

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES  
CHAPTER 11 HOUSING CODE.

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

**Section 1.** That Chapter 11 of the Greensboro Code of Ordinances is hereby amended to read as follows:

**ARTICLE I. - IN GENERAL**

**Sec. 11-1. - How chapter known and cited.**

This chapter shall be known as the "Minimum Housing Code," may be cited as such, and will be referred to herein as "this chapter."

(Code 1961, § 10-1; Ord. No. 00-215, § 1, 12-5-00)

**Sec. 11-2. - Definitions.**

Certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this chapter. Terms, words, phrases, and their derivatives used but not specifically defined in this chapter shall have the meaning specifically defined in the building code, and any terms, words, phrases, and their derivatives used but not specifically defined in either this chapter or the building code shall have the meaning specifically defined in chapter 30.

*Alter, repair, bring into compliance* or similar words shall mean that the work is workmanlike and performed in a workmanlike manner.

*Apartment house* means any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other in dwelling units.

*Area*, as applied to the dimensions of a building, means the maximum horizontal prospected area of the building at grade.

*Area*, as applied to the dimensions of a room, shall mean the total square footage of floor area between finished walls.

*Basement* means a story with forty (40) percent or more of its cubical contents below finished yard grade.

*Building* 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 "building" shall be construed as if followed by the words "or part thereof."

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

*Ceiling height* means the clear vertical distance from the finished floor to the finished ceiling.

*Common elements* means all areas which were conveyed to a home-owners' association in a townhouse development, condominium, cooperative~~s~~ or planned unit development.

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

*Dwelling* means any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation including living, sleeping, cooking, and eating or any combination thereof and includes accessory structures intended for human habitation.

*Dwelling unit* means any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

*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, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

*Family* means any of the following:

(1) An individual or two (2) or more persons related by blood, marriage, or adoption, and may, in addition include not more than two (2) unrelated persons, living together in a dwelling unit.

(2) A group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit.

A family includes five (5) or fewer foster children placed in a foster home licensed by the state. "Family" does not include fraternities, sororities, rooming houses or boardinghouses, tourist homes, or family care homes.

*Garbage* means the animal and vegetable refuse resulting from the handling, preparation, cooking, and consumption of food, including a minimum amount of liquid necessarily incidental thereto.

*Habitable room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communicating corridors, closets, or storage spaces.

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

*Household* means all persons who occupy a dwelling unit, (a person living alone or any group of persons sharing a dwelling unit is a household).

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

*Infestation* means the presence, within or around a dwelling, of any harmful insects, rodents or other pests.

*Inspection* means all inspections, examinations, investigations, and similar activities.

*Inspection office* means the office of the Director of the Department of Neighborhood Planning and Community Development of the city.

*Inspector* means any employee of the city who is designated a minimum housing code compliance officer or employees of the city who are designated to enforce the provisions of this chapter or the building code.

*Non-residential building or structure* means any building or structure which is used or designed for any purpose other than residential occupancy, including accessory structures business use, educational use, use for assembly, and/or institutional use.

*Occupant* means any person living, sleeping, cooking, or eating in, or having actual possession of, a dwelling or rooming unit or any person having possession of a space within a building.

*Owner* ~~includes a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not~~ means the holder of the title in fee simple and every mortgage of record.

*Parties in interest* means all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and any who are in possession or control thereof— as agent of the owner, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

*Pier* means a masonry support of at least eight (8) inches by twelve (12) inches of solid masonry extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the North Carolina Residential Building Code.

*Plumbing* means the water supply system, the sanitary and storm drainage system, the vent system, the fixtures and traps and shall include their respective connections, devices, appliances and appurtenances within the property lines of the premises.

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

*Public space* shall mean that space within any multifamily housing which is open to common use by the occupants and others visiting the premises except in townhouse developments.

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

*Residential building* means any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation including living, sleeping, cooking, and eating or any combination thereof.

*Roominghouse* or *boardinghouse* means the keeping of persons by a family as an incidental home occupation provided that the capacity (total number of roomers or boarders) shall not exceed one (1) person per seventy-five (75) square feet of the permissible area for said incidental home occupation.

*Rooming unit* means any room for let within a rooming house.

*Rubbish* means combustible and noncombustible waste materials except garbage, including but not limited to ashes, wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery, dust and dirt.

*Sagging* means the amount of deflection occurring over a span between two (2) supports. A deflection of 1/240 shall be deemed as a structural defect.

*Seriously* means that the amount of damage occurring shall be sufficient to decrease the designed strength of the structural member.

*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 residential building* means any building, including any dwelling unit, guest room, or suite of rooms or the premises on which the same is located, or portion thereof, which do not meet the minimum requirements of this chapter.

*Tenant* means any person who alone or jointly or severally with others occupies a residential building under a lease or holds a legal tenancy in a building.

*Unfit for human habitation* means any of those certain conditions that exist in any dwelling or building as set forth under sections 11-8 (Owner's responsibility for safety of occupants), 11-10 (Conditions rendering residential buildings unfit for human habitation etc.) 11-37 (Determination that structures are unfit or substandard), 11-41 (Emergency cases) and any other conditions stated in Chapter 11.

*Verified violation* means a violation becomes a verified violation only when the violation, as ~~slated~~stated in the order to repair, is not corrected/repared within the timeframe allowed by the inspector or the Director.

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

*Violation* means when a building or structure fails to meet standards established by this Chapter 11.

*Workmanlike manner* means repairs and alterations shall be performed in accordance with accepted standards of each trade using quality materials and craftsmanship.

(Code 1961, § 10-5; Ord. No. 03-250, § 1, 11-18-03; Ord. No. 05-122, § 1, 6-7-05)

**Cross reference**— Building code, § 6-21 et seq.

### **Sec. 11-3. - Findings of fact.**

The city council hereby finds and declares that there exist within the city limits residential buildings and accessory structures which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such buildings unsafe or unsanitary, or dangerous, or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents within the city, and that public necessity exists to exercise the police powers of the city to cause the repair and rehabilitation, closing or demolishing of such buildings and structures in the manner provided in this chapter.

The city council further finds that there exists within the city limits abandoned structures that constitute 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 U.S. Census Bureau has forecast that North Carolina's population will increase by more than four million people between 2000 and 2030 so the city council finds that housing preservation initiatives are warranted rather than relying only on a demolition program.

