

# **Non-Residential Building Maintenance Standards**

**Town of Oakboro, North Carolina**

**Ordinance 97**

**AN ORDINANCE ESTABLISHING PROVISION FOR THE MAINTENANCE OF NON-RESIDENTIAL BUILDINGS AND PREMISES IN THE TOWN OF OAKBORO, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF; MADE IN ACCORDANCE WITH THE PROVISION OF THE STATE OF NORTH CAROLINA GENERAL STATUTES 160A-174 AS AMENDED.**

**BE IT ORDAINED** By the Town Commissioners of the Town of Oakboro, North Carolina.

**Part 1.** That a Non-Residential Building Maintenance Standard Ordinance is hereby established as follows:

**“Non-Residential Building Maintenance Standards”**

**Division I General Provisions**

**Sec. 1      Title**

This Ordinance shall be known as the "Non-Residential Building Maintenance Standards" for the Town of Oakboro, and may be cited as such, and will be referred to hereinafter as "this Ordinance".

**Sec. 2**      **Purpose**

It is the purpose of the provision of this ordinance to provide a just, equitable and practicable method whereby non-residential buildings and premises which from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, diminish property values or detract excessively from the appropriate appearance of the area in which they are located, may be required to be repaired, closed, vacated or demolished. The provisions of this Ordinance are cumulative with and in addition to any other remedy provided by law including the current editions of standard codes adopted by the Town of Oakboro.

**Sec. 3**      **Findings; Authority**

Pursuant to Chapter 160A-174 of the General Statutes of North Carolina, it is hereby found and declared that there exist in the Town non-residential buildings and premises which are unsafe and especially dangerous to life because of liability to fire, or because of bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress and other causes.

In addition, it hereby found and declared, that there exist in the Town non-residential buildings and premises which, although not meeting the classification of unsafe and especially dangerous to life, fail to fully comply with all the minimum standards for the non-residential buildings and premises fitness and established herein and, therefore, have present on or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected, can lead to deterioration and dilapidation of non-residential buildings and premises which render them unsafe and especially dangerous to life.

**Sec. 4**      **Scope; Jurisdiction**

The provisions of this Ordinance shall apply to all existing non-residential buildings and premises and hereafter construction within the Town limits and the Extraterritorial Jurisdiction (ETJ) as now or hereafter established including the attached map areas attached in Exhibit I.

**Sec. 5**      **General Definitions and Interpretations**

Unless specifically defined in Section 6, words in the Non-Residential Building Maintenance Standards shall have their respective customary dictional definitions. For the purpose of these regulations certain words, terms or phrases used herein are interpreted and defined as follows:

Words used in the present tense shall include the future tense.

Words used in the singular shall include the plural and words used in the plural shall include the singular.

The words "shall" and "will" always indicate MANDATORY. The words "should" and "may" always indicate OPTIONAL.

The word "lot" include the words "plot" and/or "parcel".

The word "building" includes the word "structure".

The word "person" includes a "farm, association, organization, partnership, trust, company, corporation and/or individual".

The word "use" includes the terms "arranged, designed, and/or intended" for a use, activity and/or purpose.

The term "Board of Adjustment" shall always indicate the **BOARD OF ADJUSTMENT OF THE TOWN OF OAKBORO, NORTH CAROLINA** as created and appointed by the Town Commissioners of said Town.

The term "Town Commissioners" shall always indicate the Town Commissioners of the Town of Oakboro, North Carolina.

**Sec. 6      Special Definitions and Interpretations**

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

**Building:** Any covered structure intended for shelter, housing or enclosure of person, animals, facilities, equipment or chattels; the term Building shall be construed to include the term Structure; furthermore, it shall be construed as if the followed by the term or part thereof.

**Building, Accessory:** A detached subordinate building located on a lot, parcel or tract whose use is incidental to that of the principle building. A building cannot be considered accessory unless it accompanies a principle building on the same lot, parcel or tract.

**Building, Principal:** A building in which the principal use of the lot, parcel or tract is conducted.

**Building Code:** The North Carolina State Building Code.

**Deterioration:** The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeling paint or other evidence of physical decay or loss of structural integrity.

