

HUMAN RELATIONS COMMITTEE

Mrs. Prothro suggested that staff assistance might be require for the Human Relations Commission and said that this would be discussed by the Commission at their meeting on September 10th.

FIRE CHIEF

Alderman Kage reported that the Fire Chief had spoken to the Kiwanis Club recently, as a representative of the Town, in an excellant manner. He suggested that the Chief be encouraged to make more talks to groups in town and that other department heads be encouraged to do likewise.

STATE CODE-FIRE RATINGS

Alderman Giduz moved, secondard by Alderman Kage, that the following Ordinance be adopted.

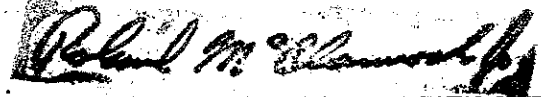
AN ORDINANCE TO ADOPT THE NORTH CAROLINA STATE BUILDING CODE 1967 EDITION, VOLUME 1-A FIRE RESISTANCE RATINGS


BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

Under the authority granted by GS-160-200 (41) the 1967 Edition of the North Carolina State Building Code, Volume 1-A "FIRE RESISTANCE RATINGS" prepared by the North Carolina Building Code Council and the North Carolina Department of Insurance of the State of North Carolina is hereby adopted.

This the 9th day of September, 1968. This was unanimously carried.

The meeting adjourned at 10:35 P.M.

  
Mayor

  
Town Clerk

MINUTES

BOARD OF ALDERMEN

TOWN OF CHAPEL HILL

The Board of Aldermen met at a Special Meeting on Wednesday September 18, 1968 at 4:30 p.m. with the following members present: Mayor McClamroch; Aldermen Prothro, Giduz, Ethridge, Varley, Kage and Smith. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINIMUM HOUSING CODE

The Town Manager presented the North Carolina Model Housing Code, 1968 prepared by the North Carolina League of Municipalities approved by HUD in Atlanta. He told the Board that one of the reasons for turning down the Workable Program was the Minimum Housing Code and recommended that the model code be adopted with certain minor changes. Attorney Denny pointed out that

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS GOVERNING THE USE, OCCUPANCY AND MAINTENANCE OF DWELLINGS, DWELLING UNITS AND ACCESSORY STRUCTURES: ESTABLISHING MINIMUM STANDARDS GOVERNING SUPPLIED UTILITIES AND FACILITIES, AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO MAKE DWELLINGS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION: ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITION AND MAINTENANCE OF DWELLINGS AND ACCESSOR STRUCTURES: FIXING CERTAIN RESPONSIBILITIES AND DUTIES OF OWNERS AND OCCUPANTS OF DWELLINGS: AUTHORIZING THE INSPECTION OF DWELLINGS AND ACCESSORY STRUCTURES AND PROVIDING FOR THE CONDEMNATION OF ALL BUILDINGS AND STRUCTURES DEEMED UNFIT FOR HUMAN HABITATION AND USE: AND, FIXING PENALTIES FOR VIOLATIONS.

BE IT ORDAINED BY THE (BOARD OF ALDERMEN) OF THE (TOWN) OF CHAPEL HILL.

Section 1. Finding; Purpose. Pursuant to G. S. 160-182, it is hereby found and declared that there exist in the Town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or insanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the Town.

In order to protect the health, safety and welfare of the residents of the Town as authorized by Article 15, Chapter 160, of the General Statutes, it is the purpose of this ordinance 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. 160-185.

Section 2. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance:

(a) Basement shall mean a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

(b) Cellar shall mean a portion of a building 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.

(c) 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 Inspector.

(d) 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 at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

(e) Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

(f) 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.

(g) Extermination shall mean the control and elimination of insects, rodents or other pests eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Inspector.

(h) Garbage means animal and vegetable waste resultant from the handling, preparation, cooking, and consumption of food including the combustible and non-combustible waste material resulting therefrom including paper, rags, carton, boxes, tin cans, glass and dust, trash or similar household waste.

(i) 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.

(j) 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 to the public.

(k) Inspector shall mean a Building Inspector of the (City) (Town) or any agent of the Inspector who is authorized by the Inspector.

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

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

(n) 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.

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

(1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(p) 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 grinder), waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(q) Public Authority shall mean the (City) (Town) Housing Authority or any officer who is in charge of any department or branch of the government of the (City) (Town) or of \_\_\_\_\_ County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the (City) (Town).

(r) 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.

(s) Rooming house shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

(t) Rubbish means combustible and non-combustible waste material, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible material, cartons and boxes, tree branches, yard trimmings and other large discarded articles that are not removed with garbage as a normal practice.

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

(v) 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.

(w) Unfit for human habitation shall mean that conditions exist in a dwelling 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.