~~The city council further finds that there exists within the city limits non-residential buildings and structures that appear to be vacant or abandoned and to the building inspector appear to be in such a dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance.~~

(Code 1961, § 10-2; Ord. No. 05-122, § 2, 6-7-05)

### **Sec. 11-4. - Purpose.**

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

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

~~Additionally, the purpose of this chapter is to arrest, remedy, and prevent the decay and deterioration of non-residential buildings and structures for the protection of life, health, welfare, safety and property of the general public and the owners and occupants of non-residential buildings and structures.~~

(Code 1961, § 10-3; Ord. No. 05-122, § 3, 6-7-05)

#### **Sec. 11-5. -Scope.**

The provisions of this chapter are applicable to all residential buildings and accessory structures within the city limits, as now or hereafter fixed. Demountable buildings or structures, when used for or intended for the use of human habitation, shall be subject to the applicable provisions of this chapter.

~~The provisions of this chapter shall apply to all non-residential buildings and structures within the city limits as now or hereinafter fixed.~~

(Code 1961, § 10-4; Ord. No. 05-122, § 4, 6-7-05)

#### **Sec. 11-6. - Chapter supplemental.**

The powers conferred upon the inspector by the provisions of this chapter shall be in addition and supplemental to the powers conferred upon the inspector. Nothing in this chapter shall be construed to impair or limit in any way the power of the inspector to ~~bring criminal action or~~ use other lawful remedies for violation of any of the provisions of this chapter. The measures and procedures herein provided for do not supersede or repeal any other measures or procedures which are provided by ordinance or state law for the elimination, repair, or correction of the conditions referred to in section 11-3, but the measures and procedures herein provided for shall be in addition to the same.

(Code 1961, § 10-27(a))

#### **Sec. 11-7. - General owner responsibilities.**

An owner remains liable for violations of duties imposed upon him by this chapter even though:

- (1) An obligation is also imposed on the occupants.
- (2) The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this chapter.

An owner shall not be responsible for penalties, financial and nonfinancial as set out in §11-40 and §11-42, imposed under this Chapter for violations caused solely by the acts of tenants, tenants' guests or invitees. Owner shall be responsible for ensuring that the building/dwelling

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

unit is brought into compliance with this Code.

(Code 1961, § 10-14(a))

**Sec. 11-8. - Owner's responsibility for safety of occupants.**

- (a) In order to protect the health and safety of occupants of a building the owner shall, within forty-eight (48) hours after being notified in writing, repair any broken, burst, frozen or inoperable plumbing pipe or fixtures, including the restoration of water service when the service account is in the name of the owner. (See section 11-9(a)7 for tenant/occupant requirements)
- (b) In order to protect the life and safety of occupants of a building the owner shall, within forty-eight (48) hours after being notified in writing, repair any exposed or unsafe wiring.
- (c) In order to protect the life and safety of occupants of a building, the owner shall, within forty-eight (48) hours after being notified in writing, repair or replace any unsafe and/or dangerous cooking or heating equipment provided by the owner, including the restoration of necessary utilities for operation of equipment when the utilities accounts are in the name of owner. (See section 11-9(a)8 for tenant/occupant requirements)
- (d) In order to protect the life and safety of occupants of a building, the owner shall, within forty-eight (48) hours after being notified in writing, repair or replace fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

(Code 1961, § 10-16)

**Sec. 11-9. - General duties of occupants.**

- (a) Every occupant of a dwelling unit or an apartment shall:
  - (1) Keep that part of a dwelling unit or an apartment which he occupies and controls in a clean and sanitary condition.
  - (2) Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
  - (3) Be responsible for the extermination of any insects, rodents, or other pests whenever said dwelling unit or apartment is the only one in the residential building infested and the owner has provided a reasonably insect-proof and adequate rodent-proof building.
  - (4) Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

- (5) Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such building; not place in storage or on the premises any furniture, auto parts, junk, equipment, or material which harbors insects, rodents, or other pests.
  - (6) Maintain fuel storage tanks and their supports which are furnished by the occupant in a safe and nonhazardous condition; not alter, change or cause damage to existing fuel storage tanks or their supports so as to make the same unsafe or dangerous.
  - (7) Not occupy any dwelling unit unless running water is provided to the required plumbing fixtures, including the restoration of water and sewer service when the service account is in the name of occupant.
  - (8) Not place within any structure for use therein any oil-or gas-fired portable or nonvented cook-stove or heater.
  - (9) Not place on the premises for the use thereon any heating or cooking unit which constitutes a serious fire hazard.
  - (10) Cause such damage to the dwelling unit or apartment let to him as to make the same unfit for human habitation.
  - (11) Maintain necessary utilities for operation of equipment when the utility accounts are in the name of occupant.
- (b) Upon discovering a violation of subsection (a), the inspector shall, based upon the standards set forth under section 11-10, have the power to order the correction of any such violations within forty-eight (48) hours from date of notice thereof. In the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of section 11-39(a) and thereafter may again order the correction of any such violations within forty-eight (48) hours from date of service of the order upon the occupant. In the event that the occupant still fails to make such corrections, then the inspector may order the building to be vacated within a reasonable time. The inspector may pursue any other civil ~~or criminal~~ action as he deems reasonably necessary in order to effectuate the purposes of this chapter.

(Code 1961, §§ 10-13, 10-15)

**Sec. 11-10. - Conditions rendering residential buildings unfit for human habitation and ~~declaration of unsafe non-residential building or structure.~~**

- (a) The inspector shall determine that a residential building is unfit for human habitation if he finds that any of the following conditions exist in such building:
- (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 or members which show thirty-three (33) percent or more of damage or deterioration, or nonsupporting members, enclosing or outside walls or covering which show fifty (50) percent or more of damage or deterioration.



(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

- (3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.
  - (4) Such damage by fire, wind, or other causes as to render the building unsafe.
  - (5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people in the city.
  - (6) Inadequate facilities for egress in case of fire or panic.
  - (7) Defects significantly increasing the hazards of fire, accident, or other calamities.
  - (8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the city.
  - (9) Lack of proper electrical, heating or plumbing facilities required by this chapter which constitutes a health or a definite safety hazard.
- (b) Irrespective of the above, a residential dwelling unit shall be construed by the inspector to be unfit for human habitation, and he shall so find if such dwelling unit contains more than five (5) separate types of violations of any of the minimum standards set forth in this chapter.
- ~~(c) An inspector may declare a non-residential building or structure to be unsafe if it appears to the inspector to be vacant or abandoned, and it appears to be in such a dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities which would constitute a public nuisance.~~

(Code 1961, § 10-21; Ord. No. 05-122. § 5, 6-7-05)

#### **Sec. 11-11. - Damaging or removal of permanent fixtures.**

No person shall damage, mutilate, or remove, nor shall any person suffer, permit, or cause to be damaged, mutilated, or removed any permanent fixtures from any dwelling unit.