**Fire Hazard:** (see also **Nuisance**) Any thing or act which increases, or may cause an increase of, the hazard, likelihood or finance of fire to greater degree that reasonable for the conduct of the non-residential use on the premises, or which ay unreasonably obstruct, delay or hinder, or may unreasonably become the cause of an obstruction, a delay, a hazard of an unreasonable hindrance to the prevention, suppression or extinguishment of fire.

**Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Infestation:** The haunting of overrunning by rats, snakes, birds, insects or other destructive vermin or animals that endanger the public health and safety.

**Non-Residential Building Maintenance Standards Inspector:** The person delegated as such by the Town Commissioners of the Town of Oakboro. (Hereinafter referred to as “the Inspector”.)

**Nuisance:**

- 1) Any public nuisance know as common law or in equity jurisprudence, or as provided by the statues of the State of North Carolina, or the Ordinances of Oakboro: or
- 2) Any condition including an attractive nuisance which may prove detrimental to human health or safety whether in a building, on the premises or a building, or a part of a building or upon an occupied lot; or
- 3) Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exist; or
- 4) Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare; or
- 5) Fire Hazards or other safety hazards.

**Occupant:** Any person who has charge, care or control of a non-residential building and/or premises or part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the building and/or premises are actually occupied or not.

**Owner:** The holder of the title in fee simple and every mortgagee of record of a property.

**Physical Valuation:** The estimated cost to replace a building in kind.

**Plumbing:** All types of the following supplies, facilities and equipment; gas piles, gas burning equipment, water pipes, water heaters, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents and other similar fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with HVAC equipment.

**Premises:** A lot, plot or parcel of land including the building or structures thereon, under control by the same owner or occupant, devoted to or zoned for non-residential use.

**Public Sanitary Sewer:** Any sanitary sewer owned, operated and maintained by the Town of Oakboro or Public utility and available for public use for the disposal of sewage.

**Rubbish:** Combustible and non-combustible waste materials, except garbage and ashes, including but not limited to, paper, rags, cartons boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, minerals matter, glass crockery and dust.

**Sewage:** Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or water-carried waste from any other fixture, equipment or machine.

**Structurally Sound:** Substantially free from flaw, defect, decay or deterioration to the extent that such structure of structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

**Structure:** Anything constructed or erected which requires location on the ground. (Refer to the definition of "building" herein.)

**Sec. 7**      **Duties and Responsibilities of the Owner**

It shall be the duty and the responsibility of the owner to maintain all non-residential buildings and premises in accordance with all standards for non-residential buildings and premises fitness as stated in Division II.

**Sec. 8**      **Duties and Responsibilities of the Occupant**

It shall be the duty and responsibility of the occupant to ensure that:

- 1) All parts of the premises under the control of the occupant shall be kept in a safe, clean and sanitary condition consistent with the non-residential use and the occupant shall refrain from performing any acts which would render any parts of the building or premises unsafe or unsanitary or which would obstruct any adjacent owner/occupant from performing any

duty required, or from maintaining his building or premises in a safe and sanitary condition.

- 2) Every occupant shall be responsible for the elimination of infestation in and on the premises, subject to his control.
- 3) Every occupant shall maintain all supplied plumbing fixtures in a safe and sanitary conditions and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- 4) No garbage or solid waste shall be stored or allowed by the occupant to accumulate on the premises unless contained in a trash receptacle(s) which is in accordance with the Code of Ordinances for the town of Oakboro.
- 5) Damage to public sidewalks and/or curb and gutter located in the public right-of-way shall be repaired or replaced at no expense to the Town when such damage is caused by vehicles making deliveries to the non-residential use under the control of the occupant.
- 6) Where the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is found to be defective or inoperable, the occupant affected thereby shall, upon learning of such defect, provide notice to the owner.

**Sec. 9**            **Relationship of Duties and Responsibilities to Occupancy**

The provisions of this Ordinance that apply to the exterior or exterior components of a structure or building of to the premises shall be complied with whether the structure of building or premises is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized person or the formation of nuisance conditions such as infestation.

**Sec. 10**            **Validity**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, clause and

phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses or phrases be declared invalid.

**Sec. 11**                    **Conflicts with other Provisions**

In the event any provision, standard or requirement of this ordinance is found to be in conflict with any provision of 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 health and safety of the residents of the jurisdiction shall prevail. The North Carolina State Building Code, current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of building made or required pursuant to this Ordinance.

