



## TOWN OF KNIGHTDALE

950 Steeple Square Court  
Knightdale, NC 27545  
KnightdaleNC.gov

### ORDINANCE #21-07-21-003

### AN ORDINANCE TO AMEND THE TOWN CODE OF ORDINANCES OF THE TOWN OF KNIGHTDALE

#### TCA-1-21 Unsafe Buildings – Chapter 92

**WHEREAS**, the existence of unsafe buildings is dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of, the residents of the Town; and

**WHEREAS**, in order to protect the health, safety, and welfare of the residents of the Town as authorized by G.S. 160D-1119 and G.S 160D-1129, the Town is authorized to establish standards and procedures by which the Town shall declare and correct any unsafe buildings;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Knightdale, North Carolina:

**SECTION 1:** That the Town Code of Ordinances, be amended to add Chapter 92 Unsafe Buildings as adopted below:

#### CHAPTER 92. – Unsafe Buildings

Sec. 92.01. - Purpose.

(a) Purpose:

(1) The existence of unsafe buildings is dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of, the residents of the Town.

(2) In order to protect the health, safety, and welfare of the residents of the Town as authorized by G.S. 160D-1119 and G.S 160D-1129, it is the purpose of this article to establish standards and procedures by which the Town shall declare and correct any unsafe buildings.

Sec. 92.02 – Generally.

(b) Generally:

(1) Pursuant to the authority granted to it by statute, the Town shall declare as unsafe and a public nuisance any building which is found by the Town to be in such a dilapidated or deteriorated state of disrepair or other substandard condition as to be dangerous to the life, health, or other property, or to constitute a fire or safety hazard.

(2) Such declaration by the Town shall be in writing and shall constitute an order of condemnation for the purposes of this article.

(3) The Town shall take appropriate action to correct or remove any conditions causing a building to be declared unsafe and a public nuisance.

Sec. 92.03. - Definitions.

Generally, the following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Abandoned:** deserted or discontinuance of use.

**Accessory structure:** any building used or intended to be used in conjunction with a building but not used for habitation, whether attached or detached from a primary building, including, but not limited to, sheds, storage buildings, carports and garages, and any attached fence.

**Building:** any edifice, dwelling, accessory structure, or other structure or any portion thereof situated on the premises.

**Condemned building:** is any building determined by the code enforcement officer to be unsafe and dangerous, whereupon notice of condemnation shall be provided.

**Demolish and remove:** the demolition and removal of the entire building, leaving the premises free and clear of any debris, any excavation properly filled in, and with not holes or pockets which may retain water.

**Deteriorated:** a building which is substandard and can be repaired, altered, or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50 percent of its fair market value, as determined by finding of the code enforcement officer.

**Extermination:** the control and elimination of insects, rodents, or other pests.

**Garbage:** the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**Infestation:** the presence of any insects, rodents or other pests within or around a building in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.

**Mortgagee:** any creditor, lender, beneficiary, or mortgage-holder of a recorded deed of trust encumbering the premises.

**Occupant:** any person working, living, sleeping, cooking or eating in, or having actual possession of a building. An "occupant" may also be a "tenant."

**Officer:** refers to the code enforcement officer and any designated agent thereof.

**Operator:** any person who has charge, care or control of a building, or part thereof, in which a building is let.

**Owner:** any person who alone, jointly or severally with others shall have legal title in fee simple to a building (with or without accompanying actual possession thereof) or any person in charge, care or control of any building, as owner or agent of the owners, or as executor, administrator, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if such person were the owner.

**Party or parties in interest:** all persons, associations or corporations who have interest of record in a building, and any persons, associations or corporations who are in possession thereof, including, but not limited to: owner, occupant, mortgagee, tenant, judgement creditor or lien holder.

**Premises:** a lot, plot or parcel of land, including the buildings or improvements thereon, or any part thereof, except land occupied by streets, alleys or public thoroughfares.