(Code 1961, § 10-25(c))

#### **Sec. 11-12. - Unlawful to rent or occupy property after expiration of time limits of any orders issued in accordance with Chapter 11.**

- (a) If any order issued and served in accordance with this chapter is not complied with within the time specified therein, it shall be unlawful for any person that had knowledge of the issuance of the order to occupy any portion of the building under order for any purpose. Each day is a separate offense. A placard placed on the building shall have the same effect as a written order delivered to owner or agent.
- (b) When the inspector finds that a building is unfit for human habitation within the meaning

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

of this chapter and has notified the owner to such effect and the time limit set by the inspector for the correction of defects and vacating same has expired, it shall be unlawful for any person (including but not limited to Owner or Owner's agent) to receive rentals, offer for rent, ~~or to~~ occupy or to allow others to occupy said building/dwelling unit for any purpose.

(Code 1961, §§ 10-24(a), 10-25(b))

**Sec. 11-13. - Unauthorized removal of orders or notices.**

No person, without the written consent of the inspector, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this chapter.

(Code 1961, § 10-25(a))

**Secs. 11-14—11-30. - Reserved.**

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

***DIVISION 1. – GENERALLY RESIDENTIAL DWELLINGS***

**Sec. 11-31. - Enforcement agency generally.**

- (a) The Director of the Department of Neighborhood Planning and Community Development is hereby designated the public officer to exercise, by and through his duly appointed agents, the powers prescribed by this chapter.
- (b) The inspector shall have such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including (without limiting the generality of the foregoing) the following powers in addition to others herein granted:
  - (1) To investigate residential building conditions in the city in order to determine which buildings therein are unfit for human habitation, being guided in such examinations of buildings by the requirements set forth in this chapter.
  - (2) To administer oaths, affirmations, and to examine witnesses and receive evidence.
  - (3) To enter upon and within premises, dwellings, and buildings for the purpose of making examinations and investigations; provided that such entries shall be made in such lawful manner as to cause the least possible inconvenience to the persons in possession. However, no entrance shall be made into the premises without the permission of the person in legal possession thereof, or absent permission without first obtaining an administrative search warrant.

**State law reference—** Administrative search and inspection warrants, G.S. § 15-27.2.

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

- (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this chapter.
- (5) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

(Code 1961, §§ 10-6, 10-23; Ord. No. 03-180, §§ 1, 2, 8-4-03)

**State law reference**— Enforcement officer generally, G.S. §§ 160A-443, 160A-448.

### **Sec. 11-32. - Consulting agencies, enforcement coordination, etc.**

- (a) The inspector shall have authority to request advice and assistance of the city planning board, county planning board, Housing Authority of Greensboro, Redevelopment Commission of Greensboro, fire department, police department, county health department, county fire marshal, and any other public authority he may deem appropriate, in order to determine those areas of the city in which substandard housing may be prevalent, and shall designate and schedule such areas for comprehensive inspection under this chapter.
- (b) The employees of the fire department and police department shall make a report to the inspector of all buildings or structures which are, may be, or are suspected of being unfit for human habitation or a dangerous accessory structure.
- (c) It shall be the duty of the city manager to coordinate and set up proper departmental enforcement procedures to carry out the provisions of this chapter and written reports with respect thereto shall be made to the city council within thirty (30) days after the close of each calendar quarter of the fiscal year of the city. The report should contain the following-
  - (i) the number of active cases at the end of each quarter, (ii) the number of cases brought into compliance during the quarter; (iii) data on cases granted extensions by the Director of ~~Neighborhood Planning and Community~~ Development (beyond the 90 days granted by the inspector); (iv) the number of cases heard by the Minimum Housing Commission during the quarter and a summary of the actions taken by the Commission; (v) the number of outstanding demolition orders pending at the end of the quarter, (vi) the number of houses demolished by the City during the quarter, and, (vii) any other items requested by Council.

(Code 1961, §§ 10-7, 10-26(c), 10-27(b))

### **Sec. 11-33. - Appeals.**

An appeal to the housing commission may be taken from any decision or order of the inspector by any person aggrieved thereby or by any officer, board, or commission of the city. Any appeal from the inspector to the commission shall be taken within a reasonable time as prescribed by the rules of the housing commission, and shall be taken by filing with the inspector and with the secretary of the commission a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of notice of appeal, the inspector shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made.

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

(Code 1961, § 10-20)

**Charter reference**— Appeals, § 5.74.

**Cross reference**— Boards and Commissions, § 2-136 et seq.

**State law reference**— Similar provisions, G.S. § 160A-446.

**Sec. 11-34. - Civil liability.**

Except as may otherwise be provided by statute or local law or ordinance, no officer, agent, or employee of the municipality charged with the enforcement of this chapter shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. No person who institutes, or assists in the prosecution of, a criminal proceeding under this chapter shall be liable to damages hereunder unless he acted with malice and without reasonable grounds for believing that the person accused was guilty of an unlawful act or omission.

(Code 1961, § 10-9)

**Sec. 11-35. - Service of complaints and orders.**

- (a) ~~Complaints or orders issued by a public officer pursuant to this chapter shall be served upon persons personally, by registered or certified mail, or by regular mail sent simultaneously with registered or certified mail. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. A person who cannot with due diligence be served by personal delivery or registered or certified mail may be served by publication in the manner provided for service in G.S. 160A-455(a1) or in G.S. 1A-1, Rule 4(j1) of the North Carolina Rules of Civil Procedure. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. All notices and orders subsequent to the complaint may be served in accordance with G.S. 1A-1, Rule 5(b) of the North Carolina Rules of Civil Procedure.~~

Complaints or orders issued under this chapter by a public officer pursuant to Parts 5 (Building Inspection) or 6 (Minimum Housing Standards) of Article 19 (Planning and Regulation of Development) of Chapter 160A (Cities and Towns) of the General Statutes shall be served upon persons either personally or by registered or certified mail, and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after mailing, service shall be deemed sufficient. The person mailing such complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be deemed conclusive in the absence of fraud. (This section was authorized by Chapter 578 of the 1993 Session of the General Assembly of North Carolina.)

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

- (a1) Each owner of rental property located within the city shall authorize a person residing in Guilford County to serve as his or her agent for the purpose of accepting service of process pursuant to this chapter. The owner shall provide, on a form supplied by the inspection division, local ordinance section, the authorized agent's name, address and phone number. The owner shall notify the local ordinance enforcement division of any changes in the information provided not less than ten (10) days after such changes have occurred. Service on the owner's designated agent shall be sufficient as service on the owner. Nothing in this section shall be interpreted to require an owner to designate an agent to accept service of process where the owner of the rental property resides within the city.
- (b) Upon the issuance of a complaint and notice of hearing or an order related to the complaint or hearing, a separate notice of the pending action, along with a copy of the complaint, notice of hearing or order, may be filed in the office of the Clerk of Superior Court in Guilford County. The separate notice shall be in the form of a notice of lis pendens and shall contain the name of the tribunal or forum where the complaint or order is pending, the names of the parties to the action, the nature and purpose of the action, and a description of the property to be affected. After the notice of lis pendens is filed and the clerk of court has indexed the complaint and notice of hearing or an order, successors and assigns of the owners and all parties with an interest in the affected property shall be bound by the complaint and notice of hearing or order.
- (c) The filed notice of lis pendens shall remain in full force and effect until cancelled, which cancellation shall not occur until all violations of this chapter have been cured with respect to the affected property and the owner has reimbursed the city for any reimbursable costs or the owner has demolished the affected property or has reimbursed the city for all demolition costs incurred by it.