**Sec. 12**                    **Amendments**

The Town Commissioners may, from time to time amend, supplement, or change the provisions and requirements of this Ordinance. Any such amendment shall be by ordinance of the Town Commissioners.



## **Division II Standard for Non-Residential Buildings and Premises Fitness**

### **Sec. 13**

### **Unlawful to own unsafe Buildings and Structures**

(a) It shall be unlawful for any firm, person or corporation to own a building or a structure situated in the jurisdiction of the Town of Oakboro which is in such a defective or hazardous condition that it is unsafe and especially dangerous to life. The Town Commissioners of Oakboro has determined that unsafe and especially dangerous buildings and structures and detrimental to the health, safety and welfare of the citizens of Oakboro, that such unsafe and especially dangerous buildings and structures shall be condemned, and that the owners of such unsafe especially dangerous buildings and structures shall immediately remedy the unsafe, dangerous or unlawful conditions or demolish such buildings or structures.

(b) A building or structure shall be found to be especially dangerous to life and held unsafe by the Inspector if the Inspector finds that any one (1) of the following conditions exist in such building or structure:

- (1) Interior walls or vertical studs which seriously list, lean or buckle to an extent as to render the building unsafe.
- (2) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.
- (3) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Such damage by fire, wind or other causes as to render the building unsafe.
- (5) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants of other people of the jurisdiction.
- (6) Inadequate facilities for egress in case of fire or panic.
- (7) Defects significantly increasing the hazards of fire, accident or other calamities.

- (8) Lack of ventilation, light, heating or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the jurisdiction.
  - (9) Lack of proper electrical, heating or plumbing facilities required by this Ordinance which constitutes a health or a definite safety hazard.
  - (10) For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system. For the purpose of this standard, a building is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving flow of potable water to the tap.
  - (11) Any violation of the North Carolina State Fire Prevention Code which constitutes a condition which is unsafe and especially dangerous to life
  - (12) Any abandoned non-residential building which is found to be a health or safety hazard by the Inspector as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent used by vagrants as living quarters in the absence of sanitary facilities.
- (c) In addition to conditions 1-12 enumerated in (b) above, any one of which renders a building or structure unsafe, the Inspector shall determine that a non-residential building or structure is unsafe if he finds that a building or structure fails to fully comply with any five (5) or more of the following enumerated standards of the building and premises fitness. Full compliance with a standard means that if any part of the stated standard is not complied with by a particular building and premises, then that building and premises has failed to fully comply with the enumerated standard.

General:

- (1) Buildings and premises shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems.

All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.

- (2) Flammable, combustible, explosive or other dangerous or hazardous materials shall be stored in a manner approved for such materials and consistent with the North Carolina State Fire Prevention Code.
- (3) Buildings and premises shall be kept free of loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property.
- (4) The premises shall be kept free insufficiently protected holes, excavations, breaks, projections, obstructions and other such dangerous impediments on and around
- (5) Buildings and premises surfaces shall be kept clear of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose broken plastic or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration.
- (6) Buildings and premises shall be kept free of objects and elements protruding from building walls, roof or premises which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects.

#### APPURTENANCES

- (7) All chimneys, flues and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents, or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases.
- (8) All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free of defects.

- (9) All cornices shall be made structurally sound. Rotten or weekend portions shall be removed and/or replaced. All exposed wood shall be treated and painted.
- (10) Gutters and downspouts shall be replaced or repaired as necessary and shall be appropriately located and securely installed so as not to cause a hazard to pedestrians, vehicular traffic or property.
- (11) Attached and unattached accessory structures shall be maintained in a state of good repair.
- (12) Advertising sign structures, attached or free standing, awnings, marquees and their supporting members and other similar attachments and structures shall be maintained in good repair and shall not cause a nuisance or safety hazard.

#### STRUCTURAL

- (13) Walls, partitions, supporting members, stills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might not admit rodents.
- (14) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose use.
- (15) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (16) Interior steps, railings, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (17) Where a wall or a building has become exposed as a result of demolition of an adjacent building said wall must have all doors, vents or other similar openings closed with material of type comprising the wall unless such doors, windows, vents or other similar openings are to be maintained in accordance with the provisions of this Ordinance. No protrusion or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked so as not to detract from the

aesthetics and value of adjacent property and weatherproofed if necessary to prevent deterioration of the wall.