Public authority: any housing authority or any officer who is in charge of any department or branch of the governments of the town, county, or the state relating to health, fire or building regulations or other activities concerning housing in the town.

Rubbish: combustible or noncombustible waste materials, except garbage and ashes, including, but not limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass or dust.

Substandard: any condition existing in a building which causes the building to be unsafe according to the standards in this article. A substandard building is by definition one which is unsafe.

Tenant: any lessee who occupies the whole or part of such building or premises, whether alone or with others. A "tenant" is also considered an "occupant" under this article.

Unsafe: conditions which the officer finds render the building dangerous or injurious to the health, safety or morals, and otherwise inimical to the welfare of, the occupants of the building, the occupants of neighboring housing, or other residents of the town, including, but not limited to, defects increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation or disrepair; structural defects; or uncleanness. An unsafe building is by definition a public nuisance and unfit for human habitation.

Vacate and close: any owner, tenant, or occupant must immediately exit such building, which shall be secured to prevent entry, including all outer doors firmly locked and basement, cellar and windows barred or boarded. It also means that such building shall not again be occupied until all violations are corrected and an inspection is conducted by the Officer to verify compliance with this article.

Words having certain meanings whenever the word "unsafe building" is used herein, it shall be construed as though followed by the words "or any part thereof."

#### Sec. 92.04. – Code Enforcement officials.

The officer is hereby designated and appointed to enforce the provisions of this article and to exercise the duties and powers prescribed herein including:

- (1) Investigate the condition of buildings within the town in order to determine which buildings are abandoned or in violation of this article;
- (2) Enter upon premises for the purpose of making inspections;
- (3) Administer oaths and affirmations examine witnesses and receive evidence;
- (4) Designate such other officers, agents and employees of the town as the officer deems necessary to carry out the provisions of this article;
- (5) Take such action pursuant to this article as may be necessary to provide for the repair, closing or demolition of such buildings;
- (6) Keep an accurate record of the results of inspections, complaints, and findings made under this article and all enforcement proceedings begun pursuant to the provisions of this article; and
- (8) Perform such other duties as may be prescribed herein, or assigned to the officer by the Town Council.

#### Sec. 92.05. – Standards for enforcement.

(a) Every unsafe building within the town shall be deemed in violation of this article whenever such building constitutes a hazard to the health, safety, or welfare of the town's citizens. Those conditions which may be found to create such a hazard are:

- (1) The attraction of insects or rodents;
- (2) Susceptibility to fires or any other hazardous condition or circumstance;
- (3) Dangerous conditions constituting a threat to children;
- (4) Frequent use by vagrants;
- (5) Susceptibility to vandalism;
- (6) Defective construction;
- (7) Overloaded structural parts; or
- (8) Dilapidation, deterioration, or decay.

(b) In making the preliminary determination of whether or not a building is unsafe in violation of this article, the code enforcement official may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

- (1) Holes or cracks in the building's floors, walls, ceilings or roof which might attract or admit rodents and insects or become breeding places for rodents and insects.
- (2) The collection of garbage or rubbish in or near the building which might attract rodents and insects or become breeding places for rodents and insects.
- (3) Violations of the state building code, the state electrical code, or the fire codes which constitute a fire hazard in such building.
- (4) The collection of garbage, rubbish or combustible materials which constitute a fire hazard in such building.
- (5) The use of such building or nearby grounds or facilities by children as a play area.
- (6) Violations of the state building code which might result in danger to children using the building or nearby grounds or facilities as a play area.
- (7) Repeated use of such building by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking, or eating.

Sec. 92.06. - Inspections.

(a) Authority to enter. For the purpose of making inspections and otherwise performing duties under this article, the officer may authorize the town's building inspectors to enter, examine and survey at all reasonable times all buildings for the purpose of performing the duty of safeguarding the health and safety of the general public.

