

**TOWN OF MOUNT PLEASANT
CODE OF ORDINANCES**

PART 9: BUILDING & DEVELOPMENT REGULATIONS

(as amended through December 9, 2019)

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CHAPTER 1: BUILDING CODE ENFORCEMENT

Section 9-1.1 County Enforcement

In accordance with North Carolina General Statute Chapter 160D, Article 11 (previously 160A-442), the North Carolina Building Code shall be enforced with the Town's jurisdiction by the Cabarrus County Building Inspector. The County Building Inspector may also assist the Town Code Enforcement Officer in enforcement of the Minimum Housing Code (Part 9, Chapter 2) and the Non-residential and Mixed-Use Building Maintenance Code (Part 9, Chapter 3), pursuant to interlocal agreement.

CHAPTER 2: MINIMUM HOUSING CODE

Section 9-2.1 Purpose

- A. Pursuant to G.S. Chapter 160D, Article 12 (formerly 160A-441), it is hereby declared that there exists in the planning and development regulation jurisdiction of the Town of Mount Pleasant 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 otherwise inimical to the welfare of the residents of the Town of Mount Pleasant and its extraterritorial jurisdiction (ETJ).
- B. In order to protect the health, safety and welfare of the residents of the Town of Mount Pleasant and its extraterritorial jurisdiction (ETJ) it is the purpose of this ordinance to establish minimum standards of fitness for all buildings used for human habitation, as expressly authorized by G.S. 160D-12-5 (formerly 160A-444).

Section 9-2.2 Definitions

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

- 1. "Basement" -shall mean a portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- 2. "Cellar"- shall mean a portion of a dwelling which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- 3. "Certificate of Occupancy" -shall mean a certificate which is issued once a dwelling has been certified to meet the requirements of the housing code. A Temporary Certificate of Occupancy may be issued for the temporary or partial occupancy of a dwelling unit for a specified time period.
- 4. "Deteriorated"- shall mean 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 ordinance at a cost not in excess of fifty percent (50%) of its value, as determined by finding of the Code Enforcement Officer.
- 5. "Dilapidated" - shall mean 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 ordinance except at a cost in excess of 50% of its value, as determined by finding of the Code Enforcement Officer.
- 6. "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 thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for seasonal vacation purposes. Temporary housing, as hereinafter defined, shall not be regarded as a

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dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

7. "Dwelling unit" - shall mean 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.
8. "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 Code Enforcement Officer.
9. "Garbage" - shall mean the organic waste resulting from the handling, preparation, cooking and consumption of food.
10. Gendered Words having a masculine gender shall include the feminine and neuter genders.
11. "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.
12. "Infestation" - shall mean 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 the public.
13. "Code Enforcement Officer" - shall mean the Code Enforcement Officer of the Town or any authorized agent of the Town.
14. "Insulation" - shall mean a material which has been manufactured to meet the specified R-value criteria when installed to the manufacturer's specifications.
15. "Junk" - shall mean any item, including but not limited to, deteriorated or used furniture, appliances, machinery, equipment, building materials, automobile parts, tires, or other items which are either in a wholly or partially deteriorated, rusted, wrecked, junked, dismantled, or inoperative condition.
16. "Littered Condition" - shall mean all discarded man-made materials, including but not limited to, junk, waste materials, building materials, trash, garbage, and other refuse scattered, cast, placed or deposited throughout a yard or yards, so as to appear as a haphazard accumulation of litter.
17. "Multiple dwelling" - shall mean any dwelling containing more than two (2) dwelling units.
18. "Occupant" - shall mean any person over one year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling, dwelling unit or rooming unit.
19. "Operator" - shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

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20. "Outdoor storage" - shall mean the accumulation of any material which is not enclosed within the dwelling unit or approved storage building.
21. "Owner" - shall mean the holder of the title in fee simple and every mortgagee of record.
22. "Party or parties in interest" - shall mean all persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.
23. "Person" - shall mean any individual, public or private corporation, firm, partnership, association, joint venture, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, organization or other legal entity.
24. "Plumbing" - shall mean and include 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.
25. "Public Authority" - shall mean any officer who is in charge of any department or branch of the government of the Town of Mount Pleasant or of Cabarrus County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the Town.
26. "Rooming house" - shall mean any dwelling, or that part of the dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, grandmother or grandfather, or brother or sister of the owner or operator.
27. "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.
28. "Rubbish" - shall mean organic or non-organic waste materials. The term shall include, for example but not by way of limitation, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust, automobile parts, abandoned vehicles, non-operable vehicles, refrigerators, stoves.
29. "Supplied" - shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.
30. "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 consecutive days.
31. "Unfit for human habitation" - shall mean that conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this ordinance.

