



**DUPLIN COUNTY
MINIMUM HOUSING STANDARDS**

Proposed:

March 10, 2009

Adopted: April 20, 2009 Effective: May 18, 2009

Prepared by the Duplin County Planning Board
and
Duplin County Inspections Department

Randall G. Tyndall, Planning Director

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Any complaint, petition, orders, appeals or enforcement actions that have been filed or in effect on or before the effective date of this ordinance shall continue to be valid and enforceable under the terms of the previous minimum housing code adopted on or about July 1, 1989 by the Duplin County Board of Commissioners.

ARTICLE A Minimum Housing Standards – Stick Built Homes

Section 1.

Finding: Purpose

(a) Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the County of Duplin dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise detrimental to the welfare of the residents of the County.

(b) In order to protect the health, safety and welfare of the residents of the County as authorized by part 6 of article 19, chapter 160A of the General Statutes, it is the purpose of this article 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. 160A-444.

Section 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

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

(2) *Cellar* shall mean a portion of a building located partly or wholly underground having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

(3) *Deteriorated* shall mean that a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this article, at a cost not in excess of fifty percent (50%) of its value, as determined by finding of the inspector.

(4) *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 article at a cost not in excess of fifty percent (50%) of its value, as determined by finding of the inspector.

(5) *Dwelling* shall mean any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or is intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home which is used solely for a seasonal vacation purpose as defined in GS 160A-442.

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

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

(8) *Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(9) *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.

(10) *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.

(11) *Inspector* shall mean a building inspector of the County or any agent of the inspector who is authorized by the inspector.

(12) *Manufactured Home* shall be: A residential dwelling unit, designed for transportation after fabrication on its own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor incidental unpacking and assembly operations including, but not limited to, location on jacks or other temporary or permanent foundation, and connection to utilities. Travel trailers, campers and recreational vehicles shall not be considered mobile homes unless in a park for more than thirty days. For the purposes of this ordinance, the term "mobile home" shall be inclusive of the term "manufactured home" as the term manufactured home is defined by the North Carolina General Statutes.

(13) *Multiple dwelling* shall mean any dwelling containing more than two (2) dwelling units.

(14) *Occupant* shall mean any person over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

(15) *Operator* shall mean any person who has charge, care or control of a building or part thereof, in which dwellings units or rooming units are let.

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

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

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

(17) *Plumbing* shall mean and include all of the following supplied facilities and equipment gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets, sinks; installed dish- washers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(18) *Public authority* shall mean the County of Duplin Housing Authority or any officer who is in charge of any department or branch of the government of Duplin , County or the State of North Carolina relating to government of Duplin County or the State of North Carolina relating to health, fire building regulations, or other activities concerning dwellings in the County.

(19) *Recreation vehicle* shall mean a vehicular, portable structure built on a chassis, with permanent wheels, designed to be used as a temporary dwelling for travel, recreational and vacation used towed or driven and having a width not in excess of eight feet.

(20) *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.

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

(22) *Rubbish* shall mean combustible and noncombustible waste materials except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood,

excelsior, rubber, leather, tree branches, yard trimming, tin cans, metals, minerals matter, glass crockery, and dust.

(23) *Stick Built home* shall be defined as: A home that is "stick-built" is constructed on the building site, piece by piece. Manufactured and modular homes are not classified as stick-built because they are made mostly in the factory and then transported to the site. A custom home and a home made according to stock building plans may both be stick-built, provided that they are constructed on the land where they will remain.

(24) *Supplies* shall mean paid for, furnished or provided by, or under the control of, the owner or operator.

(25) *Temporary housing* shall mean temporary labor camps and migrant labor housing.

(26) *Transportable housing* shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.

(27) *Unfit for human habitation* shall mean that conditions exist in a dwelling which violate or do not comply with one (1) or more of the minimum standards of fitness or one or more of the requirements established by this article.

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

Section 3. Minimum standards of fitness for dwellings and dwelling units.

Every dwelling and dwelling unit used as a human habitation except transportable and temporary housing (excluding inobile homes) or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4 to 8 of this chapter. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4 to 8.

Section 4. Minimum standards for structural condition

(a) Walls, floors and roofs shall not have rotted, deteriorated, or damaged supporting members to a point where the structural integrity would not be reasonably safe for the purpose used.

(b) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged to a point where the supporting strength would not be safe for the purpose used.

(c) 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 may cause to be placed thereon.

(d) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code (Volume 1-B of the State Building Code).

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

(f) 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.

