



Chapter 160 - HOUSING^[1]

Footnotes:

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Charter reference— Economic development projects, § 8.50.

State Law reference— Fair housing, G.S. ch. 41A; North Carolina Housing Finance Agency, G.S. ch. 122A; North Carolina Housing Trust and Oil Overcharge Act, G.S. ch. 122E; minimum housing standards, G.S. 160A-441 et seq.; right of handicapped to housing, G.S. 168-9.

ARTICLE I. - IN GENERAL

§ 160.01 - Housing code established, title.

- (A) There are hereby established rules and regulations for the repair or elimination of unfit and/or unsafe housing conditions in the Town of Spencer, North Carolina, which shall be known as "The Housing Code of the Town of Spencer," and will be referred to hereafter as "Code."

§ 160.02 - Findings.

- (A) Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, and lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or insanitary, and dangerous and detrimental to the health, safety and morals and otherwise inimical to the welfare of the residents of the town.
- (B) There also exist abandoned, vacant, and neglected dwellings which the Town Board of Aldermen finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. Buildings unfit for human habitation and unsafe to the public are hereby declared to be a public nuisance and shall be repaired or rehabilitated to the standards of this article or demolished in accordance with the procedures set forth herein.

§ 160.03 - Purpose of chapter.

- (A) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. 160A, art. 19, pt. 6 (G.S. 160A-441 et seq.), it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-443 and 160A-444.



§ 160.04 - Scope.

(A) The provisions of this Code are applicable to all existing dwellings and all dwellings hereafter constructed within the town which are used or intended for use for human habitation. Demountable dwellings or demountable dwellings being moved and temporarily stored prior to relocation, when used or intended for use for human habitation with the town, shall be subject to the applicable provisions of this Code.

§ 160.05 - Definitions.

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

Abandoned Residential Structure and Abandoned Residential Dwelling Unit means a residential structure or dwelling unit on a parcel which is:

- a. Vacant for thirty (30) days;
- b. No residential use or habitable occupancy of the structure by its owner or by some person acting under the authority of its owner during this period of time or longer;
- c. In violation of one (1) or more minimum housing standards of the town code; and
- d. The Minimum Housing Inspector has determined the structure to be unfit for human habitation or occupancy based upon the standards as set forth in this chapter.

Area means area as applied to the dimensions of a dwelling shall mean the maximum horizontal projected area of the dwelling 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 portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Board up means the boarding up of any means of egress and ingress, including, without limitation, windows and doors, access points to crawl space, etc. to an abandoned residential structure. The accepted method to board up a property is listed in this chapter of the Code.

Boarding house (or rooming house) means any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator, or any part thereof.

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."

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

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

Inspector is any person appointed by the Town Manager and sworn under oath to enforce the Town of Spencer Code of Ordinances, which include all regulations and standards in this chapter.

Deflection means the sagging of a structural member.

Demolish means the tearing down and disposal of the entire dwelling in a lawful manner, leaving the property free and clear of any debris and without holes or pockets.

Deteriorated means that a dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this chapter, at a cost not in excess of fifty (50) percent of its value, as determined by finding of the inspector.

Dilapidated means that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of fifty (50) percent of its value, as determined by finding of the inspector.

Dwelling means any building, structure or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing shall not be regarded as a dwelling. The term shall include within its meaning the terms "rooming house" and "rooming unit."

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

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

Extermination means the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating or trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

Garbage means the organic waste matter, both animal and vegetable, from houses, kitchens, restaurants, hotels, hospitals and the like, and comprises chiefly waste food, but also includes ashes, dirty rags and the like. The word "garbage" does not include liquid that may be drained into the sewer.

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, heater rooms, foyers or communicating corridors, closets and storage spaces.

Infestation means the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

Minimum housing inspector means a minimum housing inspector of the town or any other inspector so designated by the town manager, also referred to as "inspector."

Multiple dwelling means any building containing more than two (2) dwelling units.

Neglected means a residential structure on a parcel which has been issued one (1) or more violations of the town's nuisance and/or zoning codes within the past twelve (12) months.

North Carolina State Building Code or North Carolina Building Code means any or all volumes of the North Carolina State Building Code as promulgated by the North Carolina State Building Code Council.

Occupant means any person over one (1) year of age living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

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

Owner means any person who alone, jointly or severally with others:

1. Has title to any property, dwelling, dwelling unit or rooming unit with or without accompanying actual possession thereof;
2. Is listed as the owner of record, trustee, heir, responsible person, party of interest with the Rowan County Register of Deeds;
3. Is a mortgagee of record for any property, dwelling, dwelling unit or rooming unit; or
4. Has charge, care or control of any dwelling, dwelling unit or rooming unit as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Parties in interest means all persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

Performance Period is the period of time issued by the minimum housing inspector for the owner or designee to comply with code violations, which allows the officer to see efforts toward compliance or not.

Pier means a post, pole or column of masonry, concrete, steel or pressure-treated wood extending from a concrete or masonry footing to and supporting the building or portion thereof.

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

Property, when referred to in this chapter of the Code, shall refer only to residential properties and not include nonresidential properties.

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

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

Residential structure means any building, structure, manufactured home or mobile home, or part thereof, intended to be used as a dwelling, dwelling unit, rooming unit, for human habitation and includes any appurtenances therewith.

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

Rubbish means combustible and noncombustible waste materials, except garbage and ashes, and includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

Story means that part of the dwelling comprised between a floor and the floor or roof next above having the required amount of ceiling height.

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

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

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

Unfit for human habitation means that conditions exist in a dwelling which violate or do not comply with one (1) or more of the minimum standards of fitness or one (1) or more of the requirements established by this chapter.

Vacant means a residential structure on a parcel which lacks the habitual presence of human beings who have a legal right to be on the premises or at which substantially all residential occupancy has ceased.

- (B) Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit" or "premises" are used in this chapter, they shall be construed as though followed by the words "or any part thereof."

Cross reference— Administration, Ch. 2; buildings, Ch. 7; fire prevention and protection, Ch. 9; "rooming house" defined, § 1-2.

§ 160.06 - Conflicting provisions.

(A) If any provision, standard or requirement of this chapter is found to be in conflict with any provision of this Code or any other ordinance or code of the town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the town shall prevail.

§ 160.07 - Buildings unfit for human habitation declared nuisance.

(A) All buildings or portions of buildings which are used or intended for use as places of habitation and which are, under this chapter, unfit for human habitation are hereby declared to be a public nuisance and shall be repaired or rehabilitated to the standards of this chapter or demolished in accordance with the procedure set forth in this chapter.

§ 160.08. - Responsibilities of owners and occupants.

(A) Generally. The relative responsibilities of the owners, operators and occupants of places of habitation shall be as follows:

1. Public areas. Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
2. Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
3. Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities.
4. Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one (1) infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
5. Plumbing. Every owner or operator shall be responsible for providing adequate operable plumbing facilities, including an adequate water heater, and for maintaining such facilities in efficient operating condition; every occupant shall be responsible for exercising reasonable care in the use of

such facilities and for maintaining such facilities in a clean and sanitary condition.