(b) Obtaining a warrant. Whenever an owner, occupant, or agent thereof shall deny the town building inspector reasonable access to any premises for purposes of making inspections, the officer or town building inspector shall obtain a warrant to inspect as authorized by G.S. 15-27.2.

(c) Emergency cases. In cases where it appears that there is an imminent danger to life or safety of any person unless an unsafe building is immediately repaired, vacated, closed, or demolished, the code enforcement officer shall order its immediate repair, evacuation, closing or demolition as he or she may deem necessary, notwithstanding the other provisions of this article. The officer may take the temporary measures necessary to safeguard persons from immediate danger of collapse of such building and is authorized to close temporarily sidewalks, streets, and other buildings in places adjacent to such unsafe building and prohibit the same from being used, pending the elimination of the danger. The cost of emergency measures taken shall become a lien against the premises upon which the emergency condition

existed upon confirmation of the cost by the Town Council. The confirmation shall take place only after ten days written notice to the owner of the premises where the nuisance existed. The Council may also notify any other parties of interest of the emergency condition.

Sec. 92.07. – Procedure for enforcement.

(a) Preliminary investigation. On the officer's own motion, on request of any public authority, or upon receipt of a petition signed by any five residents of the town alleging that any building is unsafe, the officer shall authorize the building inspector to undertake a preliminary investigation of the premises.

(b) Notice. If the preliminary investigation discloses a basis for such charges, the officer shall issue and cause to be served upon the owner of the building charged as unsafe and all parties in interest in the building a complaint stating the charges and containing a notice that an administrative hearing will be held before the officer or the officer's designated agent at a place therein fixed, not later than ten days after the date of the notice pursuant to subsection 92.07(E). A notice of the pending proceedings shall also be posted a conspicuous place on the premises affected at least ten days prior to the date of the administrative hearing. Notice of such administrative hearing shall also be given to at least one of the persons signing a petition relating to such building, if any. The owner shall have the right to file an answer to the complaint in writing with the officer before the time fixed on the complaint or to appear in person and give testimony at the place and time fixed in the complaint for the administrative hearing. The owner may also give written authorization for any party in interest in the building to appear on the owner's behalf at the administrative hearing.

(c) Administrative hearing. The purpose of the administrative hearing is to determine the existence of any of those hazardous conditions listed in section 92.05 surveyed in the officer's preliminary investigation. Any person desiring to do so may attend such administrative hearing and give evidence in the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in administrative hearings before the officer. The owner may file with the officer a written statement agreeing that the building referred to in the complaint is unsafe, that the same should be demolished, and agreeing that all costs of demolition shall be a lien in the nature of a special assessment upon the property on which the building is located. In such cases, the officer may proceed with the demolition without complying with the additional provisions of this section.

(d) Issuance of order after hearing. If, after such notice and administrative hearing, the officer shall determine that the building under consideration is unsafe under the terms of this article, the officer 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. If any party in interest other than owner took part in the administrative hearing, the order shall also be served on that person. The town at its discretion may also serve the order on other parties of interest in the building who did not take part in the administrative hearing. The order shall require the owner, within the time specified in the order, but not less than 60 days, to repair, alter or improve the building in order to render it safe, or to close such building, or to demolish and remove such building. Any unsafe building ordered to be closed or to be demolished and removed must immediately be vacated upon notice of the order. The officer may require, upon notice of the order, any unsafe building to be repaired, altered, or improved to be vacated until such time as the officer determines the building has been made safe. The officer must affix a copy of the order on the unsafe building, and also a notice stating: "This building is unsafe." For those unsafe buildings which must be or are required to be vacated, notice shall further state: "This building is unsafe and unfit for human habitation. Occupation of this building for human habitation is prohibited and unlawful." It is the owner's responsibility to ensure that the building is immediately vacated of all occupants until such time as the officer determines the building has been made safe. In its order the town may permit a specified party in interest to carry out the order provided that the specified party in interest demonstrates at the hearing its

proper legal authority to fulfill the order by making the building safe. Such permission granted by the town to a specified party in interest shall be in addition to, and not in lieu of, the owner's duty to fully comply with the order and does not relieve the owner of any legal responsibilities.

