



TOWN OF KNIGHTDALE

950 Steeple Square Court
Knightdale, NC 27545
KnightdaleNC.gov

ORDINANCE #21-07-21-004

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

TCA-2-21 Minimum Housing – Chapter 93A

WHEREAS, pursuant to G.S. 160D-1201 et seq., it is hereby declared that there exists in the Town of Knightdale dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the Town of Knightdale; and

WHEREAS, in order to protect the health, safety and welfare of the residents of the Town as authorized by G.S. 160D-1201, 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. 160D-1205;

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

SECTION 1: That Chapter 93A of Town Code of Ordinances, be amended as adopted below:

Chapter 93A. Minimum Housing Code Ordinance Standards

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93A.1. Purpose.

Pursuant to G.S. 160D-1201 et seq., it is hereby declared that there exists in the Town of Knightdale dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the Town of Knightdale.

In order to protect the health, safety and welfare of the residents of the Town as authorized by G.S. 160D-1201, 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. 160D-1205.

93A.2. Definitions.

A. The following definitions shall apply in the interpretation and enforcement of this chapter:

1. Administrator shall collectively mean "Planning Director of the Town of Knightdale, North Carolina and subordinate staff.
2. Basement shall mean a portion of a dwelling, which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
3. Cellar shall mean a portion of a dwelling that is 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.
4. Deteriorated shall mean that a dwelling is unfit for human habitation but can be repaired, altered, or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of fifty (50) percent of its value, as determined by the finding of the Inspector.
5. 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 chapter except at a cost in excess of fifty (50) percent of its value, as determined by the finding of the Inspector.
6. Dwelling shall mean any building, structure, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith. The term shall

include rooming houses and rooming units, as hereinafter defined. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

7. Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking and eating.

8. Electrical system shall mean and include the incoming power lines, electric meter, service panel, subpanels, household wiring, electrical boxes, receptacles (or outlets), switches, and appliances. Other electrical systems may include communications wiring for audio, video, doorbells, telephones, security systems, and intercoms.

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

10. Garbage shall mean the organic waste resulting from the handling, preparation, cooking and consumption of food.

11. Gender, words having a masculine gender shall include the feminine and neuter genders.

12. 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.

13. 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 the public.

14. Inspector shall mean the Building Inspector of the Town or any authorized agent of the Inspector.

15. Multiple dwelling shall mean any building containing two (2) or more dwelling units.

16. Occupant shall mean any person of any age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

17. 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.

18. Owner shall mean any person who alone, jointly, or severally with others:

a. Has title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof; or

b. Holds a mortgagee of record for any dwelling, dwelling unit or rooming unit; or

c. Has charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and with the rules and regulations adopted pursuant thereto, to the same extent as if he was the owner.

19. Party or Parties in interest shall mean all persons as defined in this ordinance who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

20. Person shall mean any individual, corporation, firm, partnership, association, organization or other legal entity.

21. 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 grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

22. Public authority shall mean the Town Council or any officer who is in charge of any department or branch of the government of the Town of Knightdale or of Wake County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the Town.

23. Rooming house shall mean any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is rented or leased by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

24. 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.

25. Rubbish shall mean nonorganic waste materials. The term shall include paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

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

27. 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 utility system on the same premises for more than thirty (30) consecutive days.

28. Unfit for human habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one (1) or more of the minimum standards of fitness or one (1) or more of the requirements established by this chapter, as determined by the Inspector

B. Construction of Definitions. 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".

93A.3. Minimum Standards of Fitness for Dwellings and Dwelling Units.

A. The following standards shall constitute the minimum standards for dwellings and dwelling units:

1. Every dwelling and dwelling unit used for 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 this chapter.

2. 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 this chapter.

93A.4. Minimum Standards for Structural Condition.

A. The following standards shall constitute the minimum standards for the structural condition of a dwelling or dwelling unit:

1. Walls or partitions or supporting members, sills, hoists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
2. Floors or roofs shall have adequate supporting members and strength to be safe for the proposed use.
3. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
4. Steps, stairs, landings, porches, balconies, decks, patios or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse during use.
5. Adequate facilities for egress in case of fire or panic shall be provided.
6. 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.
7. The roof, flashing, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather-tight and watertight.
8. 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.
9. There shall be no use of exposed ground as a floor and no floor covering, other than cement, shall be placed directly on the ground.

93A.5. Minimum Standards for Basic Plumbing, Heating, and Electrical Equipment and Facilities.

