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OPTION B

ORDINANCE NO. 1433 Amending Chapter 10A

AN ORDINANCE AMENDING THE HOUSING CODE OF THE CITY OF CHARLOTTE

Be it ordained by the City Council of the City of Charlotte, North Carolina, that the following sections of Chapter 10A are hereby rewritten to read:

Sec. 10A-2, paragraph 2.

"In order to protect the health, safety and welfare of the residents of the municipalities as authorized by Article 19, Chapter 160A of the North Carolina General Statutes, it is the purpose of this chapter to establish minimum standards and requirements for the initial and continued occupancy of all buildings used for human habitation as expressly authorized by General Statutes 160A-441 through 160A-450, 160A-424 through 160A-432, and 160A-193. This section does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this chapter. (Ord. No. 955§1, 12-14-70)"

Sec. 10A-3.

"(10) Deteriorated. Deteriorated shall mean that a dwelling is unsafe or unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards of fitness established by this Chapter at a cost not in excess of sixty-five per cent (65%) of its physical value, as determined by finding of the inspector."

"(11) Dilapidated. Dilapidated shall mean that a dwelling is unsafe or unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards of fitness established by this Chapter at a cost not in excess of sixty-five per cent (65%) of its physical value, as determined by finding of the inspector.

"(12) Dwelling. Dwelling shall mean any building or structure, or portion thereof, which is used, or designed or intended to be used, for human habitation including living, sleeping, and eating or any combination thereof and shall include accessory buildings and appurtenances thereto, including mobile homes as defined in G.S. 143-145(7). Mobile

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homes shall meet all minimum standards of fitness except those precluded by initial design factors.

Sec. 10A-8., paragraph 1.

Add:

"All work shall be done in a workmanlike manner."

Sec. 10A-12 Procedure for Enforcement

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

If the Director 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 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 while such repairs, alterations, and improvements are being made. Upon application by the owner within the specified period of time, the Director may grant an extension of up to 90 days for good cause shown.

If the Director 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 vacate and close the dwelling, and to remove or demolish the same within a specified period of time, not to exceed ninety (90) days unless the owner elects to proceed under the provisions set forth below, or unless an application for an extension of up to 90 days is applied for by the owner and granted by the Director for good cause shown.

Within ten (10) days from the date of the order determining that the building is dilapidated, the owner may notify the Director in writing of his intent to make such repairs or alterations to said dwelling so as to comply with the minimum standards of fitness. Upon receipt of an owner's written intent to repair said dwelling, within the time provided herein, the Director shall issue a supplemental order directing the owner to

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commence and complete the repairs or alterations necessary to comply with the minimum standards of fitness. The Director shall allow a reasonable period of time for the owner to make such repairs or alterations, but in no event shall the period of time allowed for said repairs or alterations be less than thirty (30) days nor more than ninety (90) days, unless an extension of up to 90 days is granted by the Director for good cause shown.

If the owner fails to give notice of either an intent to repair as herein provided or notice of appeal of the decision of the Director to the housing appeals board within the time specified for such an appeal, the Director shall proceed in accordance with the provisions of Section 10A-12(c)(1) or 10A-12(c)(2).

Sec. 10A-13. Methods of Service of Complaints and Orders.

"Complaints or orders issued by the Director shall be served upon persons either personally or by registeed or certified mail. If the whereabouts of persons are unknown and cannot be ascertained by the Director in the exercise of reasonable diligence, and the Director makes an affidavit to that effect, then the serving of the complaint or order upon the persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this Part. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected." (Ord. No. 955, §1, 12-14-70)

Sec. 10A-16. Alternative remedies.

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the city 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 as amended in Chapter 71, House Bill #309, March 15, 1983, and section 10A-19 of 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. (Ord. No. 955, §1, 12-14-70)

Sec. 10A-19. Violations; penalty.

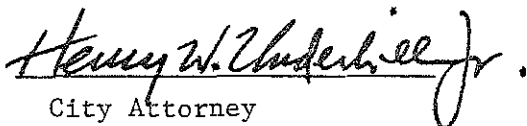
It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to

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vacate and close and remove or demolish the same, upon order of the Director 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 section 10A-12(b) of 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, and removal or demolition, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. Each violation of any provision of this chapter shall constitute a misdemeanor, punishable by a fine of not more than \$500 or imprisonment for not more than 30 days as provided by G.S. 14-4, as amended in Chapter 71, 1983 Session Laws.

Section 2. This ordinance shall be effective upon adoption.

Approved as to form


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 24th day of October, 1983, the reference having been made in Minute Book 81 and is recorded in full in Ordinance Book 32 at Pages 403-406.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1434-X

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1376-X, THE 1983-84 BUDGET ORDINANCE, TRANSFERRING FUNDS TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR INDEPENDENCE PLAZA PARK ART DESIGN COMPETITION.

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

Section 1. That the sum of \$25,000 is hereby available from
General Fund Contingency to provide for Independence Plaza Park art
design competition.

Section 2. That the sum of \$25,000 is hereby transferred from
General Fund Contingency to General Capital Improvement Fund 2010; 480.91
Independence Plaza Park.

Section 3. All ordinances or parts of ordinances in conflict
herewith are hereby repealed.

Section 4. 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 regular session convened on the 24th day of October,
1983, the reference having been made in Minute Book 81 and is recorded
in full in Ordinance Book 32 at Page 407.

Pat Sharkey
City Clerk

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ORDINANCE NO. 1435-X

AN ORDINANCE TO AMEND ORDINANCE NO. 1376-X, THE 1983-84 BUDGET ORDINANCE,
TRANSFERRING FUNDS TO STUDY THREE COLISEUM SITE LOCATIONS.

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

Section 1. That the sum of \$25,000 is hereby transferred from
the General Fund Contingency to account 2010; 257.00 (Charlotte Coliseum
Study). These funds will be used to study three site locations of the
Charlotte Coliseum as recommended by The Committee of 100.

Section 2. All ordinances or parts of ordinances in conflict
herewith are hereby repealed.

Section 3. 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 regular session convened on the 24th day of October,
1983, the reference having been made in Minute Book 81 and is recorded
in full in Ordinance Book 32 at Page 408.

Pat Sharkey
City Clerk