(g) There shall be no use of the ground for floors, or wood floors on the ground.

Section 5. Minimum standards for basic equipment and facilities.

(a) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain the, following as required by the State Plumbing Codes; a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water' supply.

(3) All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in an operable condition.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(b) Heating system. Every dwelling unit shall have facilities for providing heat in accordance with either (1) or (2) below.

(1) Central and electric heating systems. Every dwelling unit should have facilities provided to heat the dwelling to a temperature of 70° Fahrenheit at 3 feet above floor level during ordinary winter conditions.

(2) Other heating facilities. Where a central or electric heating is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during ordinary winter conditions.

(c) Electrical system.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles, connected in such manner as determined by the National Electrical Code. There shall be installed in every bathroom, water closet room and laundry room, at least one supplied ceiling, or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least (3) floor or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair and safe. All repairs, replacements and additions shall be installed in accordance with the National Electrical Code.

Section 6. Minimum standards for ventilation.

(a) General. Except when provided with mechanical ventilation, every habitable room shall have an operable window, the size of which shall be not less than ten percent (10%) of the floor area of such room.

(b) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Section 7. Minimum standards for space, use, and location

(a) Room sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code (Volume I-B of the State Building Code) and stated below:

(1) Every dwelling unit shall contain at least one hundred and 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.

(2) 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.

(b) Ceiling height. At least one-half (1/2) of the floor area off every habitable room shall have a ceiling height of not less than seven (7) feet and six (6) inches.

(c) Floor area calculation shall be as required by the State Residential Building Code (Volume I-B) and as stated below. 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 percent (10%) of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half (4 1/2) feet shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.

Section 8. Minimum standards for control of insects, rodents, and infestations.

(a) 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 have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed. If central heating and air conditioning is provided then no screens are required.

(b) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupancy 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 reasonably rodent and insect proof condition,

extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more dwelling units in any dwelling or in the shared or public parts of 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.

(c) Garbage storage and disposal. Every dwelling unit in a multiple unit facility shall be supplied with an approved garbage disposal facility.

ARTICLE B – Minimum Housing Standards – Manufactured Homes

Section 1. Purpose: No manufactured home set up in Duplin County's jurisdiction after the effective date of this Ordinance shall have electricity hooked up to it without meeting the following requirements:

(a) Exterior siding must be either painted or stained wood such as board and batten or board-on-board, Masonite, simulated stucco, residential grade metal, or vinyl lap siding. All siding shall be in good condition, complete, not damaged or loose.

(b) All repairs made to the exterior of manufactured homes shall be made consistent with the original intent or integrity of the manufactured home. (For example, if repairs are made to the siding, material as close to or consistent with the original siding shall be used.)

(c) Each manufactured home shall either have a brick curtain wall, ABS plastic color skirting with interlocking edges (key locked) or PVC painted metal approved skirting installed around the perimeter of the manufactured home. The skirting shall be attractive and in good condition, not pierced and shall be laid-up in an attractive, workmanlike manner. Any curtain wall or skirting shall have at least one door to enable access to the space below the manufactured home. All skirting shall have a frame sufficient to hold it in place.

(d) All windows and doors shall be intact and in working condition.

(e) Permanent steps for the manufactured home shall meet the North Carolina Building Code and shall be installed.

(f) All minimum lot size requirements and set back requirements from property lines, road rights of way and other homes must be met.

(g) The Duplin County Inspections Department shall provide a certificate that the used manufactured home meets the minimum housing standards of the Duplin County Inspections Department.

Section 2. Mobile Home Tax Permits

No manufactured home set up in Duplin County's jurisdiction after the effective date of this Ordinance shall have electricity hooked up to it without having a mobile home tax permit as required by NCGS 105-316.1 through 105-316.5. Such mobile home tax permits shall be obtained from the tax collector of the County from which the mobile home was moved.

ARTICLE C – Responsibilities of Owners and Occupants

Section 1. Purpose to define the responsibilities of owners and occupants

(a) Public areas. Every owner of a dwelling containing two (2) or more dwellings units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(b) 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.

ARTICLE D -- Responsibilities of the County

Section 1. Purpose to define the duties of building inspector and/or County representative

The building inspector is hereby designated as the officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed.

(1) Upon the request of an elected official of the County, County Manager, the head of household, by a public officer of a public authority or a written request of five residents, the building inspector shall investigate the dwelling and the dwelling conditions in order to determine if the dwelling unit is unfit for human habitation.