6. Heating. Every owner or operator shall be responsible for providing adequate operable facilities and appliances supplying heat throughout the dwelling unit, rooming unit or lodging unit in compliance with the standards of fitness; every occupant shall be responsible for exercising reasonable care in the use of such facilities and appliances.
7. Care of premises. No occupant shall willfully destroy, deface or otherwise impair any of the facilities or equipment of the owner on the premises which he occupies and controls, or any part of the building itself.

§ 160.09 - Access by owner.

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

§ 160.10. — 160.25. - Reserved.

ARTICLE II. - MINIMUM HOUSING INSPECTOR^[2]

Footnotes:

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State Law reference— Building inspection, G.S. 160A-411 et seq.

§ 160.26. - Creation of office.

(A) There is hereby created the office of minimum housing inspector in the land management department and for the town.

§ 160.27. - Qualifications.

(A) The person appointed minimum housing inspector shall have a competent knowledge of building construction and be a Certified Housing Code Official.

§ 160.28. - Appointment.

(A) The office of minimum housing inspector shall be assigned to the Land Management Director by the town manager or his designee.

§ 160.29. - General duties.

(A) The minimum housing inspector is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers prescribed in this chapter. The minimum housing inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. It shall be the duty of the minimum housing inspector to:

1. Investigate the dwelling conditions, and to inspect dwellings and dwelling units, including abandoned dwellings, located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings and dwelling units.

2. Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated or dilapidated.
3. Keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness prescribed in this chapter.
4. Perform such other duties as may be prescribed in this chapter.

§ 160.30. - Powers.

(A) General. The minimum housing inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others granted in this chapter:

1. To inspect and investigate residential structures and the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation and unsafe for the public.
2. To administer oaths and affirmations, examine witnesses and receive evidence.
3. To obtain, serve, and execute administrative inspection warrants, if necessary, as provided in G.S. 15-27.2.
4. To enter upon premises for the purpose of making examinations and inspections; provided that such entries shall be made between 8:00 a.m. – 8:00 p.m. and in such manner as to cause the least possible inconvenience to the persons in possession.
5. To issue notices of violation and impose civil penalties.
6. To abate the violations if uncorrected by the owner.

(B) Inspections.

1. It shall be the duty of the minimum housing inspector to periodically examine the dwellings located in the town for the purpose of determining the fitness of dwellings for human habitation, and for the enforcement and administration of this Code.
2. Except as provided in NCGS 160A-424(b), the minimum housing inspector may make periodic inspections only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in a residential building or structure. For purposes of this section, the term "reasonable cause" means any of the following: (i) the landlord or owner has a history of more than two verified violations of the housing ordinances or codes within a 12-month period; (ii) there has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected; (iii) the land management department has actual knowledge of an unsafe condition within the building; or (iv) violations of the local ordinances or codes are visible from the outside of the property.

3. If, during the course of an inspection, the minimum housing inspector finds evidence of construction in progress that would require a permit (or permits) pursuant to N.C. § 160A-417, the owner shall produce evidence that such permit(s) have been obtained.
4. It shall be the responsibility of the owner to relocate any moveable obstructions (furniture, boxes, appliances and construction materials, for example) that would otherwise interfere with a complete minimum housing inspection.

§ 160.31. - Right of entry.

- (A) In the discharge of his official duties or for the purpose of making inspections, re-inspections and tests, the inspector is hereby authorized to enter, examine and survey at all reasonable times, all buildings, dwellings, dwelling units, rooming units and premises, including abandoned, vacant, and neglected residential structures and/or dwellings. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the inspector free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purposes of such inspection, examination and survey. Reasonable times as described herein shall be between the hours of 8:00 a.m. – 8:00 p.m.

§ 160.32. - Duties with regard to buildings and construction.

- (A) The Rowan County Building Inspections Department issues all building, electrical, mechanical, and plumbing permits within the Town of Spencer. The Building Inspector referred in this section shall be referencing this department.
- (B) The building inspector shall inspect all buildings and other structures in the town during and after construction or alteration and see that the provisions of Chapter 150 are enforced.
- (C) The building inspector shall make a monthly report to the town manager of all permits issued, inspections and reinspections made, fees collected and other official work performed in accordance with the provisions of Chapter 150.
- (D) The building inspector shall keep complete records of all permits issued, inspections and reinspections made, fees collected and other official work performed in accordance with the provisions of Chapter 150.

§ 160.33. - Conflict of interest.

- (A) While holding office, the minimum housing inspector shall not engage in or be interested in business in the town or county as an architect, engineer or builder, or in the sale of building materials, or accept a fee or other compensation for engineering advice on plans and specifications submitted.

§ 160.34. —160.50. - Reserved.

ARTICLE III. – MINIMUM HOUSING STANDARDS^[3]

§ 160.51. - Applicability of article; compliance.

- (A) Every dwelling and dwelling unit used as a human habitation or held out for use as a human habitation shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation,

any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article.

§ 160.52. - Minimum standards of fitness—Unsafe conditions.

(A) If any of the following unsafe conditions exist, the inspector shall determine that a dwelling is unsafe and represents an immediate threat to life and property. The owner shall, within forty-eight (48) hours of being notified in writing or in person, have the unsafe conditions corrected or be in violation of this article.

1. Unsafe fuel containers present inside the dwelling or dwelling unit and not stored properly.
2. Egress path or exit point is blocked or is not operable as was originally intended and does not meet requirements set forth in International Residential Code Section R311.4.4 (This includes, but is not limited to, windows and doors that open to the exterior of the dwelling).
3. Presence of raw sewage or open sewer in or near the dwelling, whether from broken, plugged or inoperative fixtures or pipes inside the dwelling. Improperly operating or no sanitary facilities.
4. No operable smoke and/or CO detectors installed in the dwelling per the International Residential Code Section R313.
5. Internal accumulation of garbage.
6. Presence of uncontained flammable or combustible liquids or gases, poisonous solids, liquids or gases or life- or health-threatening depletion of oxygen.

(B) If any of the following unsafe conditions exist, the inspector shall determine that a dwelling is unsafe and represents an immediate threat to life and property. The owner shall, within forty-eight (48) hours of being notified in writing or in person, have the unsafe conditions corrected or present a compliance plan in writing to the inspector, otherwise being in violation of this article. The compliance plan must state the reason for being unable to correct the unsafe conditions within forty-eight (48) hours, who will be performing the repair work and whether or not a permit will be required to complete the work.

1. No operating heating facilities between November 1 and March 30 of any year.
2. No potable water service. Every dwelling shall be furnished with a potable water supply system. "Potable water supply" means direct connection to a well, to a public water utility or equivalent water service delivery system, and does not include water delivered through a hose or via containers.
3. No electricity.
4. Unsafe or inoperable mechanical equipment (i.e., heating unit for dwelling, water heating unit) which does not meet the standards as set forth in International Property Maintenance Code Sections 505.4 and 602.2.
5. Unsafe cooking equipment. (All cooking equipment and facilities shall be installed in an approved manner and shall be maintained in safe working

condition. Portable cooking equipment employing flame is prohibited as a substitute for approved cooking equipment. Portable cooking equipment is prohibited outside the kitchen area of a boarding or rooming house.)

