

ORDINANCE NO. 60-X EXTENDING THE CORPORATE LIMITS
OF THE CITY OF CHARLOTTE BY ANNEXING THERETO
48.083 ACRES OF PROPERTY, CONSISTING OF 135 LOTS,
LOCATED IN MALLARD CREEK TOWNSHIP, ON PETITION OF
HIDDEN VALLEY BUILDERS, INC.

WHEREAS, a petition has been filed with the City Council of the City of Charlotte requesting the annexation to the City of certain property or territory hereinafter described, which petition was signed by all of the owners of said property; and

WHEREAS, the property described in said petition is contiguous to the present corporate limits of the City of Charlotte; and

WHEREAS, public notice has been given by publication once a week for four consecutive weeks in The Charlotte News, a newspaper with general circulation in the City of Charlotte, notifying the owner or owners of the property located in such territory that a session of the City Council of the City of Charlotte would meet for the purpose of considering the annexation of such territory to the City of Charlotte, at 3 o'clock p.m., on the 8th day of January, 1962; and

WHEREAS, there is no opposition to the annexation of said property or territory; and

WHEREAS, pursuant to provisions of Chapter 725 of the 1947 Public Session Laws of the General Assembly of North Carolina (G.S. 160-445 et seq.), the City of Charlotte is by ordinance authorized to annex such property;

NOW, THEREOFRE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That pursuant to the provisions of Chapter 725 of the 1947 Public Session Laws of the General Assembly of North Carolina, the following described property or territory immediately adjacent to the City of Charlotte is hereby annexed to the City of Charlotte, from and after the date of the adoption of this Ordinance:

Beginning at a point, said point being on the easterly margin of Sugaw Creek Road at City Monument #30; and runs thence N. 74-17 W. 19.09 feet to a point in Sugaw Creek Road; thence N. 70-31-40 E., 234.46 feet to a point; thence N. 67-16-40 E. 573.40 feet to a point; thence with the following courses and distances as follows: (1) N. 15-58-15 W. 10 feet; (2) N. 79-07 E. 139.56 feet; (3) S. 76-21-15 E. 55.19 feet; (4) N. 79-56 E. 180 feet; (5) S. 32-22-10 E. 54.49 feet; (6) S. 85-45 E. 108.0 feet; (7) N. 73-20-10 E. 53.53 feet; (8) S. 84-45 E. 95.0 feet; (9) N. 40-39 E. 150.68 feet; (10) N. 75-34-40 E. 150.0 feet; (11) S. 14-25-20 E. 40.0 feet; (12) N. 75-34-40 E. 135.0 feet; (13) N. 46-01-20 E. 52.77 feet; (14) N. 75-34-40 E. 142.83 feet to a point in the Penninger line (now or formerly); thence with the Penninger line S. 14-25-20 E. 240.0 feet to a point; thence with the following courses and distances as follows: (1) S. 9-49-30 W. 94.33 feet; (2) S. 37-14-20 E. 80.81 feet; (3) S. 10-43-35 W. 91.02 feet; (4) S. 36-33 E. 145.0 feet; (5) S. 2-41 W. 58.08 feet; (6) S. 15-49 W. 89.75 feet; (7) S. 44-40-25 E. 86.88 feet; (8) S. 9-33-25 W. 75.17 feet; (9) S. 33-45-30 E. 168.66 feet to a point in the N. K. Starrette line (now or formerly); thence with Starrette's line S. 30-23 W. 100.0 feet to a point; thence continuing with Starrette's line S. 6-18 E. 852.18 feet to a point in the Charlotte City Limit line; thence with the present city limit line of the City of Charlotte, N. 57-54-45 W. 2,668.01 feet to the point or beginning, being City Monument #30.

Section 2. That, a certified copy of this ordinance, together with an accurate map of such annexed property or territory, be recorded in the office of the Register of Deeds for Mecklenburg County, and in the office of the Secretary of State of North Carolina.

Section 3. That, this Ordinance shall be in full force and effect from and after its adoption.

