

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 add a Good Repair Ordinance to Article II Administration and Enforcement to read as follows:

ARTICLE II. – ADMINISTRATION AND ENFORCEMENT

DIVISION 2. - NON-RESIDENTIAL BUILDINGS OR STRUCTURES

Sec. 11-45. - Good repair.

- (a) Authority. The City adopts this good repair ordinance relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety as established herein.
 - (1) The Director of the Department of Neighborhood Development is hereby designated as the public officer with the authority to exercise the powers prescribed by this section, in accordance with the procedures specified in this section.
 - (2) The Director may delegate said powers to any inspectors trained to inspect non-residential buildings under his or her direction or supervision.
 - (3) This section is applicable within the corporate limits of the city.
 - (4) Minimum standards. In order to address conditions that are dangerous and injurious to public health, safety, and welfare and to identify circumstances under which a public necessity exists for the repair, closing or demolition of nonresidential buildings or structures, it is the purpose of this section to establish minimum standards of maintenance, sanitation, and safety for nonresidential buildings and structures located within the City limits. This ordinance should not be construed as to regulate the architectural design aesthetics of any building or structure. The City adopts the International Property Maintenance Code, as copyrighted by the International Code Council, Inc., as the minimum standards, except as amended by Sec. 11-57 of this chapter. [NCGS 160A-439(a)]
- (b) Investigation.
 - (1) Whenever it appears to the public officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public or abutting buildings or structures are jeopardized for failure of the property to meet the minimum standards adopted by the City Council in subsection (a)(4), the public officer shall undertake a preliminary investigation.
 - (2) If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with NCGS 15-27.2 or with the permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises. [NCGS 160A-439(b)]
 - (3) The public officer shall refer the results of the preliminary investigation to the

building inspector for investigation and enforcement pursuant to Sec. 11-43 of this chapter (with notice to the fire inspector), if the preliminary investigation discloses evidence of any one of the following major conditions:

- i. Supporting walls or vertical studs which seriously list, lean, buckle, or are damaged or deteriorated to such an extent as to render the building unsafe.
 - ii. Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purposes used.
 - iii. Damage by fire, wind, floods, or other causes as to render the building unsafe.
 - iv. Dilapidation, decay, unsanitary conditions, vermin or rat infestation, filth or contamination, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people in the city.
 - v. Inadequate facilities for egress in case of fire or panic.
 - vi. Defects significantly increasing the hazards of fire, accident, or other calamities.
 - vii. Lack of adequate ventilation, electrical, plumbing, illumination, sanitary or heating facilities, or other essential equipment to such extent as to endanger the health, safety, or general welfare of the occupants or other residents of the city.
- (c) Complaint and hearing. The public officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint if the preliminary investigation discloses evidence of more than five (5) separate types of violations of any of the standards set forth in the International Property Maintenance Code which are not being investigated by the building inspector pursuant to subsection (b)(3) of this section. The complaint shall state the charges and contain a notice that a hearing will be held before the public officer (or his or her designated agent) at a place within the city scheduled not less than 10 days nor more than 30 days after the serving of the complaint; and that the rules of evidence prevailing in courts of law and equity shall not be controlling in hearings before the public officer. [NCGS 160A-439(c)]
- (d) Order. If, after notice and hearing, the public officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established in subsection (a), the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitation in subsection (e). [NCGS 160A-439(d)]
- (e) Limitations on orders.
- (1) Vacant buildings or structures.
 - i. Maintenance standards set forth in the International Property Maintenance Code, as amended by Sec. 11-57 of this chapter, shall not apply to the interior of vacant nonresidential buildings or structures (or vacant portions thereof if required fire separation exists between the occupied and unoccupied portions of the building or structure) provided:
 1. The building, structure, or portion thereof is not occupied;