6. Failing or failed primary structural members that threaten the stability of the dwelling and/or visible structural defects that appear to render the structural members ineffective; there exists a physical threat due to immediate possibility of collapse.
7. Overloaded, non-isolatable electrical circuits or unsafe or exposed electrical wiring.
8. Missing roof, or part of roof missing.
9. Chimney flues kept in unsafe manner.
 - a. Chimneys must comply with the following:
 - i. Chimneys must be safe for use as specified and intended. "Specified" means use in connection with specific heating appliances or systems, or limitations of such use. "Intended" means use in connection with combustion of fuel, for which the following minimum chimney standards apply:
 1. Flue liner intact;
 2. Chimney mortar and bricks secure;
 3. Flue unobstructed;
 4. Fireplace firebricks intact;
 5. Stove piping placed and secured with clearances as follows:
 - a. Minimum twelve-inch brick clearance separation from combustibles; or
 - b. Minimum nine-inch air separation for insulated listed stove piping; or
 - c. Minimum one-inch air clearance surrounded by six-inch glass fiber insulation and ventilated thimble assembly; or
 - d. Minimum two-inch air separation for insulated listed stove piping with one-inch air space between inner and outer chimney components; and as otherwise described in National Fire Protection Association's Standard 211, "Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances," 1992 edition.
 6. Heating appliance clearances maintained at thirty-six (36) inches from combustible materials and/or surfaces, except that clearances may be reduced as provided in National Fire Protection Association's Standard 211. "Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances," 1992 edition.

- b. Chimneys that do not meet these standards shall be either repaired or sealed.
 - 10. Interior wall sheathing or sheeting that is not present, or has been removed, to a point where there is little or no protection from spread of fire from story to story, or from other habitable spaces to bedrooms.
 - 11. Holes in flooring large enough and located as such to create a hazard or loose flooring that could cause collapse.
 - 12. Five (5) or more minor violations exist as set forth in section § 160.53 of this Code.
- (C) The inspector shall give priority enforcement to any dwelling that falls within these provisions.

Cross reference— Fire prevention and protection, Ch. 9.

§ 160.53. - Minimum standards of fitness—Minor violations.

(A) Without excluding other ways and means of determining that a dwelling is unfit for human habitation, the inspector shall apply the minimum standards of fitness set forth in this Code in determining whether a dwelling is unfit and/or unsafe.

1. General requirements.

a. Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon. Beneath the dwelling, there must be firm, reasonably dry ground ("reasonably dry" means no mud, standing water, running water or evidence of same). Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent-proof and shall be kept in sound condition and good repair. Mobile homes shall be set up and secured as required by the state building code's regulations for manufactured/mobile homes.

b. Exterior walls.

i. Every exterior wall shall be reasonably weather tight, (free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, dampness, vermin or air to the wall cavity or to the occupied spaces of the building). Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather. All siding material shall be kept in repair. "Kept in repair" includes maintenance of painted surface areas where the protective paint surface no longer protects the wood or other organic building materials from weather damage, repair of cracks or holes exceeding one-quarter ($\frac{1}{4}$) inch in width and replacement of wood or other organic components that show visual signs of rot, or are soft to the touch or otherwise show evidence of rotting.

ii. Existing skirting shall be maintained free from broken or missing sections, pieces or cross members which compromise the insulation

characteristics of the skirting. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure. If skirting is not provided, or if existing skirting is removed, water lines and drain lines shall be insulated to prevent freezing.

- iii. Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the dwelling. Adequate means to gain access to the dwelling crawl space, via inside or outside, shall be furnished. Adequate means to gain access to heating or other mechanical equipment, via inside or outside, shall be furnished.
- c. Roofs. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the dwelling. The following may constitute evidence of defects:
 - i. Missing shingles;
 - ii. Flashing(s) missing;
 - iii. Roof deflection deeper than one-sixth ($1/6$) of the depth of the rafter and/or rafters cracked;
 - iv. Damage to ceilings (ceiling plaster loose or falling, brown spots, etc.), sheet rock hanging, etc. in rooms below roof; or
 - v. Fire damage.
 - vi. No more than three (3) layers of roofing materials (shingles, shakes, roofing) shall be permitted without certification by an architect or engineer registered in North Carolina that the roof will safely support all required live and dead loads pursuant to requirements of the North Carolina State Building Code.
- d. Attics. All attics shall be adequately ventilated per Volume VII Section 806 of the North Carolina State Building Code.
- e. Insulation. Insulation rated at least R-11 (or minimum thickness of four (4) inches) and consisting of rock wool (glass), fiberglass or other material exhibiting fire resistance and insulation capacities equal to (or greater than) rock wool or fiberglass shall be required in the accessible ceiling or attic of the highest story containing habitable rooms in all dwellings.
- f. Means of egress.
 - i. Every dwelling unit shall be provided with adequate means of egress as required by the state building code.
 - ii. In multi-family houses having two (2) or more dwelling units above the first story, every dwelling unit above the first story shall have access to at least two (2) exit ways. One (1) common exit is permitted provided that all of the following conditions are met:
 1. Maximum distance of travel to reach the exit or stairs from the entrance door to any dwelling unit shall not exceed thirty (30) feet.

2. Maximum number of dwelling units served by the exit shall not exceed four (4) per floor.
 3. Maximum gross area of the dwelling units shall not exceed three thousand five hundred (3,500) square feet per floor.
 4. Maximum building height shall be one (1) story above the level of exit discharge.
- iii. Security bars. When security bars exist, one (1) grill in each room used for sleeping should be equipped with a release device designed for emergency escape. Occupancies below grade, windows fitted with security grills intended for emergency escape should have a vertical measurement of no more than forty-four (44) inches from the sill or any fixed portion of the grill to the finished floor. Exception: If a room used for sleeping has a door leading directly to the outside of the building at or to grade level.
- g. Stairs, porches and appurtenances.
- i. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair. Stairs and steps shall be free of holes, grooves and/or cracks large enough to constitute accident hazards. Risers shall be reasonably uniform in height. Stair coverings shall be securely mounted and shall not interfere with safe use of the stairs.
 - ii. A minimum of three (3) foot by three (3) foot landing shall be required on each side of an egress door provided the door swings out over the stairs. The floor or landing shall not be more than one and one-half (1½) inches lower than the top of the threshold.
- h. Protective railings. Every porch, terrace or entrance platform thirty (30) inches or more in height, above adjacent finish grade shall be equipped with railings or guards not less than thirty-six (36) inches high. Handrails, continuous on all open sides of stairs exceeding four (4) risers, leading to a platform, porch or terrace, shall be installed at least thirty (30) inches high. Interior stairs exceeding four (4) risers, open on both sides, including basement stairs, shall have a continuous handrail and railing on one (1) side and railing on open portion of other side. Stairs open on one (1) side exceeding four (4) risers shall have a continuous handrail and railing on the open side. Stairs exceeding four (4) risers, enclosed on both sides, shall have a minimum of one (1) continuous handrail. When exterior stairwell step flight has total rise of thirty (30) inches or more, a continuous, durable handrail must be maintained. Handrails or protective railings shall be capable of bearing normally-imposed loads and be maintained in good and safe condition. Adjacent horizontal or vertical rails or rail members shall be spaced no more than six (6) inches apart for protection of children when such protective railing is along a platform or stair thirty (30) inches or more in height above finished grade.