APPROVED AS TO FORM:

John T. Morrisev
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 8th day of January, 1962, the reference having been made in Minute Book 41, at Page 229, and recorded in full in Ordinance Book 13, beginning at Page 129.

Lillian R. Hoffman
City Clerk

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ORDINANCE NO. 61

ADDING CHAPTER 10A,
ENTITLED "HOUSING."

AN ORDINANCE ESTABLISHING CHAPTER 10A OF THE
CODE OF THE CITY OF CHARLOTTE, ENTITLED "HOUSING."

BE IT ORDAINED by the City Council of the City of Charlotte,
North Carolina:

Section 1. The Code of the City of Charlotte is hereby amended by
adding thereto and establishing Chapter 10A, entitled "Housing," to read
as follows:

"CHAPTER 10A - HOUSING

Sec. 10A-1. TITLE.

The rules and regulations prescribed by this Chapter shall be known
and may be cited as "The Housing Code of the City of Charlotte," and will be
referred to hereinafter as "this code."

Sec. 10A-2. EXERCISE OF POLICE POWERS; AUTHORITY.

The City Council hereby finds and declares that there exists in the
City of Charlotte housing which is unfit for human habitation due to dilapida-
tion, defects increasing the hazards of fire, accidents or other calamities,
lack of ventilation, light or sanitary facilities, and other conditions rendering
such housing unsafe or insanitary, or dangerous or detrimental to the health,
safety or morals, or otherwise inimical to the welfare of the residents of
the City of Charlotte, and that a public necessity exists to exercise the police
powers of the City pursuant to Article 15 of Chapter 160 of the General Stat-
utes of North Carolina, as now or hereafter amended, to cause the repair
and rehabilitation, closing or demolishing of such housing in the manner
herein provided.

Sec. 10A-3. DEFINITIONS.

The following terms whenever used or referred to in this code shall
have the following respective meanings for the purposes of this code, unless
a different meaning clearly appears from the context:

(1) "Basement" shall mean a story with forty per cent (40%) or more
of its cubical content below finish grade.

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(2) "Dwelling" shall mean a structure occupied exclusively for residential purpose by not more than two families.

(3) "Dwelling Unit" shall mean a habitable space or spaces occupied or intended for occupation as a single housekeeping unit with facilities which are used or intended for use for living, sleeping, cooking and eating.

(4) "Exit" shall mean a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

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

(6) "Family" shall mean one or more persons living together and having common housekeeping facilities.

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

(8) "Habitable space" or "Habitable room" shall mean any room or enclosed floor space in a building or structure used or intended for use for living, sleeping, cooking or eating, including kitchens, but excluding bathrooms, toilets, halls, corridors, pantries, storage space, closets, laundries and other spaces not used frequently or during extended periods.

(9) "Housing" shall mean any dwelling, apartment, rooming house, boarding house or similar building or structure or part thereof containing habitable space or intended for use for human habitation, except for transient occupancy.

(10) "Infestation" shall mean the presence within or around any housing of any insects, rodents or other pests.

(11) "Inspection Department" shall mean the Superintendent of the Building Inspection Department and his duly authorized assistants.

(12) "Inspector" shall mean the Chief Housing Inspector of the City or any agent of the Inspector authorized to enforce the provisions of this code.

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(13) "Multi-family dwelling" shall mean a building or structure occupied or intended for occupation as the home or residence of more than two families living independently of each other, and doing their own cooking within their respective apartments.

(14) "Occupant" shall mean any person over one 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 structure or part thereof in which dwelling units or rooming units are let.

(16) "Owner" shall mean the holder of the title in fee simple and every mortgagee of record and shall include the owner's duly authorized agent or attorney and any other persons having a vested or contingent interest in the property in question.

(17) "Parties in Interest" shall mean the owner as defined herein and the occupant or occupants or person in possession or control of the premises.

(18) "Plumbing" shall mean the water supply system, the sanitary and storm drainage systems, the vent system, fixtures and traps and shall include their respective connections, devices, appliances, and appurtenances within the property lines of the premises.

