The zoning board of adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision or order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the housing conservation administrator, 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 administrator. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, to adapt the application of this article to the necessities of the case to the end that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.
- (3) Every decision of the board of adjustment 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.
- (4) Any person aggrieved by an order issued by the housing conservation administrator or a decision rendered by the zoning board of adjustment may petition the superior court for an injunction restraining the administrator from carrying out the order or decision, and the court may, upon such petition, issue a temporary injunction restraining the administrator pending a final disposition of the cause; provided, however, that such petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on any such petition within 20 days and shall be given preference over other matters on the court's calendars. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection (4).
- (5) In case any housing is erected, constructed, altered, repaired, converted, maintained or used in violation of this article or of any ordinance adopted under authority of this article or any valid order or decision of the housing conservation administrator or board of adjustment made pursuant to this article, the administrator or board may institute any appropriate action or proceedings to prevent such unlawful erection, construction,

reconstruction, alteration or use, to restrain, correct or abate such violation or to prevent any illegal act, conduct or use in or about the premises of the dwelling .

- (l) *Additional powers of administrator.* The housing conservation administrator is hereby further authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the provisions of this article, including the following powers in addition to others granted in this article:
- (1) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;
 - (2) To administer oaths and affirmations, examine witnesses and receive evidence;
 - (3) To enter upon premises for the purpose of making examinations, provided that such entries shall be made at reasonable times and in such manner as to cause the least possible inconvenience to the person in possession;
 - (4) To appoint and fix the duties of such officers, agents and employees necessary to carry out the purposes of this article; and
 - (5) To delegate any of his or her functions and powers under this article to ~~such~~ other officers and agents as he or she may designate.

Sec. 10-204. - Dwellings not in compliance with order declared nuisance; occupation of placarded dwelling.

- (a) If any order issued and served in accordance with this article is not complied with, within the time specified therein, the dwelling with respect to which such order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person who has knowledge of the issuance of such order to use or occupy or to permit anyone else to use or occupy such dwelling or any part thereof as a human habitation. Any person violating any provision of this subsection or failing to comply therewith shall be guilty of a misdemeanor.
- (b) It shall be unlawful for any person to use or to occupy or to permit anyone else to use or occupy as a human habitation any dwelling on the main entrance of which the housing conservation administrator has caused a placard to be posted declaring the building to be unfit for human habitation and stating that the use or occupancy of the building for human habitation is prohibited and unlawful. Any person violating any provision of this subsection or failing to comply therewith shall be guilty of a Class 1 misdemeanor.

Sec. 10-205. - Removal of posted complaint, notice or order.

No person, without written consent of the housing conservation administrator, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this article. Any person violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor.

Sec. 10-206. - Occupation of unfit dwelling.

Any person (landlord or tenant) violating any lawful ordinance of the city council or order of the housing conservation administrator to vacate and close or to demolish any residence found to be unfit for human habitation shall, upon the expiration of the date for compliance with such order or ordinance, be subject to a civil penalty in accordance with section 10-210. Any person occupying, or permitting the reoccupancy of a vacant dwelling found by the housing conservation administrator to be unfit for human habitation, without making the dwelling fit for human habitation and receiving the approval of the housing conservation administrator, shall be subject to a civil penalty in accordance with section 10-210. The provisions of this section shall be in addition to any other provisions of this chapter which make violations of this article a misdemeanor.

Sec. 10-207. - Securing vacated property; approval before reoccupancy; order to reclose dwelling.

Dwellings ordered vacated and closed by the housing conservation administrator shall have all outer doors firmly locked and basement, cellar, and first story windows barred or boarded to prevent entry, and shall not again be used for human habitation until written approval is secured from the housing conservation administrator. If the owner closes and secures a dwelling pursuant to an order issued by the housing conservation administrator and thereafter the dwelling is unlawfully opened, the housing conservation administrator shall serve the owner with an order to reclose and secure the dwelling within 30 days after service of the order. Any person who fails to comply with an order to reclose and secure a dwelling shall be subject to the civil penalty provided for in section 10-210.

Sec. 10-208. - Conflicting provisions.

The provisions of this article shall not be construed to conflict with any other applicable laws, codes or ordinances pertaining to housing, but are supplemental thereto. Where the provisions of this article are similar to provisions of other applicable laws, codes or ordinances, the more stringent provisions shall apply.

Sec. 10-209. - Disposition of abandoned personal property, fixtures and appurtenances found in dwellings ordered demolished.

