

ARTICLE 8-VI MINIMUM NONRESIDENTIAL CODE

Sec 8-150 Authority

Sec 8-151 Investigation

Sec 8-152 Complaint And Hearing

Sec 8-153 Order

Sec 8-154 Limitations On Orders

Sec 8-155 Action By Town Board Upon Failure To Comply With Order

Sec 8-156 Action By Town Board Upon Abandonment Of Intent To Repair

Sec 8-157 Service Of Complaints And Orders

Sec 8-158 Liens

Sec 8-159 Ejectment

Sec 8-160 Violation; Civil Penalty; Fee; Remedies

Sec 8-161 Supplemental Powers

Sec 8-162 Appeals

Sec 8-163 Funding

Sec 8-164 No Effect On Just Compensation For Taking By Eminent Domain

Sec 8-165 Definitions

Sec 8-166 Minimum Standards

Sec 8-167 Demolition Of Nonresidential Buildings

Sec 8-168 Conflict With Other Provisions

FOOTNOTE(S): Cross reference— fire protection and prevention, Ch. 10; solid waste, Ch. 24. State Law reference— General ordinance-making power, G.S. 160A-174; Enforcement of ordinances, G.S. 160A-175; Regulating and licensing businesses, trades, etc., G.S. 160A-194; Regulation authorized as to repair, closing, and demolition of nonresidential buildings or structures; order of public officer, G.S. 160D-1129; Authorization (minimum housing codes for abandoned structure that is a hazard), G.S. 160D-1201.

Sec 8-150 Authority

- a) The Town Board adopts and enforces the prescribed regulations relating to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety established by the Town Board. The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures.
- b) Designation of enforcement officer. The Town's Ordinance Enforcement Officer (OEO) shall be the public officer designated to exercise the powers prescribed by the regulation, in accordance with the procedures specified in this Article.
- c) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence, or which may be built within the Town's Corporate Limits.
- d) Every nonresidential building or structure and the premises on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This article establishes minimum standards for all nonresidential buildings or structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building or structure contained therein.

Sec 8-151 Investigation

Whenever it appears to the public 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

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

for failure of the property to meet the minimum standards established by the Town Board, the public officer shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such 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.

Sec 8-152 Complaint And Hearing

If the preliminary investigation discloses evidence of a violation of the minimum standards, the public 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 contain a notice that an administrative hearing will be held before the public officer, or his or her designated agent, at a place within the county scheduled not less than ten (10) days nor more than thirty (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 public officer.

Sec 8-153 Order

- a) If, after notice and hearing, the public 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 the Town Board, the public 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 an order. The order may require the owner to take remedial action, within a reasonable time specified, subject to the procedures and limitations herein.
- b) Following such hearing, the public officer shall dismiss the complaint; or order compliance setting forth up to a maximum of one hundred eighty (180) days within which to correct the violations and containing an outline of remedial action which, if taken, will affect compliance with the provisions of this Code. Extensions of this time requirement may be issued by the public officer upon application by the property owner. Issuance of extensions would be available if:
 - 1) A plan of action for each violation is in place including due dates; and
 - 2) Substantial work has been completed within the last one hundred eighty (180) days.
- c) Notice of lis pendens. Upon issuance of a complaint and notice of hearing or order, a notice of lis pendens with a copy of the complaint and notice of hearing or order attached thereto may be filed in the office of the clerk of superior court of Alamance County. The notice of lis pendens and a copy of the complaint and notice or order shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117. From the date and time of indexing, the complaint and notice or order shall be binding upon the successors and assigns of the owners of and parties in interest in the nonresidential building or structure. A copy of the notice of lis pendens shall be served upon the owners and parties in interest in the nonresidential building or structure at the time of filing. The administrator may cancel the notice of lis pendens if the action in which the complaint and notice or order was issued has been settled, discontinued, or abated.

Sec 8-154 Limitations On Orders

- a) An order may require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the Town Board or to vacate and close the nonresidential building or structure for any use.

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

- b) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value. Notwithstanding any other provision of law, 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 as provided by ordinance, 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, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by the Town Board.
- c) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

Sec 8-155 Action By Town Board Upon Failure To Comply With Order

- a) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the Town Board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The public officer may cause to be posted on the main entrance of any nonresidential building or structure so 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." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.
- b) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the Town Board may adopt an ordinance ordering the public officer to proceed to effectuate the purpose of this section with respect to the particular property or properties that the public officer found to be jeopardizing the health or safety of its occupants or members of the general public. No ordinance shall be adopted to require demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the Town Board. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the public officer may cause the building or structure to be removed or demolished.