(19) "Public Authority" shall mean any housing authority, or any officer who is in charge of any department or branch of the government of the City of Charlotte, Mecklenburg County, or State of North Carolina relating to health, fire, building regulations, or to other activities concerning housing in the City of Charlotte.

(20) "Public Space" shall mean that space within any housing which is open to use by the general public.

(21) "Removal" shall mean the demolition and removal of the entire building, leaving the property free and clear of debris and without holes or pockets which may retain water.

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(22) "Rooming House" shall mean any housing or part of any housing containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not members of the family of the owner or operator.

(23) "Rooming Unit" shall mean a room or group of rooms forming a single habitable unit used or intended for use for living and sleeping, but not for cooking or eating purposes.

(24) "Rubbish" shall mean combustible and non-combustible waste materials except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

(25) "Story" shall mean that part of a building comprised between a floor and the floor or roof next above.

(26) "Structure" shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words, "or part thereof."

(27) "Ventilation" shall mean the supply and removal of air to and from a space by natural or mechanical means.

(28) "Ventilation, Natural" shall mean ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind driven devices.

(29) "Ventilation, Mechanical" shall mean ventilation by power driven devices.

Sec. 10A-4. SCOPE

The provisions of this code shall apply to all existing housing and to all housing hereafter constructed within the City of Charlotte. Portable, mobile or demountable buildings or structures, including trailers, when used or intended for use for housing within the City shall be subject to the applicable provisions of this code.

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Sec. 10A-6. ADMINISTRATION

(1) The Superintendent of Building Inspection is hereby designated the public officer to exercise, by and through his duly appointed agents, the powers prescribed by this code.

(2) There is hereby created and established an additional division within the Building Inspection Department, under the direction of the Superintendent of Building Inspection, to be known as the Housing Division, which shall be composed of a Chief Housing Inspector and such other employees as shall be authorized by the City Council and appointed by the City Manager.

(3) The Superintendent of Building Inspection shall, by and with the advice and assistance of the Planning Commission, the Redevelopment Commission, the Fire Department, and the Health Department, determine those areas of the City in which substandard housing may be prevalent, and shall designate and schedule such areas for comprehensive inspection under this code. This procedure shall be in addition to regular, city-wide inspections under Section 10A-8 of this code.

(4) The Superintendent of Building Inspection may determine that housing is unfit for human habitation if he finds that conditions exist in such housing which are dangerous or injurious to the health, safety or morals of the occupants of such housing, the occupants of neighboring housing or other residents of the City of Charlotte; such conditions may include the following (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects and uncleanness.

(5) The Superintendent of Building Inspection is hereby authorized to establish a system of grading of housing conditions to serve as a guide in determining that housing is unfit for human habitation. Such system shall assign numerical deficiency points to housing conditions according to the degree of deficiency from the standards of fitness set forth below. The Superintendent of Building Inspection is further authorized to fix the aggregate

number of deficiency points that warrant determination, by him, that any particular housing is unfit for human habitation and such number so fixed shall apply uniformly to all housing inspected.

Sec. 10A-7. STANDARDS OF FITNESS.

(1) Space and Use Standards

- a. A principal room of not less than 150 square feet.
- b. A kitchen-dining room combination, if any, of not less than 100 square feet.
- c. A first bedroom, if any, of not less than 100 square feet.
- d. A second bedroom, if any, of not less than 70 square feet.
- e. At least 70 square feet in each habitable room.
- f. At least 150 square feet of floor space in habitable rooms for the first occupant in each housing unit; at least 100 square feet for each of the next three occupants; and at least 50 square feet for each additional occupant over the number of four (children one year of age and under shall not be counted).
- g. At least 80 square feet bedroom floor space for the first occupant; at least 20 square feet for the second occupant; and at least 30 square feet for each occupant over the number of two (children one year of age and under shall not be counted).
- h. Habitable rooms at least 7 feet wide in any part with at least one-half of the floor area having a ceiling height of at least 7 feet, 6 inches. That portion of any room where the ceiling height is less than 5 feet shall not be considered as part of the floor area.
- i. No basement space used as a habitable room or dwelling unit unless:
 1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.
 2. The total of window area in each room is equal to at least the window area sizes prescribed herein for

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habitable rooms. (See below, (2) Light and Ventilation Standards.)