- i. Windows and window assemblies.
 - 1. Each window shall be weather tight, watertight and rodent-proof, and shall be kept in sound working condition and good repair. If daylight can be seen around the inside or outside perimeter of the window casing, that window does not meet this standard. Every operable window shall be equipped with an effective locking mechanism or other mechanism that functions as a lock.
 - 2. Each window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes. Wood, cardboard or polyethylene or other plastic film are not approved substitutes. A window pane with a crack or hole must be replaced or the crack or hole sealed with clear silicone seal. A broken window (pieces missing or exposed glass edge) must be replaced.
 - 3. Each window sash shall be properly fitted and weather tight within the window frame. If daylight can be seen around the inside or outside perimeter of the window sash, that window does not meet this standard.
 - 4. Each window required for ventilation for habitable rooms shall be capable of being easily opened or closed and secured in position by window hardware.
 - 5. Security bars. When security bars exist one (1) grill in each room used for sleeping should be equipped with a release device designed for emergency escape. Occupancies below grade, windows fitted with security grills intended for emergency escape should have a vertical measurement of no more than forty-four (44) inches from the sill or any fixed portion of the grill to the finished floor. Exception: If a room used for sleeping has a door leading directly to the outside of the building at or to grade level.
- j. Interior floors, walls and ceilings. Every floor, interior wall and ceiling shall be substantially vermin-proof, shall be kept in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Interior finish shall be free of excessive holes and cracks. No cardboard or other highly combustible or improper wall finish or ceiling finish shall be allowed. No rotted, fire-damaged, or loose flooring shall be allowed. All floors shall be level enough so as not to present a tripping hazard. Every bathroom floor surface and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.
- k. Structural supports. Every structural element of the dwelling shall be maintained in a structurally sound condition and show no evidence of deterioration which would render it incapable of carrying normal loads. Termites, termite damage, fire damage, absence of footings or cracked or split wood structural supports are examples of evidence of deterioration. When additional direct support is required, piers shall be used under girders,

at walls or other primary support points. Stiff knees shall not be used under girders, at walls or at other primary support points, but may be used for indirect support only.

- l. Interior door hardware. Every interior door shall be provided with proper hardware, securely attached and maintained in good condition. Hasp lock assemblies are not permitted on any side of the door of habitable rooms.
- m. Bathroom access. Bathroom access shall be provided in a manner that does not require an occupant to leave the dwelling to gain access. Privacy of bathrooms shall be afforded by doors complete with privacy hardware intended by the manufacturer for that purpose.
- n. Water closet, lavatory and bath facilities for boarding houses. At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever such facilities are shared. All such facilities shall be located on the floor they serve within the dwelling so as to be private and reasonably accessible from a common hall or passageway to all persons sharing such facilities.
- o. Exterior doors.
 - 1. Every exterior door, basement or cellar door and hatchway shall be substantially weather tight, watertight, and rodent-proof, and shall be kept in sound working conditions and good repair. "Good repair" includes no delamination or splitting of wood doors.
 - 2. Every exterior door to a dwelling shall be provided with properly-installed hardware that is maintained to insure reasonable ease of operation to open, close or secure in an open or closed position, as intended by the manufacturer of the door and the attached hardware. Properly installed hardware shall consist of knob, bib and operating lock with sufficient strength to prevent unauthorized entry in all situations short of disassembly, force or use of a key or pick. All exterior doors shall be capable of being locked from the inside and outside in a manner that will provide for the safety and security of the occupant(s).
- p. Exterior door frames.
 - 1. Exterior door frames shall be properly maintained and shall be equipped with weather stripping and thresholds as required to be substantially weather tight, watertight, and rodent and insect restrictive when the door is in a closed position. If daylight can be seen from inside around the inner perimeter of an exterior door frame, that door frame does not meet this standard.
 - 2. Exterior door jambs, stops, headers and moldings shall be securely attached to the dwelling, maintained in good condition without splitting or deterioration that would minimize the strength and security of the door in a closed position. If daylight can be seen from

inside around the outer perimeter of an exterior door frame, that door frame does not meet this standard.

- q. Protective treatment. All exterior wood surfaces (other than decay-resistant woods, such as cedar, redwood, cypress or pressure-treated lumber) shall be protected from the elements and decay by painting or other protective covering or treatment. Minimal chipping or peeling of surfaces not directly exposed to the elements and not reasonably expected to contribute to decay of wood surfaces is not required to be treated. All siding shall be weather-resistant and watertight. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness. "Sufficiently tuck pointed" means that mortar shall not be removable by finger pressure.
 - r. Outbuildings. Garages, storage buildings and all other accessory structures shall be structurally sound. When the condition of plumbing, heating, structural or electrical facilities present an imminent danger to occupants, or to the public, if such outbuilding is accessible to the public, those facilities shall be made safe in a manner consistent with this Code.
 - s. Use of other areas for living purposes. No cellar shall be used for living purposes. No basement shall be used for living purposes unless:
 - i. The floor and walls are substantially watertight.
 - ii. The total window area, total openable window area and ceiling height are equal to those required for habitable rooms.
 - iii. The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or accessway.
2. Light, ventilation and space limitations.
- a. Calculation of floor area. For purposes of this article, floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten (10) percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half (4½) feet shall not be considered as part of the floor area in computing the total area of the room to determine maximum permissible occupancy.
 - b. Room sizes.
 - i. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the state residential building code.
 - ii. Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.
 - iii. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy

(70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

- c. Ceiling height. At least one-half ($\frac{1}{2}$) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet six (6) inches.
- d. Windows. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent-proof, and shall be kept in sound working condition and good repair. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of structures face window of any such room and such light-obstruction structures are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.
- e. Screens. In order to provide for safe ventilation and provide for the safety of children, dwelling units which do not have central air conditioning systems shall have fitted screens in good repair for all operable windows in rooms where the floor level is eight (8) or more feet above finished grade. Windows in rooms used for sleeping purposes must have screens. One (1) window or skylight facing directly outdoors must be provided in all habitable rooms and must have a screen. "Good repair" means screens providing a continuous barrier to insects.
- f. Ventilation.
 - 1. Every habitable room (except kitchens with exhaust fans in good working order) shall have at least one (1) window or skylight which can be easily opened. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation.
 - 2. Year-round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window-type air conditioning units are not included in this exception.
- g. Bathrooms. Every bathroom with tub and/or shower shall comply with light and ventilation requirements herein, for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an operable ceiling electrical exhaust fan.