Sec 8-156 Action By Town Board Upon Abandonment Of Intent To Repair

- a) If the Town Board has adopted an ordinance or the public officer has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two (2) years pursuant to the ordinance or order, the Town Board may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

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. Upon such findings, the Town Board may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

- 1) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to fifty percent (50%) of its then current value, the ordinance shall require that the owner either repair or demolish and remove the building or structure within ninety (90) days.
 - 2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty percent (50%) of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within ninety (90) days.
- b) In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five (5) years before the Town Board may take action under this subsection. The ordinance shall be recorded in the office of the Alamance County register of deeds wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with the ordinance, the public officer shall effectuate the purpose of the ordinance.

Sec 8-157 Service Of Complaints And Orders

Complaints or orders issued by a public officer pursuant to an ordinance adopted under this section shall be served upon persons either personally or by certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is refused but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence and the public officer makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the Town at least once no later than the time that personal service would be required under this section. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

Sec 8-158 Liens

- a) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer 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 Article 10 of Chapter 160A of the General Statutes.
- b) If the real property upon which the cost was incurred is in an incorporated town or city, the amount of the costs is also a lien on any other real property of the owner located within the town or city limits except for the owner's primary residence. The additional lien provided in this subdivision is inferior to all prior liens and shall be collected as a money judgment.
- c) If the nonresidential building or structure is removed or demolished by the public officer, he or she shall offer for sale the recoverable materials of the building or structure and any personal property,

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

fixtures, or appurtenances found in or attached to 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 public 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 Town Board to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Sec 8-159 Ejectment

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the public 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 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 (10) 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 public officer produces a certified copy of an ordinance adopted by the Town Board pursuant to Sec. 8-126 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 subsection 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 subsection unless the occupant was served with notice, at least thirty days before the filing of the summary ejectment proceeding, that the Town Board has ordered the public officer to proceed to exercise his or her duties under Sec. 8-126 to vacate and close or remove and demolish the nonresidential building or structure.

Sec 8-160 Violation; Civil Penalty; Fee; Remedies

- 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 or remove or demolish the same, upon order of the administrator duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.
- b) It shall be unlawful for the owner or agent of the owner in charge of such nonresidential building or structure with respect to which an order has been issued pursuant to this article, to occupy or permit the occupancy of the same in a dilapidated or deteriorated condition found to be unfit for any use in violation of such order for its repair, alteration or improvement or its vacation, closing or demolition, and each day that such unlawful occupancy continues after the expiration of the time prescribed in the order to repair, alter, improve, vacate, close or demolish such nonresidential building or structure shall constitute a separate and distinct offense.
- c) The Town Board may impose civil penalties against any person or entity that fails to comply with an order entered pursuant to this Article. However, the imposition of civil penalties shall not limit the use of any other lawful remedies available to the Town board for the enforcement of any ordinances adopted pursuant to this section. The civil penalty amount shall be one hundred dollars (\$100.00). Each day that any person or entity fails to comply with an order pursuant to this article, shall be considered a separate and distinct offense for purposes of the penalties and remedies specified in this section. Should any person or entity fail to comply within thirty (30) days after the initial day of noncompliance, the Town shall seek to recover the penalty together with all costs

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

(including but not limited to administrative, postage, contractors, and abatement) by filing a civil action in the general court of justice in the nature of a suit to collect a debt and seeking appropriate injunctive relief to remedy the violation.

- d) The owner of any nonresidential building or structure who fails to repair or vacate and close it, or demolish or remove it, upon order of the administrator duly made and served as herein provided, within the time specified in such order, shall be subject to an administrative fee in an amount set by the town board for noncompliance. This fee allows the town to recover some of its administrative costs incurred due to the owner's failure to comply with the administrator's order described herein.
- e) A violation may be corrected by any appropriate equitable remedy, a mandatory or prohibitory injunction, or an order of abatement as authorized by G.S. 160A-175. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien.