3. Such required window area is located entirely above the grade of the ground adjoining such window area.
4. The total of openable window area in each room is equal to at least the area prescribed herein for habitable rooms, (See below, (2) Light and Ventilation Standards), except where there is supplied some other device affording adequate ventilation and approved by the Superintendent of Building Inspection.
 - j. Toilet and bathing facilities enclosed.
 - k. Access provided to at least one toilet room without passing through a bedroom, except where every bedroom has direct access to a toilet room.
 - l. Access provided to living rooms, kitchens and bedrooms without passing through a bedroom, except in a dwelling unit with only one bedroom.
 - m. No holes or excessive cracks in bathroom walls, toilet room walls or bedroom walls.
 - n. Access provided to all rooms within a dwelling unit without passing through a public space.
 - o. Doors provided at all doorways leading to bedrooms, toilet rooms and bathrooms and all rooms adjoining a public space.

(2) Light and Ventilation Standards

- a. Window area in each habitable room equal to at least 10% of the floor area served or 10 square feet, whichever is greater, and facing directly to the outside; provided, that whenever walls or other portions of structures face a window of any such room and such light-obstructing structures are located less than 5 feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outside and shall not be included as contributing to the standard prescribed herein for window area in habitable rooms.

b. Openable window area in each habitable room equal to at least one-half of the window area and facing directly to the outside, for ventilation, unless room is served by an approved ventilating system.

c. All windows and doors opening to the outside adequately screened.

d. Windows reasonably weathertight; no broken glass.

e. Openable window area in each toilet room of at least 3 square feet, unless served by approved ventilating system.

f. All screens tight fitting, free of holes, and not nailed to window frame or sash.

(3) Exit Standards

a. Two main exits, each at least 30 inches wide and 6'-8" high, easily accessible to the occupants of each dwelling unit. All exit doors easily operable.

b. Platforms, steps and/or handrails provided to serve exits and maintained in safe condition.

c. Safe, continuous and unobstructed exit from interior of building to the exterior at street or grade level.

(4) Plumbing Standards

a. Connection to the City sanitary sewer system where available; otherwise, an approved septic tank.

b. All fixtures operable.

c. No broken water closet bowls.

d. Water closet not loose or leaking.

e. No leaks in shower stall floor.

f. No fixtures cracked, broken or badly chipped.

g. No hopper bowl toilets.

h. Adequate facilities for furnishing hot water to each tub or shower, lavatory and kitchen sink.

i. Installed water supply inside building for each dwelling unit.

j. Installed water closet, tub or shower, lavatory and sink for each dwelling unit. Kitchen sink at least 12" x 16" x 6" deep.

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- k. Separate toilet facilities for each dwelling unit.
- l. Toilet and bathing facilities protected from the weather.
- m. All water piping protected from freezing by proper installation in protected space.
- n. At least one 2-1/2" minimum size main vent properly installed for each building.
- o. Soil and water lines properly supported with no broken or leaking lines.
- p. Every water closet compartment floor surface and bathroom floor surface so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.

(5) Heating Standards

- a. Heating facilities properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments to a temperature of at least 70° F. at a distance 3 feet above floor level with an outside temperature of 20° F.
- b. All gas and oil heating equipment listed by Underwriters Laboratories or American Gas Association and installed as approved.
- c. As to multi-family housing, liquid fuel stored in outside tanks and piped to heating units.
- d. No loose bricks in chimneys.
- e. No holes in flue.
- f. No hanging masonry chimneys.
- g. Thimbles grouted in tight.
- h. Thimbles high enough for stovepipe to rise 1/4" per foot minimum.
- i. Fireplace used only for supplemental heat and not for basic heating.
- j. Hearth at least 20" deep and 12" beyond each side of fireplace opening.

k. No combustible materials within 12" of the top and 7" of either side of the fireplace opening.

l. Masonry closure, if fireplace opening closed.

m. Stove within six feet of thimble serving it.

n. No combustible materials within 12" of stovepipe.

o. No stovepipe through combustible walls.

