

Ordinance #1-2021

Town of Ranlo Ordinance Amendment Providing for No Parking on Certain Streets

Amendment to Section 134 of the Ranlo Code of Ordinances

Allegheny Drive	Park Drive
Aspen Way Court	Pasco Place
Billy Ray Fulbright Drive	Ranlo Ave. (Ext.)
Booker Street	Redland Drive
Boulder Court	Rhyne Place
Denali Court	Rhyne Street
Everest Drive	River Crest Court
Grandover Drive	Ridge Avenue
Gunnar Drive	Sapphire Drive
Hilphiger Court	Stone Mountain Drive
Joselynn Drive	Sunriver Road
Kings Mountain Lane	Teton Drive
Love Street	Waylon Avenue
Mesa Court	Wicklow Drive
Mitchem Road	Wilmont Drive
Neely Street	
Nightingale Drive	4 th Avenue (Back Alley)
	5 th Avenue (Back Alley)
	New Avenue (Back Alley)

For vehicles left on the public streets and highways, the Board of Commissioners hereby determines that immediate removal of such vehicles may be warranted when they are:

- (a) Obstructing traffic;
- (b) Parked in violation of an ordinance prohibiting or restricting parking;
- (c) Parked in a no stopping or standing zone;
- (d) Parked in loading zones;
- (e) Parked in bus zones;
- (f) Parked in violation of temporary parking restrictions imposed under code sections;
- (g) Parked on a sidewalk or crosswalk;
- (h) Parked on streets 18 feet or less in width. For this purpose, street includes entire right-of-way;
- (i) Parked in front of a fire hydrant;
- (j) Parked within five feet of a garbage can.

General Penalty:

Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

Ordinance #2-2021

AN ORDINANCE TO AMEND PART FOUR SECTION 4-2004(e) OF THE RANLO CODE OF ORDINANCES

Amendment to Section 4-2004(e) of the Ranlo Code of Ordinances and Addition of Section 3-2013 Penalties

White goods or bulk refuse which cannot be placed in containers will be collected on the designated collection days, provided that such collections shall be limited to no more than one-half truck load per month per residence; if additional service is required and requested by the owner or occupant of the premises, such collections will be made and the Town will charge fees for this additional collection as provided for in the annual fee schedule. A copy of current additional collection fees shall be kept on file at Town Hall.

Section 4-2013 Penalty for Violation

(A) The Town of Ranlo shall notify in writing the owner or occupant of any premises in violation of this chapter of such violation, and failure to remove any unlawful accumulation of such matter as hereinbefore specified within 24 hours after such notification shall constitute a separate offense for each 24 hours that the violation continues to exist.

(B) Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$50.

Ordinance #3-2021

AN ORDINANCE TO AMEND TITLE TWO CHAPTER TWO OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Article A Section 2-2001 Appointment of Administrative Offices

Appointment of Town Manager; duties.

The Board shall appoint a Town Manager. It shall be the duty of the Town Manager to:

- i. Appoint and, when necessary, in his judgment, for the good of the Town of Ranlo, suspend or remove all employees of the Town, except as otherwise provided by the Town Charter or state law. He may delegate this authority to the head of a department or office regarding their subordinates, provided that final authority over such matters shall at all times remain with the Town Manager;
- ii. Prepare the annual budget, including all funds of the Town and submit such to the Town Board together with a message describing the important features and be responsible for its administration after adoption;
- iii. Keep the Board advised of the financial condition and future needs of the Town and make such recommendations, as he deems advisable; iv. Shall have prepared by a Certified Public Accountant/Auditor and submit to the Town Board, as of the end of the fiscal year, a complete report of the finances and administrative activities of the Town for the preceding year; Recommend to the Town Board, adoption of a pay and compensation philosophy and policy, which will guide the administration of the compensation system;
- iv. Recommend to the Town Board, adoption of such measures as the Manager may deem necessary or expedient for the health, safety or welfare of the Town or the improvement of the administrative services;
- v. Consolidate or combine departments, offices, positions or units under the Manager's jurisdiction, provided that the Town Board shall retain all authority given it to pursuant to N.C. Gen. Stat. § 160A-146, which includes that authority to create, change, abolish, and consolidate offices, positions, departments, boards, commissions, and agencies of the Town government and generally organize and reorganize the Town government in order to promote orderly and efficient administration of Town affairs;

- vi. Attend all meetings of the Town Board, unless excused therefrom, and take part in the discussions of all matters coming before the Board;
- vii. Supervise the purchase of all materials, supplies and equipment for which funds are appropriated in the budget; let contracts necessary for the operation and maintenance of Town services for amounts authorized by Board policy and state statute, receive sealed bids for purchases and contracts in excess of statutory informal bidding limitation and present them to the Board for approval and advise the Board on the advantages or disadvantages of contract or bid proposals and issue rules governing purchasing procedures within the administrative organization;
- viii. Investigate affairs of the Town or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of Ranlo and in regard to service maintained by the public utilities of Town and see that all franchises permit and privileges granted by Town are faithfully observed;
- ix. Perform other such duties as may be required by the Town Board not inconsistent with the Town Charter, law, or ordinances.

Ordinance #4-2021

AN ORDINANCE TO AMEND TITLE THREE CHAPTER FOUR OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Article A Section 3-40002(d)

Amendment to the Policy and Procedure Regulations

The Town will set rental rates, which are to be posted on the Town website and in the fees, rates and charges schedule adopted annually by Board of Commissioners.

Ordinance #5-2021

AN ORDINANCE TO AMEND TITLE FOUR CHAPTER TWO OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Article A Section 51.04

Amendment to Water Rate Schedule

The Town will set annual water rates, which are to be posted on the Town website and in the fees, rates and charges schedule adopted annually by Board of Commissioners.

Amendment to Article A Section 51.05

Amendment to Billing and Payment; Due Date

All billing is past due at 5:00 pm on the 15th of each month. If the 15th falls on a weekend or holiday, bills are due at 5:00 pm on the next business day. Late fees are assessed if payment is not received by 5:00 pm on the 15th of each month, or the next business day in the event of a holiday or weekend.

Amendment to Article A Section 51.06(A-D)

Amendment to Penalties for Late Payment

Service will be disconnected for all unpaid bills on the twenty-sixth of each month. If the 26th falls on a weekend or holiday, disconnection will occur on the next business day. Payment must be received by 5:00 pm on the 25th of each month to avoid disconnection. If the 25th falls on a weekend or holiday, payment must be received by 5:00 pm on the next business day. A reconnection fee will be assessed, even if service is not interrupted, if payment is not received by 5:00 pm on the prescribed date. The Town will set annual reconnection fees, which are to be posted on the Town website and in the fees, rates and charges schedule adopted annually by the Board of Commissioners.

Section 51.06(B-C) Repealed

Section 51.06(D)

Illegally reconnecting water service after it has been turned off for nonpayment of a bill will be punishable by a fine of \$250. This fee will be assessed irrelevant as to whether a customer has paid the outstanding bill in full. Only the Town's utility department is authorized to restore disconnected water.

Ordinance #6-2021

AN ORDINANCE TO AMEND CHAPTER FIFTY-TWO SECTION 52.039 OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Section 52.039(A)(B)

Amendment to Sewer Rate Schedule

The Town will set annual sewer rates, which are to be posted on the Town website and in the fees, rates and charges schedule adopted annually by Board of Commissioners. The Town will further assess system development fees annually based on Article 8 Section 162 of North Carolina General Statutes.

Ordinance #7-2021

AN ORDINANCE TO AMEND CHAPTER FIFTY-TWO SECTION 52.999 OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Section 52.999

Amendment to Penalty

Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine in the amount of \$500.00, or as specified in the then-current fees, rates and charges schedule adopted as part of the Town of Ranlo Annual Operating Budget; except, that where the General Statutes of North Carolina provide specific remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the Town for enforcement of this Code shall be in addition to the remedies hereinafter stated.

Ordinance #8-2021

AN ORDINANCE TO AMEND CHAPTER SEVENTY SECTION 70.015 OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Section 70.015

Amendment to Issuance of Tag

Every person owning, leasing, or operating a motor vehicle in the Town shall annually register with the Town Tax Collector, or other person as the Town shall direct, and shall pay an annual registration fee prescribed and adopted annually by Board of Commissioners.

Ordinance #9-2021

**AN ORDINANCE TO AMEND CHAPTER SEVENTY-ONE SECTION 71.99 OF THE TOWN OF
RANLO CODE OF ORDINANCES**

Amendment to Penalty

Amendment to Section 71.99

Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine in the amount of \$50.00, or as specified in the then-current fees, rates and charges schedule adopted as part of the Town of Ranlo Annual Operating Budget; except, that where the General Statutes of North Carolina provide specific remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the Town for enforcement of this Code shall be in addition to the remedies hereinafter stated.

Ordinance #10-2021

**AN ORDINANCE TO AMEND CHAPTER SEVENTY-TWO SCHEDULE I OF THE TOWN OF
RANLO CODE OF ORDINANCES**

Amendment to Schedule I (2)(a)

Amendment to Fifteen Miles Per Hour Streets

Allegheny Drive
Aspen Way Court
Boulder Court
Denali Court
Everest Drive
River Crest Court
Grandover Drive
Gunnar Drive
Sapphire Drive
Hilphiger Court
Joselynn Drive
Kings Mountain Lane
Mesa Court
Mitchem Road
Nightingale Drive

Stone Mountain Drive

Sunriver Road

Pasco Place

Ranlo Avenue

Teton Drive

Waylon Avenue

Wicklow Drive

Ordinance #11-2021

**AN ORDINANCE TO AMEND CHAPTER NINETY SECTION 90.99 OF THE TOWN OF RANLO
CODE OF ORDINANCES**

Amendment to 90.99

Amendment to Animal Control Ordinance Penalty

Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine in the amount of \$50.00, or as specified in the then-current fees, rates and charges schedule adopted as part of the Town of Ranlo Annual Operating Budget; except, that where the General Statutes of North Carolina provide specific remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the Town for enforcement of this Code shall be in addition to the remedies hereinafter stated.

Ordinance #12-2021

**AN ORDINANCE TO REPEL CHAPTER 110 OF THE TOWN OF RANLO CODE OF
ORDINANCES**

Amendment to Repeal Section 110.01

No business or privilege fee will be required for commercial business before opening for business.