(2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated:

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

(4) To perform such other duties as may be herein prescribed.

Section 2. Powers of building inspector

The building inspector is authorized to exercise such powers as provided by N.C. General Statutes.

Section 3. Inspection; duty of owners and occupants

For the purpose of making inspections, the inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or Occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall give the inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such

dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

Section 4. Procedure for enforcement.

(a) Preliminary investigation; notice, hearing. Whenever a petition is filed with the inspector by a public officer of a public authority or by at least five (5) residents of the County charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the inspector, upon inspection that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served, upon the owner of and parties interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(b) Procedure after hearing. After such notice and hearing, the inspector shall state in writing his determination whether such dwelling unit is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.

(1) If the inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article 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.

(2) If the inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article or else vacate and remove or demolish the same within a specified period of time not to exceed ninety (90) days.

(c) Failure to comply with order.

(1) In person remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the inspector to vacate and close, and remove or demolish the same within the time specified therein, the inspector shall submit to the governing body at its next regular meeting a resolution directing the County 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. 160A-443(7) and/or G.S. 160A-446{g}.

(2) In rem remedy. After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the inspector within the time specified therein, if injunctive relief has not been sought

or has not been granted as provided in the preceding paragraph (1) the inspector shall submit to the governing body an ordinance ordering the inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the inspector, and pending such removal or demolition to placard such dwelling as provided by G.S. 160A-443 and Article D section 6 of this ordinance.

(d) Appeals from orders of inspector. An appeal from any decision or order of the inspector may be taken by any person aggrieved there- by. Any appeal from the inspector shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the inspector and with the Housing Appeals Board a 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 Board all the papers constituting the record upon which the decision appealed from was made. When appeal is from a decision of the 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 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, unless the inspector certifies to the 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 the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446(f) and subsection (e) of this section.

(1) The 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 Board may reverse or affirm, wholly or partly, or may modify the decision or order the 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 (4) members of the Board shall be necessary to reverse or modify any decision or order of the inspector. 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 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.

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

(e) Petition to Superior Court by owner. Any person aggrieved by an order issued by the inspector or a decision rendered by the 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 a temporary injunction restraining the inspector pending a final disposition of the cause, as provided by G.S. 160A-446(f).

Section 5. Methods of service of complaints and orders.

Complaints or orders issued by the inspector shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same once each week for two (2) successive weeks in a newspaper, circulating in the County. 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.

Section 6. In rem action by inspector; placarding.

(a) 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 article, and upon adoption by the governing body of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and Article D section 4:c of this article, the inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this article or to be vacated and closed and remodeled or demolished, as directed by the ordinance of the governing body and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(b) Each such ordinance shall be recorded in the office of the Register of Deeds in the 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. 160A-443 (5)

Section 7. Costs, a lien on premises

As provided by G.S. 160A-446(6), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the inspector pursuant to Article D section 6 shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by article 10, chapter 160A of the General Statutes.

Section 8. Alternative remedies

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this ordinance by criminal process as authorized by G.S. 14-4 and Article D section 8, and the endorsement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws..

Section 9. Housing Appeals Board.

There is hereby created a Housing Appeals Board to which appeals may be taken from decisions or orders of the inspector, as provided by Article D section 4 (d). The Board shall consist of the Duplin County Board of Commissioners. The Board shall have the power to elect its own officers, to fix the times and places of its meetings, to adopt necessary rules or procedure and to adopt other rules and regulations for the proper discharge of its duties. The Board shall perform the duties prescribed by Article D section 4 (d) and shall keep an accurate record of all its proceedings.

Section 10. Conflict with other provisions.

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

Section 11. 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, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Article D section 4, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(b) The violation of any provision of this article shall constitute a misdemeanor as provided by G.S. 14-4.

Section 12. Effective Date.

This ordinance shall become effective and be in full force from and after the 18th day of May, 2009 as adopted by the Duplin County Board of Commissioners. This ordinance is adopted this the 20th day of April, 2009. Any complaint, petition, orders, appeals or enforcement actions that have been filed or in effect on or before the effective date of this ordinance shall continue to be valid and enforceable under the terms of the previous minimum housing code adopted on or about July 1, 1989 by the Duplin County Board of Commissioners. The previous ordinance dated July 1, 1989 shall be revoked on the effective date of the new minimum housing ordinance of May 18th, 2009.

Cary Turner

Chairman
Duplin County Board of Commissioners

ATTEST:

Mike Aldridge

Mike Aldridge
Clerk to the Board