(Code 1961, § 10-22; Ord. No. 94-73, § 1, 8-15-94; Ord. No. 95-83, § 1, 7-19-95; Ord. No. 97-188, § 1, 11-18-97; Ord. No. 07-28, § 1, 2-20-07)

**State law reference**— Similar provisions, G.S. § 160A-445.

**Sec. 11-36. - Notice to transferee, mortgagee, etc., of notices, etc., effect of notices, etc., on same.**

It shall be unlawful for the owner of any building upon whom a notice, complaint, or order has been served to sell, transfer, mortgage, lease, or otherwise dispose thereof until the provisions of the notice, complaint, or order have been complied with, or until such owner shall first furnish to the transferee, lessee, or mortgagee prior to such transfer, lease, or mortgage a true copy of any notice, complaint, or order issued by the inspector and at the same time give written notice to the inspector of the intent to transfer, lease, or mortgage and to whom the transfer, lease, or mortgage is proposed. A transferee, lessee, or mortgagee who had received actual or constructive notice of the existence of a notice, complaint, or order shall be bound by such notice, complaint, or order as of the date of such transfer, lease, or mortgage without

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

service of further notice upon him.

(Code 1961, § 10-25(d))

**Sec. 11-37. - Determination that structures are unfit or substandard.**

The inspector shall determine that residential buildings and accessory structures are substandard and unfit for human habitation if he finds, on the basis of the standards and requirements of fitness set forth in this chapter, that conditions exist in such buildings or accessory structures which are dangerous or injurious to the health, safety or morals of the occupants of such buildings, the occupants of neighboring buildings or other residents of the city; such conditions include (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

(Code 1961, § 10-8)

**State law reference**— Standards required, G.S. § 160A-444.

**Sec. 11-38. - Inspections.**

- (a) It shall be the duty of the inspector diligently to examine buildings, dwellings, units, and accessory structures located in the city especially in those portions of the city where the conditions described in section 11-3 exist for the purpose of locating and taking action with respect to such buildings, dwellings, units, and structures as appear to be unfit for human habitation. Reasonable cause to inspect means any of the following:
- (1) There has been a complaint that substandard conditions exist within the building or dwelling unit;
  - (2) There has been a request that the building or dwelling unit be inspected;
  - (3) The inspection department has actual knowledge of an unsafe condition within the building and/or dwelling unit;
  - (4) Violations of the local ordinances or codes are visible from the outside of the property; and
  - (5) The owner has a history of more than two uncured verified violations of the housing ordinances or codes within a 12 month period.
- (b) ~~It shall be the duty of the inspector diligently to examine non-residential buildings and structures located in the city where the conditions described in section 11-3 exist for the purpose of locating and taking action with respect to such non-residential buildings and structures as appear to be unsafe.~~

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

(Code 1961, §§ 10-14(b), 10-17; Ord. No. 89-58, § 1, 4-27-89; Ord. No. 05-122, § 6, 6-7-05)

**Sec. 11-39. - ~~Condemnation procedure~~ Procedures.**

- (a) Whenever a petition is filed with the inspector by a public authority or by at least five (5) residents of the city charging that any building or accessory structure is unfit for human habitation or whenever it appears to the inspector (on his own motion) that any such building or accessory structure is unfit for human habitation, the inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner or any parties in interest in such building, a complaint stating the charges and containing a notice that a hearing will be held before the inspector (or his designated agent) at a place therein fixed within the city, not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; the owners and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; notice of such hearing shall also be given to at least one (1) of the persons signing any petition relating to such building; any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.
- (b) If, after such notice and hearing, the inspector determines that the building under consideration is unfit for human habitation in accordance with the standards herein set forth, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order. In addition, the inspector shall cause notice of the order to repair the building or otherwise demolish to be mailed 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. Such orders shall be mailed at least forty-five (45) days before the inspector may cause such building to be demolished, in order to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The inspector or city clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the inspector to wait forty-five (45) days before causing removal or demolition. The order shall require the owner, within a reasonable time fixed by the inspector, but not less than thirty (30) days nor more than ~~ninety~~ ninety (90) days, to make such repairs, alterations or improvements necessary to correct existing violations of the minimum standards and requirements set forth in this chapter; provided that the order shall further state that if the owner does not make the necessary repairs to correct existing violations as specified in the order, the owner shall, within the same reasonable time period, either:
  - (1) Repair, alter or improve the building, if the repair, alteration or improvement ordered would cost less than fifty (50) percent of the present value of the building; or,

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

- (2) Demolish the building if the repair, alteration or improvement ordered would cost an amount equal to or in excess of fifty (50) percent of the present value of the building. However, whenever a dwelling is located in a designated historic district of the city and the historic district commission in a public hearing has determined that the dwelling is of a particular significance or value toward maintaining the character of the district, and the dwelling has not been ~~condemned~~ declared as unsafe, the inspector or minimum housing standards commission may issue an order that the dwelling be vacated and closed consistent with North Carolina General Statutes Section 160A-400.14(a).

If, within the time fixed by the inspector for repairing, altering or improving such building, the inspector finds there has been substantial compliance with the provisions of the order or that the owner has filed with the inspector a written request for additional time to make repairs and provides written documentation for the need of additional time, the inspector may extend the time for compliance with the provisions for the order for an additional period of time; however the total time given by an inspector, including all extensions, shall not exceed 90 days. Requests for additional time to comply under the order may be granted if a written request stating the reasons for the extension, including any written supporting documentation, is made to the Director of the Department of ~~Neighborhood Planning and Community~~ Neighborhood Planning and Community Development or his/her designee during the initial period or any extension period granted by the inspector. The grant of any extensions, either by an inspector or by the Director of the Department of ~~Neighborhood Planning and Community~~ Neighborhood Planning and Community Development or his/her designee shall be in writing and must state the cause and conditions of the extension and the amount of time allowed by the extension.

Exception: The requirement to submit a written request for an extension of time to the Department Director will be waived if the property owner has submitted an application for assistance for any of the housing rehabilitation programs administered by the Neighborhood Development Department's Division of Housing Services or other approved housing rehabilitation programs and is waiting for either approval of the application or the required repairs to be completed.