Ordinance #13-2021

**AN ORDINANCE TO AMEND CHAPTER 115 OF THE TOWN OF RANLO CODE OF
ORDINANCES**

Amendment to Chapter 115

Amendment to Adopt Revised Trailer and Mobile Park Regulations

SECTION 1. DEFINITIONS. For the purposes of this ordinance, a “trailer” and a “trailer park” are defined as follows:

a. Trailer. A house car, camp car, house trailer, trailer home, mobile home or other similar vehicle mounted on wheels, skids or rollers either self-propelled or propelled by other means, including any such dismantled vehicle which has been placed on a masonry or other stationary foundation and which is used or designed to be used for permanent or semi-permanent living or sleeping quarters. This definition shall not include vehicles primarily designed for the transportation of goods.

b. Trailer Park. Any lot, tract or parcel of land used, maintained or intended to be used, maintained, leased or rented for occupancy by one or more trailers together with accessory structures provided in connection therewith. This definition shall not include trailer sales lots on which unoccupied trailers are parked for the purpose of inspection and sale.

SECTION 2. LOCATION OF TRAILERS REGULATED. From and after the effective date of this ordinance, it shall be unlawful for any person to place or maintain any trailer used for human habitation or to use any trailer for living, sleeping or business purposes on any premises within the corporate limits except upon premises located within a trailer park, a permit for which has been granted pursuant to the requirements of this ordinance. Provided, however one (1) trailer may be parked or temporarily stored on any premises outside of a trailer park for a period not exceeding seventy-two (72) hours, provided, further no living quarters are maintained nor any business conducted therein while such trailer is so parked or temporarily stored.

SECTION 3. PERMIT FOR TRAILER PARKS REQUIRED. It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the corporate limits for a trailer park until application has been made and a permit therefor has been issued by the Board of Commissioners. The Board of Commissioners shall, prior to issuing a permit determine if all requirements of this ordinance have been complied with. A trailer park permit may be revoked by the Board of Commissioners upon a finding of fact that a violation of the requirements of this ordinance exists. Provided, the owner, lessee, or other responsible person is notified in writing of such violation and after the expiration of five (5) days from the date of the receipt of such written notice. It shall be unlawful for any person, firm, or corporation to continue to operate such trailer court after one permit therefore, as required herein, has been revoked by the Board of Commissioners.

SECTION 4. LOCATION OF TRAILER PARKS REGULATED. In the event a zoning ordinance is in effect, a trailer park shall be located only within those zoning districts where a trailer park is a permitted use. In the event a zoning ordinance is not in effect, the requirements of this ordinance shall govern the location of trailer parks.

SECTION 5. CONFLICT WITH HEALTH DEPARTMENT REGULATIONS. In the event the State or County Board of Health has adopted regulations governing trailers or trailers parks, the requirements of this ordinance or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

SECTION 6. UTILITIES REQUIRED.

a. Water Supply.

An adequate and safe supply of water shall be readily available at the trailer park site. This requirement shall be deemed to have been met: (1) when an approved connection is made to the municipal water system, or (2) when an independent water supply capable of furnishing one hundred and fifty (150) gallons of water per day per available trailer space and which has been approved by the County Health Department as a safe supply of drinking water is available on the trailer park site.

b. Sanitary Sewer.

Each trailer park shall be required to have a connection with the municipal sanitary sewer system in the manner as required elsewhere in this ordinance. Any extension of the municipal sanitary sewer system required to comply with this requirement shall be made in accordance with the utility extension ordinances or policies of the Town of Ranlo then in effect.

SECTION 7. SITE REQUIREMENTS. Trailer parks shall comply with the area, location and other dimensional requirements of this section. Prior to granting a permit for a trailer park, the Board of Commissioners may require the owner or developer to submit a complete plan of the proposed park, showing the location of the boundaries of the trailer park property, proposed vehicle exists, entrances and off-street parking spaces, trailer space layout and such other information as the Board of Commissioners may deem necessary in order to determine if all requirements of this and other applicable ordinances are to be met. Site requirements for all trailer parks shall be as follows:

- a. The minimum size lot, tract or parcel of land to be used for a trailer park shall not be less than twenty thousand (20,000) square feet, and such site shall have an average width of not less than one hundred feet (100).
- b. The minimum size trailer site area or separate lot to be occupied by one (1) trailer shall be twenty-five (25) feet by fifty (50) feet and such site shall be identified by markers placed at each corner.
- c. No trailer shall be placed within five (5) feet of its individual trailer site or lot line as established in “b” above or within ten (10) feet of any other side to side and not less than fourteen (14) feet of any trailer end to end.
- d. No trailer shall be located within thirty-five (35) feet of any street or exterior line of the trailer park.
- e. One off-street automobile parking space shall be provided on the site in an approved manner for each separate trailer unit. Such off-street parking space shall be set aside in a location convenient to the occupants of the trailer units and shall have ingress and egress by means of a public way. Where parking areas are provided adjacent to a public street, ingress and egress thereto shall be made accessible only through driveways or openings not exceeding twenty-five (25) feet in width at the curb line of the street.

SECTION 8. FACILITIES REQUIRED. Each trailer park shall provide minimum facilities for trailer occupants as follows:

- a. Enclosed bathroom facilities shall be constructed which have an approved connection to the required on-site water and sanitary sewer facilities, and such facilities shall be designed in order that two (2) wash basins, two (2) toilets and one (1) shower are available for each four (4) trailers the park is designed to accommodate, and separate facilities be provided for both men and women. The bathroom structure and all plumbing installations shall conform to the applicable state or Town of Ranlo building and plumbing codes.

In lieu of installing toilet facilities as required above, a separate sewer connection for each trailer space within the trailer park may be constructed, provided, each trailer shall be required to make a separate connection with such sanitary sewer facilities immediately upon occupying a trailer site. A minimum four (4) inch connection shall be required and shall have approved fittings to ensure a watertight connection and means for capping or closing such connection when it is not in use.

In lieu of the wash basin and shower facilities required above, approved water connections may be made to each trailer, provided, each trailer is connected to the sanitary sewer system in the manner provided herein.

- b. Garbage and Trash Containers. One (1) garbage and trash container (30 gallons max capacity) shall be provided for each trailer. Containers shall be placed on racks which are approved by the County Health Department and such racks shall be located within the trailer park at a point which is readily accessible for collection.

In lieu of requiring individual garbage and trash containers for each trailer, other approved garbage and trash disposal facilities may be provided with the approval of the Board of Commissioners.

- c. Driveways. Access driveways shall be constructed within trailer parks when trailers are to be located more than one hundred (100) feet from a public street or off-street parking space. Other approved access driveways may be constructed at the option of the owner. All driveways shall be graded to a width of fifteen (15) feet for one-way drives and to a width of twenty-five (25) feet for two-day drives. All driveways shall be kept opened and shall be constructed and maintained in such manner as to be passable to vehicular traffic under all weather conditions.

SECTION 9. GENERAL SANITATION. It shall be the duty and responsibility of the owner or his authorized agent to keep the trailer park in a reasonably clean and sanitary condition at all times, and to maintain and keep in good repair all required trailer park facilities. All wastewater from washing machines and other similar sources shall be discharged into the sanitary sewer system and under no circumstances shall such wastes be discharged on the ground or in streams.

SECTION 10: PENALTY Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine in the amount of \$50.00, or as specified in the then-current fees, rates and charges schedule adopted as part of the Town of Ranlo Annual Operating Budget; except, that where the General Statutes of North Carolina provide specific remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the Town for enforcement of this Code shall be in addition to the remedies hereinafter stated.

Ordinance #14-2021

AN ORDINANCE TO AMEND TITLE FIFTEEN CHAPTER TWO OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Title 15 Chapter 151

Amendment to Code Enforcement

§ 151-101 INTENT AND FINDINGS OF THE TOWN BOARD.

(A) It is hereby found and declared that the existence and occupation of dwellings in this town's jurisdiction that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of this town and county, and that a public necessity exists for the repair, closing or demolition of such dwellings. Whenever this town finds that there exists in the town dwellings that are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering the dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the town; and

(B) It is hereby found that when there exists within the town's jurisdiction structures that the Board of Commissioners find to be hazardous to the health, safety and welfare of the residents of the town due to the attraction of insects and/or snakes and/or rodents, or conditions creating a fire hazard, dangerous conditions constituting a threat to children, or conditions creating frequent use by vagrants as living quarters in the absence of sanitary facilities;

(C) Therefore, the town is authorized by G.S. §§ 160A-426 and 160A-441 to exercise its police powers to repair, close or demolish the dwellings in the manner herein provided. Pursuant to the authority granted by G.S. §§ 160A-193, 160A-426 and 160A-441, it is the further intent of this article to provide for the repair, closing or demolition of any such unsafe or unsanitary dwellings, and abandoned structures in accordance with the provisions as are set forth in this article for the repair, closing or demolition of dwellings and/or structures, and to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation.

(Ord. 14-2021)

§ 151-102 PURPOSE AND SCOPE.

(A) The purpose of this article is to stop, remedy and prevent the decay and deterioration of places of habitation and to eliminate blighted neighborhoods by providing minimum requirements for dwellings for the protection of life, health, safety, welfare and property of the owners and occupants of dwellings and the general public.

(B) Additionally, the purpose of this article is to stop, remedy and prevent the decay and deterioration of places of nonresidential buildings and structures for the protection of life, health, safety, welfare and property of the owners and occupants of nonresidential buildings and the general public.

(C) The provisions of this article apply to all residential buildings, and their accessory structures, all nonresidential buildings and structures within the town's jurisdiction as now or may later be fixed. Demountable buildings or structures when used, or intended to be used, for human habitation, shall be subject to the applicable provisions of this article.

(Ord. 14-2021)

§ 151-103 OWNER'S RESPONSIBILITIES GENERALLY.

(A) An owner remains liable for duties imposed by the chapter, even though:

(1) An obligation is also imposed on the occupants; or

(2) The owner has, by agreement, imposed on the occupant(s) the duty of furnishing required equipment or complying with this article.

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

(C) In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) It shall be a defense to § 151-102 et seq. that violations of this article were caused solely by a tenant(s) or tenants' guests. Owner(s) are responsible for ensuring that the dwelling or building is brought into compliance with this article.

(Ord. 14-2021)

§ 151-104 OCCUPANTS' RESPONSIBILITIES GENERALLY.

Every occupant of a dwelling unit shall:

(A) Cleanliness. Keep that part of his or her dwelling and dwelling unit and premises thereof he or she occupies and controls in a clean and sanitary condition.

(B) Rubbish and garbage. Dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities.

(C) Supplied plumbing fixtures. Keep all supplied plumbing fixtures therein in a sanitary condition and be responsible for the exercise of reasonable care in the proper use and operation of same.