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

Section 3. Minimum Standards of Fitness for Dwellings and Dwelling Units. Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4, 5, 6, 7, 8, and 9 of this ordinance. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4, 5, 6, 7, 8, and 9 of this ordinance.

Section 4. Minimum Standards for Structural Condition.

(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 shall not be deteriorated or damaged.

(d) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fall 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 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.

(g) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be 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.

Section 5. Minimum Standards for Basic Equipment and Facilities.

(a) Plumbing System.

(1) Each dwelling unit shall be connected to a potable water supply and to the 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 through an approved pipe distribution system connected to a potable water supply. *nothing said about Cisterns.*

(3) All plumbing fixtures shall meet the standards of the (City) (Town) 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 for providing heat in accordance with either (1) or (2) below.

(1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity so as 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 or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as 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 Town Electric Code. There shall be installed in every bathroom, water closet room, laundry room and furance 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 (City) (Town) Electrical Code.

Section 6. Minimum Standards for Ventilation.

(a) General. Every habitable room shall have at least one window or skylight facing directly to the outdoors, unless lighted by at least 20 foot-candles of artificial light and served by other approved ventilation. The minimum total window area, measured between stops, for every habitable room shall be ten per cent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window of any such 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 per cent (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 equal to at least forty-five (45%) of the minimum window area size or minimum skylight type window 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 7. Minimum Standards for Space, Use, and Location.

(a) Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the (City) (Town) Residential Building Code.

Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.

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.

(b) Ceiling Height. At least one-half ( $\frac{1}{2}$ ) of the floor area of every habitable room shall have a ceiling height of not less than seven 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 hall area within the dwelling unit may count for not more than ten per cent (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 (4'6") shall not be considered as part of the floor area in computing the total area of the room to determine maximum permissible occupancy.

(d) Cellar. 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 substantially 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 accessway.

Section 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 weathertight, watertight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be place 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 floor, 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 may cause to be placed thereon.

(c) Windows and doors. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weathertight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.

(d) Stairs, porches, and appurtenances. Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

(e) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to 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 so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(h) 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, ice box, refrigerator, stove, glass, building material, building rubbishish 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, et., upon notice from the Building Official.

Note: (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.)

(i) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the ~~(City)~~ (Town) Building Code.

Section 9. Minimum Standards for Control of Insects, Rodents, and Infestations.

(a) Section 308.1 - Screens is amended to read as follows: In every dwelling unit, for protection against mosquitoes, flies, and other insects, every door used or intended to be used for ventilation opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.

(b) Rodent control. 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 supplied with screens installed 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 reasonably 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.

(d) Rubbish. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish storage facilities. In all cases the owner shall be responsible for the availability of rubbish storage facilities.

(e) Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his garbage, and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers. In all cases the occupants shall be responsible for the availability of garbage storage containers.

Section 10. Minimum Standards Applicable to Rooming Houses; Exceptions.

All of the provision 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 any rooming unit in any rooming house, except as provided in the following subsections;

(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 said 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; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

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

Section 11. Responsibilities 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.

(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.

Section 12. Duties of Building Inspector.

The Building Inspector is hereby designated as the officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed.

(a) to investigate the dwelling conditions, and to inspect dwellings and dwelling units, located in the (City) (Town), in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this ordinance with respect to 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; and

(d) to perform such other duties as may be herein prescribed.

### Section 13. Powers of Building Inspector.

The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance, including the following powers in addition to others herein granted:

(a) to investigate the dwelling conditions in the (City) (Town) in order to determine which dwellings therein are unfit for human habitation:

(b) to administer oaths and affirmations, examine witnesses and receive evidence:

(c) to enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and,

(d) to appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this ordinance.

Section 14. Inspections. Duty of Owners and Occupants.  
For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

### Section 15. Procedure for Enforcement.

(a) 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 (City)(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) 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.

(b) Procedure after hearing. After such notice and hearing, 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 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 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.

(c) 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 ordinance, the Inspector shall secure the issuance of a warrant charging such owner with a violation of the minimum standards of fitness established by this ordinance, as provided in Section 21, 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 (Governing Body) 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 ordinance.

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 ordinance, as provided in Section 21, and shall submit to the (Governing Body) 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. 160-184 and Section 17 of this ordinance.

✓ (d) Appeal. Where compliance with an order of the Inspector, or where the literal application of the provisions of this ordinance, would appear to cause undue hardship on an owner or other party in interest, or when it is claimed that the true intent and meaning of this ordinance or any of the minimum standards or requirements herein have been wrongly interpreted, the owner or other party in interest may appeal from the order of the Inspector to the (Governing Body). In hardship cases, a hardship peculiar to the appellant must be shown.

Notice of appeal shall be in writing and filed in the office of the (City)(Town) Clerk within ten (10) days after service of the order of the Inspector, and shall be on forms provided by the Inspector. The appeal shall be placed on the agenda for hearing by the (Governing Body) at its next regular meeting.

