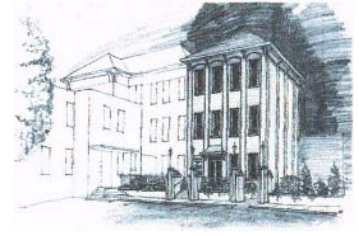




IREDELL COUNTY
INSPECTION DEPARTMENT
Lynn S. Niblock, Director
Code Enforcement & Special Projects
PO Box 788 Statesville, NC 28687
349 North Center Street



www.co.iredell.nc.us

Phone: 704-878-3113

Fax: 704-878-3171

Iredell County Minimum Housing Ordinance

DIVISION 4. Iredell County Minimum Housing Ordinance

Sec. 4-130

A. Title.

This article shall be known and may be cited as the Iredell County Minimum Housing Ordinance.

B. Authority and purpose.

- (a) It is the purpose of this article to promote an accountability and responsibility associated with housing quality not only to owner occupied housing, but also to owners, occupants and tenants of rental housing. Furthermore, it is the intent of this article to ensure owners, occupants and tenants that minimum standards of fitness exist for all housing types and upon habitation of such property owners, occupants and tenants share responsibility for maintaining those standards pursuant to this article.
- (b) Pursuant to G.S. 160A-441, it is hereby declared that there exist in the county dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the county.
- (c) In order to protect the health, safety and welfare of the residents of the county as authorized by G.S. Ch. 160A, Art. 19, Part 6, it is the purpose of this article 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-444.

C. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Basement shall mean the portion of a building which is partly or completely below grade.

Basement, story above grade shall mean a basement of which the finished floor above the basement is:

- (1) More than six (6) feet above grade.
- (2) More than six (6) feet above the finished ground level for more than fifty (50) percent of the total building perimeter; or
- (3) More than twelve (12) feet above the finished ground level at any point.

Deteriorated shall mean 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 article at a cost not in excess of fifty (50) percent of its value, as determined by finding of the inspector.

Dilapidated shall mean 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 article at a cost not in excess of fifty (50) percent of its value, as determined by finding of the inspector.

Dwelling shall mean any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any dwelling which is used solely for a seasonal vacation purpose. The term shall include within its meaning the terms "rooming house" and "rooming unit," as defined in this section.

Extermination shall mean 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 shall mean the organic waste resulting from the handling, preparation, cooking and consumption of food.

Gender shall mean words having a masculine gender shall include the feminine and neuter genders.

Glazed opening shall mean a window including the glassed portions of doors.

Habitable room shall mean 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 shall mean the presence, within or around a dwelling, of any insects, rodents or other pest in such numbers as to constitute a menace to the health, safety or welfare of the occupants or the public.

Inspector shall mean the Building Inspector of the County of Iredell or any authorized agent of the inspector.

Manufactured home shall mean a structure, transportable in one (1) or more sections, which in traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on a site, is three hundred twenty (320) or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

"Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, 42 USC 5401, et seq. For manufactured homes built prior to June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi permanent foundation having a measurement of thirty-two (32) feet in length and over eight (8) feet in width. "Manufactured home" also means a double-wide manufactured home, which is two (2) or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi permanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

Multiple dwelling shall mean any dwelling containing more than two (2) dwelling units.

Occupant shall mean any person, living, sleeping, cooking, or eating in, or having actual possession of a dwelling.

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

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

- (1) Shall have title to any dwelling with or without accompanying actual possession thereof; or
- (2) Shall be a mortgagee of record for any dwelling; or
- (3) Shall have charge, care or control of any dwelling, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Party or parties in interest shall mean all persons who have interest of record in a dwelling and any persons who are in possession thereof.

Person shall mean any individual, corporation, firm, partnership, association, organization or other legal entity.

Plumbing shall mean all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Public authority shall mean the Iredell County Building Inspections Department or any officer who is in charge of any department or branch of the government of Iredell County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the county.

Rooming house shall mean 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 or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming unit shall mean 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 shall mean non-organic waste materials. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

Seasonal dwelling shall mean a dwelling unit used or intended for use only in certain seasons or for weekend or other occasional use throughout the year. Seasonal dwellings include those used for summer or winter sports or recreation, such as lake cottages and hunting or fishing cabins.

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

Temporary housing shall mean 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.

Unfit for human habitation shall mean when 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 article.