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32. Words having certain meaning. Whenever the words “dwelling, dwelling unit, rooming houses, rooming unit, premises” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof”.

Section 9-2.3 Minimum Standards of Fitness for Dwellings and Dwelling Units

- A. Every dwelling and dwelling unit, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 9-2.4, 5, 6, 7, 8, and 9 of this Chapter.
- B. No person shall occupy as owner-occupant, or let to another for occupancy or otherwise allow to be used 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 Sections 9-2.4, 5, 6, 7, 8, and 9 of this Chapter.

Section 9-2.4 Minimum Standards for Structural Condition

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

- A. 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, and shall not have holes or cracks which might admit rodents.
- B. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- C. Foundations, foundation walls, piers or other foundation supports.
- D. Steps, stairs, landings, porches, railings or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- E. Adequate facilities for egress in case of fire or panic shall be provided.
- F. Interior walls and ceilings of all rooms, closets, and hallways shall be finished with 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.
- G. The roof, flashings, guttering, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to weather and watertight.
- H. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- I. There shall be no use of the ground for floors, or wood floors on the ground.
- J. Insulation should be installed in the attic or space immediately above each habitable room. Such insulation should have a minimum R-19 value.

Section 9-2.5 Minimum Standards for Basic Plumbing, Heating and Electrical Equipment and Facilities

A. Plumbing System

1. Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.
2. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied to a potable water supply.
3. All plumbing fixtures shall meet the standards of the state plumbing code and shall be maintained in a state of good repair and in good working order.
4. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

B. Heating System

Every dwelling and dwelling unit shall have facilities providing heat in accordance with the following:

1. Central and Electric Heating Systems. Every central, solar or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three feet (3') above the floor during ordinary winter conditions
2. Other Heating Facilities. Where a central, solar, or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of seventy (70) degrees Fahrenheit measured three feet (3') above the floor during ordinary winter conditions.

C. Electrical System

1. Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, 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 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 three floor or wall-type electric convenience receptacles.
2. Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.
3. All 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 state electrical code.

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4. Every dwelling shall have a working smoke detector. Dwellings constructed after January 1, 1975, must have a smoke detector connected to its electrical system as per the N.C. Building Code. Dwellings with multiple stories shall have detectors installed on each level that has room(s) for sleeping. Such devices shall be installed to meet the N.C. Building Code requirements for smoke detectors.

Section 9-2.6 Minimum Standards for Ventilation

A. General

Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five feet (5') 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 percent (15%) of the total floor area of such room.

B. Habitable Rooms

Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size as required, or shall have other approved, equivalent ventilation.

C. Bathroom and Water Closet Rooms.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Section 9-2.7 Minimum Standards for Space, Use and Location

A. Room Sizes

1. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the state residential building code.
2. In no case shall any dwelling occupancy exceed one person for each 150 square feet for the first 900 square feet and one person for each 200 square feet of gross building area over 900 square feet. Gross building area is measured from the exterior walls of the dwelling.
3. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one 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.

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B. Ceiling Height

At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches (7'6").

C. Floor Area Calculation

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 percent (10%) 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 feet (4'6") shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

D. Cellars

No cellar shall be used for living purposes.

E. Basements

No basement shall be used for living purposes unless:

1. The floor and walls are watertight;
2. The total window area, total openable window area and ceiling height are equal to those required for habitable rooms;
3. The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or access-way.

Section 9-2.8 Minimum Standards for Safe and Sanitary Maintenance

A. 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 good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

B. Interior Floors, Walls and Ceilings

Every floor, interior wall and ceiling shall be substantially rodent 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 would cause to be placed thereon.

C. Windows and Doors

Every window, exterior door, basement or cellar door and hatchway shall be substantially weather-tight, water tight and rodent proof and shall be kept in sound working condition and good repair.

D. Stairs, Porches, and Appurtenances.

Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in good sound condition and good repair.

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- E. Bathroom Floors
Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.
- F. Supplied Facilities
Every supplied facility, piece of equipment or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- G. Drainage
Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.
- H. Noxious Weeds
Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.
- I. Egress
Every dwelling unit shall be provided with adequate means of egress as required by the state residential building code.