A. The following standards shall constitute the minimum standards for basic plumbing, heating, and electrical equipment and facilities of a dwelling or dwelling unit:

1. Plumbing System.
 - a. Each dwelling unit shall be connected to a potable water supply and a public sewer or other approved sewage disposal system according to the current version of the City of Raleigh Public Utility Handbook.
 - b. Each dwelling unit shall contain not less than a kitchen sink, lavatory, and tub or shower, water closet, and adequate supply of both cold and hot water.
 - c. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
 - d. All plumbing fixtures shall meet the standards of the State Plumbing Code and be maintained in a state of good repair and in good working order.
 - e. 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.
2. Heating System. Every dwelling and dwelling unit shall provide a source of heat or heating system in accordance with the following:

a. Central and Electric Heating Systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected to a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor with an outside temperature of twenty (20) degrees Fahrenheit.

b. Other Heating Facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with a sufficient source of heat (i.e. space heaters) which are properly installed and connected to chimneys, flues, gas vents or other facilities to heat all habitable rooms to a minimum temperature of sixty-eight (68) degrees Fahrenheit measured three (3) feet above the floor with an outside temperature of twenty (20) degrees Fahrenheit.”

c. Fireplaces, stoves, wood or coal burning units, and portable kerosene heaters and like appliances do not meet the requirements of this section.

3. Electrical System.

a. Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles connected in such a manner as determined by the State Electrical Code. Every habitable room shall contain at least two (2) floor- or wall-type electric convenience receptacles. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one (1) 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 (3) floor- or wall-type electric convenience receptacles.

b. Every public hall, stairway, exterior entryway and doorway in every multiple dwelling unit building or complex shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

c. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, and capable of being used.

d. Every dwelling shall be equipped with smoke detectors installed to protect occupants in all sleeping areas.

93A.6. Minimum Standards for Ventilation.

A. The following standards shall constitute the minimum standards for ventilation of a dwelling or dwelling unit:

1. General. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light obstructing structures are located less than five (5) feet from the window and extend to a level about 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 (15) percent of the total floor area of such room.

2. 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 be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

3. 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.

93A.7. Minimum Standards for Space, Use, and Location

A. The following standards shall constitute the minimum standards for space, use, and location of a dwelling or dwelling unit:

1. Room Sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State 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 (3) 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 (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.

2. 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 (7) feet and six (6) inches.

3. Floor Area Calculations. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten (10) percent 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 ($4\frac{1}{2}$) feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

4. Cellar. No cellar shall be used for living purposes.

5. Basements. No basement shall be used for living purposes unless:

a. The floor and walls are substantially watertight.

b. The total window area, total openable window area and ceiling height are equal to those required for habitable rooms.

c. 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 access way.

93A.8. Minimum Standards for Safe and Sanitary Maintenance.

A. The following standards shall constitute the minimum standards for safe and sanitary maintenance of a dwelling or dwelling unit:

1. Exterior Foundation, Walls and Roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight and rodent-proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

2. Interior Floors, 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 would cause to be placed thereon.

3. Windows and Doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather-tight, watertight and rodent-proof and shall be kept in sound working condition and good repair.
4. Stairs, Porches and Appurtenances. Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.
5. Bathroom Floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.
6. Supplied Facilities. Every supplied facility, piece of equipment or utility required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
7. Drainage. Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.
8. Noxious Weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.
9. Egress. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.

93A.9. Minimum standards for control of insects, rodents, and infestations.

A. The following standards shall constitute the minimum standards for control of insects, rodents, pests, and infestation of a dwelling or dwelling unit:

1. Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens or a storm door and a self-closing device. Every window or other device with openings to outdoor space that may be opened or is intended to be used for ventilation shall likewise be equipped with screens.
2. 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 equipped with screens or such other approved device as will effectively prevent their entrance.
3. Infestation. Every owner and 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 (1) 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 (2) or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.
4. Rubbish Storage and Disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by Town of Knightdale ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.
5. Garbage Storage and Disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit

(mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by Town of Knightdale ordinances.

93A.10. Minimum Standards Applicable to Rooming Houses; Exceptions.

A. All of the provisions of this chapter, and all of the minimum standards and requirements of this chapter, 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 paragraphs:

1. **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 these 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.

2. **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 less than twelve (12) years of age.

3. **Sanitary Conditions.** The owner and/or 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. They 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.

4. **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, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

93A.11. Responsibilities of Owners and Occupants

A. The following responsibilities shall apply to owners and occupants of a dwelling or dwelling unit:

1. **Public Areas.** Every owner of a dwelling containing two (2) 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.

2. **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.

3. **Rubbish and Garbage.** Every occupant of a dwelling or dwelling unit shall dispose of all their rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

4. 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 the same.

5. 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.

6. The respective responsibilities of landlords and tenants under rental agreements for dwelling units are further enumerated in G.S. Ch. 42, Art. 5. and are not the subject of this chapter. This chapter shall not reduce, restrict, or limit the responsibilities enumerated under state law.

93A.12. Powers and Duties of the Administrator.