(D) Care of facilities, equipment and structure. Not destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(Ord. 14-2021)

§ 151-105 CONDITIONS RENDERING RESIDENTIAL BUILDINGS UNFIT FOR HUMAN HABITATION; DECLARATION OF UNSAFE NONRESIDENTIAL BUILDING OR STRUCTURE.

(A) Residential buildings. Every dwelling and dwelling unit used as a 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 other applicable requirements of this article.

(1) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit that does not comply with all of the minimum standards of fitness for human habitation and all other applicable requirements of this article.

(2) The following standards shall constitute the minimum standards for the structural condition of a dwelling or dwelling unit. The Inspector will determine that a residential building is unfit for human habitation if any of the following conditions exist:

(a) Walls or partitions or supporting members, sills, joists, rafters or other structural members list, lean or buckle, and/or are rotten, deteriorated or damaged, and/or have holes or cracks that might admit rodents. Supporting members are not adequate if 33% or more are damaged or deteriorated. Non-supporting, enclosing or outside walls or coverings are not adequate if 55% or more are damaged or deteriorated.

(b) Floors or roofs have inadequate supporting members and strength to be reasonably safe for the purpose used. Supporting members are not adequate if 33% or more are damaged or deteriorated. Non-supporting, enclosing or outside walls or coverings are not adequate if 55% or more are damaged or deteriorated.

- (c) Foundations, foundation walls, piers or other foundation supports are deteriorated or damaged.
- (d) Steps, stairs, landings, porches, or other parts and appurtenances are maintained in such condition that they will fail or collapse.
- (e) Adequate facilities for egress in case of fire or panic are not provided.
- (f) Interior walls and ceilings of all rooms, closets and hallways are not furnished of suitable materials, which will by use of reasonable household methods promote sanitation and cleanliness, and are not maintained in such manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (g) The roof, flashing, exterior walls, floors, and all doors and windows exposed to the weather are not constructed and maintained so as to be weather and watertight.
- (h) Chimneys or parts thereof are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- (i) The ground is used for floors, or wood floors are on the ground.

(3) Irrespective of § 151-105(A)(2) above, the enforcing agent shall find residential dwelling units to be unfit for human habitation if a dwelling unit contains more than five separate types of violations of any of the minimum standards set forth in this article.

(B) Both residential and abandoned buildings and structures. Every structure within the town's jurisdiction shall be deemed in violation of this article whenever it constitutes a hazard to the health, safety or welfare of the town's citizens. The enforcing agent may declare an abandoned and/or residential structure or building to be unsafe as a result of:

- (1) Vacancy or abandonment;
- (2) Dilapidated conditions causing or contributing to blight, disease and/or safety hazards;
- (3) The attraction of insects and/or rodents and/or snakes, including the collection of garbage or rubbish in or near the structure that might attract rodents and/or snakes and/or insects, or become breeding places for rodents and/or snakes and/or insects;
- (4) Conditions creating a fire hazard;
- (5) Dangerous conditions constituting a threat to children, such as the use of the structure by children as a play area, or violations of the State Building Code that might result in danger to children using the structure as a play area if the structure is also vacant and abandoned. If the structure meets the criteria of the preceding sentence and is within a community development area, then the structure may be declared unsafe;
- (6) Repeated use of the structure in the absence of sanitary facilities for living, sleeping, cooking or eating;
- (7) Violation of the State Building Code, the State Electrical Code or the Fire Prevention Code that constitutes a fire hazard in the structure;
- (8) Violation of the standards established by the town in this article.

(Ord. 14-2021)

Statutory reference:

Unsafe buildings condemned in localities, see G.S. § 160A-426

§ 151-106 UNLAWFUL TO RENT OR OCCUPY PROPERTY AFTER EXPIRATION OF TIME LIMITS UNDER ANY ORDERS ISSUED PURSUANT TO THIS ARTICLE.

(A) If any order issued and served in accordance with this article requires that a dwelling or dwelling unit be closed and vacated, and the order is not complied with within the time specified therein, it shall be unlawful for any person that had knowledge of the issuance of the order to occupy any portion of the building under order for any purpose.

(B) When the enforcing agent finds that a building is unfit for human habitation within the meaning of this article, and has notified the owner to such effect, and the time limit set by the Inspector for the correction of defects and vacating same has expired, it shall be unlawful for any person (including, but not limited to, the owner or owner's agent) to receive rentals, offer for rent, or occupy the building/dwelling unit for any purpose.

(Ord. 14-2021)

§ 151-107 UNAUTHORIZED REMOVAL OF ORDERS OR NOTICES.

No person, without the written consent of the Inspector, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this article.

(Ord. 14-2021)

§ 151-108 DEFINITIONS.

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

BASEMENT. A portion of a dwelling located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. A portion of a dwelling located partly or wholly underground, having adequate access to light and air from windows located partly or wholly below of the adjoining ground.

DETERIORATED. A condition in which a dwelling may be 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 50% of its value, as determined by the Inspector.

DILAPIDATED. A condition in which a dwelling is unfit for human habitation and cannot be improved, repaired or altered to comply with all of the minimum standards established by this article, except at a cost in excess of 50% percent of its value, as determined by the Inspector.

DWELLING. Any building, structure, manufactured home or mobile home, or part thereof, that is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home of health care home used solely for a seasonal vacation purpose. Temporary housing, except for a “temporary family health care structure” as defined below, shall not be regarded as a DWELLING. The term DWELLING shall include within its meaning the terms “rooming house” and “rooming unit”, as hereinafter defined.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities used or intended to be used for living, sleeping, cooking and eating.

EXTERMINATION. 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.

GARBAGE. The waste resulting from the handling, preparation, cooking and consumption of food.

GENDER. Words having a masculine gender shall include the feminine and neuter gender.

HABITABLE ROOM. 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 communication corridors, closets and storage spaces.

INFESTATION. 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.

INSPECTOR. The Code Enforcement Officer or Building Inspector (including Gaston County Building Inspectors), or his or her designee or agent. INSPECTOR shall be synonymous with “public officer”, as that term is used in G.S. Chapter 160A, Article 19, Part 6.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANCY. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who, alone jointly, or severally with others: (1) shall have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof; or (2) shall be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or (3) shall have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, administrator, 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 article, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

PARTY OR PARTIES IN INTEREST. All individuals, associations and corporations who have interests of record in a nonresidential building or structure, dwelling, dwelling unit or rooming unit, and any persons who are in possession thereof.

PERSON. Any individual, corporation, firm, partnership, association, organization or other legal entity.

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 washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PUBLIC AUTHORITY. Any officer who is in charge of any department or branch of the government of the Town of Ranlo, Gaston County, or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the town.

ROOMING HOUSE. 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 four or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living or sleeping, but not for cooking or eating purposes.

RUBBISH. Non-food waste materials. The term shall include items such as: paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral, glass and dust.

SUPPLIED. Paid for, furnished or provided by, or under the control of, the owner or operator.

TEMPORARY FAMILY HEALTH CARE STRUCTURE. A transportable residential structure as authorized by G.S. § 160A-383.5, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is: (1) primarily assembled at a location other than its site of installation; (2) is limited to one occupant who shall be the mentally or physically impaired person; (3) has no more than 300 gross square feet; and (4) complies with applicable provisions of the State Building Code and G.S. §143-139.1(b). These structures are deemed to be permitted accessory structures by state law.

TEMPORARY HOUSING. Any tent, trailer or other structure that is: used for human shelter, designed to be transportable, and not attached to the ground, to another structure, or to any utilities on the same premises for more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. Conditions exist in a dwelling, dwelling unit, rooming house or rooming unit that violate or do not comply with one or more of the minimum standards of fitness, or one or more of the requirements established by this article.

WORDS HAVING CERTAIN MEANING. Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit” or “premises” are used in this article, they shall be construed as though they were followed by the words “or any part thereof”.

(Ord. 14-2021)

§ 151-109 CHAPTER SUPPLEMENTAL; ALTERNATIVE REMEDIES.

This article shall not 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 article by criminal process as authorized by G.S. § 14-4, or to enforce this article by civil action pursuant to G.S. § 160A-175. The enforcement of any remedy provided in this article shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Ord. 14-2021)

DIVISION II: ADMINISTRATION AND ENFORCEMENT

§ 151-110 DUTIES OF CODE ENFORCEMENT OFFICER AND INSPECTOR.

(A) The Code Enforcement Officer and the Inspector are hereby designated as the town officers to enforce the provisions of this article.

(B) It shall be the duty of the Inspector to:

- (1) Locate abandoned structures within the town and determine which structures are in violation of this article;
 - (2) Take action pursuant to this article as may be necessary to provide for the repair, closing or demolition of those structures;
 - (3) Keep an accurate record of all enforcement proceedings begun pursuant to the provision of this article, and 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) Perform other duties as may be prescribed herein or assigned to him or her by the Board.
- (Ord. 14-2021)

§ 151-111 POWERS OF CODE ENFORCEMENT OFFICER AND INSPECTOR.

The Code Enforcement Officer is granted and authorized to exercise those powers as may be necessary to carry out the intent and the provisions of this article, including the following powers, in addition to others herein granted:

- (A) Investigate the condition of buildings within the town in order to determine which structures are abandoned and in violation of this article;
- (B) Enter upon premises for the purpose of making inspections;
- (C) Administer oaths and affirmations, examine witnesses and receive evidence;
- (D) Designate other officers, agents and employees of the town as he or she deems necessary to carry out the provisions of this article;
- (E) To obtain administrative search warrant(s) pursuant to G.S. § 15-27.2;
- (F) Investigate the 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 the purpose of carrying out the objectives of this article with respect to such dwellings and dwelling units; and
- (G) To take such actions, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of deteriorated housing.

(Ord. 14-2021)

§ 151-112 ENFORCEMENT PROCEDURE.

(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Inspector, charging that any structure exists in violation of this article, or whenever it appears to the Inspector, upon inspection, that any structure exists in violation hereof, he or she shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served, upon the owner of and parties in interest in the structure, 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 nor more than 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 the hearing shall also be given to at least one of the persons signing a petition relating to the structure. Any person desiring to do so may attend the 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 the notice and hearing, the Inspector shall state in writing his or her determination whether the structure or dwelling violates this article. If the Inspector determines that the dwelling or structure is in violation, he or she shall state in writing his or her findings of fact to support the determination, and shall issue and cause to be served upon the owner thereof, an order directing and requiring the owner to either repair, alter or improve the structure, or else remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Petition to Superior Court by owner. Any person aggrieved by an order issued by the Inspector shall have the right, within 30 days after issuance of the order, 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).

(D) Limitations on order.