#### PLUMBING, ELECTRICAL AND SUPPLIED FACILITIES

- (18) All plumbing fixtures and piles shall meet the standards of the North Carolina State Plumbing Code and shall be maintained in a state of good repair, and in good working order.
- (19) All electrical fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the North Carolina State Electrical Code.
- (20) Every supplied facility, piece of equipment or utility which is required under this Ordinance or the North Carolina State Building Code for occupancy or use shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

#### EGRESS

- (21) Facilities for egress in case of fire or panic shall be adequate and shall remain clear for such purposes.
- (22) All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints, or broken or loose mullions.
- (23) All windows shall be maintained free of broken glass that could be dangerous to the public, invitees or third parties ordinarily expected to use the premises, from falling or shattering.
- (24) All openings originally designed as windows shall be maintained as windows, unless specifically approved by the Inspector for enclosure.

#### DRAINAGE

- (25) All yards and premises shall be properly graded and maintained so as to obtain through drainage and so as to prevent the accumulation of stagnant water.

## **EXTERIOR IMPEDIMENTS/AMENITIES**

- (26) Unless expressly authorized by the vote of Town Commissioners, no items shall be located in front of the building within, up to and including the public Right Of Way.**

**Sec. 14**      **Buildings and Premises Not Declared Unsafe But Which Are Not in Compliance With All Standards.**

In any case where the Inspector determines that a non-residential building and/or premises fails to fully comply with one or more but less than five of the standards of non-residential Buildings and premises fitness set forth in Section 13( c) such building and/or premises shall not be found to be unsafe and shall not be subject to the procedures and remedies as provided for in this Ordinance for unsafe buildings and premises. Each such failure of non-compliance, however, shall constitute a violation of the terms of this Ordinance and shall be subject the violator to the penalties and enforcement procedures, civil or criminal or both, of Section 29. In such case the Inspector shall notify the owner as provided for in Section 19.

## **Division III Procedures for Enforcement**

### **Sec. 15      Unsafe buildings shall be condemned by the Inspector**

If a building or structure shall appear to the Inspector to be especially dangerous to life and unsafe under Section 13 the Inspector shall: (a) make a written finding that the building or structure appears to be unsafe and is condemned; and (b) affix and CONDEMNATION NOTICE of the dangerous character or conditions of the building or structure to a conspicuous place on the exterior wall of such building or structure.

### **Sec. 16      Removal of condemnation notice unlawful**

It shall be unlawful for any person to remove a CONDEMNED NOTICE from a building or structure after such CONDEMNATION NOTICE has been affixed to it by the Inspector pursuant to the provisions of Section 15.

### **Sec. 17      Complaint and notice of hearing**

If a building or structure has been condemned by the Inspector as unsafe pursuant to Section 15, the Inspector shall serve the owner with a written complaint and notice of hearing which notice shall state that:

- (1) The building or structure is condemned due to its condition that appears to constitute a fire or safety hazard or appears to be dangerous to life, health or other property and that it is held to be unsafe; and
- (2) A hearing will be held before the Inspector at a designated place and time, which time shall be not less than ten (10) days nor more than thirty (30) days after the date of such notice, and that at such hearing the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter' and
- (3) Following the hearing, the Inspector may issue such order to repair, close, or vacate or demolish the building or structure as the Inspector deems to be appropriate under the existing conditions.

Upon the issuance of a complaint and notice of hearing pursuant to this Section, the Inspector may cause the filing of a notice of lis pendens, with a copy of the



complaint and notice of hearing attached thereto, in the Office of the Clerk of Superior Court of Stanly County, to be indexed and cross-indexed in accordance with the indexing procedures of the North Carolina General Statutes. The Inspector shall cause a copy of the notice of lis pendens to be served upon the owner of the building or structure at the time of filing in accordance with Section 160A-428 of the North Carolina General Statutes as applicable. Upon compliance with the requirements of any order issued based upon such complaint and hearing, the Inspector shall direct the Clerk of Superior Court to cancel the notice of lis pendens.