A. The Administrator is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed. The Administrator is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. The Administrator shall have the following powers and duties:

1. To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the Town, in order to determine which dwellings and dwelling units are unfit for human habitation and for compliance with this chapter and other applicable ordinances, and for the purpose of carrying out the objectives of this chapter with respect to the repair, closing or demolition of such dwellings and dwelling units;

2. To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to achieve rehabilitation of any dwelling or dwelling unit which is deteriorated;

3. To keep a record of the results of inspections made under this chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;

4. To administer oaths and affirmations, examine witnesses and receive evidence;

5. To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with this chapter and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

6. To appoint and fix the duties of such officers, agents, and employees as he deems necessary to assist in carrying out the purposes of this chapter, and to delegate any of his functions and powers to such officers, agents and employees; and

7. To perform such other duties as may be prescribed herein or by the Town Council.

93A.13. Inspections; Duty of Owners and Occupants.

A. The following shall constitute duties of owners and occupants of a dwelling or dwelling unit with respect to inspections:

1. For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith only when there is reasonable cause to believe that unsafe, unsanitary, or otherwise hazardous or unlawful conditions may exist in the residential building or structure. When the Inspector determines that a safety hazard exists in a dwelling unit within a multifamily building, which, in the opinion of the inspector poses an immediate threat to the occupant, the Inspector may inspect in the absence of a specific complaint and actual knowledge of the unsafe condition, additional dwelling units to determine whether the same safety hazard exists.

2. Reasonable Cause shall mean any one of the following conditions:

- a. The landlord or owner has a history of more than two (2) verified violations of the housing code within a 12-month period;
- b. There has been a complaint that substandard conditions exist within the building or there has been a request that the building be inspected;
- c. The Inspector has actual knowledge of an unsafe condition within the building;
- d. Violations of the housing code are visible from off the property.

3. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit, rooming house or rooming unit and its premises for the purposes of such inspection, examination and survey when reasonable cause for inspection exists or the subject dwelling is in a multifamily building as described in subsection 1.

4. Every occupant of a dwelling, dwelling unit, rooming house or rooming 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.

When permission to inspect a dwelling or its premises is denied by the owner/occupant, the Building Inspector must obtain a warrant to inspect under state law. State law provides for the issuance of warrants for the conducting of inspections authorized by law.

Generally, the consent of the tenant/occupant who is in actual possession and control of the premises is sufficient to authorize an inspection without a warrant, notwithstanding the fact that the owner had objected to the warrantless search. When faced with a situation where permission to inspect is denied, Building Inspectors may seek the advice of the Town Attorney.

93A.14. Procedure For Enforcement.

A. Preliminary Investigation; Notice; Hearing. Whenever a petition is filed with the Administrator by a tenant or occupant, a party of interest, a public authority or agency or at least five (5) residents of the Town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector that any dwelling or dwelling unit may be unfit for human habitation, they shall, if their 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 notice of violation 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 the complaint. Such notice shall be served in the manner prescribed in G.S. 160D-1206.

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 before the Inspector. Notice of such hearing shall also be given to at least one (1) 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. The Inspector shall have discretion to make findings concerning the matters addressed at the hearings.

In the event the condition of the dwelling, or dwelling unit creates an imminent risk to the health and safety of occupants or the public, the Administrator is empowered to take any emergency measure provided by law to protect the public or the occupants of the dwelling or dwelling unit.

B. Lis Pendens. Upon issuance of a notice of violation and notice of hearing pursuant to this section, the Inspector may cause the filing/recording of a notice of lis pendens or other appropriate notice in the office of the Clerk of Superior Court and Register of Deeds of Wake County. The lis pendens shall be cross-indexed in accordance with indexing procedures of the North Carolina General Statutes. The Inspector shall cause a copy of the notice of lis pendens to be served upon the owners and other parties in interest at the time of filing in accordance with G.S 160D-1206.

Upon compliance with the requirements of any order based upon such complaint and hearing the Inspector shall direct the Clerk of Superior Court and Register of Deeds to cancel the notice of lis pendens and shall file any documentation required by the court to cancel the lis pendens.

C. Procedure After Hearing. After such notice and hearing, the Inspector shall determine whether the 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, or improve such dwelling or dwelling unit to comply with the minimum standards established by this chapter within a specified period of time, not to exceed ninety (90) days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.

If the Inspector determines that the dwelling is dilapidated, he shall record in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order either directing and requiring the owner to repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards established by this chapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed ninety (90) days. If the Inspector finds that repair, alteration, or improvement of such dwelling or dwelling unit cannot reasonably be accomplished or that continued occupation and residence during the term of repair is not safe for occupants, he may require that all occupants immediately vacate the property.