(1) If the repair, alteration or improvement of the dwelling or abandoned structure can be made at a cost of no more than 50% of the value of the dwelling or building, as determined and published most recently by the Gaston County Tax Assessor, the order may require the owner, within the time specified, to repair, alter or improve the

building, structure or dwelling in order to render it fit for human habitation, or, in the case of abandoned nonresidential buildings, to bring it into compliance with the standards of this article within 90 days. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an subsequent order to repair or demolish the structure; or

(2) If the repair, alteration or improvement of the dwelling, building or structure cannot be made at a cost of less than 50% of the value of the dwelling or building, as determined and published most recently by the Gaston County Tax Assessor, the order may require the owner, within the time specified, to remove or demolish the structure or dwelling within 90 days.

(3) Historic exception. However, notwithstanding any other provision of law and this article, if the building, structure or dwelling is located in the Historic Landmarks and Preservation Overlay District and the Historic Preservation Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the District, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. § 160A-400.14(a).

(E) Failure to comply with order.

(1) Remedy. If the owner of any structure shall fail to comply with an order of the Inspector within the time specified therein, the Inspector may either: (a) place the matter on the agenda of the Board at its next regular meeting; or (b) request an emergency meeting with the Board. At the meeting, the Town Board may consider an ordinance finding that failure to comply with the order jeopardized the public health safety and welfare of the general public and/or the occupants of the building structure or dwelling. If the Board finds that the public's or occupants' health and safety are jeopardized, the Board shall adopt an ordinance:

- (a) Describing the property; and
- (b) Listing the Board's findings; and
- (c) Directing that the ordinance be recorded in the Gaston County Registry and indexed in the grantor index in the name of the property owner(s); and
- (d) Directing that the Inspector or Officer cause the building or dwelling to be repaired, altered and repaired or vacated and closed. If the building or dwelling is to be closed, the ordinance will direct the Inspector to post the property with a placard reading:

1. For abandoned nonresidential buildings: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." or

2. For dwellings: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

(F) Each ordinance shall be recorded in the Gaston County Office of the Register of Deeds, and shall be indexed in the name of the property owner in the grantor index.

(G) Any person who occupies or knowingly allows the occupancy of an abandoned building or structure so posted shall be guilty of a Class 3 misdemeanor. Any person who occupies or knowingly allows the occupancy of a dwelling so posted shall be guilty of a Class 1 misdemeanor.

(Ord. 14-2021)

§ 151-113 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

(A) Complaints or orders issued by the Inspector shall be served upon persons, either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order will also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten days after the mailing. If the whereabouts of the persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, or if the owners are known but have refused to accept service by registered or certified mail, the Inspector shall make an affidavit to that effect, and the serving of the complaint or order upon the person may be made by publication in a newspaper having general circulation in the town at least once, no later than the time at which personal service is

required under § 151-112, Enforcement Procedure. 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.

(B) Whenever a determination is made pursuant to § 151-112, Enforcement Procedure, that a dwelling must be vacated and closed, or removed or demolished, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the Inspector, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease or purchase the property for the purpose of providing affordable housing. The Inspector or Town Clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the Inspector to wait 45 days before causing removal or demolition.

(Ord. 14-2021)

§ 151-114 IN REM ACTION BY INSPECTOR; DEMOLITION.

(A) After failure of an owner of a dwelling to comply with an ordinance issued pursuant to the provisions of this article in one year, or two years in the case of the owner of an abandoned nonresidential structure, the Board may consider another ordinance if it finds that: the owner has abandoned the intent and purpose to repair, alter or improve the building, structure or dwelling in order to render it fit for human habitation, or, for abandoned nonresidential buildings, to have abandoned the intention to repair, and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the town, in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling that might otherwise have been made available to ease the persistent shortage of decent and affordable housing in the town.

(B) Any ordinance enacted shall set forth the following:

(1) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the building, structure or dwelling within 90 days; or

(2) If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50% of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the building, structure or dwelling within 90 days.

(C) Any ordinance so adopted shall be served on the owner of the property and recorded in the Gaston County Office of the Register of Deeds, and shall be indexed in the name of the property owner in the grantor index.

(D) If the owner fails to comply with this article, the Inspector shall effectuate the purpose of the ordinance.

(Ord. 14-2021)

§ 151-115 COLLECTION OF COSTS; CREATION OF LIEN ON PREMISES.

(A) Creation of lien. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(B) Liens on residential and abandoned nonresidential buildings. The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. Chapter 160A, Article 10.

(C) Additional lien created in actions about residential buildings. Where the original action was brought against a dwelling(s), the expense of the action is also a lien on any other real property owned by the person in default within the town limits, or within one mile of the town limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another. See G.S. § 160A-193.

(D) Notification of Town Attorney. The Inspector will notify the Town Attorney to write a notice of lien and cause it to be recorded in the county registry and/or judgments.

(Ord. 14-2021)

§ 151-116 REMEDIES; APPEAL BY OWNER TO SUPERIOR COURT.

(A) The Board shall also hear any appeals from any decision or order of the Inspector.

(B) An appeal from any decision or order of the Inspector may be taken to the Board by any person aggrieved thereby, or by any officer, board or commission of the town. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, by filing with the Office of the Inspector, a notice of appeal to the Board, 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 an appeal is from a decision of the Inspector, refusing to allow the person aggrieved thereby to do any act, his or her 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 or her, that, because of facts stated in the certificate (a copy of which shall be furnished the person making the appeal), a suspension of his or her requirement would cause imminent peril to life or property. In that 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 day's written notice to the Inspector by the Board, or by a court of record upon petition made pursuant to subsection (F) of this section.

(C) The Board shall fix a reasonable time for hearing appeals, shall give due notice to 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 appealed from, and may make any decision and order that, in its opinion, ought to be made in the matter, and to that end it shall have all the powers of the Inspector. The 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.

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

(E) Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board may petition the Superior Court for an injunction, restraining the Inspector from carrying out the order or decision. The Court may, upon such petition, issue a temporary injunction restraining the Inspector, pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

(F) If any building, structure or dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this article, or any valid order or decision of the Inspector or Board made pursuant to any ordinance or code adopted under authority of this article or the general statutes, the Inspector or Board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate the violation, to prevent the occupancy of the building, structure or dwelling, or to prevent any illegal act, conduct or use in or about the premises.

(Ord. 14-2021)

§ 151-117 SUMMARY EJECTMENT IF OCCUPANTS FAIL TO OBEY ORDER OR ORDINANCE TO VACATE.

(A) Notice before ejectment from dwellings only. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph, unless the occupant was served with notice, at least 30 days before the filing of the summary ejectment proceeding, that the Board has ordered the Inspector to proceed to exercise his or her duties under § 151-112 of this article to vacate and close or remove and demolish the dwelling.

(B) Ejectment procedure for abandoned nonresidential buildings and structures. If any occupant fails to comply with an order to vacate a dwelling, the Inspector may file a civil action in the name of the town to remove the occupant. The action to vacate the dwelling shall be in the nature of summary ejectment, and shall be commenced by filing a complaint naming as parties-defendant any person occupying the dwelling. The Clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place, not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor. If on its return it appears to have been duly served, and if at the hearing the Inspector produces a certified copy of an ordinance adopted by the governing body pursuant to § 151-113, authorizing the Officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated, and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of such judgment may be stayed as provided in G.S. § 7A-227.

(Ord. 14-2021)

§ 151-118 EMERGENCY ENFORCEMENT.

The decision of the Inspector pursuant to this article shall be final in cases of emergency, which, in his or her opinion, involve imminent danger to human life or health. The Inspector shall promptly cause such building, structure or portion thereof to be made safe or abated. For this purpose, the Inspector may at once enter the structure or land on which it stands, or abutting land or structure, with such assistance and at such cost as he or she may deem necessary. The Inspector may vacate adjacent structures and protect the public by appropriate fences or such other means as may be necessary, and for this purpose, may close a public or private way.

(Ord. 14-2021)

§ 151-119 PENALTIES AND FEES.

(A) Civil citations. If the violation continues after the deadline to correct a violation established after the violation hearing by the order requiring removal or correction of a violation, and no appeal has been filed with the Office of the Inspector, then the Inspector may issue a civil citation, with a fine in an initial amount of \$100 against the violator. Thereafter, upon issuing a second civil citation, each day the violation continues is an additional separate and distinct offense, and additional citations with additional fines of \$100 shall apply each day the violation continues. Any unpaid citations and delinquency charges shall be cumulative, and shall be recovered in a civil action in the nature of debt, as well as any attorney fees incurred by the town incident thereto.

(B) Criminal citations. If the violation continues after the deadline to correct a violation established after the violation hearing by the order requiring removal or correction of a violation, and no appeal has been filed with the Office of the Inspector, then the police may issue a criminal citation, with a fine of up to \$500 against the violator.

(C) Multiple notices not required. A hearing is not required for issuance of consequent civil citations with fines after the issuance of the first citation. This article may be enforced by the simultaneous issuance of both a civil citation(s) and a criminal citation, in addition to any other remedies provided in this article. See G.S. §§ 160A-175 and 160A-193.

(Ord. 14-2021)

§ 151-120 ALTERNATIVE REMEDIES.

Neither this article 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 motion or otherwise, or to enforce this article by criminal process. 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. 14-2021)

§ 151-121 WILLFUL FAILURE OR REFUSAL TO COMPLY WITH ORDER.

No person shall willfully fail or refuse to comply with any final order or direction of the Building Inspector or the Board pursuant to this article.

(Ord. 14-2021)

§ 151-122 ARTICLE TO BE SUPPLEMENTARY.

This article is in addition to, and not in substitution for, any other provision of this Code or other ordinance affecting the same subject matter.

(Ord. 14-2021)

ARTICLE V: NONRESIDENTIAL BUILDINGS OR STRUCTURES

§ 151-125 TITLE.

This article shall be known and may be cited and referred to as the Nonresidential Building or Structure Code.

(Ord. 14-2021)

§ 151-126 PURPOSE.

In order to protect the health, safety and welfare of the town and its citizens, it is the purpose of this article to establish minimum standards of maintenance, sanitation and safety relating to nonresidential buildings or structures, as expressly authorized by G.S. § 160A-439. This article provides for the repair, closing or demolition of nonresidential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety and welfare.

(Ord. 14-2021)

§ 151-127 DEFINITIONS.

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

BASIC STRUCTURAL ELEMENTS. The parts of a building which provide the principal strength, stability, integrity, shape and safety of the building, including, but not limited to, plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

BUILDING. Any structure, place or any other construction built for the shelter or enclosure of persons, animals, chattels or property of any kind or any part of the structure, shelter or property.