Sec 8-161 Supplemental Powers

The powers conferred by this section are supplemental to the powers conferred by any other law. An ordinance adopted by the Town Board may authorize the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section, including the following powers in addition to others herein granted:

- a) To investigate nonresidential buildings and structures in the Town's Corporate Limits to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
- b) To administer oaths, affirmations, examine witnesses, and receive evidence.
- c) To enter upon premises pursuant to subsection (b) of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- d) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the Town Board.
- e) To delegate any of his or her functions and powers under the ordinance to other officers and agents.
- f) Perform such other duties as may be prescribed herein or assigned to the administrator by the Board of Aldermen.

Sec 8-162 Appeals

The Town Board may provide that appeals may be taken from any decision or order of the public officer to the Town's board of adjustment in accordance with §81 of the Town's Unified Development Ordinance. Any person aggrieved by a decision or order of the public officer shall have the remedies provided in G.S. 160D-1208.

Sec 8-163 Funding

The Town Board is authorized to make appropriations from its revenues necessary to carry out the purposes of this section and may accept and apply grants or donations to assist in carrying out the provisions of the ordinances adopted by the Town Board.

Sec 8-164 No Effect On Just Compensation For Taking By Eminent Domain

Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this State nor as permitting any property to be condemned or destroyed except in accordance with the police power of the State.

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

Sec 8-165 Definitions

As used in this Article, the following definitions apply:

- a) Agent. Any person, firm or corporation who is responsible for the management, maintenance, operation, renting, leasing, or sale of any property, or who makes application for or seeks a permit or certificate on behalf of the owner of any property or who in any other way represents the owner of the property in any case.
- b) Alteration. As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; as enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; and the term "alter" in its various moods and tenses and its participle refers to the making of an alteration.
- c) Appurtenances. Something subordinate to another structure, building, or property; adjunct; accessory. A term for what belongs to and goes with something else, with the appurtenance being less significant than what it belongs to.
- d) Bathroom. A heated enclosed space with privacy containing a toilet with access to a lavatory (either within enclosed space or specifically accessible by enclosed space).
- e) Building. Any structure used or intended for supporting or sheltering any use or occupancy.
- f) Breaks. Lapse in continuity; any projection from the general surface of a wall.
- g) Commercial. Any structure as defined as 'commercial' by the North Carolina (hereinafter NC) Building Code, as amended, regardless of the use. Some commercial buildings contain residential uses, such as multifamily buildings and mixed-use buildings, but the building itself is regulated as a commercial building by the NC Building Code.
- h) Commercial Business. Any business or enterprise which produces and/or offers for sale products and/or services which, in any manner, conducts commerce, within the Village of Alamance.
- i) Crack. A narrow opening between two parts which has been split or broken.
- j) Days. Consecutive calendar days.
- k) Decay. Disintegration of wood fiber.
- l) Defect. Irregularity in a material that reduces its strength and/or durability.
- m) Deterioration. The condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeling paint or other evidence of physical decay or loss of structural integrity.
- n) Egress. Exit or means of exiting an area.
- o) Fire Hazard. Anything or act which increases, or may cause an increase of the hazard, likelihood, or menace of fire to a greater degree than reasonable for the conduct of the commercial business on the premises, or which may unreasonably obstruct, delay, or hinder, or may unreasonably become the cause of an obstruction, a delay, a hazard or an unreasonable hindrance to the prevention, suppression, or extinguishment of fire.
- p) Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- q) Load. forces or other actions that result from weight of building materials, occupants and their possessions, environmental effects, differential movement, and restrained dimensional changes.
- r) 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. Any building classified as commercial by the NC Building Code, as amended, regardless of the use of the building.
- s) Nuisance. Any public nuisance known as common law or in equity jurisprudence, or as provided by the statutes of the State of North Carolina, or the ordinances of the Village of Alamance; or
 - 1) Any condition including an attractive nuisance which may prove detrimental to human health or safety whether in a building, on the premises of a building, or part of a building or upon an occupied lot; or