Section 9-2.9 Minimum Standards for Control of Insects, Rodents, and Infestation

- A. Screens
In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens. If a central HVAC system is provided, then screens and storm doors are not required.
- B. Rodent Control
When danger of infestation is apparent to the Code Enforcement Officer, every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.
- C. 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 dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

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D. Rubbish Storage and Disposal

Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by the Town ordinances, and the owner, operator, or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

E. Garbage Storage and Disposal

Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, or an approved outside garbage can as required by the Town of Mount Pleasant ordinances.

Section 9-2.10 Minimum Standards Applicable to Rooming Houses; Exceptions

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

A. 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) rooms 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.

B. Minimum Floor Area for Sleeping Purposes

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. 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.

D. Sanitary Facilities

Every water closet, flush urinal, lavatory basin and bathtub or shower required by paragraph (1) of 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 the habitable rooms, are accessible from a common hall and are accessible without going outside the rooming house or through any other room therein.

Section 9-2.11 Responsibility of Owners and Occupants

A. Public Areas

Every owner of a dwelling containing two 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.

B. 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.

C. 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.

D. Supplied Plumbing Fixtures

Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

E. Care of Facilities, Equipment and Structure

No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(Note: The respective responsibilities of landlords and tenants under rental agreements for dwelling units are further enumerated in State Law, N.C.G.S. Chapter 42, Article 5.)

Section 9-2.12 Minimum Standards of Maintenance and Cleanliness for Residential Property

A. The owner and/or occupant of any dwelling unit shall exercise reasonable diligence at all times to keep exterior premises clean of glass, bottles, waste paper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials intentionally or unintentionally scattered, discarded, thrown, or haphazardly left on such premises, and to prevent same from drifting or blowing to adjoining premises by removing such waste or ensuring that same is placed in approved garbage or refuse containers for collection by the Town.

B. Storage of junk or other items on residential lots so as to create a littered condition shall not be permitted, except in conformity with the standards for storage in this section.

Section 9-2.13 Minimum Standards for Posting Numbers on Structures

The following requirements are adopted to further health, safety, and welfare of the citizens of Mount Pleasant by affording EMS, Police, Fire, and other entities with visible numbers to assist in provision of services.

A. Time Constraints

Existing structures shall be posted within sixty (60) days after notification of the assignment or change of structure number. Structures under construction at the time of assignment shall be posted within

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ninety (90) days after notification and assignment of numbers. All assigned numbers shall be posted in compliance with the provisions herein. It shall be the responsibility of the owner of any structure to obtain and post structure numbers in accordance with the provisions of this section.

B. Specifications for Numbers

1. All structure numbers shall be constructed of a durable material and shall contrast in color with the color scheme of such structure. Numbers mounted on glass shall contrast with the background and be clearly visible.
2. All numbers shall be a minimum size of four (4) inches in height, except multi-family numbers. Multi-family structure numbers shall be a minimum of six (6) inches. A number larger than the minimum may be required in areas where the minimum size provides inadequate identification.

C. Posting Locations

1. All numerical identifications must be clearly visible and easily identifiable without obstruction of view.
2. Dwellings or businesses located more than one hundred (100) feet from the roadway and/or not visible shall be required to post reflective numbers at the entrance and driveway and shall be located in close proximity to the front door of the entranceway.
3. Posting height shall be a minimum of five (5) feet when attached to a dwelling in close proximity to the entranceway.
4. The height of the post shall be three (3) feet for all entrances of private drives requiring numerical posting detached from the dwelling or structure. A mailbox placed at the entranceway may also be accepted if placed at the entranceway to the property.

D. Maintenance of Structure Numbers

All posted numbers assigned shall be maintained at all times in compliance with the provisions of this article. Structure numbers and unit designators viewed from the roadway shall not be obstructed from view.

E. Assignment of Structure Numbers

Structure numbers, both private and business, shall be assigned by the Cabarrus County E-911 Addressing Coordinator.