D. Interpretation of words and phrases.

For the purposes of this article, interpretation of words and phrases shall be as follows:

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (3) The word "lot" includes the word "plot," or "parcel," or "tract."
- (4) The words "shall" and "must" are always mandatory and not merely directory.
- (5) The word "may" is directory and not mandatory.
- (6) The word "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (7) The words "dwelling, dwelling unit, rooming house, or rooming unit, premises" shall be construed as though they were followed by the words "or any part thereof."
- (8) The word "commissioners" shall mean the "Board of Commissioners of the County of Iredell, North Carolina."
- (9) The word "ordinance" ["article"] shall mean the Minimum Housing Ordinance of Iredell County, North Carolina.
- (10) All words not specifically defined in this article shall be assigned their customary dictionary definitions.

Sec. 4-131 STANDARDS

A. Minimum standards--Fitness for dwellings.

The following shall be the minimum acceptable standards for evaluating the fitness of dwellings for human habitation.

- (1) Every dwelling 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 sections B. through G. of this section.
- (2) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of sub-sections B. through F. of this section.
- (3) Interpretations of the housing inspector concerning sub-sections B. through F. of this section shall be based upon minimum conditions necessary to ensure the safety of the occupants.

B. Minimum standards--Structural condition.

The following standards shall constitute the minimum standards for structural condition of a dwelling:

- (1) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged so as to create a hazardous or unsafe condition, and shall not have holes or cracks which might admit rodents.
- (2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (3) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged so as to create a hazardous or unsafe condition.
- (4) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they do not lean or buckle, and shall not be rotted, deteriorated, or damaged so as to create a hazardous or unsafe condition.
- (5) Facilities for egress in case of fire or panic shall be provided.
- (6) Interior walls, floors, and ceilings of all rooms, closets and hallways, excluding basements shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (7) The roof, flashing, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather tight.
- (8) There shall be no chimneys in use or parts thereof which are defective, deteriorated or in such condition or location as to constitute a fire hazard. No chimney shall be in danger of falling.
- (9) There shall be no use of the ground for floors.

C. Minimum standards--Basic plumbing, heating, and electrical equipment and facilities.

The following standards shall constitute the minimum acceptable standards for basic plumbing, heating, and electrical equipment and facilities.

- (1) *Plumbing system.* Every dwelling shall have facilities for providing plumbing in accordance with the following:
 - a. Each dwelling unit which is or has been connected to a potable water supply and to a public sewer or other approved sewage disposal system must remain connected and maintained in working order.
 - b. All plumbing fixtures shall be maintained in a state of good repair and in good working order.
- (2) *Heating system.* Every dwelling shall have a safe and adequate method for providing heat.

(3) *Electrical system.* Every dwelling shall have facilities for providing electricity in accordance with the following:

a. Every dwelling shall be wired for electric lights and receptacle outlets. Every habitable room shall contain at least one (1) floor or wall-type electric receptacle, connected in such manner as determined by the state electrical code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) supplied ceiling or wall-type electric light fixture.

In the event wall or ceiling light fixtures are not provided in any habitable room then each such habitable room shall contain at least two (2) floor or wall-type receptacle outlets.

b. Every public hall and stairway in every multiple dwelling shall be provided electric lights.

c. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used.

D. Minimum standards--Use and location.

The following shall be the minimum acceptable standard for use and location of a habitable room within a dwelling unit.

(1) *Generally.* The rooms within a dwelling unit which comply with the minimum standards as described in this division shall be deemed habitable.

(2) *Basements.* No basement or basement story above grade shall be used for living purposes unless the floor and walls are substantially watertight.

E. Minimum standards--Safe and sanitary maintenance.

The following shall be the minimum standards for safe and sanitary maintenance of habitable dwellings:

(1) *Exterior foundation, walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight and rodent-proof; shall be kept in sound condition; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(2) *Interior floors, walls and ceilings.* Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition; and shall be safe to use and capable of supporting the loads which normal use would cause to be placed thereon.

(3) *Windows and doors.* Every window, exterior door, basement or cellar door and hatchway shall be substantially weather-tight and rodent-proof and shall be kept in sound working condition.

F. Minimum standards--Control of insects, rodents and infestations.

The following shall be the minimum acceptable standards for the control of insects, rodents, and infestations.

(1) *Infestation.* Every occupant of a dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Whenever infestation is caused by failure of the owner to maintain a dwelling in a substantially rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

(2) *Garbage storage, etc.* Garbage, rubbish and materials to be recycled shall be stored in a manner that will resist harborage to rodents and vectors and will not create a fire hazard.

G. Minimum standards --Rooming houses; exceptions.

(a) The following shall be the minimum acceptable standards for safe rooming houses; exceptions.