(e) Methods of service of complaints and orders.

(1) Complaints or orders issued by the officer shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused so long as the regular mail is not returned by the post office within 10 days after the mailing.

(2) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the officer in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the officer makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the town at least once, no later than one week prior to the administrative hearing. Nothing in the section limits the town, in its discretion, from providing additional notice by publication in a newspaper having general circulation in

Sec. 92.08. – Filing of notice of lis pendens.

Lis pendens (a pending suit), in general terms, is a notice filed on public records for the purpose of warning all persons that the title to certain property is in litigation, and they are in danger of being bound by an adverse judgment. Upon the issuance of a complaint and notice of hearing or order pursuant thereto, a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, may be filed by the officer in the office of the clerk of superior court for the county, as provided in G.S. 1-120.2. The officer shall serve a copy of the notice of lis pendens upon the owners and parties in interest in the building, including any lien holders and tenants who may be determined by the exercise of reasonable diligence. The officer may have the notice of lis pendens canceled at such time as the building is brought into conformity with this article by sending to the clerk of superior court a notice asking that the notice of lis pendens be canceled.

Sec. 92.09. – Failure to comply with order.

(a) Failure to comply. It shall be unlawful for the owner of any building to fail, neglect, or refuse to repair, alter, or improve the same, or to fail, neglect or refuse to vacate and close or vacate and demolish and remove the same, upon order of the 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 past the time for compliance specified therein shall constitute a separate and distinct offense.

(b) No occupancy upon order. It shall be unlawful for the owner of any building, with respect to which an order has been issued pursuant to section 92.07 of this article, to occupy or permit the occupancy of the same after the time prescribed in such order for its vacation. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. It shall also be unlawful for any person other than the owner to occupy a building to which an order has been issued pursuant to section 92.07 of this article. This shall constitute an offense charged against the occupant, separate and distinct from any offense by the owner. Each day that such occupancy by a non-owner continues after such prescribed time shall constitute a separate and distinct offense.

(c) Civil offense. Unless specifically provided otherwise, violation of this article shall be a civil offense. If an owner fails to comply with an order to repair, alter or improve or to vacate and close, or to

vacate and demolish and remove any unsafe building, anyone, all, or combination of the enforcement actions authorized by law may be taken, including those set forth herein.

(1) Civil penalty for owner. If the owner of any unsafe building shall fail to comply with an order of the officer to repair, alter, or improve or to vacate and close or vacate and demolish and remove the same within the time specified therein, or if any building is occupied in violation of this article or any valid order or decision of the officer or Town Council made pursuant to this article, the owner may be subject to a civil penalty (See Fee Schedule) for the first day following the expiration of such order or following a determination that an unsafe building has been reoccupied in violation of this section, as the case may be. In each instance, a penalty (See Fee Schedule) per day may be imposed for each subsequent day that the order remains unsatisfied, or the unsafe building remains occupied in violation of an order. If an owner fails to pay the civil penalty within ten days after being notified of the amount due, the Town may recover the civil penalty together with all costs by filing one or more civil actions in the general court of justice in a suit to collect a debt. The Town Attorney is hereby authorized to file suit on behalf of the Town to collect any civil penalties, and the Town Manager is hereby authorized to verify and sign complaints on behalf of the Town in such suits.

(2) Civil penalty for non-owner occupant. In addition to the owner's fines set forth in subsection 92.09(c)(1) above, if a non-owner occupant of any unsafe building shall fail to comply with an order of the officer to vacate the building within the time specified in the order, the occupant may be subject to a civil penalty (See Fee Schedule) for the first day following the expiration of such order or following a determination that an unsafe building has been reoccupied in violation of this section, as the case may be. In each instance, a penalty (See Fee Schedule) per day may be imposed for each subsequent day that the unsafe building remains occupied in violation of an order. If a non-owner occupant fails to pay the civil penalty within ten days after being notified of the amount due, the town may recover the civil penalty together with all costs by filing one or more civil actions in the general court of justice in the nature of a suit to collect a debt. The town attorney is hereby authorized to file suit on behalf of the town to collect any civil penalties, and the town manager is hereby authorized to verify and sign complaints on behalf of the town in such suits.