CODE ENFORCEMENT COORDINATOR OR OFFICER. A Code Enforcement Coordinator or Officer of the town or any agent of the Code Enforcement Coordinator or Officer who is authorized by the Code Enforcement Coordinator or Officer to enforce the provisions of this article.

NONRESIDENTIAL. Any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space or sleeping space for one or more human beings, either permanently or transiently.

OCCUPANT. Any person who is a tenant or has actual possession of a nonresidential building or structure, or part thereof.

OPERATOR. Any person who has charge, care or control of a nonresidential building or structure, or part thereof.

OWNER. Any person who alone, or jointly, or severally with others:

(1) Shall have title in fee simple to any nonresidential building or structure, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any nonresidential building or structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PARTIES IN INTEREST. All individuals, associations and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

PREMISES. Any lot or parcel of land inclusive of any building or improvements located thereon.

SAFE. A condition which is not likely to do harm to humans or to real or personal property.

STRUCTURE. Anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure except a currently operable licensed vehicle.

STRUCTURALLY SOUND. Substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

UNSAFE. A condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.

VACANT INDUSTRIAL WAREHOUSE. Any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted for another use.

VACANT MANUFACTURING FACILITY. Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.

(Ord. 14-2021)

§ 151-128 MAINTENANCE STANDARDS FOR NONRESIDENTIAL BUILDINGS AND STRUCTURES.

(A) All nonresidential buildings and structures shall be free of all conditions that are dangerous and injurious to the public health, safety and welfare of occupants or members of the general public.

(B) Without limitation of the foregoing requirement, the existence of any of the following conditions shall be deemed to be dangerous to the public health, safety and welfare for which a public necessity exists for the repair, closing or demolition of the building or structure and must be corrected in accordance with the provisions of this article:

(1) Interior walls, vertical studs, partitions, supporting members, sills, joists, rafters or other basic structural members that list, lean or buckle to such an extent as to render the building unsafe, that are rotted, deteriorated or damaged, and that have holes or cracks which might admit rodents;

(2) Exterior walls that are not structurally sound, free from defects and damages and capable of bearing imposed loads safely. Where a wall of a building has become exposed as a result of demolition of adjacent buildings, the wall must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. The exposed wall shall be painted or bricked and sufficiently weatherproofed to prevent deterioration of the wall;

(3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used. Roofs shall be kept structurally sound and shall be maintained in a manner so as to prevent rain or other objects from penetrating into the interior of the building;

(4) Damage by fire, wind or other causes as to render the building unsafe;

(5) Dilapidation, decay, unsanitary conditions or disrepair, which is dangerous to the health and safety of the occupants or members of the general public;

(6) Lack of adequate ventilation, light, heating or sanitary facilities to an extent as to endanger the health, safety or general welfare of the occupants or members of the general public;

(7) Buildings and structures including their environs that have accumulations of garbage, trash or rubbish, which creates health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary manner;

(8) Buildings and structures that have loose and insufficiently anchored overhanging objects, which constitute a danger of falling on persons or property;

(9) Buildings and structures including their environs that have insufficiently protected holes, excavations, breaks, projections, obstructions and other dangerous impediments on and around walks, driveways, parking lots, alleyways and other areas which are accessible to and generally used by persons on or around the premises;

(10) Buildings and structures that have cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic, or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be

maintained in a material or treated in a manner as to prevent deterioration and repaired or replaced with like or similar material according to its original use;

(11) Buildings and structures that have objects and elements protruding from building walls or roofs, which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets and similar objects;

(12) Chimneys, flues and vent attachments thereto which are not structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases;

(13) Exterior porches, landings, balconies, stairs or fire escapes, which are not structurally sound. All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept sound, in good repair and free of defects;

(14) Cornices which are not structurally sound. Rotten or weakened portions shall be repaired and/or replaced. All exposed wood shall be treated or painted;

(15) Improperly attached gutters or downspouts that are located so as to cause a hazard to pedestrian, vehicular traffic or adjacent property;

(16) Advertising sign structures, attached or freestanding awnings, marquees and their supporting members, and other similar attachments and structures that cause a safety hazard to the occupants or members of the general public;

(17) All exterior surfaces that may cause unsafe conditions due to a lack of maintenance. Exterior surfaces shall be painted or sealed in order to protect the underlying surface from deterioration. All exterior surfaces that have been painted shall be maintained generally free of peeling and flaking. Where 50% or more of the aggregate of any painted surface shall have peeling or flaking or previous paint worn away, the entire surface shall be repainted in order to prevent further deterioration;

(18) Windows containing broken or cracked broken glass that could be in danger of falling or shattering. All windows must be tight fitting and have sashes of proper size and design and free from rotten wood, broken joints or broken or loose mullions;

(19) All openings originally designed as windows, doors, loading docks or other means of egress or ingress which have been temporarily closed by boarding or other manner in a non-secure manner so as to allow unauthorized admittance. If an opening is temporarily closed by boarding to secure the building or structure, the boarding shall be trim fit, sealed to prevent water intrusion and painted or stained to properly conform with the other exterior portions of the building and the building or structure shall be maintained in a state that secures the building or structure from any unauthorized admittance from humans, animals or birds; and

(20) Any combination of conditions which in the judgment of the Code Enforcement Coordinator or Officer renders any building or structure dangerous or injurious to the health, safety or general welfare of occupants or members of the general public.

(Ord. 14-2021)

§ 151-129 DUTIES OF CODE ENFORCEMENT COORDINATOR OR OFFICER.

(A) The Code Enforcement Coordinator or Officer is hereby designated as the public officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed.

(B) It shall be the duty of the Code Enforcement Coordinator or Officer:

(1) To investigate the conditions of nonresidential buildings and structures in the town and to inspect nonresidential buildings and structures located in the town in order to determine which nonresidential buildings and structures are not being maintained so that the health and safety of its occupants or members of the general public are jeopardized and for the purpose of carrying out the objectives of this article with respect to nonresidential buildings and structures;

(2) To take action, together with other appropriate departments and agencies, public and private, as may be necessary to effect the repair or demolition of nonresidential buildings and structures which have not been properly maintained in compliance with minimum standards established by this article;

(3) To keep record of the results of inspections made under this article and an inventory of those nonresidential buildings and structures which have not been properly maintained in compliance with the minimum standards established by this article; and

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

(Ord. 14-2021)

§ 151-130 POWERS OF CODE ENFORCEMENT COORDINATOR OR OFFICER.

The Code Enforcement Coordinator or Officer is authorized to exercise those powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

(A) To investigate nonresidential buildings and structures in the town to determine whether they have been properly maintained in compliance with the minimum standards established by this article so that the safety or health of the occupants or members of the general public are not jeopardized;

(B) To administer oaths and affirmations, examine witnesses and receive evidence;

(C) To enter upon premises for the purpose of making examinations and inspections, provided that the entries shall be made in accordance with law and in a manner as to cause the least possible inconvenience to the persons in possession; and

(D) To appoint and fix duties of the officers, agents and employees as the Code Enforcement Coordinator or Officer deems necessary to carry out the purposes of this article.

(Ord. 14-2021)

§ 151-131 INSPECTIONS.

For the purpose of making inspections, the Code Enforcement Coordinator or Officer is hereby authorized to enter, examine and survey at all reasonable times, nonresidential buildings and structures. If entry upon the premises for purposes of investigation is necessary, the entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. § 15-27.2 or with permission of the owner, the owner's agent, a tenant or other person legally in possession of the premises.

(Ord. 14-2021)

§ 151-132 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation. Whenever it appears to the Code Enforcement Coordinator or Officer that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by this article, the Code Enforcement Coordinator or Officer shall undertake a preliminary investigation.

(B) Complaint and hearing. If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the Code Enforcement Coordinator or Officer shall issue and cause to be served upon the owner of and parties in interest in the nonresidential building or structure a complaint. The complaint shall state the charges and a place therein fixed, not less than ten days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Code Enforcement Coordinator or Officer.

(C) Procedure after hearing.

(1) If, after notice and hearing, the Code Enforcement Coordinator or Officer determines that the nonresidential building or structure has been maintained in that the property meets the minimum standards established by this article, the Code Enforcement Coordinator or Officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof a copy of the determination.

(2) If, after notice and hearing, the Code Enforcement Coordinator or Officer determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this article,

the Code Enforcement Coordinator or Officer shall state in writing findings of fact in support of that determination and shall issue and clause to be served upon the owner thereof an order in accordance with the provisions of subsections (C)(3) and (C)(4) below and subject to the limitations set forth in §§ 151-133 and 5-134.

(3) If the Code Enforcement Coordinator or Officer determines that the cost of repair, alteration or improvement of the building or structure would not exceed 50% of its then current value, then the Code Enforcement Coordinator or Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:

(a) Repair, alter or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by this article; or

(b) Vacate and close the nonresidential building or structure for any use.

(4) If the Code Enforcement Coordinator or Officer determines that the cost of repair, alteration or improvement of the building or structure would exceed 50% of its then current value, then the Code Enforcement Coordinator or Officer shall state in writing the findings of fact in support of the determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:

(a) Remove or demolish the nonresidential building or structure; or

(b) Repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article.

(D) Failure to comply with order and ordinance.

(1) If the owner fails to comply with an order to either repair, alter or improve the nonresidential building or structure or vacate and close the nonresidential building or structure, the Code Enforcement Coordinator or Officer shall submit to the Town Board an ordinance ordering the Code Enforcement Coordinator or Officer to cause the nonresidential building or structure to be repaired, altered or improved in order to bring it into compliance with the minimum standards established by this article or to be vacated and closed for any use. The property shall be described in the ordinance. If Town Board adopts the ordinance, the Code Enforcement Coordinator or Officer shall cause the building or structure to be vacated and closed for any use.

(2) If the owner fails to comply with an order to either remove or demolish the nonresidential building or structure or repair, alter or improve the nonresidential building or structure, the Code Enforcement Coordinator or Officer shall submit to the Town Board an ordinance ordering the Code Enforcement Coordinator or Officer to cause the nonresidential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring in into conformity with the minimum standards established by the Town Board. The property shall be described in the ordinance. If Town Board adopts the ordinance, the Code Enforcement Coordinator or Officer shall cause the building or structure to be removed or demolished.

(Ord. 14-2021)

§ 151-133 LIMITATIONS ON ORDERS AND ORDINANCES; HISTORIC LANDMARKS OR HISTORIC DISTRICT.

Notwithstanding any other provision of this article, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the Town Board determines, after a public hearing, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, an order issued by the Code Enforcement Coordinator or Officer pursuant to § 151-132(C) and an ordinance approved by Town Board pursuant to § 151-132(D) may only require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this article.