If, upon a hearing held pursuant to the notice prescribed in Section 17, the Inspector shall find that the building or structure is in an unsafe condition a fire or safety hazard or renders it dangerous to life, health or other property, the Inspector shall issue an order in writing, directed to the owner or owners of such building or structure, direct the owner or owners to remedy the defective condition by repairing, closing, vacating or demolishing the building or structure or taking other necessary steps within such period as the Inspector may prescribe, which period may not be less than sixty (60) days from the service of the order; PROVIDED THAT, where the Inspector finds that there is imminent danger to life, health or other property, the order may require that corrective action be taking in such lesser period as may be feasible.

**Sec. 18**      **Reserved**

**Sec. 19**      **Service of written notice or order of Inspector**

In any case where this Ordinance requires service of a written notice or order by the Inspector, such notice or order shall be made in the following manner:

- (1) The written notice or order shall be served upon each owner by mailing the same by certified or registered mail, return receipt requested, to the owner's last known address or by personal service of the notice or order upon each owner.
- (2) If the name or whereabouts of an owner are unknown and cannot after due diligence be discovered, the notice or order shall be considered properly and adequately served upon such owner if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the hearing, if a hearing is require, and a notice of the hearing published in a newspaper having general circulation in the jurisdiction at least once not later than one week prior to the hearing.

**Sec. 20**      **Appeal of Order of Inspector; finality if not appealed**

Any owner who has received and order under Section 19 may appear from the order of the Town Commissioners by giving notice of appealing in writing to the Inspector and the Town Clerk within ten (10) days following issuance of the order. In the absence of an appeal to the Town Commissioners, within the prescribed time, the order of the Inspector shall be final. The Town Commissioners shall hear appeals within a reasonable time after receipt of the notice of appeal and it may modify and affirm or revoke the order.

**Sec. 21**      **Failure to comply with Order of Inspector**

It shall be unlawful for the owner of a building or structure to fail to comply with an order issued pursuant to Section 19 from which no appeal has been taken or fail to comply with an order of the Town Commissioners following an appeal, unless the owner shall, within ten (10) days following issuance of the order by the Town Commissioners, appeal from that order as by law provided.

**Sec. 22**      **Remedies; lien for cost of demolition and removal**

In the event of such failure to comply, in addition to the penalties, remedies and enforcement procedures contained in any town Ordinance or Section 29 of this Ordinance, the Inspector may cause such building and premises to be repaired, closed vacated or demolished as appears appropriate.

The Inspector, however, shall not take such action until the Town Commissioners shall have by ordinance ordered the Inspector to proceed with such action with respect to the particular property or properties which the Inspector shall have found to be unsafe or not in compliance with all standards of non-residential building and premises fitness and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a building until the owner has first been given a reasonable opportunity to bring it into conformity with this Ordinance. The ordinance adopted pursuant to this Section shall be recorded in the Office of the Register of Deeds of Stanly County and shall be indexed in the name of the property owner or owners in the grantor index.

The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal of demolition by the Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as a lien for special assessments provided in Ordinance 10 of Ordinance 160A of the General Statutes of North Carolina. If the building is removed or demolished by the Inspector, he shall sell the materials of the building, and the personal property, fixtures, or appurtenances found in or attached to the building, and shall credit the proceeds of the sale against the cost of removal or demolition and any balance remaining shall be deposited in the Superior Court by the Inspector, shall secure 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 of the decree of the court.

**Sec. 23**      **Failure of occupant to comply with order to vacate**

If any occupant fails to comply with an order to vacate a building, the Inspector may file a civil action in the name of the Town to remove such occupant. The action to vacate the building shall be in the nature of a summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such building. 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. The summons and complaint shall be served as provided in GS 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and it at the hearing the Inspector produces a certified copy of an ordinance adopted by the Town Commissioners pursuant to this Section authorizing the Inspector to proceed to vacate the occupied building, the magistrate shall enter judgment ordering that the premises be vacated and that all persons removed. The judgement ordering that the building be vacated shall be enforced in the same manner as the judgement for summary ejectment entered under GS 42-30. An appeal from any judgement entered hereunder by the magistrate may be taken as provided in GS 7A-228, and the execution of such judgment may be stayed as provided in GS 7A-227. An action to remove an occupant of a building 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 Town Commissioners has ordered the Inspector to proceed the exercise his duties under this Section to vacate and close or remove an demolish the building.