- (c) If the owner of a building fails to comply with order to repair, alter or improve the building, the inspector may cause such building to be repaired, altered or improved, or to be demolished; provided, that after the building has become vacant, the inspector may cause the water service to said building to be discontinued until such time as there is compliance with the order. The inspector shall cause to be posted on the main entrance of any building so closed a placard with the following words:

"This building is unfit for human habitation; the use of occupancy of this building for human habitation is prohibited and unlawful."

- (d) If the owner fails to comply with an order to repair or, upon his failure to do so, otherwise demolish the building, the inspector may cause such building to be demolished; provided,



(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

that the duties of the inspector with respect to causing the repair, alteration, improvement or demolition set forth in subsections (c) and (d) shall not be exercised until the minimum housing standards commission shall by ~~resolution~~ ordinance or other decree order the inspector to proceed to effectuate the purposes of this chapter concerning the particular property or properties which the inspector shall have found to be unfit for human habitation or dangerous, and which property or properties shall be described in the ~~resolution~~ ordinance or other decree. Such decree shall be recorded in the office of the register of deeds of Guilford County. Unless an appeal is filed with the housing commission in accordance with applicable provisions of law, the inspector shall proceed to vacate and close any such building and cause the discontinuance of water service to the vacant building without further action by the minimum housing standards commission.

- (e) The amount of the cost of such repairs, alterations, improvements, and demolition by the inspector shall be a lien against the real property upon which such cost was incurred; said lien shall be filed, have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments for local improvements. The property owner shall have the option of paying for the cost of demolition either in cash or in five (5) equal annual installments with such installments bearing interest at the rate of six (6) percent per annum from the date of the filing of the lien. If any cost is not paid in cash, the first installment, with interest, shall become due and payable thirty (30) days after the date of the filing of the lien, and one (1) subsequent installment and interest shall be due and payable on the same day of the month in each successive year until the cost is paid in full. If any installment with interest is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid assessments, in addition to the interest herein provided for, and, in addition, all of the installments remaining unpaid shall at once become due and payable and the property may be sold in the same manner as now prescribed by law for the sale of land for unpaid taxes. The whole cost of the demolition may be paid at the time of paying any installment by payment of the principal and all interest accrued to that date. All payments received under this section shall be used by the City for implementation of this chapter, including future repairs, alterations, improvements and demolition of other properties.

If the building is demolished by the inspector, he shall sell the materials of such building and any personal property, fixtures or appurtenances found in or attached to the dwelling and shall credit the proceeds of such sale against the cost of demolition, and any balance shall be deposited in the superior court of the county by the inspector, to be secured in such manner as may be directed by such court and disbursed by the court to the persons found to be entitled thereto by final order or decree by such court. If the City contracts for demolition, the contractor shall verify by affidavit that the proceeds from the sale of any salvaged materials, including personal property, fixtures or appurtenances, have been credited against the cost of demolition.

- (f) Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice, or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person.

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

- (g) For the purposes of fixing the value of dwellings, when a building containing multifamily residential structures is inspected pursuant to this chapter, the inspector shall fix a reasonable value of the total building rather than individual dwelling units contained within any such building. The value of the total building shall be used in determining whether the building should be repaired, altered or improved, or demolished and removed. The inspector may fix a reasonable value of any building for the purpose of this section and such value shall be binding, unless the owner protests such value in writing to the inspector within ten (10) days after receipt of an order.
- (h) Whenever the minimum housing standards commission shall have adopted an ordinance or other decree or the inspector shall have commenced proceedings under the housing code regarding a dwelling to be repaired or demolished, and the owner has failed to cause such dwelling to be repaired or demolished; provided, the minimum housing standards commission shall first 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 (dilapidated) 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 might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state. All ordinances or decrees shall be in compliance with all applicable state and federal laws.

In such circumstances, the minimum housing standards commission may enact ~~a resolution~~ an ordinance or other decree and serve such order upon the owner, requiring that the owner either:

- (1) Repair ~~or demolish and remove~~ the dwelling within ninety (90) days, if the repair necessary to render the dwelling fit for human habitation would cost less than fifty (50) percent of the present value of the dwelling; or,
- (2) ~~Repair or demolish~~ Demolish and remove the dwelling within ninety (90) days if the repair necessary to render the dwelling fit for human habitation would cost an amount in excess of fifty (50) percent of the present value of the dwelling.

Such order shall be recorded in the office of the register of deeds of Guilford County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the order of the Greensboro minimum housing standards commission within the time fixed by such order, then the ~~housing~~ inspector may effectuate the purpose of the ordinance by causing such dwelling to be demolished and removed. The cost of such demolition and removal shall be a lien against the real property upon which such cost was incurred.

The ~~housing~~ inspector in proceeding to effectuate the purposes of this section shall follow the requirements of section 11-39(e). The ~~housing~~ inspector shall not proceed to repair or demolish

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

property or properties in accordance with this section until the minimum housing standards commission shall by resolution ordinance or other decree order the inspector to proceed to effectuate the purposes of this section concerning a particular property or properties.

(i) The complaint and notice issued pursuant to subsection (a) or the orders issued pursuant to subsection (b) and (h) may be filed in the notice of lis pendens in the office of the clerk of superior court of the county, or the office of the clerk of superior court where the property is otherwise located. From the time and date of recording of such complaint and notice or order, it shall be notice to and binding upon the successors in interest or assigns of the owner of the building or accessory structure. At such time as the residential building or accessory structure affected by the complaint or order is either demolished or brought into compliance with the then existing effective ordinances the inspector may cancel the notice of lis pendens.

~~(j) After an inspector declares a non-residential building or structure unsafe in accordance with section 11-10(c), the inspector must affix a notice of the unsafe character of the non-residential building or structure in a conspicuous place upon the exterior of the building or structure. If any person shall remove any notice that has been affixed to any building or structure by the inspector, that person shall be guilty of a Class 1 misdemeanor. If the owner of the non-residential building or structure that has been condemned as unsafe pursuant to this chapter shall fail to take prompt corrective action, the inspector shall give the owner written notice, by certified or registered mail to his last known address or by personal service that:~~

~~(1) The non-residential building or structure is in a condition that appears to meet one of the following conditions:~~

~~a. — Constitutes a fire or safety hazard;~~

~~b. — Is dangerous to life, health, or other property;~~

~~c. — Is likely to cause or contribute to blight, disease, vagrancy, or danger to children;~~

~~d. — Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.~~

~~(2) That a hearing will be held before the inspector at a designated place and time, no later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or through counsel and to present arguments and evidence pertaining to the matter; and~~

~~(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate within a period not less than sixty (60) days from the date of the order. However where the inspector finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period of time as may be feasible.~~