3. Plumbing facilities and fixture requirements.
 - a. Sanitary. Every dwelling shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstruction. "Properly connected" means connected with approved plumbing materials (no radiator hose, duct tape, etc.). "Properly installed" means continuous piping that met the North Carolina State Building Code in effect at the time of installation. Any new, additional or repair plumbing must meet the current requirements of the North Carolina Building Code. Provided, however, that the kitchen sink standards enumerated herein shall not apply to hotels, motels and other transient places unless kitchen sinks are otherwise required.
 - b. Location of sanitary facilities. All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room (or adjoining rooms) affording privacy to the user. Required bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed areas.
 - c. Hot and cold water supply. Every dwelling shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold and hot water. All water shall be supplied through an approved distribution system connected to a potable water supply.
4. Mechanical and electrical requirements.
 - a. Electric service. Adequate electric service must be provided to the dwelling. "Adequate" means a minimum of 60-ampere service with no more than five (5) two-wire branch circuits connected and a total connected load of less than ten (10) kilowatts. If a service has six (6) or more two-wire branch circuits, 100-ampere service at a minimum must be provided. If the connected electrical load exceeds the capacity of a 100-ampere service, a service of sufficient ampere capacity to safely bear the connected electrical load shall be furnished. "Edison base" fuses shall not be permitted as components of any electrical service, and no more than one (1) two-wire branch circuit shall be connected to any fuse, circuit breaker or other approved over-current protection device. Drop cords from a neighboring source, generator or similar source are not "adequate" for purposes of this Code.
 - b. Every new or additional electrical outlet and fixture required by the code shall be installed, maintained and connected to a source of electric power in accordance with the provisions of the North Carolina Building Code.
 - c. Lights and outlets.
 - i. Every habitable room or space shall contain at least two (2) separate and remote duplex receptacle outlets.

- ii. Bedrooms shall have, in addition, at least one (1) wall switch controlled lighting outlet or ceiling light fixture or permanent fixture controlled by a pull-chain.
 - iii. In kitchens, three (3) separate, remote and accessible receptacle outlets shall be provided, and a wall or ceiling light outlet controlled by a wall switch or fixture pull-chain shall be provided. An outlet dedicated to powering an appliance and/or not easily accessible because it is blocked by an appliance shall not be counted as a separate outlet. In kitchens with less than six (6) linear feet of counter top, two (2) of the three (3) required outlets may be within the counter top space.
 - iv. Exception: When an existing kitchen area is less than seventy (70) square feet of floor area, two (2) separate, remote and accessible receptacle outlets shall be provided, and a wall or ceiling light outlet controlled by a wall switch or fixture pull-chain shall be provided.
 - v. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) ceiling-mounted or wall-mounted fixture outlet. For purposes of this section a laundry closet shall not be considered a laundry room.
 - vi. In bathrooms, the lighting outlet shall be controlled by a wall switch or fixture pull-chain. In addition to the lighting outlet in every bathroom and laundry room, there shall be provided at least one (1) receptacle outlet.
 - vii. All outlets, switches, wiring and light fixtures shall be safe and operable. No extension cords shall be spliced or used as fixed wiring of a dwelling. Electrical odor, flickering lights, visibly frayed wiring, broken switch plates or outlet plates or failure of circuit-tester check shall be evidence of an unsafe electrical system.
- d. Lighting in halls and stairway. Every hall and stairway of every dwelling, shall be lighted, including exterior stairways and stairways in halls and public space.
 - e. Dryer vents. Dryer vents shall be installed per Volume VII (CABO) Chapter 18, Section 1801, of the North Carolina State Building Code. This requirement shall become effective July 1, 2004.
 - f. Range hoods. Range hoods, if installed, shall be vented to the outdoors per Volume VII (CABO) Chapter 18, Section 1802, of the North Carolina State Building Code. Vents serving range hoods shall not terminate in an attic or crawl space or other areas inside the building. Unvented range hoods must be installed per manufacturer's recommendations.

§ 160.54. —§ 160.60. - Reserved.

ARTICLE IV Vacant, Neglected, Abandoned Residential Properties

§ 160.61. - Vacant, Neglected and Abandoned Residential Properties.

- (A) Purpose and intent. The Town of Spencer Board of Aldermen recognizes that residential properties exist within the town limits that are vacant, neglected and abandoned. The purpose of this regulation is to focus on neglected and abandoned residential properties that will continue to deteriorate into a condition that cannot be repaired if not addressed immediately. These properties are vulnerable to break-ins, criminal activity, destruction, fire and other unsafe activities. In addition, they attract and/or cause blight to surrounding properties. For these reasons, it is essential to public health, safety and welfare that the town set standards that will not allow a residential property to remain in a deteriorated or dilapidated condition for an extended period of time.
- (B) Broken Window Theory. That theory states that "one broken window, left unrepaired, leads to more broken windows as it gives the appearance that no one cares for or protects the property; that the building becomes increasingly more deteriorated, and that the deterioration may have a ripple effect on other parts of the neighborhood."
- (C) Maintenance and Determination. Investigation, determination, inventory, maintenance, and violations of Vacant, Neglected and Abandoned Residential Properties are located in Article V and Article VII of this chapter.

§ 160.62. - Regulation of boarded up residential structures.

- (A) Purpose.
 - 1. It is the purpose of this section to promote the health, safety and welfare of the citizens of the Town of Spencer by establishing reasonable regulations for boarded up residential structures in order to prevent their detrimental effects in the town's neighborhoods.
- (B) Standard Requirements.
 - 1. The owner of a residential structure that is boarded up shall give notice to the town to have the property added the vacant residential structure inventory, maintained by the town;
 - 2. The residential structure shall be boarded up as prescribed herein in subsection (D);
 - 3. A residential structure shall not be allowed to be boarded up for a period greater than two (2) years. After six (6) months, the owner shall notify the town of their intent to repair the structure and agree to an "Intent to Repair" plan prepared by the land management department, described herein.
 - 4. A residential structure will be allowed to remain on the vacant residential structure inventory for six (6) months, renewing every 6 months for a period of time not greater than two (2) years, so long as the following conditions are met:
 - a. The property owner or agent thereof has signed an "intent to repair" letter as provided by the land management department;

- b. The property owner or agent thereof is actively working on repairs with visible progress being made as determined by the land management director;
 - c. If permits are required for the repairs being performed, they have been obtained by the property owner or agent thereof;
 - d. The structure meets all other minimum housing standards as defined in this chapter and remains unoccupied; and
 - e. The property owner has filed a claim with their insurance company due to fire or other type of damage, and the owner can produce documents thereof as proof of filing.
5. Guidelines for boarding up a structure. In boarding up a residential structure, the following guidelines shall be used, unless approval is given otherwise by the land management director:
- a. Cut treated plywood, or approved substitute, to fit over the window and door openings, flush with outside of the molding.
 - b. Place the plywood over the exterior opening and use a minimum 2½ inch exterior screw to secure to the frame of the opening. Screws should be placed every twelve (12) inches around the perimeter of the board. If the frame is unable to be used to secure plywood to the opening, the method of using 2 x 4s and carriage bolts may be a substituted process.
 - c. Paint the plywood as specified for each specific opening:
 - i. For doors, paint the plywood white.
 - ii. For windows, paint the plywood black. Then paint a white crosshair in the middle of the plywood to resemble a four-pane window. White duct tape may be substituted for white paint if approved by the land management director.