Any article of personal property, fixtures or appurtenances found in or attached to a dwelling, which items have been determined by the housing conservation administrator to be abandoned in a house which the city council has ordered the administrator to demolish, shall be disposed of in the following manner:

- (1) The housing conservation administrator shall send a notice by certified or registered mail to the owner of personal property, fixtures and other items if such owner can be reasonably identified, and request that such owner remove the items from the premises within 15 days of receipt of notice. When service is made by registered or certified mail,

a copy of the notice may be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is returned unclaimed or refused, but the regular mail is not returned from the post office within ten days after mailing. If the regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. If the regular mail and certified mail or registered mail are returned unclaimed or refused, notice shall be served by publication using the procedures set forth in subsection 10-203(j)(2). The notice must be published at least once no less than 15 days before demolition.

- (2) If the owner of the property, fixtures or appurtenances found in or attached to the dwelling fails or refuses to remove such property after being requested to do so, the property shall be subject to the sale by the city in accordance with subsection 10-203(g).

Sec. 10-210. - Civil penalty; additional remedies.

- (a) An owner who fails to comply with an order to repair or to improve, or vacate and close any occupied dwelling determined unfit for human habitation pursuant to the provisions contained in section 10-203, who fails to comply with an order to reclose and secure the dwelling issued pursuant to section 10-207, or who permits the reoccupancy of an unfit dwelling in violation of section 10-207 shall be subject to a civil penalty of \$350.00 for the first day following the expiration of an order to repair or improve or vacate and close any occupied dwelling or following a determination that an unfit dwelling has been reopened or reoccupied in violation of section 10-207. In each instance, a penalty of \$100.00 per day shall be imposed for each subsequent day that the unfit unit remains occupied in violation of an order or in violation of section 10-207. In addition, any owner of real property who fails to comply with section 10-199 shall be subject to a civil penalty of \$350.00 for the first day of violation and \$100.00 each day thereafter until the owner has complied with section 10-199. If the owner fails to pay the civil penalty within ten 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. No civil penalty shall be imposed against an owner of an unfit dwelling where the only violation rendering the dwelling unfit is a violation of subsections 10-197(h)(3) and 10-197(h)(4)a and c, unless the owner is also the occupant.
- (b) The city manager or his designee, upon written request by an owner, shall have the authority to review, modify, reverse or affirm the assessment of a civil penalty, if practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, provided that the spirit of this article shall be observed, public safety and welfare secured and substantial justice done.
- (c) The provisions of this article may also be enforced through any equitable or other remedy deemed appropriate by the city and permitted by law.

Sec. 10-211. - Notice of lis pendens.

Upon the issuance of a complaint and notice of hearing or an order pursuant thereto, a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, may be filed in the office of the clerk of superior court of the county. The notice of lis pendens and a

copy of the complaint and notice of hearing or order attached thereto 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 of hearing or order shall be binding upon the successors and assigns of the owners of and parties in interest in the dwelling. A copy of the notice of lis pendens shall be served upon the owners and parties in interest in the dwelling at the time of filing in accordance with G.S. 160A-445. The notice of lis pendens shall remain in full force and effect until cancelled. The notice of lis pendens shall be cancelled upon compliance with the order. Upon receipt of notice of cancellation from the city, the clerk of superior court shall cancel the notice of lis pendens.

Sec. 10-212. - Extra reinspections; operation impact missed inspection appointments.

An owner shall be subject to a \$50.00 reinspection fee for any scheduled but missed inspection appointment that resulted in a visit to the owner's property by a code enforcement officer, the second and any subsequent systematic or requested reinspections. The missed inspection appointment fee does not apply to an inspection appointment that was canceled at least 24 hours in advance of the inspection appointment. The missed inspection appointment fee may also be waived by the city manager or his designee due to extenuating circumstances such as an accident or medical emergency. The initial inspection and the first reinspection being without charge, unless otherwise provided. If the owner fails to pay the reinspection or missed inspection appointment fee within ten days after being notified of the amount due, the city may recover the fee, 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.

Sec. 10-212.1-Vacant building receivership.

In accordance with G.S. 160D-1130, the city council may petition the superior court for the appointment of a receiver to rehabilitate, demolish, or sell a vacant building, structure or dwelling if the owner fails to comply with an order to repair, alter, or improve, remove, or demolish a dwelling issued under this division, related to dwellings that are unfit for human habitation.”

Section 2: This ordinance shall become effective upon adoption.