

April 20, 2005

H 1306. NONRESIDENTIAL BUILDING MAINTENANCE CODE. AUTHORIZING MUNICIPALITIES TO ADOPT ORDINANCES ESTABLISHING A NONRESIDENTIAL BUILDING MAINTENANCE CODE.

Enacts new GS 160A-439 for purpose indicated in title. Any code adopted is to provide for the appointment of a public officer to carry out its provisions. The public officer is to be empowered to make an initial determination as to whether a nonresidential building within the city or the extraterritorial jurisdiction 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 minimum standards established by the governing body. Upon that initial determination, the public officer is to give notice of a hearing to owner and parties in interest in the building. The hearing is to be held before the public officer or designee. The hearing officer determines after the hearing whether the building fails the test outlined above. If it does, the hearing officer determines whether repair, alteration, or improvement can be made at a reasonable cost (as a percentage of the value of the building, as set in the code). If it can, the public officer orders the repairs made or the building closed. If it cannot, then the public officer orders removal or demolition of the building (with special provision for ordering closure if the building is in an historic district and has value for maintaining the character of the district). If the owner fails to meet the orders, then the city council may by ordinance order the public officer to proceed with the repair, removal, or closure. Requires that ordinance be listed in the grantor index in the office of the register of deeds in the name of the property owner. The costs become a lien on the property and upon all real property in the city owned by the owner, except for the owner's primary residence. Occupants of the building who will not comply with an order to vacate are to be removed through summary ejectment. The city council may impose fines for violations. Service of complaints or orders by the public officer is to be made by registered or certified mail or in person. The code may provide that appeals are to be taken from decisions or orders of the public officer to the housing appeals board or the zoning board of adjustment.

Intro. by Crawford, Wray (By Request).

Ref. to Rules

GS 160A