Section 9-2.14 Powers and Duties of the Code Enforcement Officer

The Code Enforcement Officer is hereby designated as the officer to enforce the provisions of this Chapter and to exercise the duties and powers herein prescribed. The Code Enforcement Officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance. The Code Enforcement Officer or designee shall have the following powers and duties:

- A. To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the Town of Mount Pleasant, in order to determine which dwellings and dwelling units are unfit for human

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habitation, and for the purpose of carrying out the objectives of this ordinance with respect to the repair, closing or demolition of such dwellings and dwelling units;

- B. 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;
- C. To keep a record of the results of inspections made under this ordinance and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;
- D. To administer oaths and affirmations, examine witnesses and receive evidence;
- E. To enter upon premises for the purpose of making examinations and inspections; provided such entries shall be made in accordance with Section 19 of this ordinance and State law, and shall be made in such a manner as cause the least possible inconvenience to the persons in possession;
- F. 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 ordinance, and to delegate any of his functions and powers to such officers, agents and employees; and
- G. To perform such other duties as may be prescribed herein or by the Board of Commissioners of the Town of Mount Pleasant.

Section 9-2.15 Inspections; Duty of Owners and Occupants

A. Authorization to Enter and Examine Dwellings

For the purpose of making inspections, the Code Enforcement Officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit or the person in charge thereof shall give the Code Enforcement Officer free access to such dwelling and its premises at all reasonable times for the purpose of such inspection, examination and survey.

B. Access Required

Every occupant of a dwelling, dwelling unit, rooming house, or rooming 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 ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

(Note: When permission to inspect a dwelling or its premises is denied, the Code Enforcement Officer must obtain a warrant to inspect. G.S. 15-27.2 provides for the issuance of warrants for the conduct of inspections authorized by law. The N.C. Court of Appeals, in *In Re Dwelling*, 24 N.C. App. 17 (1974), has held that the consent of the tenant-occupant who was in actual possession and control of the premises was sufficient to authorize an inspection without a warrant, notwithstanding the fact that the owner had objected to the warrantless search. When faced with a situation where permission to inspect is denied, the Code Enforcement Officer is advised to seek the advice of the Town Attorney.)

Section 9-2.16 Procedure for Enforcement

A. Preliminary Investigation; Notice; Hearing

Whenever a petition is filed with the Code Enforcement Officer by a public authority or by at least five (5) residents of the Town's jurisdiction charging that any dwelling or dwelling unit is unfit for human habitation, or when it appears to the Code Enforcement Officer, that any dwelling or dwelling unit is unfit for human habitation the Officer shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner or any parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that an administrative hearing will be held before the Code Enforcement Officer at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the service of the complaint. The owner or any party 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 of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence. Formal Rules of Evidence shall not be controlling in hearings before the Code Enforcement Officer.

B. Procedure After Hearing

1. After such notice and hearing, the Code Enforcement Officer shall state in writing his determination if the dwelling or dwelling unit is unfit for human habitation, and if so, the reason for the determination.
2. If the Code Enforcement Officer determines that the dwelling or dwelling unit is deteriorated, and can be repaired at reasonable cost, 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 dwelling unit to comply with the minimum standards of fitness established by this ordinance within a specified period of time, 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 if continued occupancy during the time allowed for such repairs, alterations, and improvements will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling or dwelling unit subject to the issuance of an unfit order.
3. If the Code Enforcement Officer determines that the dwelling is dilapidated, and cannot be repaired at reasonable cost, 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 alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this ordinance, or else to vacate and remove or demolish the same within a specified period of time not to exceed ninety (90) days.

C. Failure to Comply with Order

Violation of any provision of the code shall subject the offender to a civil penalty as set out in the Town of Mount Pleasant Code of Ordinances, Section 1-1.5.

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1. Repair, closing, and posting. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Code Enforcement Officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; the Code Enforcement Officer may cause to be posted on the main entrance of any dwelling so closed, 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 Class 1 misdemeanor. The duties of the Code Enforcement Officer set forth in this subsection shall not be exercised until the Board of Commissioners shall have by ordinance ordered the Code Enforcement Officer to proceed to effectuate the purpose of this Chapter with respect to the particular property or properties that the Code Enforcement Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the Office of the Register of Deeds of Cabarrus County and in the office of the register of deeds of any other county in which the property lies and shall be indexed in the name of the property owner in the grantor index.
2. Demolition. If the owner fails to comply with an order to remove or demolish the dwelling, the Code Enforcement Officer may cause such dwelling to be removed or demolished. The duties of the Code Enforcement Officer set forth in this subsection shall not be exercised until the Board of Commissioners shall have by ordinance ordered the Code Enforcement Officer to proceed to effectuate the purpose of this Chapter with respect to the particular property or properties that the Code Enforcement Officer shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with this Chapter. This ordinance shall be recorded in the Office of the Register of Deeds of Cabarrus County and the office of the register of deeds of any other county in which the property lies and shall be indexed in the name of the property owner in the grantor index.
3. Abandonment of intent to repair. If the dwelling has been vacated and closed for a period of one year pursuant to an ordinance adopted pursuant to subsection (1) ("Repair, closing, and posting") or after the Code Enforcement Officer issues an order or proceedings have commenced under this Chapter regarding a dwelling to be repaired or vacated and closed as provided herein, then the Board of Commissioners may find that the owner has abandoned his intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the Town, then in such circumstances, the Board of Commissioners may, after the expiration of such one year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
 - a. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling,