(b) All of the provisions of this article, and all of the minimum standards and requirements of this article, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following paragraphs:

(1) *Water closet, hand lavatory and bath facilities.* 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) rooming units within a rooming house wherever these 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. Every water closet, flush urinal, lavatory basin and bathtub or shower required by this section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

(2) *Sanitary conditions.* 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. 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.

H. Responsibilities of owners and occupants.

(a) *Cleanliness.* Every occupant, tenant or lessee of a dwelling or dwelling unit shall keep clean and in a sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls. The occupant, tenant, or lessee shall be responsible for the disposal of all garbage and rubbish accumulated on a regular basis to a common collection site or facility which is permitted to receive the waste.

(b) *Public areas.* Where a common collection site for the collection and disposal of solid waste is provided on the premises by the owner, it shall be the responsibility of the owner to remove or cause to be removed all solid wastes from the collection site on a regular basis.

(c) *Care of facilities, equipment and storage.* No occupant, tenant or lessee shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(d) *Responsibilities of landlords and tenants.* The respective responsibilities of landlords and tenants under rental agreements for tenants are further enumerated in G.S. Chapter 42, Article 5.

Sec. 4-132 ADMINISTRATION

A. Powers and duties of building inspector.

The enforcement and administration of this article shall be by a housing inspector, assigned by the county manager to any county personnel he deems appropriate to administer and enforce the provisions of this article. Such duties may be assigned by the housing administrator to other county personnel to conduct inspections and other duties of administration deemed necessary. The housing inspector shall have the following powers and duties:

(1) To investigate the dwelling conditions, and to inspect dwellings located in the county, in order to determine which dwellings are unfit for human habitation, and for the purpose of carrying out the objectives of this article with respect to the repair, closing or demolition of such dwellings.

(2) To 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.

(3) To 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 herein prescribed.

(4) To administer oaths and affirmations, examine witnesses and receive evidence.

- (5) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with sub-section A. of this section, below, and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (6) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to assist in carrying out the purposes of this article, and to delegate any of his functions and powers to such officers, agents and employees.
- (7) To perform such other duties as may be prescribed herein or by the county.

B. Inspections; duty of owners and occupants.

- (a) Whenever the housing inspector has reasonable cause to believe that there exists any condition or code violation which makes a building or premises unsafe, dangerous or hazardous, the housing inspector may enter such building or premises if the inspector has the consent of the owner, or if the dwelling is occupied by a tenant, consent to enter the dwelling is given by the tenant. The housing inspector shall present proper credentials when requesting to enter the dwelling. If such building or premises is unoccupied, the housing inspector shall make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the housing inspector shall have recourse to every remedy provided by law to secure entry.
- (b) Every occupant of a dwelling, rooming house or rooming unit shall give the owner or his agent or employee, access to any part of such dwelling and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

C. Warrants to inspect dwellings.

When permission to inspect a dwelling or premises is denied, the housing inspector must obtain an administrative search and inspection warrant to inspect such dwelling or premises. When the housing inspector has obtained a proper administrative search and inspection warrant, as provided by law, no owner or occupant or any other persons having control of any building or premises shall fail or neglect to promptly permit entry. Such warrant shall be issued pursuant to G.S. 15-27.2.

Sec. 4-133 ENFORCEMENT

A. Procedure for enforcement.

- (a) *Preliminary investigation.* In accordance with G.S. 160A-443, whenever a signed petition is filed with the housing inspector charging that any dwelling is unfit for human habitation, or whenever it appears to the inspector, upon inspection, that any dwelling is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, schedule a hearing.
- (b) *Notice.* If corrections are not addressed in a timely manner the housing inspector shall issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of the complaint.
- (c) *Hearing.* The owner or any part in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one (1) of the persons signing a petition 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.
- (d) *Procedure after hearing.*
 - (1) After such notice and hearing, the inspector shall state in writing his determination whether the dwelling is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(2) If the inspector determines that the dwelling 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 thereof an order directing and requiring the owner to repair, alter, or improve such dwelling, or to vacate and close such dwelling as a human habitation until such repairs, alterations, and improvements have been made. The owner shall comply with the minimum standards of fitness established by this article within a specified period of time, not to exceed ninety (90) days.

(3) If the inspector determines that the dwelling 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 thereof an order directing and requiring the owner either to repair, alter or improve such dwelling to comply with the minimum standards of fitness established by this article, or else to vacate and remove or demolish the same within a specified period of time not to exceed ninety (90) days.

B. Failure to comply with order.

(a) *In personam remedy.* If the owner of any deteriorated dwelling shall fail to comply with an order of the housing inspector to repair, alter, or improve or to vacate and close as a human habitation the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the inspector shall submit to the board of commissioners at its next regular meeting a resolution directing the county attorney to petition the superior court for an order directing such owner to comply with the order of the inspector authorized by G.S. 160A-446(g).