(6) Electrical Standards

a. No receptacles, ceiling fixtures or other fixtures hanging loose.

b. All switches and fixtures safely operable.

c. At least two duplex convenience outlets per habitable room as remote from each other as practicable.

d. At least one light in bathroom.

e. No bare live wires exposed.

f. No drop cords in excess of six feet in length.

g. No circuits overloaded.

h. Fuses sized correctly and not bridged out.

(7) Structural Standards

a. Foundation

1. Firm ground, reasonably dry, no soggy ground, no water standing, no water running under building.

2. Sound footings, adequate bearing.

3. Sound piers.

4. No piers in which plumb line from top center falls outside middle one-third of base of pier.

5. No isolated masonry piers exceeding in height 10 times least dimension of pier.

6. No columns with l/r exceeding 120 (l/r meaning unsupported length over least radius of gyration.)

7. No wood stiff-knees or other improper piers.

b. Floors

1. No rotted or termite damaged sills.

2. No broken, overloaded or sagging sills.

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3. Sills reasonably level.
 4. Sills properly and sufficiently supported.
 5. Sills clear ground at least 15".
 6. No rotted or termite damaged joists.
 7. No broken or sagging joists.
 8. No joists with excessive spans, maximum:
 - 17' for 2" x 10" @ 16" o. c.
 - 15' for 2" x 10" @ 24" o. c.
 - 15' for 2" x 8" @ 16" o. c.
 - 13' for 2" x 8" @ 24" o. c.
 - 13' for 2" x 6" @ 16" o. c.
 - 11' for 2" x 6" @ 24" o. c.
 9. No 2" x 4" floor joists.
 10. No joists with excessive spacings, maximum:
 - 18" for less than 3/4" flooring, total thickness.
 - 26" for 3/4" or more flooring, total thickness.
 - 32" for 1-1/2" or more flooring, total thickness.
 11. Joists properly bridged at midspan when span exceeds 10 feet.
 12. Flooring weathertight without holes or excessive cracks which permit air to penetrate rooms.
 13. Flooring reasonably smooth, not rotten or worn through.
 14. No loose flooring.
 15. Floor reasonably level.
- c. Walls, Exterior
1. No wall in which plumb line from top center of studs falls outside base plate at any point along wall.
 2. No studs spaced excessively, maximum:
 - 16" o. c. where no solid sheathing or siding is used.
 - 24" o. c. where solid sheathing or siding is used.
 3. No studs rotted or termite damaged.

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4. No broken or cracked structural members.
5. Proper lateral support provided, vertically or horizontally, at 8'0" maximum.
6. All siding weathertight with no holes, excessive cracks or rotted boards which permit air to penetrate rooms.
7. No loose siding.
8. No deterioration due to the elements because of lack of preventive maintenance consisting of painting, waterproofing and repair.

d. Walls, Interior

1. Interior finish free of holes and excessive cracks which permit air to penetrate rooms.
2. No walls in which plumb line from top center of studs falls outside base plate at any point along wall.
3. No loose plaster, loose boards, or other loose wall materials.
4. No cardboard, newspaper or other highly combustible or improper wall finish.
5. No studs spaced excessively, maximum:

16" o. c. where no solid wood or plywood finish is used, except 3/8" sheetrock.

24" o. c. where solid wood or plywood finish or 1/2" sheetrock is used.
6. No studs rotted or termite damaged.
7. No broken or cracked studs or other structural members.
8. Proper lateral support provided, vertically or horizontally, at 8'0" maximum.

e. Ceilings

1. No joists rotted, broken, sagging or improperly supported ends.
2. No joists spaced excessively, maximum:

16" o. c. where no solid wood or plywood finish is used, except 3/8" sheetrock.