**Sec. 24**      **Demolition of Non-Residential Buildings by Owner**

Where a non-residential building is under the jurisdiction of this Ordinance, the building may be demolished by the owner provided that the following requirements are met:

- (1) The owner obtained a demolition permit from the Building Inspections Department of Stanly County.
- (2) All sewer, gas, water and similar taps or connections be properly closed and disconnected.
- (3) All debris from the building be removed from the site. This requirement is for the removal of all debris that is above the street level of the building.
- (4) The lot be graded to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade.
- (5) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall, unless such doors, windows, vents or other similar openings are to be maintained in accordance with the provisions of this Ordinance. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked so as not to detract from the aesthetics and value of the adjacent property and weatherproofed if necessary to prevent deterioration of the wall.

## **Division IV Administration**

### **Sec. 25      Office of Non-Residential Building Maintenance Standards Inspector Created:**

#### **Powers and Duties.**

- (a) For the purposes of administering and enforcing the provision of this Ordinance the office of Non-Residential Building Maintenance Standards Inspector, (herein called "Inspector"), is hereby created.
- (b) The Inspector shall be appointed by the Town Commissioners shall take and subscribe to the oath of office administered by the Town Clerk, and shall have such powers as may be necessary or convenient to carry out the effectuate the purposes and provision of this Ordinance, including without limiting the generality of the foregoing, in addition to others herein granted, the following powers:
  - (1) To investigate the non-residential building conditions in the jurisdiction in order to determine which buildings therein are unsafe, being guided in such examinations of buildings by the requirements set forth in this Ordinance and for the purposes of carrying out the objectives of this Ordinance with respect to such non-residential buildings.
  - (2) The administer oaths and affirmations and to examine witnesses and receive evidence.
  - (3) To enter upon and within premises and buildings for the purpose of making examinations and investigations; provided, that such entries shall be made at reasonable hours in such a manner as to cause the least possible inconvenience to the persons in possession.
  - (4) To delegate any of his functions and powers under this Ordinance to such officers and agents as he may designate.

**Sec. 26**

**Inspections**

- (a) For the purposes of carrying out the intent of this Ordinance, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all non-residential buildings and premises, including abandoned structures. The owner or occupant of every non-residential building or the person in charge thereof, shall give the Inspector free access to such building and its premises, at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a non-residential building shall give the owner thereof, or his agent or employee, access to any part of such building and its premises at all reasonable times for the purposes of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful order issued pursuant to the provisions of this Ordinance.
- (b) The Inspector may make periodic inspections for unsafe, unsanitary or otherwise hazardous and unlawful conditions in non-residential structures within the jurisdiction. In addition, he may make inspections when he has reason to believe that such conditions may exist in a particular structure or premises.

**Sec. 27**

**Defects in buildings to be corrected**

When the Inspector finds any defects in a non-residential building, or finds that a building has not been constructed in accordance with the applicable State and Town laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building or its defects, hazardous conditions or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions or violations of the law in the property he owns. Failure to do so shall constitute a violation of this Ordinance. Each day of violation of this Ordinance shall continue and shall constitute a separate offense.

**Sec. 28**      **Violations**

In addition to the conditions, acts or failure to act that constitutes violations specified in this Ordinance, it shall be unlawful for the owner of any building and premises to fail, neglect or refused to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same. Upon order of the inspector duly made and served as herein provided, within the time specified in such order. It shall be unlawful for the owner of any building, with respect to which an order has been issued pursuant to Sec. 19, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvements or its vacating and closing, or vacation and removal or demolition.

**Sec. 29**      **Penalties for violations; alternative remedies**

In addition to other penalties and remedies provided by this Ordinance, violation of this Ordinance shall constitute either a misdemeanor punishable by fine or imprisonment as provided by North Carolina General Statutes, Section 14-4, as amended, or at the election of the Town, shall subject the offender to civil penalties, remedies, and enforcement procedures contained in this Ordinance or the NCGS.



**Part II.** That all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Part III.** That this Ordinance shall become effective upon its adoption by the Town Commissioners of the Town of Oakboro, North Carolina.