(b) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit 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) above, the inspector shall submit to the board of commissioners an ordinance ordering the inspector to cause such dwelling to be repaired, altered, improved, vacated, closed, removed or demolished as provided in the original order of the inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. 160-443 and subsection C. of this section.

(c) *Appeals from orders of inspector.*

(1) An appeal from any decision or order of the inspector may be taken by any person aggrieved thereby. 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 inspector and with the housing appeals board 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 housing appeals board all the papers constituting the record upon which the decision appealed from was made. 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. When an 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. Such a restraining order 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 subsection (d), below.

(2) The housing appeals 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 housing appeals board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as 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 housing appeals board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.

(3) 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.

(d) *Petition to superior court by owner.* Any person aggrieved by an order issued by the inspector or a decision rendered by the board 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).

C. Methods of service of complaints and orders.

Complaints or orders issued by the inspector shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this article in a newspaper having general circulation in the county. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

D. In rem action by inspector; placarding.

(a) After failure of an owner of a dwelling to comply with an order of the inspector issued pursuant to the provisions of this article, and upon adoption by the board of commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and sub-section A of this section, the inspector shall proceed to cause such dwelling to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed and demolished, as directed by the ordinance of the board of commissioners, and shall cause to be posted on the main entrance of such dwelling 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).

E. Costs, a lien on premises.

As provided by G.S. 160A-446(6), the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the inspector pursuant to sub-section C of this section, shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority, and be collected in the same manner as the lien for special assessments established by G.S. Chapter 153A, Article 9.

F. Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and sub-section G. of this section, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

G. Housing appeals board.

The housing appeals board referred to in subsection 1-16(c) shall consist of the members of the board of county commissioners as it is constituted and sitting on the date that a particular appeal is heard by such board. The housing appeals board shall perform those duties prescribed by subsection B (c) keeping accurate records of all proceedings.

Sect. 4-134 LEGAL PROVISIONS

A. Conflict with other provisions.

In the event any provision, standard, or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the county or the state, 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 county shall prevail.

B. General penalty; continuing violations.

(a) Whenever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, when no specific penalty is provided therefore the violation of any such provision of this Code or any such ordinance shall be punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not more than thirty (30) days, or both, for each separate violation. Each day any violation of this Code or any ordinance shall constitute a separate offense, unless otherwise specified. Except as set forth in subsection (b), violation of this Code or any other county ordinance shall be a misdemeanor.

(b) Violation of any provision of this Code shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00), to be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within a period of seventy-two (72) hours after he has been cited for violation of the ordinance. Citation shall be in writing, signed by the appropriate department head or the department head's designee charged with the enforcement of the particular ordinance which has been violated, and shall be delivered or mailed to the offender either at their residence or at their place of business or at the place where the violation occurred. Each day's continuing violation shall be a separate and distinct offense. Violations of the following provisions shall not be misdemeanors, but shall subject the offender to the civil penalty; chapter 4; chapter 7; chapter 10; chapter 11; appendix A; appendix B; appendix C; and appendix D. Any action to recover such civil penalty may be joined in action for appropriate equitable or other legal remedy, including injunctions and orders of abatement and including an action to recover damages owing to the county by reason of expenses incurred by the county in abating, correcting, limiting, and otherwise dealing with the harmful effects of the offending action.

State law references: Violations of county ordinances generally deemed misdemeanors punishable as prescribed above, G.S. § 14-4. See also G.S. § 153A-123, prescribing alternate methods for enforcement of ordinances and authorizing the making of each day's continuing violation a separate offense; injunction, G.S. § 1-485 et seq.; liability of defendant in criminal actions, G.S. H 6-47, 6-48.

C. Penalty not exclusive.

- (a) The imposition of a penalty under the provisions of this Code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted hereunder.
- (b) If any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the county in addition to the imposition of a fine or imprisonment.
- (c) Any provision of this Code or other ordinance of the county may be enforced by any one (1) or more of the remedies authorized by G.S. Section 153A-123.

D. Action to vacate a dwelling.

If any occupant fails to comply with an order to vacate a dwelling, the public officer may file civil action in the name of the county to remove such occupant. Such civil action shall comply with the requirements of G.S. 160A-443(7).

E. Amendments.

The board of commissioners may from time to time amend the terms of this article. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment.

F. Severability.

If any provision of this article is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end, the provisions of this article are hereby declared to be severable.