2. There are no existing major violations as listed in Sec. 11-45(b)(3); and
 3. The unoccupied building, structure, or portion thereof is properly secured to prevent unauthorized access.
 - ii. If the public officer orders a nonresidential building or structure vacated and closed pursuant to this chapter, the owner shall board and secure such building or structure in accordance with the guidelines provided by the public officer.
 - iii. Windows and doors which are boarded for longer than six (6) months shall be painted or covered to appear consistent with the remainder of the building exterior.
- (2) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing body or to vacate and close the nonresidential building or structure for any use.
 - (3) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of the repair, alteration, or improvement of the building or structure would exceed sixty-five percent (65%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the Minimum Housing Standards Commission determines, after a public hearing as provided by this chapter, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established in subsection (a).
 - (4) An order may not require repairs, alternations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use. [NCGS 160A-439(e)]
- (f) Action by City upon failure to comply with order.
- (1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the Minimum Housing Standards Commission may adopt an ordinance ordering the public officer to proceed to effectuate the purposes of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or

improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

- (2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Minimum Housing Standards Commission may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the governing body. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be removed or demolished. [NCGS 160A-439(f)]
- (g) Action upon Abandonment of Intent to Repair. If the public officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the Minimum Housing Standards Commission may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the city in that it would continue to deteriorate, would create fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the Commission may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
 - (1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to sixty-five percent (65%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days; or
 - (2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds sixty-five percent (65%) of its then current value, the ordinance shall require the owner to demolish and remove the structure within 90 days.
 - (3) In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the Commission may take action under this subsection.
 - (4) The ordinance shall be recorded in the Office of the Register of Deeds for Guilford County and shall be indexed in the name of the property owner in the grantor index.

- (5) If the owner fails to comply with the ordinance, the public officer shall effectuate the purpose of the ordinance. [NCGS 160A-439(g)]
- (h) Service of Complaints and Orders. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. [NCGS 160A-439(h)]
- (i) Liens.
- (1) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
- (2) If the nonresidential building or structure is removed or demolished by the public officer, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. [NCGS 160-439(i)]
- (j) Ejectment. If any occupant fails to comply with an order to vacate a nonresidential building or structure, the public officer may file a civil action in the name of the city to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body pursuant to subsection (f) of this section to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the

premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the governing body has ordered the public officer to proceed to exercise his duties under subsection (f) of this section to vacate and close or remove and demolish the nonresidential building or structure. [NCGS 160A-439(j)]

- (k) Civil Penalty. The City may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this section. However, the imposition of civil penalties shall not limit the use of any other lawful remedies available to the City for the enforcement of any ordinances adopted pursuant to this section. [NCGS 160A-439(k)]
- (l) Powers Supplemental. The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Minimum Housing Standards Commission may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:
 - (1) To investigate nonresidential buildings and structures in the city to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
 - (2) To administer oaths, affirmations, examine witnesses, and receive evidence.
 - (3) To enter upon premises pursuant to subsection (b) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
 - (4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the Commission.
 - (5) To delegate any of his or her functions and powers under the ordinance to other officers and agents, including any City inspector. [NCGS 160A-439(l)]
- (m) Appeals. Appeals may be taken from any decision or order of the public officer to the Minimum Housing Standards Commission. Any person aggrieved by a decision or order of the public officer shall have the remedies provided in G.S. 160A-446. [NCGS 160A-439(m)]
- (n) Funding. The City may make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of the ordinances adopted by the governing body. [NCGS 160A-439(n)]
- (o) No Effect on Just Compensation for Taking by Eminent Domain. – Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State, nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State. [NCGS 160A-439(o)]
- (p) Definitions.

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

- (1) "Parties in interest" means all individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.
- (2) "Vacant industrial warehouse" means any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.
- (3) "Vacant manufacturing facility" means any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use. [NCGS 160A-439(p)]

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Sec. 11-56. - International Property Maintenance Code.

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

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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. In the event of conflict between the International Property Maintenance Code, including any codes referenced therein in Chapter 8, and any codes adopted by the North Carolina General Assembly and effective and applicable to property located in the City of Greensboro, those North Carolina codes shall control.

Sec. 11-57. - Same—Amendments.