(d) Administrative fees. In addition to any other charge, any owner of a building located within the town and its extraterritorial jurisdiction may be subject to an administrative fee (See Fee Schedule) upon an inspection hearing disclosing the building to be unsafe. In addition to any other charge, any owner of a building located within the town and its extraterritorial jurisdiction may be subject to an administrative fee (See Fee Schedule) upon any additional inspection hearing disclosing the building to be unsafe within the same 12-month period. The property owner may also be assessed any costs incurred in obtaining service including legal publication of notice of complaint charges, hearing notice and findings of fact and orders related to the building.

(e) Enforcement of order. If the owner of any unsafe building shall fail to comply with an order of the officer to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of any unsafe building shall fail to comply with an order of the officer to demolish and remove the same within the time specified therein, or if any building is erected, constructed, altered, repaired, converted, maintained, or used in violation of this article or any valid order or decision of the officer or Town Council made pursuant to this article, and court ordered relief has not been sought or has not been granted as provided in section 92.10 of this article, the officer may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use of a building in violation of this article or in any way inimical to the health and safety of the town's citizens; to correct or abate the violation; to prevent the occupancy of the building; or for any other purpose authorized by G.S. 160D-404 and other law. Such action shall include repairing, altering, improving, vacating, closing,

or demolishing and removing the building, as required by the order. Before repairing, altering, improving, vacating, closing, or demolishing and removing the building, the officer must take the following additional steps.

(1) Enforcement action pursuant to ordinance. The officer must submit to the Town Council for adoption of a resolution describing the building and ordering the officer to proceed to effectuate the purpose of this article with respect to the building which the officer found to be unsafe. Such resolution shall be recorded in the office of the register of deeds of the County and shall be indexed in the name of the property owner in the grantor index. The officer must affix a copy of the resolution on the unsafe building, and a notice stating: "This building is unsafe and unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Notwithstanding any other provision of this article, in accordance with G.S. 160D-1129, occupation of a building so posted shall constitute a class 3 misdemeanor. If, after adoption of such resolution, any occupant fails to comply with an order to vacate the building, the officer may file a civil action in the name of the Town to remove such occupant without further notice regardless as to whether the occupant is also the owner of the building.

(2) Additional resolution one year later. If the officer shall have issued an order ordering a building to be repaired or vacated and closed, and such building has remained unrepaired or vacated and closed for a period of one year, either by action of the owner as provided in subsection 92.09(b) above or following the adoption of an resolution by the board of commissioners pursuant to section subsection 92.09(e)(1), then, if the Town Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the building in order to render it safe, and that the continuation of the building in its vacated and closed status would be inimical to the health, safety, morals and welfare of the Town in that the building 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, or would render unavailable property and housing which might otherwise have been made available to ease the persistent shortage of decent and affordable housing, in such circumstances the board of commissioners may, after the expiration of such one-year period, enact a resolution and serve such resolution on the owner requiring the owner to either repair or demolish and remove the building within 90 days. The town may also serve such resolution on any parties of interest. Such resolution shall be recorded in the office of the county register of deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this resolution within the time fixed by such resolution, then the officer shall effectuate the purpose of the resolution. The cost of such repairs, demolition or removal shall be a lien on the property pursuant to G.S. 160D-1125(b) and (c).

(f) Other enforcement action. The failure of the owner to comply with an order issued by the officer may also be enforced through any equitable or other remedy deemed appropriate by the Town and permitted by law.

Sec. 92.10. – Appeals from orders of the officer, review by court.