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24" o. c. where solid wood, plywood or 1/2" sheetrock is used.

3. No joists with excessive spans (only attic space above)

maximum:

21' for 2" x 8" @ 16" o. c.

19' for 2" x 8" @ 24" o. c.

17' for 2" x 6" @ 16" o. c.

15' for 2" x 6" @ 24" o. c.

11' for 2" x 4" @ 16" o. c.

10' for 2" x 4" @ 24" o. c.

4. No holes or excessive cracks which permit air to penetrate rooms.
5. No loose plaster, boards, sheetrock or other ceiling finish.
6. No cardboard or other highly combustible finishes.

f. Roof

1. No rafters rotted, broken, sagging or improperly supported ends.
2. No rafters seriously fire damaged.
3. Rafters properly braced and tied at 4'0" o. c. maximum.
4. Attic properly vented.
5. No rafters nearer than two inches from chimney.
6. No rotted, loose or sagging sheathing.
7. No loose roof covering, no holes, no leaks causing damage to structure or rooms.
8. Class C roof covering, no wood shingles exposed.
9. Proper flashing at walls or chimneys.

g. Porches

1. Foundation, floor, ceiling and roof equal to standards as set forth above, except: sills and joists need not be level if providing drainage of floor; floors need not be weathertight; floors need not be level if providing for

drainage; ceiling height may be 7'0" and attic need not be vented.

2. Adequate posts and railings, not rotted, broken or termite damaged.

h. Stairs and Steps

1. Free of holes, grooves and cracks large enough to constitute accident hazards.
2. Stairwells and flights of stairs more than three risers high with rails not less than 2'6" measured vertically from the nose of the treads to the top of the rail.
3. Every rail firmly fastened and maintained in good condition.
4. No flight of stairs settled more than one inch out of its intended position or pulled away from supporting or adjacent structures.
5. No rotting, sagging or deteriorating supports.
6. Every stair tread uniform in height, sound and securely fastened in position and strong enough to bear a concentrated load of at least 400 pounds without danger of breaking through.

(8) Property Maintenance

a. Buildings and Structures

1. Exterior wood surfaces, not inherently resistant to deterioration, periodically treated with a protective coating of paint or other suitable preservative.
2. Floors, walls, ceilings, furnishings and fixtures maintained in clean and sanitary condition.

b. Open Areas

1. Surface and subsurface waters appropriately drained to protect buildings and structures and to prevent development of stagnant ponds.

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2. Fences and other minor structures maintained in safe and substantial condition.
3. Yards and courts kept clean and free of physical hazards, rubbish, trash and garbage.
4. No heavy undergrowths or accumulations of plant growth which are noxious or detrimental to health.

c. Infestation

1. Grounds, buildings and structures maintained free of insect vermin, and rodent harborage and infestation by generally accepted methods of extermination.

d. Garbage and Refuse

1. Adequate sanitary facilities and methods provided and used for the storage, handling and disposal of garbage and refuse.

Sec. 10A-8. ENFORCEMENT.

(1) Whenever a petition is filed with the Superintendent of Building Inspection by a public authority, or by at least five residents of the City charging that any housing is unfit for human habitation or whenever it appears to the Superintendent of Building Inspection (on his own motion) that any housing is unfit for human habitation, the Superintendent shall, if his preliminary investigation discloses a basis for charges, issue and cause to be served upon the owner of and parties in interest in such housing, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Superintendent (or his designated agent) at a place within the City of Charlotte at a time fixed not less than ten days nor more than thirty days after the serving of said complaint. The owner and parties 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. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Superintendent.

(2) If, after such notice and hearing, the Superintendent determines that the housing under consideration is unfit for human habitation 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, (a) if the repair, alteration or improvement of the said housing can be made at a cost not to exceed 50% of the value of the housing, requiring the owner, within the time specified, to repair, alter or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or (b) if the repair, alteration or improvement of the said dwelling cannot be made at a cost not to exceed 50% of the value of the housing, requiring the owner, within the time specified in the order, to remove or demolish such dwelling.

