

Town Code for Blowing Rock, North Carolina

CHAPTER 17 - MINIMUM HOUSING STANDARDS

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CHAPTER 17 - MINIMUM HOUSING STANDARDS

Article I - Definitions

Section 17-1 Definitions.

[Reserved]

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CHAPTER 17 - MINIMUM HOUSING STANDARDS

Article II - Authority to Repair, Close, and Demolish Certain Dwellings

Section 17-2 Authority to Repair, Close, and Demolish Certain Dwellings Unfit for Human Habitation.

(A) The purpose of this Ordinance is to provide a means for the Town to determine that a dwelling within the Town Limits is unfit for human habitation if the officer in charge of administering this Ordinance determines that conditions exist in the dwelling that render it dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the Town. Defective conditions may include defects herein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; or uncleanness.

(B) The Building Inspector for the Town of Blowing Rock is hereby designated and appointed to exercise the powers prescribed by this Ordinance.

(C) That whenever a petition is filed with the Building Inspector by a public authority or by at least five residents of the Town charging that any dwelling is unfit for human habitation or whenever it appears to the Building Inspector (on his own motion) that any dwelling is unfit for human habitation, the Building Inspector 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 dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Building Inspector (or his designated agent) at a place within the county in which the property is located fixed 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 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; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Inspector.

(D) That if, after notice and hearing, the Building Inspector determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order: (i) if the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation; or (ii) if the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(E) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Building Inspector may cause the dwelling to be repaired, altered or improved or to be vacated and closed; that the Building Inspector may

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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 misdemeanor.

(F) That, if the owner fails to comply with an order to remove or demolish the dwelling, the Building Inspector may cause such dwelling to be removed or demolished. The duties of the Building Inspector set forth in sections (D) and (E) above shall not be exercised until the governing body shall have by ordinance ordered the Building Inspector to proceed to effectuate the purpose of this Article with respect to the particular property or properties which the Building Inspector 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 the housing code. This 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.

(G) That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Building Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessments provided in Section (J) of this Chapter. If the dwelling is removed or demolished by the Building Inspector, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the Building Inspector, shall be secured in the 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 to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

(H) Complaints or orders issued by the Building Inspector pursuant to this Ordinance shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Building Inspector in the exercise of reasonable diligence, and the Building Inspector makes an Affidavit to that effect, then the serving of the Complaint or Order upon the unknown owners or other persons may be made by publication in the newspaper having general circulation in the Town at least once no later than the time at which personal service would be required under the provisions of this Ordinance. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby effected.

(I) An appeal from any decision or order of the Building Inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the Town. Such appeal shall lie with the Board of Adjustments. Any appeal from the Building Inspector

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shall be taken within (10) days from the rendering of the decision or service of the order by filing with the Building Inspector and with the Board of Adjustments which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Building Inspector shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Building Inspector 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 Building Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the Building Inspector certifies to the Board, after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of this requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except by restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Building Inspector, by the Board of Adjustment, or by a court of record upon petition made pursuant to this Ordinance.

(J) The appeals board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Building Inspector, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the Building Inspector. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(K) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the board, but not otherwise.

(L) Any person aggrieved by order issued by the Building Inspector or a decision rendered by the board may petition the superior court for an injunction restraining the Building Inspector from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the Building Inspector pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the court on a petition within 20 days, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

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(M) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Part or any ordinance or code adopted under authority of this Part or any valid order or decision of the Building Inspector or board made pursuant to any ordinance or code adopted under authority of this Part, the Building Inspector or board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

(N) This Ordinance shall become effective on August 9, 1988.