(C) Grace period. Any owner who has boarded up a residential structure prior to the effective date of this chapter shall comply with the regulations contained herein within ninety (90) days after the effective date of this chapter. If after ninety (90) days, an owner has failed to board up a residential structure in compliance with this chapter shall be in violation of this code.

§ 160.63. —§ 160.70. - Reserved.

ARTICLE V INVENTORY OF RESIDENTIAL STRUCTURES

§ 160.71. – Inventory of Vacant Residential Structures

(D) Inventory of Vacant Residential Structures

1. No owner shall board up a residential structure without notifying the inspector for the town, no later than forty-eight (48) hours after boarding it up in compliance with this chapter and to list the structure on the vacant residential structure inventory.
2. Notification must be made by the owner or designee of the residential structure on a form prescribed by the land management department, and submitted to the inspector. The completed form shall contain the following information:
 1. The full name and mailing address of the owner;
 2. If the owner lives out of state, list the name and address of the caretaker of the property;
 3. The property address, tax parcel number, deed book and page of the residential structure to be boarded;
 4. A valid telephone number to reach the owner(s) and caretakers of the property;
 5. If the owner is a partnership or corporation, the owner shall designate one (1) of its general partners or officers to act as its agent and provide their residence and business addresses and valid telephone numbers for the agent;
 6. The owner's plan for the occupancy, repair or demolition of the residential structure;
 7. The owner's plan for regular maintenance during the period the residential structure is boarded up; and
 8. Such other information as the land management department shall from time to time deem necessary.
3. The owner or designee shall have a continuing duty to promptly supplement inventory information required by this section in the event that said information changes in any way from what is stated on the original form submission.
4. A residential structure listed on this vacant structure inventory does not excuse the owner from compliance with any other applicable ordinance, regulation, code, or statute of the Town of Spencer Code of Ordinances. By accepting an owner's inventory submission, the land management department has not determined that the residential structure being listed is in compliance with any applicable local or state regulation or law including a designation as a neglected or abandoned structure as defined.
5. Grace period. Any owner who has boarded up a residential structure prior to the effective date of this chapter shall comply with the regulations contained herein within ninety (90) days after the effective date of this chapter. If after ninety (90) days, an owner has failed to notify the inspector and have their

property added to the vacant residential structure inventory, the owner shall be in violation of this code.

§ 160.72. —160.75. - Reserved.

ARTICLE VI. BOARDING / ROOMING HOUSES [\[4\]](#)

§ 160.76. - Applicability of chapter.

(A) All of the provisions of this chapter shall be applicable to boarding / rooming houses and to every person who operates a rooming house or who occupies or lets to another for occupancy any room unit in any rooming house, except as provided in the provisions of this article.

§ 160.77. - Water closet, lavatory and bath facilities.

(A) At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(B) Every water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (a) of this section shall be located within the rooming house and within rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

§ 160.78. - Minimum floor area for sleeping purposes.

(A) Every room occupied for sleeping purposes in a rooming house by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

§ 160.79. - Maintenance of sanitary conditions.

(A) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

§ 160.80. —§ 160.85. - Reserved.

ARTICLE VII. ENFORCEMENT

§ 160.86 - Compliance with orders; violations.

- (A) It shall be unlawful for the owner of any dwelling or dwelling unit, including abandoned, vacant, or neglected residential structures, to fail, neglect or refuse to repair, alter or improve the dwelling or dwelling unit or to vacate and close and remove or demolish the dwelling or dwelling unit, upon order of the inspector duly made and served as provided in this chapter, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to article III of this chapter, to occupy or permit the occupancy of the dwelling or dwelling unit after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (B) Responsibility for violations. Every owner shall remain ultimately responsible for violations of responsibilities imposed upon him by this chapter or any other ordinance, although a similar responsibility may also be imposed upon the occupant and although the occupant may have agreed to bear the responsibility imposed by ordinance upon the owner.

§ 160.87. - Preliminary investigation; notice; minimum housing hearing.

- (B) Reporting a Code Violation. A code violation can be reported to a inspector through a petition, by a public authority, by any citizen, or discovery of a violation by the inspector on patrol of a suspected dwelling or dwelling unit that may be unfit for human habitation, contain violations of any code in this chapter. When reported, an investigation will be conducted within 48 hours, notwithstanding a public safety hazard, which will be investigated immediately.
1. Preliminary Investigation. The inspector will conduct a detailed investigation and document their findings. Attempt to make a face-to-face contact with the owner of record with the Rowan County Register of Deeds, heirs, parties of interest, or tenant and request to inspect the property. If access to the property is denied, seek an Administrative Inspection Warrant to investigate any possible code violations as prescribed herein.
 2. Filing Complaint with the Owner of Record. Whenever it appears to the inspector, upon inspection, that any dwelling or dwelling unit contains violations of the minimum housing standards in this chapter, unfit for human habitation, or unsafe to the general public, he shall issue and cause to be served upon the owner of record, heirs, parties of interest, and tenants in such dwelling or dwelling unit, a complaint stating the sections violated and a notice of hearing that will be held before the land management director.

3. Service of Process.

- a. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this chapter shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 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.
 - b. Service by Publication. 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, or, if the owners are known but have refused to accept service by registered or certified mail, and the public officer makes an affidavit to that effect, then 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 at which personal service would be required under the provisions of this chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.
4. Minimum Housing Hearing. The minimum housing hearing shall occur not less than ten (10) nor more than thirty (30) days after serving a complaint. The owner or any party of 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 which reported the violation to code enforcement relating to such dwelling. 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.

§ 160.88. – After the Minimum Housing Hearing

- (A) At the completion of the minimum housing hearing as provided in § 160.87, the director shall state in writing his determination of the following:
1. A Findings of Fact of existing code violations, remedies, maintenance standards required, maintenance standards during performance period, and timeline for compliance;
 2. If it is determined that the dwelling or dwelling unit is deteriorated, 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 or designee thereof an order directing and requiring the owner to **repair, alter, and improve** such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified performance period, not to exceed ninety (90) days. Such order may also direct and require the owner to vacate and close such

dwelling or dwelling unit until such repairs, alterations and improvements have been made.

3. If it is determined that the dwelling or dwelling unit is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner or designee thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to **vacate, remove or demolish** the dwelling or dwelling unit within a specified performance period not to exceed ninety (90) days.
4. If the structure meets the criterion of a neglected, vacant, or abandoned structure, prepare an "Intent to Repair Order" and include the maintenance standards required during the performance periods.

§ 160.89. – Structures in the Historic District.

(A) *Structures in the Historic District.* Whenever a dwelling is located in a designated historic district of the town and the historic preservation 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 as unsafe, the inspector may issue an order that the dwelling be vacated and closed consistent with North Carolina General Statutes 160A-400.14(a).