(3) The Superintendent of Building Inspection is hereby authorized to fix the reasonable value of any housing for the purpose of this section and such value shall be binding, unless the owner protests such value in writing to the Superintendent within ten days after receipt of an order. Upon such protest, the Superintendent shall nominate one competent and disinterested person; the protesting party shall nominate one competent and disinterested person; and the two persons so nominated shall nominate a third competent and disinterested person, and the three persons so nominated shall serve as commissioners of appraisal. Said commissioners shall make their appraisal of the value of the housing under consideration, shall return said appraisal to the Superintendent and the protesting party within ten days after their appointment, and said appraisal shall be binding and conclusive for the purpose of this section. The costs of any such appraisal shall be paid by the protesting party to the Superintendent at the time of filing written protest.

(4) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the housing, the Superintendent may cause such housing to be repaired, altered or improved or to be vacated and closed. The Superintendent may cause to be posted on the main entrance of any

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housing so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(5) If the owner fails to comply with an order to remove or demolish the housing, the Superintendent may cause such housing to be removed or demolished: Provided, however, that the duties of the Superintendent set forth in paragraphs (4) and (5) of this section shall not be exercised until the City Council shall have by ordinance ordered the Superintendent to proceed to effectuate the purpose of this code with respect to the particular property or properties which the Superintendent shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance.

(6) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Superintendent shall be a lien against the real property upon which such cost was incurred. If the housing is removed or demolished by the Superintendent, he shall sell the materials of such housing and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Superintendent, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

(7) Complaints or orders issued by the Superintendent of Building Inspection pursuant to this code shall be served upon persons either personally or by registered mail; but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Superintendent in the exercise of reasonable diligence, and the Superintendent shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the City. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the

complaint or order. A copy of such complaint or order shall also be filed in the proper office or offices for the filing of lis pendens notices in Mecklenburg County and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.

(8) Any person affected by an order issued by the Superintendent may petition to the Superior Court for an injunction restraining the Superintendent from carrying out the provisions of the order and the court may, upon such petition, issue a temporary injunction restraining the Superintendent pending the final disposition of the cause: Provided, however, that within sixty days after the posting and service of the order of the Superintendent, such person shall present such petition to the Court. Hearings shall be had by the court on such petitions within twenty days, or as soon thereafter as possible, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require: Provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under Article 15, Chapter 160 of the General Statutes of North Carolina.

(9) The Superintendent of Building Inspection is hereby further authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the provisions of this code, including the following powers in addition to others herein granted:

- a. To investigate the housing conditions in the City in order to determine which housing therein is unfit for human habitation.
- b. To administer oaths, affirmations, examine witnesses and receive evidence;
- c. To enter upon premises for the purpose of making examinations; Provided, that such entries shall be made at reasonable times and in such manner as to cause the least possible inconvenience to the persons in possession;

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d. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this code, subject to the authority of the City Council and the City Manager;

e. To delegate any of his functions and powers under this code to such officers and agents as he may designate.

Sec. 10A-9. REHABILITATION.

The Superintendent of Building Inspection is hereby authorized and directed to take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect the rehabilitation of housing which, although determined not to be unfit for human habitation under this code, is found not to meet the standards of fitness prescribed herein. To this end, the Superintendent shall cause to be kept a record of the results of inspections under this code and an inventory of those structures and dwellings used for human habitation that do not meet the standards of fitness prescribed herein, whether determined to be unfit for human habitation or not.

Sec. 10A-10. CONFLICTS.

The provisions of this code shall not be construed to conflict with any other applicable laws, codes, or ordinances pertaining to housing, but are supplemental thereto and where the provisions of this code are similar with provisions of other applicable laws, codes, or ordinances, the more stringent provision shall apply. "

Section 2. This ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 8th day of January, 1962, the reference having been made in Minute Book 41, at Page 234, and recorded in full in Ordinance Book 13, beginning at Page 131.

Lillian R. Hoffman
City Clerk