The (Governing Body) upon such appeal, and after a hearing, may extend the time for compliance with the Inspector's order, or vary the application of any provision of this ordinance in hardship cases when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this ordinance or the public interest, or when, in its opinion, the interpretation of the Inspector was wrong and should be modified or reversed.

A decision of the (Governing Body) to extend the time for compliance with an order of the Inspector, or to vary the application of any provision of this ordinance, or to modify an order of the Inspector, shall specify in what manner such extension, variation, or modification is made, the conditions upon which it is made, and the reasons therefor.

Every such decision of the (Governing Body) shall be in writing, and shall be promptly filed in the office of the Inspector, and shall be open to public inspection; a certified copy shall be sent by mail, or otherwise, to the appellant.

If a decision of the (Governing Body) reverses or modifies a refusal, order, or disallowance of the Inspector, or varies the application of any provision of this ordinance, the Inspector shall immediately take action in accordance with such decision.

Nothing in this subsection shall be construed to prevent an owner or other party in interest from exercising the right of petition for judicial review of an order of the Inspector, as provided by G. S. 160-187 and subsection (e) of the Section.

(e) Petition to Superior Court. The owner or any other person affected by an order of the Inspector shall have the right, within sixty (60) days following service of such order, to petition the Superior Court for a temporary injunction restraining enforcement of such order and for a hearing and determination of the validity thereof, as provided by G. S. 160-187.

Section 16. 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; 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 successive weeks in a newspaper (printed and published in the (City)(Town)) (circulating in the (City)(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.

Section 17. 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 ordinance, and upon adoption by the (Governing Body) of an ordinance authorizing and directing him to do so, as provided by G. S. 160-184 and Section 15 (c) of this ordinance, 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 ordinance, or to be vacated and closed and removed or demolished, as directed by the ordinance of the (Governing Body) 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".



Section 18. Costs a Lien on Premises. As provided by G. S. 160-184, the amount of the cost of any repairs, alteration, or improvements, or vacating and closing, or removal or demolition, caused to be made by the Inspector pursuant to Section 17 of this ordinance shall be a lien against the real property upon which such cost was incurred.

Section 19. Alternative Remedies. Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the (City)(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.

Section 20. Conflict with Other Provisions. In the event any provision, standard, or requirement of this ordinance is found to be in conflict with any provision of any other ordinance or code of the (City)(Town), the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the (City)(Town) shall prevail.

Section 21. 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 Section 15 of this ordinance, 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, 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 ordinance shall constitute a misdemeanor, as provided by G. S. 14-4.

Section 22. Severability. If any provision of this ordinance 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 ordinance are hereby declared to be severable.

This the 18th day of September, 1968.

this code required taking out a warrant against persons who did not comply with the original order of the Building Inspector to improve housing. Alderman Kage opposed this portion because it was an unreasonable attack on free enterprise. The Town Manager told the Board that any notice could be appealed to the Board of Aldermen and the ordinance which would allow special consideration to be given to individual cases. He suggested that part of the notice issued by the Building Inspector point out the appeal procedure. Alderman Prothro moved that an ordinance adopting the North Carolina Model Housing Code, 1968 be approved by the Board. This was seconded by Alderman Ethridge and unanimously adopted.

#### HUMAN RELATIONS COMMISSION

Alderman Giduz moved, seconded by Alderman Smith, that a position of staff assistant for the Human Relations Commission be approved with the pay of \$100.00 per month for 12 hours per week. This was unanimously carried.

#### WORKABLE PROGRAM

The Town Manager went over the revision of the Workable Program required by HUD. Alderman Ethridge moved that this revision of the Workable Program be approved by the Board and resubmitted as soon as possible. This was seconded by Alderman Varley and unanimously carried.

#### PARKING-EAST FRANKLIN STREET

Mayor McClamroch read an ordinance prohibiting parking on East Franklin Street from Roosevelt Avenue to the northern city limits:

#### AN ORDINANCE RELATING TO PARKING ON EAST FRANKLIN STREET

BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill:

##### SECTION I.

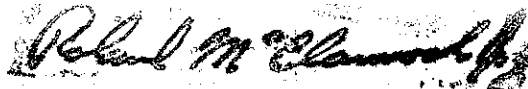
That from and after the 18th day of September 1968 it shall be unlawful to park an automobile or vehicle of any kind on East Franklin Street from Roosevelt Drive to the Corporate limit line of the Town of Chapel Hill near the intersection of East Franklin Street with US 15-501 Bypass.

##### SECTION II.


All ordinances or portions of ordinances in conflict herewith and hereby repealed.

This the 18th day of September 1968. Alderman Varley moved, seconded by Alderman Smith, that this ordinance be adopted. This was unanimously carried.

The Meeting adjourned at 5:50 P.M.



Mayor

  
Town Clerk

CCB099