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the ordinance shall require the owner to either repair or demolish and remove the dwelling within 90 days; or

- b. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

This ordinance shall be recorded in the Office of the Register of Deeds of Cabarrus County and the office of the register of deeds of any other county in which the property lies and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the Code Enforcement Officer shall effectuate the purpose of the ordinance.

4. Ejectment

If any occupant fails to comply with an order to vacate a dwelling, the Code Enforcement Officer may file a civil action in the name of the Town to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. If the summons appears to have been duly served, and if at the hearing the Code Enforcement Officer produces a certified copy of an ordinance adopted by the Board of Commissioners to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. 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 subsection by the magistrate may be taken as provided in G.S. 7A-228, and the execution of the judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the Board of Commissioners has ordered the Code Enforcement Officer to proceed to exercise his or her duties of this section to vacate and close or remove and demolish the dwelling.

D. Appeals from Order of Code Enforcement Officer

The Town of Mount Pleasant Board of Adjustment shall serve as the Housing Appeals Board. An appeal from any decision of the Code Enforcement Officer 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 Code Enforcement Officer 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 Code Enforcement Officer 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 Code Enforcement Officer refusing to allow the person aggrieved thereby to do any act, the decision shall remain in force until modified or reversed. When any appeal is from a decision requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Housing Appeals Board unless the Code Enforcement Officer certifies to the Housing Appeals 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 to the appellant), a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended

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except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Code Enforcement Officer, by the Housing Appeals Board, or by a court of record upon petition made pursuant to G.S. 160D-12-8 (formerly 160A-446(f)) and Subsection (E) of this Section.

The Housing Appeals Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to the person aggrieved, 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 powers of the Code Enforcement Officer, but the concurring vote of four members of the Housing Appeals Board shall be necessary to reverse or modify any decision or order of the Code Enforcement Officer. The Housing Appeals Board shall have power also in passing upon appeals, in any case where unnecessary hardships would result from carrying out the strict letter of this Chapter to adapt the application of this Chapter to the necessities of the case to the end that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.

Every decision of the Housing Appeals 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.

E. Petition to Superior Court by Owner

Any person aggrieved by an order issued by the Code Enforcement Officer or a decision rendered by the Housing Appeals Board may petition the Superior Court for an injunction restraining the Code Enforcement Officer pending a final disposition of the cause, as provided by G.S. 160D-12-8 (formerly 160A-446(f)).

F. Methods of Service of Complaints and Orders

1. Complaints or orders issued by the Code Enforcement Officer shall be served upon persons wither personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the 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. If the identities or whereabouts of such persons are unknown and the same cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the Code Enforcement Officer 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 ordinance in a newspaper having general circulation in the Town of Mount Pleasant. 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.

G. Costs, a Lien on Premises

As provided by G.S. 160D-12-3 (7) (formerly 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 Code Enforcement Officer shall be a lien against the real property upon which such cost was

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incurred. Such lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessments established by Article 10, Chapter 160A of the General Statutes.

H. Alternative Remedies

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the Town of Mount Pleasant to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this ordinance as authorized by G.S. 14-4, 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.