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

~~If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one (1) week prior to the hearing.~~

~~Any owner who has received an order under this chapter may appeal from the order to the minimum housing standards commission by giving written notice to the inspector and to the commission within ten (10) days following the issuance of the order. In the absence of an appeal the order of the inspector shall be final.~~

~~If an owner shall fail to comply with an order issued pursuant to section 11-10(c) and section 11-39, from which no appeal has been taken, or fails to comply with an order from the housing commission following an appeal, he shall be guilty of a Class 1 misdemeanor and the city may, in addition to any other remedy provided by law or equity, take action causing the non-residential building or structure to be removed or demolished. The amounts incurred in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments. If the building or structure is removed or demolished by the city, the city shall sell usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building and credit the proceeds of such sales against the costs of removal or demolition. Any balance remaining, if any, shall be deposited with the Guilford County Clerk of Superior Court and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.~~

Nothing in this chapter shall be construed to impair or limit the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

(Code 1961, § 10-18(a)—(g); Ord. No. 89-160, §§ 1—3, 11-30-89; Ord. No. 91-137, §§ 1, 2, 11-14-91; Ord. No. 95-83, § 2, 7-19-95; Ord. No. 96-92, § 1, 7-23-96; Ord. No. 97-39, § 1, 3-18-97; Ord. No. 03-238, §§ 1—5, 10-21-03; Ord. No. 04-167, § 1, 9-7-04; Ord. No. 05-122, § 7, 6-7-05)

**Cross reference**— Unsafe building, § 17-26 et seq.

**State law reference**— Similar provisions, G.S. § 160A-443.

### **Sec. 11-39.1. - Requirements for closing and securing substandard buildings.**

- (a) Every building required to be closed by order of the housing inspector or minimum housing standards commission pursuant to section 11-39 or 17-29 of this Code shall be closed in accordance with the standards and requirements for closing buildings as stated in the International Property Maintenance Code, Appendix A. Any deviation from the standards stated in Appendix A must be approved by the Director of the Department of Neighborhood

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

~~Planning and Community~~ Development or the designee.

- (b) Any building closed pursuant to an order of the ~~housing~~ inspector or minimum housing standards commission must be maintained closed and secure by the owner. If the order of the ~~housing~~ inspector or minimum housing standards commission to close and secure a building is complied with by the owner thereof, and thereafter the building is unlawfully opened, the inspector shall serve the owner with an order to reclose and secure the building within thirty (30) days after service of the order. Any owner who fails to comply with an order to reclose and secure a building within the time required under the order shall be subject to civil ~~and criminal~~ penalties prescribed by this chapter.

(Ord. No. 91-137, § 3, 11-14-91)

#### **Sec. 11-40. - Periodic inspections of residential rental dwelling units.**

(a) The inspection department may make periodic inspections, subject to the council's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in residential rental buildings and/or rental dwelling units within its territorial jurisdiction. The inspection department may make periodic inspections of residential buildings and dwelling units only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in residential rental buildings or dwelling units. For purposes of this section, the term "reasonable cause" means any of the following: (i) there has been a complaint that substandard conditions exist within the building or dwelling unit (ii) or there has been a request that the building or dwelling unit be inspected; (iii) the inspection department has actual knowledge of an unsafe condition within the building; (iv) violations of the local ordinances or codes are visible from the outside of the property; and (v) the owner has a history of more than two uncured verified violations of the housing ordinances or codes within a 12 month period. Owners with rental dwelling units and residential rental buildings found to be in violation of the housing code shall be given the opportunity to cure the violation. Owners of rental dwelling units and residential rental buildings in which all of the violations are cured within the time frame stated in the violation notice or in any extension periods granted by City shall not be deemed to have an uncured verified violation for purposes of this ordinance; however, where all of the violations are not cured within the time frame stated in the violation notice, (including any extensions granted by City) the owner is deemed to have an uncured verified violation, (e.g., a property with six violations and the owner cures all six (6) within the time given by the inspector does not become an uncured verified violation, whereas a property with six (6) violations and the owner only cures five (5), within the time frame including any extension given by the inspector, becomes an uncured verified violation). Requests for additional time for repairing violations may be granted by the City Director of the Department of ~~Neighborhood Planning and Community~~ Development or his/her designee. Approval will be granted at the discretion of the Director or the designee. The request must be made during the timeframe for making all repairs as stated in the original violation notice including any inspector granted extensions. The request must be made in writing, must state the reasons for the extension and must include any appropriate written documentation to support the request. The grant of any extensions, either by an inspector or by the Director of the Department of ~~Neighborhood Planning and Community~~ Development

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

or his/her designee shall be in writing and must state the cause and conditions of the extension and the amount of time allowed by the extension. 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.

(b) The City of Greensboro may levy a fee for residential rental properly registration under this section for those rental dwelling units which have been found with more than five (5) verified violations of local ordinances within the previous 12 months. The fee shall be set by the Director of Neighborhood Planning and Community Development in an amount that covers the cost of operating a residential registration program and shall not be used to supplant revenue in other areas.

(c) The provisions of this section shall not apply to: (i) transient occupancy in hotel, motel, apartments or similar lodging subject to regulation by the Commission for Public Health or other governmental agency, or (ii) rentals less than 30 days.

#### **Sec. 11-41. - Emergency cases.**

- (a) In emergency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property, unless a dwelling unit unfit for human habitation or a dangerous accessory structure is immediately repaired or demolished, the inspector shall order the structure vacated and cause the immediate repair or demolition of the structure and the cost of such repair or demolition shall be recovered and collected as is provided in section 11-39, subsection (e).
- (b) In emergency cases, the inspector shall have the power immediately to cause to be posted on the main entrance of any building or dwelling unit a placard with words which, in effect, provide notice that the building or dwelling unit has been ~~condemned~~ declared as unsafe and that occupancy for human habitation is prohibited, and further setting forth the reasons therefore.

(Code 1961, §10-26(a),(b))

#### **Sec. 11-42. - Fines, fees and penalties for violation of the housing code.**

- (a) ~~Each violation of any provision of this chapter shall constitute a class 3 misdemeanor, punishable by a fine of not more than five hundred dollars or imprisonment of not more than twenty (20) days, as provided by G.S. § 14-4, as amended by Chapter 71 Session Laws of 1983 and Chapter 772 Session Laws of 1987. Violations of this chapter shall not be punishable as a misdemeanor or infraction and Section 14-4 of the North Carolina General Statutes shall not apply to violations of this chapter. This section shall apply to all civil penalties assessed on or after January 1, 2014.~~
- (b) Any person who violates any provision of this chapter shall also be subject to a civil penalty of two hundred dollars (\$200.00) for the first violation. For each day the violation is not

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

corrected, a penalty of ~~seventy-five dollars (\$75.00)~~ ten dollars (\$10.00) per day ~~shall~~ may be imposed. Civil penalties assessed under this section are considered restorative; intended to provide compensation to the city for costs associated with the city's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the city for its costs.