D. Failure to Comply With Order.

1. In Personam Remedy. If the owner of any deteriorated or dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, the Inspector shall submit to the Town Council at its next regular meeting a resolution directing the Town Attorney to petition the Superior Court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. 160D-1208(e), or to vacate the dwelling pursuant to G.S. 160D-1203(3).

2. In Rem Remedy. 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 chapter, and upon adoption by the Town Council of an ordinance authorizing and directing him to do so, as provided by G.S.160D-1203(4)) and this chapter, the Inspector may proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Town Council.

When authorized by the Town Council, the Inspector 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". Occupation of a building so posted shall constitute a Class 1 misdemeanor.

3. Summary Ejectment. If an owner or occupant fails to comply with a valid order to vacate a dwelling, the Inspector may initiate proceedings to remove the occupant as provided under G.S. 160D-1203(8).

E. Appeals From Orders of Inspector. An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten (10) days from the receipt of the decision or service of the order and shall be taken by filing with the Inspector and with the Board of Adjustment a written notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Land Use Review Board all the papers constituting the record upon which the decision appealed from was made.

An appeal from a decision of the Inspector shall remain in force until modified or reversed, provided that when an appeal is from a decision of the Inspector requiring the person aggrieved to perform any act, the appeal shall have the effect of suspending the requirement until the hearing by the Land Use Review Board, unless the Inspector certifies to the Land Use Review Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of this requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a temporary restraining order or injunction. Such an order may be granted for due cause shown upon not less than one (1) day's written notice to the Inspector, by the one (1) day's written notice to the Inspector, by the Land Use Review Board, or by the Wake County Superior court upon petition made pursuant to G.S. 160D-1208.

The Land Use Review Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Land Use Review Board may reverse or affirm, in whole or in part, or may modify the decision or order appealed from, and may make such 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 Inspector, but the concurring vote of four-fifths ($4/5$) members of the Land Use Review Board shall be necessary to reverse or modify any decision or order of the Inspector.

The Land Use Review 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.

Every decision of the Land Use Review Board shall be subject to review by proceedings in the nature of certiorari instituted within the Wake County Superior Court within fifteen (15) days after the written decision of the Land Use Review Board, but not otherwise.

F. Petition to Superior Court For Restraining Order by Owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Land Use Review Board shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the superior court for an order restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160D-1208(d).

93A.15. Methods of Service of Complaints and Orders.

Complaints or orders issued by the Inspector shall be served upon person(s) either personally or by registered or certified mail. 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 at least once no later than the time at which personal service would be required under the provisions of this ordinance in a newspaper having general circulation in the Town. Where

service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

93A.16. In rem Action by Inspector.

Each in rem order by the Inspector shall be recorded in the office of the Register of Deeds in Wake County wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160D-1203(4).

93A.17. Costs; a Lien of Premises.

As provided by G.S. 160D-1203(7), all fees, costs, and expenses associated with any repairs, alterations or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to this ordinance shall be a lien against the real property upon which such cost was incurred. All such amounts shall be due and payable by the owner of the dwelling or dwelling unit within fifteen (15) days of notice mailed to the owner. Interest shall run on any amount not paid within fifteen (15) days at the rate of one (1) percent per month until fully paid. Such lien shall be filed, have identical priority, and be collected in the same manner as the lien for special assessments established by G.S. Ch. 160A, Art. 10.

93A.18. Alternative Remedies.

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. 14-4 and this chapter, 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.

93A.19. Appeals/Land Use Review Board (the Board).

The Land Use Review Board will hear all appeals, which may be taken from decisions or orders of the Inspector, as provided by the Town of Knightdale Unified Development Ordinance.

93A.20. Conflict With Other Provisions

In the event any provision, standard, or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the 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 Town shall prevail.

93A.21. Violations; Penalty.

A. It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.

B. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to this chapter, 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. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

C. Any owner of a dwelling except an owner who occupies the dwelling as his principal place of residence, who fails to comply with an order of the Code Enforcement Officer to repair, alter or improve the dwelling, or to vacate and close and remove or demolish the dwelling, within the time

specified in the order, shall be subject to the specifications listed in the Town of Knightdale Ordinance Number 08-04-07-001: Residential Rental Occupancy Permit Ordinance.

D. In addition to the penalty established by subsection (c) above, and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

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

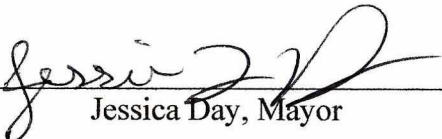
SECTION 3: That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

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 21st day of July, 2021



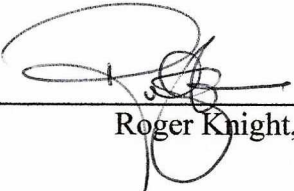
Jessica Day, Mayor

ATTEST:



Heather M. Smith, Town Clerk

APPROVED AS TO FORM:



Roger Knight, Town Attorney