(Ord. 14-2021)

§ 151-134 LIMITATION ON ORDERS AND ORDINANCES; VACANT MANUFACTURING FACILITY OR VACANT INDUSTRIAL WAREHOUSE.

Notwithstanding any other provision of this article, an order issued by the Code Enforcement Coordinator or Officer pursuant to § 151-132(C) and an ordinance approved by Town Board pursuant to § 151-132(D) may not

require repairs, alterations or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require the building or structure to be vacated and closed, but repairs may be required only when necessary to maintain the structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

(Ord. 14-2021)

§ 151-135 VACATED AND CLOSED NONRESIDENTIAL BUILDINGS OR STRUCTURES.

(A) If the Town Board has adopted an ordinance or the Code Enforcement Coordinator or Officer has issued an order requiring the building or structure to be repaired, altered or improved or vacated and closed and the building has been vacated and closed for a period of two years pursuant to the ordinance in order, then if the Town Board finds that the owner has abandoned the intent and purpose to repair, alter or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety and welfare of the town in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area, the Town Board may, after the expiration of the two-year period, adopt an ordinance and serve the ordinance on the owner, setting forth the following.

(1) The ordinance shall require that the owner either:

(a) Demolish and remove the nonresidential building or structure within 90 days; or

(b) Repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within 90 days.

(2) The ordinance shall require that if the owner does not do either of the following, then the Code Enforcement Coordinator or Officer shall demolish and remove the nonresidential building or structure:

(a) Demolish and remove the nonresidential building or structure within 90 days; or

(b) Repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established by this article within 90 days.

(B) In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before Town Board may take action under this section.

(C) If the owner fails to comply with the requirements of the ordinance within 90 days, the Code Enforcement Coordinator or Officer shall demolish and remove the nonresidential building or structure.

(Ord. 14-2021)

§ 151-136 IN REM ACTION BY THE CODE ENFORCEMENT COORDINATOR OR OFFICER.

(A) After failure of an owner of a nonresidential building or structure to comply with an order of the Code Enforcement Coordinator or Officer issued pursuant to the provisions of this article and upon adoption by the Town Board of an ordinance authorizing and directing the owner to do so, as provided by G.S. § 160A-439(f) and § 151-132(D) of this article, the Code Enforcement Coordinator or Officer shall proceed to cause the nonresidential building or structure to be repaired, altered or improved to comply with the minimum standards established by this article, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the Town Board. The Code Enforcement Coordinator or Officer may cause to be posted on the main entrance of any nonresidential building or structure which is to be vacated and closed a placard with the following words:

This building is unfit for any use: the use or occupation of this building for any purpose is prohibited and unlawful.

(B) Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

(Ord. 14-2021)

§ 151-137 COSTS; A LIEN ON PREMISES.

(A) As provided by G.S. § 160A-439(i), 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 Code Enforcement Coordinator or Officer pursuant to § 151-132(D) or § 151-135 shall be a lien against the real property upon which the costs were

incurred. The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10. The amount of the costs shall also be a lien on any other real property of the owner located within the town limits except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.

(B) If the nonresidential building or structure is removed or demolished by the Code Enforcement Coordinator or Officer, the Code Enforcement Coordinator or Officer shall offer for the sale the recoverable materials of the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the Superior Court by the Code Enforcement Coordinator or Officer, shall be secured in a manner directed by the Court and shall be disbursed by the Court to the persons found to be entitled thereto by final order or decree of the Court. Nothing in this section shall be construed to impair or limit in any way the power of the governing body to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. 14-2021)

§ 151-138 EJECTMENT.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Code Enforcement Coordinator or Officer may file a civil action in the name of the town to remove the occupant. The action to vacate shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying the nonresidential building or structure. The Clerk of the Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served and if at the hearing the Code Enforcement Coordinator or Officer produces a certified copy of an ordinance adopted by the Town Board pursuant to G.S. § 160A-493(f) and § 151-132(D) to vacate the occupied nonresidential building or structure, the magistrate shall enter judgment ordering that the premises be vacated and all persons be removed. The judgment ordering that the nonresidential building or structure be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered under this section by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of the judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a nonresidential building or structure who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this section unless the occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding, that the Town Board has ordered the Code Enforcement Coordinator or Officer to proceed to exercise his or her duties G.S. § 160A-493(f) and § 151-132(D) to vacate and close or remove and demolish the nonresidential building or structure.

(Ord. 14-2021)

§ 151-139 FILING OF ORDINANCES.

An ordinance adopted by Town Board pursuant to §§ 151-132(D) or 151-135 of this article shall be recorded in the office of the Register of Deeds in Gaston County and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-439(f) and (g).

(Ord. 14-2021)

§ 151-140 ALTERNATIVE REMEDIES.

Neither this article 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 article by criminal process as authorized by G.S. § 14-4 and § 151-144 of this article, and the enforcement of any remedy provided herein or in other ordinances or laws.

(Ord. 14-2021)

§ 151-141 BOARD OF ADJUSTMENT TO HEAR APPEALS.

(A) All appeals, which may be taken from decisions or orders of the Code Enforcement Coordinator or Officer pursuant to this article, shall be heard and determined by the Board of Adjustment. As the appeals body, the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

(B) Appeals shall be subject to the following.

(1) An appeal from any decision or order of the Code Enforcement Coordinator or Officer may be taken by any person aggrieved thereby. Any appeal from the Code Enforcement Coordinator or Officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Code Enforcement Coordinator or Officer and with the Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Code Enforcement Coordinator or Officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the Code Enforcement Coordinator or Officer refusing to allow the person aggrieved thereby to do any act, the Code Enforcement Coordinator or Officer's decision shall remain in force until modified or reversed. When any appeal is from a decision of the Code Enforcement Coordinator or Officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Code Enforcement Coordinator or Officer certifies to the Board, after the notice of appeal is filed, that by reason of the facts stated in the certified (a copy of which shall be furnished the appellant) a suspension of the 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 day's written notice to the Code Enforcement Coordinator or Officer, by the Board, or by a court of record upon petition made pursuant to G.S. § 160A-446(i) and § 151-142 of this Code.

(2) The Board shall fix a reasonable time for the hearing of all appeals, shall give 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 appealed from, and may make the 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 Code Enforcement Coordinator or Officer, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Code Enforcement Coordinator or Officer. The Board shall have power also in passing upon appeals, in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured and substantial justice done.

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

(Ord. 14-2021)

§ 151-142 TEMPORARY INJUNCTION REMEDY FOR AGGRIEVED PERSON.

Any person aggrieved by an order issued by the Code Enforcement Coordinator and Officer of a decision rendered by the Board of Adjustment shall have the right within 30 days after issuance of the order or rendering of the decision to petition the Superior Court for a temporary injunction restraining the Code Enforcement Coordinator or Officer pending a final disposition of the cause, as provided by G.S. § 160A-446(f).

(Ord. 14-2021)

§ 151-143 CONFLICT WITH OTHER PROVISIONS.

In the event any provision standard, or requirement of this article is found to be in conflict with any other ordinance or Code of the town, the provisions which establishes the higher standard or more stringent requirement for the promotion and protection of health and safety of the citizens of the town shall prevail.

(Ord. 14-2021)

§ 151-144 VIOLATIONS; PENALTY.

(A) It shall be unlawful for the owner of any nonresidential building or structure 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 Code

Enforcement Coordinator and Officer duly made and served in the order, and each day that any failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any nonresidential building or structure, with respect to which an order has been issued pursuant to § 151-132(C) of this article, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration, improvement or its vacation and closing, and each day that the occupancy continues after the 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.

(C) Any person, firm or corporation violating any of the provisions of any section or subsection of this Code or ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this Code of Ordinances are violated shall constitute a separate offense.

(G.S. § 14-4(a)) (Ord. 14-2021)

Statutory reference:

For provisions concerning enforcement of ordinances, see G.S. § 160A-175

Ordinance #15-2021

AN ORDINANCE TO AMEND TITLE FIFTEEN OF THE TOWN OF RANLO CODE OF ORDINANCES TO ADOPT A TOWER ORDINANCE

Adoption of a Tower Ordinance

TITLE.

This article shall be known as the Tower Ordinance of the Town.

(Ord. 15-2021)

AUTHORITY AND ENACTMENT.

This article is adopted under the authority and provision of G.S. Chapter 160A-174, Article 6 et seq.

(Ord. 15-2021)

PURPOSE.

(A) The Town Board of Commissioners finds that the construction of towers may cause unusual problems and hazards to the residents and visitors of the Town. The purpose of this article is to regulate the construction of towers to avoid potential damage to adjacent properties from tower failure, and falling ice or other debris, to maximize the use of existing and new towers in order to reduce the number of towers needed, to minimize potential hazards to low flying law enforcement and medical helicopters, to restrict towers that adversely detract from the natural beauty of the Town by discouraging visual eyesores and to minimize the negative economic impact on tourism.

(B) The Town Board of Commissioners specifically avers that this article is not enacted with any consideration of the environmental health effects of radio frequency emissions.

(C) The Town Board of Commissioners specifically avers that this article is not enacted for purposes of regulating or interfering with any individual's use of his or her personal telephone unit (mobile, analog, digital or otherwise).

(Ord. 16-2021)

JURISDICTION.

This article, the regulations and the procedures contained herein shall apply to and govern each and every lot, parcel or tract of land within the Town limits and extraterritorial jurisdiction of the Town.

(Ord. 15-2021)

DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTENNA. A conductor by which electromagnetic waves (telephonic, radio, television, microwave or otherwise) are transmitted or received.

BOARD OF ADJUSTMENT AND PLANNING BOARD. The Board of Adjustment and Planning Board of the Town of Ranlo.

TOWN BOARD OF COMMISSIONERS. The Town Board of Commissioners of the Town of Ranlo.

TOWN MANAGER. The Town Manager of the Town of Ranlo.

CONSTRUCTION. Any new construction, reconstruction, alteration or expansion of a new or existing tower.

ENFORCEMENT OFFICER. The person, officer or official and his or her authorized representative, whom the Town Manager has designated as the agent for the administration and enforcement of this article VI.

FALL AREA. A circle whose center is the base of a telecommunications tower and whose radius is equal to one and one-half the tower's height. A fall area of one-half to one will be acceptable with a signed and sealed statement by a registered professional engineer licensed by the State of North Carolina indicating such fall area would prevent the tower's fall from encroaching onto adjoining property.