The assessment of civil penalties herein is not intended to be an exercise of powers delegated to other agencies or entities created by the General Assembly to regulate the proscribed conduct. The ~~housing~~ inspector shall not assess a civil penalty until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, by personal service, or other means reasonably calculated to give actual notice. The collection of a penalty pursuant hereto shall not foreclose further proceedings for penalties coming due after the date of the filing of a prior proceeding.

After a unit has been brought into compliance, the total amount of civil penalties issued may be waived or reduced by the Director of Neighborhood Development Department or designee or by the City Attorney in accordance with a civil penalty waiver or reduction policy to be adopted by the Department of Neighborhood Development. Modification of penalties by the Director, the designee, or the City Attorney may be appealed to the Commission in accordance with Section 11-49.

- (c) Re-inspection fees required by this Ordinance are charged in accordance with the City's Schedule of Fees and Services established by the Greensboro City Council. The City of Greensboro shall not charge a fee for re-inspection authorized by Section 11-42 of the Greensboro Code of Ordinances for any initial inspection of a dwelling unit or for any re-inspection during the applicable cure period, including any extension, in the enforcement of this ordinance. If the necessary repairs are not made within the applicable cure period, including any extension, the re-inspection fees authorized by Section 11-42 shall be charged.
- (d) ~~Nothing in this section shall preclude the issuance of a criminal summons in lieu of or in addition to the civil penalty citation.~~ All civil penalties and inspection fees collected under this chapter shall be used for implementation of this chapter, including future repairs, alterations, improvements and demolition of other properties.
- (e) Owners shall not be charged for any violations attributed to tenants cited in section 11-9 of this chapter of the Greensboro Code of Ordinances.

(Ord. No. 88-138, § 1, 9-29-88; Ord. No. 95-141, § 1, 11-20-95; Ord. No. 96-92, § 2, 7-23-96; Ord. No. 00-215, § 4, 12-5-00; Ord. No. 04-167, § 7, 9-7-04; Ord. No. 04-244, §§ 1, 2, 12-7-04; Ord. No. 09-180, § 3, 11-10-09)

## **DIVISION 2. – NON-RESIDENTIAL BUILDINGS AND STRUCTURES**

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

~~Sees. 11-43—11-45. Reserved.~~

**Secs. 11-43. – Enforcement and abatement procedure.**

- (a) As authorized by Part 5 of Article 19 of Chapter 160A of the North Carolina General Statutes, the provisions of this section shall apply to all non-residential buildings and structures within the city limits as now or hereinafter fixed.
- (b) Unless otherwise provided herein, all procedural requirements and violation provisions of Article II Division 1 of this ordinance shall also apply to non-residential buildings and structures. Notice provided under one division shall constitute notice required under any division of this chapter.
- (c) The purpose of this section is to arrest, remedy, and prevent the decay and deterioration of non-residential buildings and structures for the protection of life, health, welfare, safety and property of the general public and the owners and occupants of nonresidential buildings and structures.
- (d) It shall be the duty of the inspector diligently to examine non-residential buildings and structures located in the city where the conditions described in subsection (e) exist for the purpose of locating and taking action with respect to such non-residential buildings and structures as appear to be unsafe.
- (e) An inspector may declare a non-residential building or structure to be unsafe if it appears to the inspector that the building or structure is especially dangerous to life because of its liability to fire or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress or other causes.
- (f) After an inspector declares a non-residential building or structure unsafe in accordance with subsection (e), the inspector must affix a notice of the unsafe character of the non-residential building or structure in a conspicuous place upon the exterior of the building or structure. If any person shall remove any notice that has been affixed to any building or structure by the inspector, that person shall be guilty of a Class 1 misdemeanor. If the owner of the non-residential building or structure that has been declared to be unsafe pursuant to this chapter shall fail to take prompt corrective action, the inspector shall give the owner written notice, by certified or registered mail to his last known address or by personal service that:
  - (1) The non-residential building or structure is in a condition that appears to meet one of the following conditions:
    - a. Constitutes a fire or safety hazard;
    - b. Is dangerous to life, health, or other property;



(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

- c. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children;
  - d. Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.
- (2) That a hearing will be held before the inspector at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or through counsel and to present arguments and evidence pertaining to the matter; and
- (3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate within a period not less than sixty (60) days from the date of the order. However where the inspector finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period of time as may be feasible.
- (g) If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one (1) week prior to the hearing.
- (h) Any owner who has received an order under this chapter may appeal from the order to the minimum housing standards commission by giving written notice to the inspector and to the commission within ten (10) days following the issuance of the order. In the absence of an appeal the order of the inspector shall be final.
- (i) If an owner shall fail to comply with an order issued pursuant to subsection 11-43(f) from which no appeal has been taken, or fails to comply with an order from the housing commission following an appeal, the city may, in addition to any other remedy provided by law or equity, take action causing the non-residential building or structure to be removed or demolished. The amounts incurred in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments. All payments received under this section shall be used for the implementation of this chapter, including future repairs, alterations, improvements and demolition of other properties.

If the building or structure is removed or demolished by the city, the city shall sell usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building and credit the proceeds of such sales against the costs of removal or demolition. Any balance remaining, if any, shall be deposited with the Guilford County Clerk of Superior Court and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court. If the City contracts for demolition, the contractor shall verify by affidavit that the proceeds from the sale of any salvaged materials, including personal property, fixtures or appurtenances, have been credited against the cost

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

of demolition.

- (j) Nothing in this chapter shall be construed to impair or limit the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

**Secs. 11-44—11-45. - Reserved.**

### ***DIVISION ~~23~~. - MINIMUM HOUSING STANDARDS COMMISSION***

#### **Sec. 11-46. - Created.**

There is hereby created a commission to be known as the Greensboro Minimum Housing Standards Commission.

(Code 1961, § 2-104; Ord. No. 93-141, § 1, 11-15-93)

#### **Sec. 11-47. - Membership.**

The minimum housing standards commission shall be composed of seven (7) members. Members shall be appointed by the council for terms to expire on August 15.

(Code 1961, § 2-105; Ord. No. 93-141, § 2, 11-15-93)

#### **Sec. 11-48. - Powers and duties.**

(a) The duties of the minimum housing standards commission shall be as follows:

- (1) Study rental rates, the need for reconditioning or condemnation, and other housing conditions within the city, and to make recommendations to the council concerning such matter.
- (2) Perform such other duties as may be assigned it from time to time by the council.
- (3) Hear and determine appeals from decisions of the ~~building~~ inspector upon any provision of chapter 11 or articles I and II of chapter 17.

