



**INSPECTIONS DEPARTMENT**

*Senior Code Enforcement Officer C. Maggie Bowers  
(919) 968-2718 or mbowers@townofchapelhill.org*

September 13, 2005

Certified Mail Receipt No:  
7004 2890 0002 5659 4791  
(and first class mail)

Cheng Yin Fan  
720 Lea Court  
Chapel Hill, NC 27516

**Subject: Final Written Notice of Minimum Housing Code Violation: Section 9-114  
720 Lea Court: File No. 7.32.D.19**

Dear Cheng Yin Fan,

This notice follows multiple written notices, inspections, and verbal warnings on-site and in our offices regarding the repeated violation of Section 9-114.

Multiple complaints have been received regarding the condition of your residential property at 720 Lea Court. An inspection was conducted with you on September 12, 2005 which confirmed the violation and the property was photographed as to the open storage of household items. The inspectors pointed out the manufactured household items (uncovered miscellaneous containers, wood, plastic, plastic bags, and metal products throughout the property) to you during the inspection. The property is currently in violation of the Town of Chapel Hill Code of Ordinances Section 9-114:

**Section 9-114. Storage of junk, etc., removal of dead trees, weeds, etc.**

It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items, as listed above, including but not limited to weeds, dead trees, trash, garbage, etc., upon notice from the building official.

For the purposes of this section, an "abandoned motor vehicle" is defined as one that is in a state of disrepair and incapable of being moved under its own power.

A violation of this section shall constitute a misdemeanor, as provided by G.S. 14-4 and shall subject the violator to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

You are hereby ordered to proceed with cleaning the property as agreed during the September 12, 2005 inspection as soon as practicable, but **within thirty (30) days** of your receipt of this letter. Should you fail to comply with this notice further proceedings will be taken within the parameters of Division 2 Enforcement Procedures Sections 9.23 through 9.37 (attached) including a minimum **daily** penalty of **fifty (\$50.00) dollars**.

Feel free to contact me with any questions or to schedule an inspection at 919-968-2718. It is necessary to obtain an approved final inspection to resolve this file and prevent further enforcement.

Sincerely,

*C. Maggie Bowers*  
C. Maggie Bowers  
Senior Code Enforcement Officer

cc: Lance Norris, Director of Inspections

Attachments

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**U.S. Postal Service™**  
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CHAPEL HILL NC 27516

Postage	\$ 0.60	0581 14 Postmark Here 09/14/2005
Certified Fee	\$2.30	
Return Receipt Fee (Endorsement Required)	\$1.75	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 4.65	

Sent To: **CHENG YIN FAN**  
 Street, Apt. No., or PO Box No.: **720 LEA COURT**  
 City, State, ZIP+4: **CHAPEL HILL NC 27516**

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## **ENFORCEMENT PROCEDURES**

### **Sec. 9-23. Preliminary investigation; notice; hearing.**

Whenever a petition is filed with the inspector by a public authority or by at least five (5) residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit 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) days nor more than thirty (30) days after the serving of said 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 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.

### **Sec. 9-24. Procedure after hearing.**

After notice and hearing pursuant to this division, the inspector shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

If the inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified 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 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 to vacate and close the dwelling, and to remove or demolish the same within a specified period of time, not to exceed ninety (90) days.

### **Sec. 9-25. Failure to comply with order.**

If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the inspector issued pursuant to this division, the inspector shall secure the issuance of a warrant charging such owner with a violation of the minimum standards of fitness established by this chapter, and shall cause to be served upon such owner another order directing the owner to repair, alter, or improve the same within a specified period of time, not to exceed ninety (90) days. If such owner shall fail to comply with such order within the time specified therein, the inspector shall submit to the board of aldermen an ordinance ordering the inspector to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter.

If the owner of a dilapidated dwelling shall fail to comply with an order of the inspector to vacate and close, and remove or demolish, the same within the time specified in the order, the inspector shall secure the issuance of a warrant charging such owner with a violation of the minimum standards of fitness established by this chapter, and shall submit to the board of aldermen an ordinance ordering the inspector to cause such dwelling to be vacated and closed, and removed or demolished, and pending such removal or demolition, to placard such dwelling as provided by G.S. section 160-184 and section 9-33 of this Code of Ordinances.