I. Board of Adjustment to Hear Appeals

All appeals which may be taken from decisions or orders of the Code Enforcement Officer pursuant to this Chapter shall be heard and determined by the Board of Adjustment, acting as the Housing Appeals Board pursuant to G.S. 160A-3-5 and 160D-12-8. Such appeal shall be taken by any person or aggrieved party within 10 days from the rendering of the decision. Hearing shall be quasi-judicial following the procedures set forth in G.S. 160D-4-5 and 4-6 (formerly 160A-388). As the appeals body the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

Section 9-2.18 Violations; Penalty

A. Separate Distinct Offenses for Each Day of Noncompliance

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same or to fail to vacate and close and remove or demolish the same, upon order of the Code Enforcement Officer duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

B. Separate Distinct Offenses for Each Day of Unlawful Occupancy

It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to this Chapter, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

C. Civil Penalty

The Civil Penalties set for in Section 1-1.5 of the Code of Ordinances shall apply to violations of this Chapter. However, the imposition of civil penalties shall not limit the use of any other lawful remedies available to the Town Board of Commissioners for the enforcement of any ordinances adopted pursuant to this section.

D. Remedies Through Court

In addition to the penalty established by Subsection (C) above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

(Ord. adopted 1-3-2012, Amended 12-9-2019)

CHAPTER 3: NON-RESIDENTIAL AND MIXED-USE BUILDING MAINTENANCE CODE

Section 9-3.1 Purpose and Statutory Authority

Pursuant to G.S. 160D-11-29 (formerly 160A-439), the Town of Mount Pleasant adopts this maintenance code in order to set forth and enforce minimum standards of maintenance, sanitation, and safety for non-residential and mixed-use buildings within the Town limits and extra-territorial jurisdiction (ETJ).

Section 9-3.2 Applicability

This Chapter shall apply only to nonresidential and mixed-use buildings. It shall not apply to individual dwelling units or to buildings which only contain residential dwelling units which not contain a non-residential component. The Minimum Housing Code in Chapter 2 of this Part shall apply to dwelling units.

Section 9-3.3 Standards

A. Adoption of the *International Property Maintenance Code* by Reference

The following Sections and Chapters of the *International Property Maintenance Code*, most current edition, as published and approved by the International Code Council, and any subsequent amendments or successor triennial codes, are hereby adopted as the standards for the "Non-residential and Mixed-Use Building Maintenance Code" of the Town of Mount Pleasant, Cabarrus County, North Carolina, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use:

- Section 108: Unsafe Structures and Equipment
- Section 109: Emergency Measures
- Chapter 2: Definitions
- Chapter 3: General Requirements
- Chapter 4: Light, Ventilation, and Occupancy Limitations
- Chapter 5: Plumbing Facilities and Fixture Requirements
- Chapter 6: Mechanical and Electrical Requirements
- Chapter 8: Referenced Standards
- Appendix A: Boarding Standards

A copy of the most recent edition of the *International Property Maintenance Code* shall be located on file in the office of the Town Clerk.

B. Revisions to International Property Maintenance Code

The following sections of the most current publication of the International Property Maintenance Code as approved by the recognized International Code Council are hereby revised:

1. In Section 302.4, Weeds, Insert "twelve (12) inches" in place of the bracketed phrase "[jurisdiction to insert height in inches]."
2. In Section 304.14, Insect Screens, insert "January 1st " and "December 31st," respectively, in place of the two bracketed terms "[DATE]."

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3. In Section 602.3, Heat Supply, insert "October 1st " and "April 1st ," respectively, in place of the two bracketed terms "[DATE]."
4. In Section 602.4, Occupiable Work Spaces, Insert "October 1st " and "April 1st ," respectively, in places of the two bracketed terms "[DATE]."
5. The phrase "Code Enforcement Officer" shall be substituted for the phrase "code official" wherever it appears in the Property Maintenance Code.
6. The phrase "Code Enforcement Officer" shall be substituted for the phrase "department of property maintenance inspection" wherever it appears in the Property Maintenance Code.

C. North Carolina Fire Code

In addition to the International Property Maintenance Code, the Town of Mount Pleasant hereby adopts the North Carolina Fire Code for fire safety standards for non-residential and mixed-use buildings.

Section 9-3.4 Procedures for Enforcement

Pursuant to N.C.G.S. 160D-1129 (formerly 160A-439), the following procedures for enforcement shall apply:

A. Investigation

Whenever it appears to the Code Enforcement Officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by the Town Board of Commissioners, the Code Enforcement Officer shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

B. Complaint and Hearing

If the preliminary investigation discloses evidence of a violation of the minimum standards, the Code Enforcement Officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and contain a notice that an administrative hearing will be held before the Code Enforcement Officer, or his or her designated agent, at a place within the county scheduled not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Code Enforcement Officer.