(a) Appeals to board. All appeals which may be taken from decisions or orders of the officer pursuant to this article shall be heard and determined by the board of adjustments. 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. The board shall keep an accurate journal of all its proceedings.

(b) When appeal may be taken. An appeal may be taken from a final decision or an order of the officer by the owner or party in interest, an authorized representative of the town, other than the officer issuing



the final decision or order, or the board of commissioners of the town upon proper notice. Except as provided herein, any appeal shall be taken no later than ten (10) days from the date of service of the decision or order as determined by subsection 92.07(e) by filing with the officer and with the board of commissioners a written notice of appeal which shall specify with particularity all the grounds upon which the appeal is based. No time limit shall apply to an appeal by an authorized representative or the town or the board of commissioners.

(c) Duty of officer. Upon the filing of an appeal upon the filing of any notice of appeal, the officer shall forthwith transmit to the board of adjustments all the papers constituting the record upon which the final decision or order appealed from was made. The officer shall also report the appeal to the town manager, who shall cause the matter to be placed on the agenda for action by the board at its next ensuing regular meeting, and shall notify the appellant of the date the board will hear the matter.

(d) Staying of action. When an appeal is from a decision or order of the officer refusing to allow the person aggrieved thereby to do any act, the officer's decision or order shall remain in force until modified or reversed. When an appeal is from a decision or order of the 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, unless the officer certifies to the board, after the notice of appeal is filed with the officer, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of the officer's requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Officer, by the board of commissioners, or by a court of record upon petition made pursuant to G.S. 160D-1127 and this section.

(e) Hearing of appeals. The board of adjustments shall fix a reasonable time for the hearing of all appeals, and shall reserve the right to continue the hearing of the appeal from time to time. Any party may appear in person or by authorized 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 as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the officer. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, to adapt the application of this article to the necessities of the case to the end that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done. A copy of the board's decision shall be served on the appellant by the officer.

(f) Petition to superior court.

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

(2) Any person aggrieved by an order issued by the officer or a decision rendered by the board of commissioners may petition the superior court for an injunction restraining the Officer from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the officer 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.

Sec 92.11. – Costs of lien on premises, disposition of property.

Liens. 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 officer pursuant to this article, shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by G.S. Ch. 160A, Art. 10 (G.S. 160A-216 et seq.), and may also include the reasonable cost of attorneys' fees for nuisance abatement pursuant

to G.S 160A-193. Such lien, if against real property located within the town limits, is also a lien on any other real property of the owner located within the town limits or within one mile thereof except for the owner's primary residence. This additional lien is junior to all prior liens and shall be collected as a money judgment.

Sec. 92.12. – Other Remedies

Nothing contained herein or in any other part of this article shall be construed to abrogate or impair the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise; to enforce any provision of its charter, or its ordinances or regulations; or to prevent or punish violations thereof, and the procedure described herein shall be in addition and supplemental to the powers conferred on the town by any other law.

Sec. 92.13 – Failure to comply with order.

If the owner of a building or structure fails to comply with an order issued pursuant to G.S. 160D-1122 from which no appeal has been taken, or fails to comply with an order of the board of commissioners following an appeal, he shall be guilty a Class 1 misdemeanor.

**SECTION 2:** That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

**SECTION 3:** That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**SECTION 4:** That this ordinance has been adopted following a duly advertised public hearing of the Town Council.


**SECTION 5:** That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Knightdale Town Code

**SECTION 6:** That this ordinance shall become effective upon its adoption by Town Council.

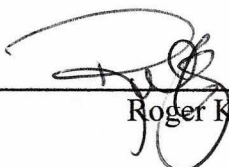
Adopted this 21<sup>st</sup> day of July, 2021

  
\_\_\_\_\_  
Jessica Day, Mayor

ATTEST:

  
\_\_\_\_\_  
Heather M. Smith, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Roger Knight, Town Attorney