### **Sec. 9-28. Appeals to board of adjustment.**

An appeal from any decision or order of the inspector, the public officer referred to herein, or from any inspector delegated with the authority to inspect for compliance with minimum housing standards within the town, or within the redevelopment area of the town, may be taken by any person aggrieved thereby, or by any officer, board, or commission of the municipality to the board of adjustment, whether such appeal is based upon the requirements of this chapter or any supplemental requirements for housing standards contained in the redevelopment plan. An appeal from the public officer shall be taken within ten (10) days from the rendering of the decision of service of the order, and shall be taken by filing with the public officer and with the board of adjustment, a notice of appeal, which shall specify the grounds upon which the appeal is based. All written orders from which an appeal may be taken, issued pursuant to the terms of this chapter, shall contain a statement thereon that an appeal therefrom may be taken to the board of adjustment. Forms for use in giving notice of appeal shall be available in the offices of the inspector. Upon

filling of any notice of appeal, the public officer shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the decision or order appealed from was made. When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board of adjustment, unless the public officer certifies to the board of adjustment after the notice of appeal is filed with him, that by reason of the fact 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 requirements shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the public officer, by the board of adjustment, or by a court of record upon petition made pursuant to section 9-30.

#### **Sec. 9-31. Injunction.**

In case any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this chapter or of any ordinance or code adopted under authority of this chapter or any valid order or decision of the public officer or board of adjustment made pursuant to this chapter, the public officer or board of adjustment may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate such violation, to prevent the occupancy of the dwelling, or to prevent any continued violation of this chapter about the premises of the dwelling.

#### **Sec. 9-32. Methods of service of complaints or orders.**

Complaints or orders issued by the inspector shall be served upon persons either personally or by registered or certified mail; but 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 once each week for two (2) successive weeks in a newspaper printed and published in the town or circulating in the town. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office for the filing of lis pendens notices in the county, and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.

#### **Sec. 9-33. In rem action by inspector; placarding.**

After failure of an owner of a dwelling or dwelling unit to comply with an order of the inspector issued pursuant to the provisions of this article, and upon adoption by the board of aldermen of an ordinance authorizing and directing him to do so, as provided by G.S. section 160-184, the inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the aldermen and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

#### **Sec. 9-34. Costs a lien on premises.**

As provided by G.S. section 160-184, the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made by the inspector pursuant to section 9-33 shall be a lien against the real property upon which such cost was incurred.

#### **Sec. 9-35. Alternative remedies.**

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, 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.

#### **Sec. 9-36. Violations; penalty.**

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 vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, or

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improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. section 14-4 and shall subject the violator to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

**Secs. 9-37. Violations; penalty.**

- (a) 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 vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in such order, and each day that such failure, neglect, or refusal to comply with such order continues and shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling unit, with respect to which an order has been issued pursuant to this article, to occupy or permit the occupancy of same after the time prescribed in such order for its repair, alteration, or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (b) It shall be unlawful for an operator and/or owner/operator of any dwelling unit, dwelling, or rooming unit leased for consideration to fail to obtain a license as provided by Sec. 9-18 of this Chapter.
- (c) The violation of any provision of this Chapter shall constitute a misdemeanor, as provided by N.C.G.S. section 14-4 and shall subject the violator to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days; "provided, however, that for the first year after the effective date of the "Ordinance to Establish a Program for the Licensing of Residential Rental Properties,"(Ordinance No. 2002-04-08/O-3) , an owner/operator of any unlicensed rental property or properties who, within 30 days of notice of violation of 9-37(b), obtains the required license(s) and pays a fee equivalent to twice the otherwise applicable fee for the license(s) under Sec. 9-18 shall not be subject to additional penalties for failure to obtain the required license(s)." However, if the required license(s) is/are not obtained before the expiration of this 30 day time period, an owner/operator shall be subject to other penalties and fines as provided by this Chapter."
- (d) The violation of any provision of this Chapter shall also subject the offender to a civil penalty of fifty dollars (\$50.00). Each day that any violation continues shall constitute a separate violation and a separate offense for the purposes of imposition of penalties. In addition to the penalties and other remedies provided, the Town Manager may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this Chapter."