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

- (1) Section 102.2, Maintenance, Amend the section by adding the following, "Equipment, systems, devices and safeguards installed in a building or structure shall be maintained in accordance with the original installation standards for that equipment, system, device or safeguard. Repair of one system in a building or structure shall not require all systems to be upgraded to the current building code, unless there are violations related to those other systems and the North Carolina

Existing Building Code would require compliance with the North Carolina Building Code currently in effect."

- (2) Section 106.3, Prosecution of violations, Amend the section by deleting the entire section;
- (3) Section 302.4, Weeds, Amend the section by deleting the entire section;
- (4) Section 302.8, Motor vehicles, Amend the section by deleting the entire section;
- (5) Section 302.9, Defacement of property, Amend the section by deleting the entire section;
- (6) Section 303, Swimming Pools, Spas and Hot Tubs, Amend the section by deleting the entire section;
- (7) Section 304.1.1.6, Unsafe conditions, Amend the section by deleting the phrase, "not plumb and" from line 2;
- (8) Section 304.1.1.7, Unsafe conditions, Amend the section by deleting the phrase, "are not plumb and" from line 2;
- (9) Section 304.2, Protective treatment, Amend the section by adding the phrase, "requiring paint for protection from the elements" prior to the term "repainted" in line 8 and by deleting the sentence, "Oxidation stains shall be removed from exterior surfaces." in lines 14-15;
- (10) Section 304.5, Foundation walls, Amend the section by deleting the phrase, "plumb and" from line 2 and by adding the following sentence, "Walls, vertical studs, partitions, supporting members, sills, joists, rafters, or other basic structural members shall not list, lean, or buckle to such extent as to render the building the unsafe."
- (11) Section 304.13.1, Glazing, Amend the section by deleting the words "Glazing" and replacing with the words "Glass" in line 1;
- (12) Section 304.13.2, Openable windows, Amend the section by adding the sentence, "In non-residential buildings and structures, every window required as a means of egress shall be easily openable and capable of being held in position by window hardware."
- (13) Section 304.14, Insect screens, Amend the section by deleting the phrase, "During the period from ____ to ____" and begin the section with the word "Every" and by adding the following sentence, "Exception: Screens shall not be required in non-residential buildings or structures.";
- (14) Section 307, Handrails and guardrails, Amend the section by deleting the entire section;
- (15) Section 506.3, Grease interceptors, Amend the section by deleting the entire section;
- (16) Section 602.3, Heat supply, Amend the section by deleting the phrase, "during the period from ____ to ____" from line 5; and
- (17) Section 602.4, Occupiable work spaces, Amend the section by deleting the phrase, "during the period from ____ to ____" from lines 2 and 3;
- (18) Section 701.2, Responsibility, Amend this section by deleting the phrase, "with these requirements" from line 3 and replacing with the phrase, "with the North Carolina Fire Code" and by deleting the phrase, "with the requirements of this chapter" from lines 5-6 and replacing with the phrase, "with the North Carolina Fire Code";

- (19) Chapter 7, Fire Safety Requirements, Amend the chapter by deleting Sections 702 through 705.
- (b) The following amendments are made to Chapter 8 of the IPMC:
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.~~
- (1) A structure currently in compliance with all existing North Carolina codes shall not be subject to the provisions of this City of Greensboro Code of Ordinances Section 11-45 until such time as (i) it is subject to a complaint and found to be in violation of the IPMC or other existing North Carolina codes, (ii) the use of structure is changed, or (iii) the structure is remodeled, up-fitted or renovated in a way that requires a building permit to be issued prior to work being completed.
 - (2) A structure will be evaluated in accordance with the North Carolina Building Code in effect at the time the structure was constructed or at the time of the most recent remodel, upfit, or renovation that required a building permit.
 - (3) In cases where the owner has transferred an obligation of the owner, as referenced in the IPMC, to the tenant by lease, compliance shall be the responsibility of the tenant. A notice of violation or order issued by the public officer shall be issued to the owner until such time as the owner provides a copy of the lease to the City, at which time the notice of violation or order shall be issued to the tenant. The owner shall be copied on all notices and orders which are issued to the tenant."