1. If a structure located within a historic district or other area of the town has historical significance as defined herein, the Historic Preservation Commission may grant additional time for the purpose of bringing the property into full compliance as follows:
 - a. If, at the end of the time granted by the inspector as prescribed in § 160.88 (A)(2), 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.
 - b. 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 by the board will constitute a violation of this special provision, and all other provisions of the housing code shall apply.
2. Before the inspector grants the additional time prescribed in § 160.89 (A)(1), the historic preservation commission shall find the following:
 - a. That the structure is included on the town'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 Spencer Historic Preservation Commission; and
 - b. That the owner or other individual or agency has indicated interest in actively pursuing the preservation of the structure; and
 - c. 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 housing inspector.

§ 160.90 – Intent to Repair Order

- (A) As directed herein, the owner must agree to an “Intent to Repair Order” prepared by the inspector within five (5) days of the minimum housing hearing conducted in this chapter. If the owner fails to do so, proceed with the procedure in § 160.92. The following information shall be in the order:
1. Name, Phone number, E-mail address (if available), and Mailing Address of the Property Owner
 2. If owner lives more than fifty (50) miles from property, a property manager eighteen (18) years of age or older must be listed with the same contact information required for the owner.
 3. Plans outlining how often the owner or property manager will physically visit the property to ensure it remains in compliance with the Town’s Code of Ordinances (i.e. high grass, trash, debris, windows and doors secured and unbroken, etc.) which shall be at a minimum of every fifteen (15) days.
 4. Copy of most recently executed deed.
 5. Statement regarding the future plans for the property (i.e. make repairs by certain date, to be used as a rental or owner occupied property, why property is in the current condition).
- (B) Supplement. The owner shall have a continuing duty to promptly supplement the information in the “Intent to Repair” order in the event any of the information changes.
- (C) Notice of Change. The owner shall give fifteen (15) day written notice to the inspector by certified mail or hand-delivered to the Land Management Director at Town Hall 600 S. Salisbury St Spencer, NC 28159 if they intend to discharge, sale, donate, or otherwise change the owner of the property as filed with the Rowan County Register of Deeds.
- (D) Responsibility. Having submitted and agreed to an “Intent to Repair” order does not excuse the property owner from maintaining compliance with any other applicable ordinance, codes, regulations, or statutes regarding the same property.
- (E) Maintenance Standards for Residential Structures (Not Deemed Neglected and Abandoned Structures):
1. The owner of record, responsible person, tenant or parties of interest must meet with the inspector once every fifteen (15) days on site for an inspection of progress completed during the previous performance period. A record of these inspections shall be maintained and become part of the investigation record.
 2. If compliance is continuing, an additional fifteen (15) day performance period may be granted by the inspector. The property owner or designee and inspector shall meet no less than 15 days apart until compliance is achieved, however a total performance period shall not be greater than 90 days from the date the Intent to Repair Order.

3. The property owner is required to keep the exterior of the dwelling and its surrounding property in compliance with all town codes and maintained so as not to cause a negative impact on neighboring properties.
4. The property owner shall make every attempt to keep the dwelling in a condition that does not appear to be vacant and therefore an attractant to vagrants or criminal activity.
5. The property owner shall keep all vegetation and overgrowth on the property trimmed appropriately to deter criminal activity. This includes, but is not limited to, keeping shrubbery trimmed so it does not create a screen or blind spot for vagrants and other unwanted persons to hide behind.
6. All windows, doors and other openings shall be secure and unbroken as to not allow unwanted persons to enter the dwelling. If unsecured, the land management department will secure and the cost will be the responsibility of the property owner.

(F) Maintenance Standards for Residential Structures (Deemed to be Neglected and Abandoned Structures):

1. The owner of record, responsible person, tenant or parties of interest shall inspect the property once every fifteen (15) days. A record of these inspections, photos, and work completed should be maintained and provided to the inspector not more than 15 days apart to justify the continuance of fifteen (15) day performance periods. Failure to provide this required update by the set deadlines, shall constitute a violation, and will require the owner to meet on-site with the inspector, instead of submitting a report. A second violation of not providing this required information will result in no further performance periods granted and an abatement process shall begin as deemed appropriate by the land management director.
2. The property owner is required to keep the exterior of the dwelling and its surrounding property in compliance with all town codes and maintained so as not to cause a negative impact on neighboring properties.
3. The property owner shall make every attempt to keep the dwelling in a condition that does not appear to be vacant and therefore an attractant to vagrants or criminal activity.
4. The property owner shall keep all vegetation and overgrowth on the property trimmed appropriately to deter criminal activity. This includes, but is not limited to, keeping shrubbery trimmed so it does not create a screen or blind spot for vagrants and other unwanted persons to hide behind.
5. All windows, doors and other openings shall be secure and unbroken as to not allow unwanted persons to enter the dwelling. If unsecured, the land management department will secure and the cost will be the responsibility of the property owner.

(G) Exemptions. The land management director may exempt a property for a specific period of time that has suffered extensive fire damage or catastrophic damage. An "Intent to Repair Order" must be completed and returned within thirty (30) days of

the date mailed outlining any plans for repair. Any exemption granted shall be for a specific period of time, not to exceed ninety (90) days.

- (H) This section also applies to buildings in which the new construction, renovation or rehabilitation that has not been completed after one (1) year from the issuance of a Zoning and/or Building Permit authorizing such work. All necessary permits must be obtained from the town and county as required and shall be proceeding diligently toward completion.

§ 160.91. – Violations, Penalties, Appeal

(A) Violations.

1. It shall be unlawful for the property owner, heirs, responsible person, parties of interest, tenant to fail to comply with a lawful compliance order issued by a inspector regarding a violation of this chapter.
2. It shall be unlawful for the property owner, heirs, responsible person, parties of interest, tenant to fail to comply with any conditions set forth in this chapter.
3. It shall be unlawful for the property owner, heirs, responsible person, parties of interest of a vacant residential structure to fail to give notice to the town to have the property added the vacant residential structure inventory, within fifteen (15) days of the structure becoming vacant.
4. It shall be unlawful for the property owner, heirs, responsible person, parties of interest of a vacant residential structure to leave the structure boarded up beyond six (6) months with non-compliance of this chapter or beyond two (2) years as identified by the land management department.
5. It shall be unlawful for an owner to board up a residential structure in a manner that does not comply with the guidelines in § **160.62 (B)**, unless the owner has obtained the land management director’s prior written approval for an alternative method of boarding up a residential structure.

(B) Penalties for Violations.

1. Any person determined to be in violation of any of the provisions in this chapter shall receive a civil citation as prescribed herein, if the violation(s) remain after notification by the inspector. Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, to prevent the enforcement of any other remedy provided in this chapter or in other ordinances or laws, including, but not limited to:
 - a. Civil citation. Any owner who fails to correct the violation(s) of this chapter before a specified deadline set by the inspector shall be subject to a civil penalty of two hundred fifty dollars (\$250.00) for the first day of non-compliance. If after a specified period of time set by the Minimum Housing Inspector, has expired and the structure remains in non-compliance, the civil penalty shall automatically activate in the amount of fifty dollars (\$50.00) for each day thereafter until the structure is in compliance. Each day the violation exist shall constitute a violation. Legal

Action and collection of the civil penalty shall be in the manner specified in Chapter 35 of the Town of Spencer Code of Ordinances.