C. Order

If, after notice and hearing, the Code Enforcement Officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by the Town Board of Commissioners, the Code Enforcement Officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon

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the owner thereof an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.

D. Limitations on Orders

1. An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the Town Board of Commissioners or to vacate and close the nonresidential building or structure for any use.
2. An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the Town Board of Commissioners determines, after a public hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the Town Board of Commissioners.
3. An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

E. Action by Town Board of Commissioners Upon Failure to Comply with Order

1. If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the Town Board of Commissioners may adopt an ordinance ordering the Code Enforcement Officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Code Enforcement Officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the Code Enforcement Officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The Code Enforcement Officer may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful."
2. If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Town Board of Commissioners may adopt an ordinance ordering the Code Enforcement Officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Code Enforcement Officer found to be jeopardizing the

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health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the Town Board of Commissioners. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the Code Enforcement Officer may cause the building or structure to be removed or demolished.

F. Action by Town Board of Commissioners Upon Abandonment of Intent to Repair

If the Town Board of Commissioners has adopted an ordinance or the Code Enforcement Officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the Town Board of Commissioners may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the local government in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the Town Board of Commissioners may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

1. If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days.
2. If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the Town Board of Commissioners may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the Code Enforcement Officer shall effectuate the purpose of the ordinance.

G. Service of Complaints and Orders

Complaints or orders issued by a Code Enforcement Officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence and the Code Enforcement Officer makes an affidavit to that effect, the serving of the

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complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the local government at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

H. Liens

1. The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes.
2. If the real property upon which the cost was incurred is located in an incorporated city, the amount of the costs is also a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
3. If the nonresidential building or structure is removed or demolished by the Code Enforcement Officer, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Code Enforcement Officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the Town Board of Commissioners to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

I. Ejectment

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Code Enforcement Officer may file a civil action in the name of the local government to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in N.C.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 Code Enforcement Officer produces a certified copy of an ordinance adopted by the Town Board of Commissioners to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under N.C.G.S. 42-30. An appeal from any judgment entered under this subsection by the magistrate may be taken as provided in N.C.G.S. 7A-228, and the execution of the judgment may be stayed as provided in N.C.G.S. 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless the occupant was served with notice, at least 30 days before the filing of the

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summary ejectment proceeding, that the Town Board of Commissioners has ordered the Code Enforcement Officer to proceed to exercise his or her duties of this section to vacate and close or remove and demolish the nonresidential building or structure.

J. Civil Penalty

The Civil Penalties set for in Section 1-1.5 of the Code of Ordinances shall apply to violations of this Chapter. However, the imposition of civil penalties shall not limit the use of any other lawful remedies available to the Town Board of Commissioners for the enforcement of any ordinances adopted pursuant to this section.

K. Supplemental Powers

The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Town Board of Commissioners may authorize the Code Enforcement Officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

1. To investigate nonresidential buildings and structures in the Town's planning and development regulation jurisdiction to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
2. To administer oaths, affirmations, examine witnesses, and receive evidence.
3. To enter upon premises pursuant to subsection (b) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
4. To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the Town Board of Commissioners.
5. To delegate any of his or her functions and powers under the ordinance to other officers and agents.

L. Appeals

All appeals which may be taken from decisions or orders of the Code Enforcement Officer pursuant to this Chapter shall be heard and determined by the Town Board of Commissioners, acting as the Housing Appeals Board pursuant to G.S. 160A-3-5 and 160D-12-8. Such appeal shall be taken by any person or aggrieved party within 10 days from the rendering of the decision. Hearing shall be quasi-judicial following the procedures set forth in G.S. 160D-4-5 and 4-6 (formerly 160A-388). As the appeals body the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

(Ord. Adopted 12-9-2019)

CHAPTER 4: UNIFIED DEVELOPMENT ORDINANCE

Section 9-4.1 Adoption of Unified Development Ordinance by Reference

In accordance with the provisions of North Carolina General Statute Chapter 160D (previously 160A), the Town of Mount Pleasant Unified Development Ordinance (UDO), including all subsequent amendments duly passed, is incorporated herein to regulate development within the town limits and extraterritorial jurisdiction (ETJ) of the Town of Mount Pleasant. An official copy of the UDO is available for review in the office of the Town Clerk and/or the Planning Director.

(Ord. Adopted 2-5-2001, Effective 3-1-2001, As amended)