PERSON. Any individual, partnership, firm, association, joint venture, public or private institution, utility, cooperative, interstate body, the state and its agencies and political subdivision, or other legal entity.

RESIDENT. Any person residing, doing business or maintaining an office within the Town or its extraterritorial jurisdiction.

STRUCTURE. Anything constructed or erected, including, but not limited to, buildings, that requires location on the land or attachment to something having permanent location on the land.

TELECOMMUNICATIONS TOWER. Any tower or structure erected for the purpose of supporting one or more antennas designed to transmit or receive signals (e.g., telephonic, radio, television or microwave).

TOWER HEIGHT. The vertical distance measured from ground to the uppermost point of the tower and any antenna, structure or appendage fixed thereto.

VARIANCE. Official permission from the Board of Adjustment to depart from the requirement of this article VI. (Ord. 15-2021)

EFFECTIVE DATE.

This article shall take effect and be in force on April 9, 2021.
(Ord. 15-2021)

PERMITS REQUIRED.

(A) No tower over 50 feet shall be constructed, altered, reconstructed or expanded until a Town tower permit is obtained as provided in this article VI, division 2. No tower permit shall be issued that is not in compliance with this article. No building permit shall be issued for any tower subject to this article that has not received a tower permit.

(B) Communication towers are to be placed in the following zoning jurisdictions:

- (1) B-2 (Highway Business);
- (2) B-3 (Central Business);
- (3) I-1 (Light Industrial);
- (4) I-2 (Heavy Industrial).

(Ord. 15-2021)

ENFORCEMENT OFFICER.

For purposes of this article, the Town Manager shall designate the Enforcement Officer of this article. The Enforcement Officer or his or her appointee shall administer and enforce all provisions of this article.

(Ord. 15-2021)

PERMIT APPLICATION.

Tower permit applications are available from the office of the Town Manager.
(Ord. 15-2021)

APPLICATION FEE.

A fee for reviewing tower permit applications shall be established by the Town Board of Commissioners.
(Ord. 15-2021)

ISSUANCE OF PERMIT.

Following his or her approval of any tower permit application not requesting a variance, the Enforcement Officer shall issue a tower permit. All tower permit conditions shall appear on the face of the site development plan. The permittee shall acknowledge and agree to permit conditions approved by the Enforcement Officer. If a building permit is not obtained within 12 months after the tower permit is issued, the tower permit shall expire.
(Ord. 15-2021)

VARIANCES.

(A) Following the final decision by the Enforcement Officer to deny a permit, a tower permit applicant may request that the Board of Adjustment and Planning Board of the Town grant a variance from the tower approval standards listed in article VI, division 3.

(B) Before determining whether to, or not to, grant a variance, the Board of Adjustment and Planning Board shall hold a public hearing. The Board of Adjustment and Planning Board shall grant a variance if and only if it concludes that:

- (1) Adherence to article VI's development standards will cause extraordinary economic hardship to the applicant;
- (2) The proposed use of the site will not substantially diminish the public health or safety or be detrimental to the general welfare of the Town; and
- (3) The proposed use of the site will not substantially detract from the natural beauty of the area and the Town's future economic growth and development.

(C) Should the Board of Adjustment and Planning Board grant the requested variance, the Enforcement Officer shall issue a tower permit. The permit applicant shall acknowledge and agree to permit conditions approved by the Board of Adjustment and Planning Board. If a building permit is not obtained within 12 months after the tower permit is issued, the tower permit shall expire.

(D) Should the Board of Adjustment and Planning Board deny the requested variance, the permit applicant may seek review by the courts as provided by law.
(Ord. 15-2021)

CRIMINAL SANCTIONS.

Any person violating this article shall be guilty of a misdemeanor. Each day's violation of any provision of this article shall constitute a separate and distinct offense. A violation begins from the date of first written notification by the Enforcement Officer or the Town Manager. Further violation shall be subject, upon conviction, to fine and/or imprisonment, as provided by G.S. § 14-4.
(Ord. 16-2021)

REMEDIES.

If a tower is constructed, reconstructed, altered, expanded or in violation of this article, the Enforcement Officer or Town Manager in addition to other remedies, may institute any appropriate action or proceedings pursuant to G.S. § 160A-175 to prevent the unlawful use, construction, reconstruction, alteration or expansion, and to restrain, correct or abate the violation. The Enforcement Officer or Town Manager may bring an action as to enjoin any violations by action for injunction.
(Ord. 15-2021)

APPEALS.

Appeals of the decision of the Enforcement Officer or the Board of Adjustment and Planning Board must be made within 30 working days of the decision being appealed.

(Ord. 15-2021)

SEVERABILITY.

Should any section or provision of this article be decided by a court of competent jurisdiction to be unconstitutional or invalid, this decision shall not affect the validity of article VI as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

(Ord. 15-2021)

CONFLICT WITH OTHER LAWS.

Whenever the regulations of this article conflict with the requirements of another state or federal statute, or county ordinance or Town Code, the more restrictive standard shall govern.

(Ord. 15-2021)

TOWN PROTOCOL FOR ENTERING ONTO TOWER PROPERTIES.

(A) Generally. The Town adopts the following rules and regulations for the entry onto the Town's tower properties. These rules and regulations are intended to promote safety and protect the Town's properties from unauthorized access. They are intended to apply not only to the real estate on which the Town's towers are located, but also the towers and any attachment, fixture or structure related to the towers (all of which are hereafter referred to as "the towers" or similar designations).

(B) Rules and regulations.

(1) The Town's Public Works Department (or its successors) shall govern its employees' entry and movement about the Town's towers.

(2) Except for the Town Manager, the Town's law enforcement employees, Fire Chief or his or her designee or Public Works Department employees acting in the course and scope of their employment, no person shall enter onto tower properties except:

- (a) During regular business hours;
- (b) Upon first obtaining the express permission of the Town Manager or his or her designee;
- (c) Upon first providing to the Town Manager or his or her designee sufficient proof (acceptable to the Town Manager, or his or her designee, in his or her sole discretion) of adequate insurance coverage of \$1,000,000 general liability coverage; and

(d) Upon providing to the Town Manager or his or her designee written agreement to indemnify and hold harmless the Town, its employees, Board of Commissioners members and officers for any loss, damage, injury, compensation or loss relating to the Town's tower properties.

(3) No person shall install or locate (or collocate) on the towers any camera, radios or other equipment of any kind without the express, written agreement of the Town, approved by the Town Board of Commissioners in open session. If any equipment is found on the Town's tower properties for which there is no agreement, the Town shall remove and dispose of the equipment in whatever ways the Town in its sole discretion deems appropriate.

(4) Failure to comply with these rules and regulations will result in immediate removal of any equipment from the Town-owned tower.

(C) Protocol for entering onto tower properties.

TOWN OF RANLO PROTOCOL FOR ENTERING ONTO TOWER PROPERTIES

Request for entry onto the Town of Ranlo's Tower Properties

Company Name:

Contact Person:

Address:

Town/State/Zip:

Business Phone:

Cell Phone:

Tower Location:

Equipment to be Placed on Tower:

I, _____, certify that I am the responsible party for the above listed business and agree to abide by the Town of Ranlo protocol for entering onto tower properties as provided to me. Access other than regular business hours must be documented by the Ranlo Police Department.

Office Use Only

Insurance coverage of \$1,000,000 general liability coverage provided? _____ Yes _____ No

Written agreement to indemnify and hold harmless the Town provided? _____ Yes _____ No

Special provisions or requirements:

Access granted for time period:

Permission granted by:

(Ord. 15-2021)

APPLICATION SUBMISSION AND REVIEW PROCESS.

(A) A completed tower permit application and five copies of all supporting documentation identified in § 5-201 shall be submitted to the Enforcement Officer for review.

(B) The Enforcement Officer shall review the completed tower permit application for compliance with § 5-201. Any application not containing all information required by § 5-201 shall be returned to the applicant for correction and resubmission. If the Enforcement Officer deems it necessary, he or she may retain, at the permit applicant's expense, one or more professional engineers to assist him or her in reviewing any technical requirements.

(C) The Enforcement Officer shall be responsible for submitting a notice to the local newspapers and to all abutting property owners within 200 feet where the proposed tower is to be located. The notice shall state the Enforcement Officer will submit the permit application to the Town Planning and Zoning Board of Adjustments. The Planning Board will review and consider the application at its next scheduled meeting.

(D) The Enforcement Officer shall either approve, approve with conditions or disapprove. In making his or her decision, the Enforcement Officer may include any appropriate conditions he or she deems should be placed on issuing the permit as identified in § 5-201.

(E) The Enforcement Officer shall take formal action to approve, approve with conditions or disapprove the tower permit application within 90 working days of the application. However, he or she may take up to 90 additional days, if necessary. If the action is to disapprove the tower permit application, the Enforcement Officer shall include in his or her notification letter to the applicant the reasons for the action and specific reference shall be made to the requirements not met.

(F) The permittee or his or her agent shall record the site development plan in the Register of Deeds' office before obtaining a building permit for the subject tower.

(Ord. 15-2021)

REQUIREMENTS FOR SITE DEVELOPMENT AND PRELIMINARY TOWER DESIGN PLANS.

The site development plan and preliminary design plan shall contain the following information and be part of the tower permit application:

(A) The site development plan shall be prepared by a state registered land surveyor and contain the following:

- (1) The tower applicant's name and property owner's name and their addresses, scale, north arrow, vicinity map, tax parcel identification number and the tower's latitude and longitude coordinates;
 - (2) The name, address, signature and seal of the surveyor preparing the site development plan;
 - (3) The surveyed boundary lines of the parcel(s) that will contain the proposed tower and its fall area;
 - (4) The name, addresses and tax parcel identification numbers of all owners of property abutting the subject property;
 - (5) All identifiable structures located on the parcel, all private and public roads, highways and underground and overhead utilities;
 - (6) All existing towers on the property or any towers whose fall area encroaches onto the property;
 - (7) The proposed tower's location, the proposed fall area and the location of all support structures and guy line anchors;
 - (8) The ground elevation of the proposed tower's base, all proposed support structures, property corners and a permanent site benchmark. All elevations shall be determined by using the National Geodetic Vertical Datum of 1929; and
 - (9) All proposed access roads, easements or rights-of-way on or to the site, and any other improvements to the site.
- (B) The preliminary tower design plan shall be prepared by a state registered professional engineer and contain the following:
- (1) The tower permit applicant's name and address, scale, north arrow, vicinity map and tax parcel identification number;
 - (2) The name, address, signature and seal of the engineer preparing the preliminary tower design plan;
 - (3) A plan showing the base of the tower and the foundations for all guy line anchors and support structures, all proposed buildings and any other proposed improvements including access roads and utility connections within and to the proposed site;
 - (4) A tower elevation showing the proposed lighting, all proposed antennas and other appendages;
 - (5) An elevation of each proposed set of guy line anchors; and
 - (6) The proposed tower design loads.
- (C) A map and description showing the service area(s) for the proposed tower's antenna(s) and/or other devices;
- (D) The applicant shall provide written statements from the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) showing that the proposed tower complies with all permit regulations administered by that agency or evidence that the proposed tower is exempt from those regulations;
- (E) The applicant shall identify all other possible alternatives considered within the service area for the proposed tower's antenna(s) and/or other devices and explain why the proposed tower is necessary and why existing towers and structures (e.g., Duke Power or Carolina Power and Light transmission towers) cannot accommodate the proposed antenna(s) and/or other devices; and
- (F) The applicant shall identify any variance(s) to the ordinance, the reason(s) for seeking the variance(s) and any measures that are proposed to mitigate possible adverse affects of the proposed variance(s).
- (Ord. 15-2021)

TOWER APPROVAL STANDARDS.