- b. If a person fails to pay the civil penalty within ten (10) days after being notified of the amount due, the town may recover the penalty together with all costs by filing a civil action in the general court of justice or small claims court for amounts \$5,000 or less, in the nature of a suit to collect a debt and the land management director shall represent the town in small claims court.
 - c. **Abatement of Unsecured Structures.** At any time after the initial performance period of a Notice of Violation, the Inspector may cause the structure to be brought into compliance with a structure which is unsecured and in need of boarding up, in addition to the issuance of a civil penalty process. The cost of such abatement and fees associated with the same shall constitute a tax lien against the premises.
2. *Vacant structures.* A property that is determined to be vacant which is not in violation of any provisions of this chapter or any other applicable town code is not subject to any penalties, fees or fines in this chapter.
 3. *Neglected structures.* A property that is determined to be neglected as defined in this chapter is subject to civil penalties as set forth herein until all requirements, guidelines and maintenance standards have been complied as prescribed herein.
 - a. After the property has not had any additional nuisance or zoning violations within the most recent twelve-month period ending the last day of the previous month, as identified by the inspector, the property will be deemed compliant, and no longer meet the definition of a neglected structure. If the property becomes occupied by a person or person(s), the property will no longer meet the definition of a negligent property but may still have unresolved code violations subject to the Town of Spencer Code of Ordinances. The inspector shall continue to enforce applicable code violations as identified in the Code of Ordinances.
 - b. All other chapters of the town code must be followed and may be pursued in addition to the penalties herein.
 4. *Abandoned structures.* A property that is determined to be abandoned as defined in this chapter is subject to all penalties as described herein.
 - a. **Compliance.** The property must be brought into compliance with all minimum housing code violation within a time period of no more than ninety (90) days as identified by the minimum housing inspector.
 - b. **Non-Compliance.** If the property isn't brought into compliance after the ninety (90) day period, any violations not in compliance shall be abated by the land management department, or a contractor thereof.
 - c. **Cost of Abatement.** All costs of abatement will be the responsibility of the property owner and if unpaid after 10 days of service of a "Notice of Bill" by

the inspector, shall be a lien against the real property upon which the cost was incurred as provided by G.S. § 160A-443(6).

- d. After the property has not had any additional minimum housing, nuisance or zoning violations within the most recent twelve-month period, ending the last day of the previous month, as identified by the inspector, the property will be deemed compliant, and no longer meet the definition of an abandoned structure. The property may not be occupied until all minimum housing violations are corrected if the inspector deems the dwelling unit or rooming units to be unfit for human habitation and posted as same. Occupancy of such property is considered a misdemeanor as provided in G.S. 14-4.

§ 160.92. - Failure to comply with order.

- (A) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter or improve the dwelling or dwelling unit within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the inspector to vacate and close and remove or demolish the dwelling or dwelling unit within the time specified therein, **the inspector shall submit** to the Town Board of Aldermen at its next regular meeting a resolution directing the town attorney to petition the superior court for an order directing such owner to comply with the order of the inspector, as authorized by G.S. 160A-446(g).
- (B) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in subsection (a) of this section, **the inspector shall submit** to the Town Board of Aldermen an ordinance ordering the inspector to cause such dwelling or dwelling unit to be repaired, altered, improved or vacated and closed and removed or demolished, as provided in the original order of the inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. 160A-443 and section § 160-57.
- (C) In addition to other penalties, any person who fails to comply with an order of the inspector to repair, alter or improve or to vacate and close and remove or demolish the dwelling or dwelling unit within the time specified therein, shall be subject the civil penalties described in this chapter.

§ 160.93. - Appeals.

- (A) Procedure.
 - 1. An appeal from any decision or order of the inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the town. Any appeal from the inspector shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the land management director, which will file with the Zoning Board of Adjustment, a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the inspector shall

forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made.

2. *Refusing to allow an aggrieved person to do any act* - When an appeal is from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed.
3. *Requiring an aggrieved person to do any act* - When any appeal is from a decision of the inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the inspector certifies to the board, after the notice of appeal is filed with him, that, by reason of the facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the inspector, by the board, or by a court of record upon petition made pursuant to G.S. 160A-446(f) and section §**160.93**.
4. The board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the inspector, but the concurring vote of four (4) members of the board shall be necessary to reverse or modify any decision or order of the inspector. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
5. If a structure located within a historic district or other area of the town has historical significance as defined herein, the board may grant additional time for the purpose of bringing the property into full compliance as follows:
 - a. If, at the end of the time granted by the inspector as prescribed herein, 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.
 - b. Progress reports will be made to the board within the time period prescribed by the board. Failure of the property owner to make these reports or to complete the work according to the schedule set by the board will constitute a violation of this special provision, and all other provisions of the housing code shall apply.
6. Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.

(B) Powers and duties of zoning board of adjustment. All appeals which may be taken from decisions or orders of the inspector pursuant to subsection (A) of this section shall be heard and determined by the zoning board of adjustment. As the appeals body, the board shall have power to fix the times and places of its meetings and to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by subsection (A) of this section and shall keep an accurate journal of all its proceedings.

§ 160.94. - Petition to superior court.

(A) Any person aggrieved by an order issued by the inspector or a decision rendered by the zoning board of adjustment under this article shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the inspector pending a final disposition of the cause, as provided by G.S. 160A-446(f).

§ 160.95. - Service of complaints and orders.

(A) Complaints or orders issued under this chapter by the minimum housing inspector shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, and the inspector makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the town at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

§ 160.96. - In rem action by inspector; placarding of buildings.

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the inspector issued pursuant to the provisions of this chapter, and upon adoption by the Town Board of Aldermen of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and prescribed herein, the inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Town Board of Aldermen, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "**This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.**" Occupation of a building so posted shall constitute a misdemeanor.

(B) Each such ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index as provided by G.S. 160A-443(5).

§ 160.97. - Costs of repairs, demolition, etc., to constitute lien.

(A) As provided by G.S. 160A-443(6), the amount of the cost of any repairs, alterations or improvements, or vacating and closing or removal or demolition, caused to be made or done by the inspector pursuant to § 160.57, shall be a lien against the real

property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Ch. 160A, Art. 10 (G.S. 160A-216 et seq.). If the dwelling is removed or demolished by the inspector, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the inspector, 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 town to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

§ 160.98. – Action to Remove Occupant

(A) Procedure

1. If any occupant fails to comply with an order to vacate a dwelling, the minimum housing inspector may file a civil action in the name of the town to remove such occupant. The action to vacate the dwelling shall be in the nature of **summary ejectment** and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling.
2. **Summons Issuance.** The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten (10) days from the issuance of the summons to answer the complaint.
3. **Summons Service.** 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 inspector produces a certified copy of an **ordinance adopted** by the Town Board of Aldermen pursuant to G.S. 160A-443(5) authorizing the inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed.
4. **Judgment.** The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered under this section by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227.
5. **Tenant of the Owner.** An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this section unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the Board of Aldermen has ordered the inspector to proceed to

exercise his duties under G.S. 160A-443(4) and (5) to vacate and close or remove and demolish the dwelling.