(b) The commission may inspect houses and living quarters in the city, and shall have the right to enter with the ~~building~~-inspector for that purpose in accordance with applicable law.

(Code 1961, § 2-104; Ord. No. 93-141, § 2, 11-15-93)

#### **Sec. 11-49. - Appeals.**

(a) An appeal to the minimum housing standards commission may be taken from any decision

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

or order ~~of the building inspector~~ issued pursuant to this chapter by any person aggrieved thereby or by any officer, board, or commission of the city. Any appeal ~~from the building inspector~~ to the commission shall be filed with the secretary of the commission within 10 days of the decision or order ~~taken a reasonable time as prescribed by the rules of the commission, and shall be taken by filing with the building inspector and with the secretary of the commission~~ a by filing a written notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of notice of appeal, the ~~building~~ inspector shall forthwith transmit to the commission all the papers constituting the record upon which the decision appealed from was made.

- (b) When an appeal is from a decision of the ~~building~~ inspector refusing to allow the person aggrieved thereby to do any act, the decision of the ~~building~~ inspector shall remain in force until modified or reversed by the commission.
- (c) When an appeal is from a decision of the ~~building~~ inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the ~~building~~ inspector until the hearing thereon by the commission; unless the ~~building~~ inspector certifies to the commission, 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 applicant), a suspension of his requirement would, in his opinion, 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 and upon not less than one (1) day's written notice to the ~~building~~ inspector, by the commission or by any judge of the superior court authorized by law to grant restraining orders.
- (d) The commission shall fix a reasonable time for the hearing of all appeals and shall render its decisions within a reasonable time. The commission shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. For all continuances, the commission shall state the reasons and conditions for the continuance.
- (e) Upon the hearing of any appeal any party may appear in person or by agent or attorney.

(Code 1961, § 2-113; Ord. No. 93-141, § 2, 11-15-93)

#### **Sec. 11-50. - Vote required to reverse inspector.**

The concurring vote of four (4) members of the minimum housing standards commission shall be necessary to reverse or modify any decision of the ~~building~~ inspector.

#### **Sec. 11-51. Additional time may be granted to structures of historical significance.**

- (a) If a structure located within an historic district or other area of the city has historical

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

significance as defined below, the minimum housing standards commission may authorize the time table below to allow the owner or other interested party the opportunity of repairing or securing a buyer for the property. Before the commission grants the additional time, the commission shall find the following:

- (1) That the structure is included on the city's inventory of historic architecture, or is determined to be more than fifty (50) years old and of equivalent architectural or historical significance as determined by the Greensboro Historic District Preservation Commission; and
- (2) That the owner or other individual or agency has indicated interest in actively pursuing the preservation of the structure; and
- (3) That in the case of a vacant structure, it has been properly boarded up and made secure and does not pose an unsafe or hazardous condition, as determined by the ~~building-~~inspector.

(b) The commission may grant additional time for the purpose of bringing the property into full compliance as follows:

- (1) Up to eighteen (18) months from the date of determination by the commission may be granted to complete the renovation or restoration of the property.
- (2) If, at the end of the time granted by the commission, active efforts are being made to complete the work and at least fifty (50) percent of the work is completed, the commission can grant up to twelve (12) months additional time.
- (3) Progress reports will be made to the commission within the time period prescribed by the commission. Failure of the property owner to make these reports or to complete the work according to the schedule set by the commission will constitute a violation of this special provision, and all other provisions of the housing code shall apply.

(c) The commission may require periodic progress reports from the owner or contractor.

(Ord. No. 89-21, § 1, 2-16-89; Ord. No. 93-141, § 2, 11-15-93; Ord. No. 00-215, § 3, 12-5-00)

**Secs. 11-52—11-55. - Reserved.**

### **ARTICLE III. - MINIMUM STANDARDS**

**Sec. 11-56. - ~~2000 International Property Maintenance Code—Certain chapters and index adopted as minimum standards.~~**

The following chapters and index of the ~~2000~~ International Property Maintenance Code, as

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

copyrighted by the International Code Council, Inc. shall be applicable to those buildings and structures, residential and non-residential, as if fully set forth in this article, with any additions, insertions, deletions and changes, if any, prescribed in this article.

Chapter 1 Administration

Chapter 2 Definitions, except that terms defined in section 11-2 shall take precedence over any conflicting definitions in Chapter 2 of the IPMC

Chapter 3 General Requirements

Chapter 4 Light, Ventilation and Occupancy Limitations

Chapter 5 Plumbing Facilities and Fixture Requirements

Chapter 6 Mechanical and Electrical Requirements

Chapter 7 Fire Safety Requirements

Chapter 8 Referenced Standards

Appendix A

Index

Amendments to the International Property Maintenance Code (IPMC) which are adopted and published by the International Code Council, Inc., from time to time, shall be effective as to this Chapter 11 on the effective date prescribed by the International Code Council, Inc.

(Ord. No. 03-112, § 1, 5-20-03; Ord. No. 04-167, § 8, 9-7-04)

**Sec. 11-57. - Same—Amendments.**

(a) The following ~~chapter~~ sections of the IPMC are hereby revised:

Section 302.4, Amend the section by deleting the entire section;

Section 304.14 ~~303.14~~, Amend the section by deleting the phrase, "During the period from \_\_\_\_\_ to \_\_\_\_\_" and begin the section with the word "Every";

~~Section 305.2.1, Amend the section by adding to the end of the last sentence of the section the phrase, "unless otherwise required by a lease";~~

~~Section 402.2, Amend the section by inserting the phrase, "by natural light or", in lines 3 and 9 following the word, "times";~~

(Editor's Note: Added text shown with red underlines and deleted text shown with red strikethroughs)

~~Section 505.4, Amend the section by deleting the word "less" from line 5 and inserting in its place the phrase, "not more than";~~

Section 602.3 Amend the section by deleting the phrase, "during the period from \_\_\_\_\_ to \_\_\_\_\_" from line 5; and

Section 602.4 Amend the section by deleting the phrase, "during the period from \_\_\_\_\_ to \_\_\_\_\_" from lines 2 and 3.

(b) The following amendments are made to Chapter 8 of the IPMC

~~The last sentence of paragraph one, "The application of the referenced standards shall be as specified in Section 102.7" is deleted.~~

~~All references to Chapters 102 and 201 are hereby deleted.~~

The following paragraph is added to the chapter:

"All structures currently in compliance with all existing codes shall not be subject to the provisions of this Code until such time as they are found to be in violation of existing codes or are remodeled, up-fitted or renovated."

(Ord. No. 03-112, §§ 2, 3, 5-20-03)

*Section 2.* That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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