- (A) Any proposed tower shall provide a needed service or benefit to the residents of the Town and the surrounding area that cannot otherwise be met.
- (B) Towers shall be sited to contain all ice-fall or debris from tower failure on-site. The designated fall area is one and one-half times the tower height or a minimum of 100 feet from property lines. A fall area of one-half to one will be acceptable with a signed and sealed statement by a registered professional engineer licensed by the State of North Carolina indicating such fall area would prevent the tower's fall from encroaching onto adjoining property.
- (C) A tower shall be set back from other on-site and off-site towers and supporting structures or other arrangements shall be made, such that one tower will not strike another tower or its support structure if it falls.

(D) Tower lighting shall not exceed the minimum standards of the Federal Aviation Administration (FAA) for a red obstruction lighting system contained in Advisory Circular No. 70/7460-IF, dated September 27, 1978, as amended.

(E) To defeat unauthorized access, the base of the tower shall be surrounded by a fence or wall at least eight feet in height unless the tower is constructed entirely on a building over eight feet in height.

(F) Any telecommunications tower shall be engineered and constructed to accommodate two additional antennas that are at least as large as the largest proposed antenna identified in § 5-201(B)(4).

(G) Tower permit approval is conditional subject to the owner(s) agreeing to allow future collocation of other antenna(s) or transmitting devices. This agreement shall be submitted in writing and recorded in the Register of Deeds' office.

(H) No tower shall exceed 200 feet in height.

(I) Towers shall be blended with the natural surroundings as much as possible. Colors and materials shall be used that are compatible with the surrounding area, except when otherwise required by applicable federal or state regulations.

(J) The tower and equipment shall be located, designed and/or screened to blend with the existing natural, or built surroundings to reduce the visual impacts as much as possible, and to be compatible with neighboring land uses and the character of the community.

(K) Any tower not in use for two continuous years shall be removed within 120 days after the tower owner and the current property owner have received written notice by the Enforcement Officer or the Town Manager. The written notice, mailed return receipt requested, shall be delivered to both the tower owner identified on the tower permit application and the current property owner.

(L) Property located within the tower's fall area shall not be subdivided as long as the tower is standing.

(M) A sign identifying the owner(s) and/or operator(s) of the tower and an emergency telephone number shall be displayed in a clearly visible location on the tower's premises.

(Ord. 15-2021)

Ordinance #16-2021

AN ORDINANCE TO AMEND TITLE FIFTEEN CHAPTER 154 OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Consolidate and Redefine the Planning Board and Board of Adjustments

§ 154--001 CREATED.

A Town Planning Board is hereby created pursuant to G.S. §§ 160A-361 et seq. and in accordance with and as restricted by the other laws of the state.

(Ord. 16-2021)

Statutory reference:

Interlocal cooperation, see G.S. §§ 160A-460 et seq.

Planning and regulation of development, see §§ G.S. 160A-360 et seq.

§ 154-002 COMPOSITION; TERMS; VACANCIES; COMPENSATION.

(A) The Planning Board shall consist of four members who are citizens of the Town and shall be appointed by the Board of Commissioners and one member that is a resident of the extraterritorial area appointed subject to the provisions of G.S. § 160A-362. Two alternate members shall also be appointed.

(B) Board members shall be appointed for staggered terms of three years, with initial appointments being as follows: three members shall hold an appointment for three years, three members shall hold an appointment for two years, and one member shall hold an appointment for one year.

(C) Vacancies occurring for reasons other than expiration of the term shall be filled by the Board of Commissioners as they occur for the period of the unexpired term. Faithful attendance of meetings is considered as a prerequisite for the maintenance of membership on the Board, and the unexcused absence of any member of the Board for as many

as three consecutive regularly appointed meetings shall constitute a forfeiture of the appointment of the member. The Board of Commissioners shall have the right to declare the office of the member vacant and appoint a successor for the unexpired term.

(D) All members of the Planning Board are to have equal rights, duties and responsibilities.

(E) Appointed Planning Board members shall be compensated by such amount as determined by the Board of Commissioners.

(Ord. 16-2021)

§ 154-003 SITS AS ZONING BOARD OF ADJUSTMENT.

The Planning Board shall serve as the Zoning Board of Adjustment.

§ 154-004 ORGANIZATION AND OFFICERS; RULES; RECORDS.

Within 30 days after appointment, the Planning Board shall meet and elect a Chairperson, a Secretary and those other officers as it may determine. The term of the Chairperson and other officers shall be for one year with eligibility for reelection. The Board shall adopt rules for the transaction of business, and shall keep a complete permanent record of members' attendance, of resolutions, notations of its discussions, findings and recommendations. These records shall be a public record and subject to the inspection of any citizen of the Town at any time during office hours. The records shall be kept in a permanent minute record book, and shall be typewritten and approved at the next subsequent regular meeting after recording.

(Ord. 16-2021)

§ 154-005 FUNDING.

The Planning Board may receive any appropriations that are made by the Board of Commissioners and any gift, grant or donation from any source, made under any conditions acceptable to the Board and in accordance with law. The Board may apply for any funds available from the state or from the federal government, either by way of gifts, grants or loans. However, no obligation regarding any financial assistance shall be binding upon the Town until it has been fully approved by the Board of Commissioners.

(Ord. 16-2021)

§ 154-006 AUTHORIZED EXPENDITURES.

The expenditures of the Planning Board, exclusive of the proceeds from gifts, grants or other receipts made unconditionally to the Board and for which the Town is not in any way responsible, shall be in the amounts appropriated for those purposes by the Board of Commissioners and no other. No indebtedness for which the Town shall be liable in any manner shall be contracted or incurred by the Board unless an authorized appropriation is made by the Board of Commissioners for those purposes or specifically approved by the Board of Commissioners as authorized by law. The Board may accept gifts or donations of any kind of property and use the same for any lawful purpose which, in the judgment of the Board, is consistent with the best interest of the planning program.

(Ord. 16-2021)

§ 154-007 POWERS AND DUTIES GENERALLY.

(A) The Planning Board shall have all of the power and authority conferred upon the organization by the laws of the state and the laws of the United States not inconsistent with the Charter and other laws relating to the Town. Any action of the Board shall be subject to review, acceptance, rejection or modification by the Board of Commissioners at any time after any recommendations are recorded and approved.

(B) The Planning Board shall act as an advisory agency for the Board of Commissioners.

(Ord. 16-2021)

§ 154-008 STUDIES OF LAND USE, POPULATION AND THE LIKE.

(A) The Board shall make a careful study of the present conditions and probable future development of the Town and those environs as it is authorized or may hereafter be authorized to operate in.

(B) The studies may include, but are not limited to:

- (1) Land use surveys; population studies;
- (2) Economic base studies;
- (3) Schools, park and recreation studies;
- (4) Traffic and parking studies;
- (5) Urban renewal studies; and

(6) Any other study of any nature whatsoever that may be consistent with better planning for the Town.

(Ord. 16-2021)

§ 154-009 PLANNING FOR DEVELOPMENT.

(A) The Planning Board shall formulate and maintain a comprehensive plan of the Town and its environs for the purpose of achieving a coordinated, adjusted and harmonious development of the Town, which would promote, in accordance with present or future needs, the safety, morals, order, convenience, prosperity and general welfare of its citizens; efficiency and economy in the process of development; convenience of traffic; safety from fire or other dangers; adequate light and air; healthful and convenient distribution of population; provision of adequate open spaces; good civic design and arrangement; wise and efficient expenditure of public funds; adequate provision for utilities; and for other matters pertaining to the public interests and requirements.

(B) The comprehensive plan should consist of a number of parts which may include, but are not limited to, the following:

- (1) A land use plan;
- (2) A utilities plan;
- (3) A plan for economic development;
- (4) A recreation plan;
- (5) A community school plan;
- (6) A community facilities plan; and
- (7) Any other feature that may be considered necessary and desirable.

(Ord. 16-2021)

§ 154-010 COOPERATION WITH REDEVELOPMENT AGENCIES.

The Planning Board shall cooperate with all redevelopment agencies and shall review all redevelopment plans within 45 days after the receipt of any plans submitted to the Board. The Board shall certify to those agencies its recommendations on the same, either for approval, rejection or modification; if modifications are recommended, they shall be specified to the proper authorities.

(Ord. 16-2021)

§ 154-011 PREPARATION OF SUBDIVISION REGULATIONS.

The Planning Board may prepare subdivision regulations governing the subdivision of land within the Town and the environs as it has or hereafter may have any jurisdiction over, and present the same to the Board of Commissioners for its consideration and possible adoption.

(Ord. 16-2021)

§ 154-012 REVIEW AND RECOMMENDATION TO BOARD OF COMMISSIONERS.

The Planning Board may review and make recommendations to the Board of Commissioners on the extent, location and design of all public structures and facilities; on the acquisition and disposal of public properties; upon the opening, abandonment, widening, extension, narrowing or other change to streets or other public ways; and on the construction, extension, expansion or abandonment of utilities, whether publicly or privately owned. However, any

review and recommendations shall be adopted by the Board of Commissioners only in case it sees fit to adopt the same, the final approving authority in all cases to remain with the Board of Commissioners.

(Ord. 16-2021)

Ordinance #17-2021

AN ORDINANCE TO AMEND TITLE EIGHT CHAPTER 130 OF THE TOWN OF RANLO CODE OF ORDINANCES

Amendment to Section 130.02 Regarding Loitering and Assembling on Streets and Sidewalks

(A) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a “no loitering” sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, PUBLIC PLACE has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Section 130.04 and 130.05 Redacted