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

- 2) Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists; or
 - 3) Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare; or
 - 4) Fire hazards or other safety hazards.
- t) Occupant. Any person having actual possession of building, structure, or environs whether or not lawfully obtained.
- u) Occupied. Any structure in current use for any purpose relative to commercial, industrial, or residential use, including storage.
- v) Operator. Any person who has charge, care, or control of a nonresidential building or structure, or part thereof.
- w) Owner. Any person who alone, jointly, or severally with others:
- 1) Shall have legal title in fee simple to, or hold mortgage or deed of trust in, 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 other structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if such person were the owner.
- x) 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.
- y) Plumbing. All the following supplies, facilities, and equipment: gas pipes, gas burning equipment, water pipes, water heaters, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower bath, installed clothes washing machines, catch basins, vents, and other similar fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with HVAC equipment.
- z) Premises. A lot, plot, or parcel of land including the buildings or structures thereon, under control by the same owner or operator, devoted to or zoned for non-residential use, together with all adjacent land.
- aa) Removal. the demolition and removal of the entire building (including foundation walls, footings, paved driveways, parking areas and sidewalks), leaving the premises free and clear of any debris, with any excavation properly filled in and with no holes or pockets which may retain water.
- ab) Rubbish. Combustible and non-combustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.
- ac) Safe. A condition which is not likely to do harm to humans or to real or personal property.
- ad) Sanitary. Characterized by or readily kept in cleanliness; of, or relating to, or used in disposal of waste
- ae) Structurally Sound: Substantially free from flaw, defect, decay, or deterioration to the extent that such structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

- af) Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. The term "structure" does not include the terms "retaining wall", "fence", "utility pole" or "driveway." (Refer to the definition of "building" herein.)
- ag) Town. The Village of Alamance, NC, or any official or agent thereof.
- ah) Unsafe. A condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.
- ai) 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 to another use.
- aj) 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.
- ak) Washroom. Enclosed spaces containing one or more bathtubs, showers, or both, and which also shall include toilets, lavatories, or fixtures serving similar purposes.
- al) Water Closet Compartment: Enclosed space containing one or more toilets, which may also contain one or more lavatories, urinals, and other, plumbing fixtures.
- am) Weatherproofed. To prevent precipitation or draft (outside air movement) from entering a structure.

Sec 8-166 Minimum Standards

The minimum standards shall address only conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such nonresidential buildings or structures. The following are the minimum standards of maintenance, sanitation, and safety established by the Town Board:

- a) The premises are free of all nuisances and any hazards to the safety of the occupants, customers or other persons utilizing the premises or to pedestrians and/or vehicles passing thereby, specifically including, but not limited to, the following conditions in such building:
 - 1) Interior walls or vertical studs which list, lean or buckle to such an extent as to render the building unsafe.
 - 2) Supporting member or members which show thirty-three (33) per cent or more damage or deterioration, or non-supporting, enclosing or outside walls or coverings which show twenty-five (25) percent or more of damage or deterioration.
 - 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.
 - 4) Such 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, safety or general welfare of the occupants or other people in the Town.
 - 6) Inadequate or obstructed facilities for egress in case of fire or panic.
 - 7) Defects significantly increasing the hazards of fire, accident, or other calamities.

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

- 8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety or general welfare of the occupants or other residents of the Town.
 - 9) Lack of proper electrical, heating, or plumbing facilities required by this Code which constitutes a health or a definite safety hazard.
 - 10) Violation of The Town Fire Code or other conditions constituting a fire hazard in such building or on the premises such as, by way of example and not limitation, the accumulation of garbage, rubbish, or other combustible material.
 - 11) Garbage, trash, or rubbish in or near the structure or on the premises which is likely to attract vermin, rodents or insects or become a breeding place for vermin, rodents, or insects.
- b) The premises are free of loose and overhanging objects, which, by reason of location above ground level, constitute a danger of falling on persons on the premises or in the vicinity thereof. (N.C. State Building Code - Unsafe Buildings.)
 - c) The premises are free of holes, excavations, breaks, projections, or obstructions on walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced, and other conditions removed where necessary to eliminate hazards or unsafe conditions with reasonable dispatch by the owner upon their discovery.
 - d) The exterior of the premises and structure is in good repair and free from deterioration so as not to constitute a nuisance.
 - e) All surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other dangerous objects or similar hazardous conditions. (N.C. State Building Code – Unsafe Buildings.)
 - f) All floors, interior walls and ceilings of every structure shall be structurally sound and shall be maintained in a good condition compatible with its business use, and where open to the public shall be maintained in a condition so as not to constitute a hazard to the public.
 - g) Structures attached or unattached to the principal commercial structure, which are found by the Ordinance Enforcement Officer to be structurally deficient, shall be properly repaired or demolished.
 - h) All existing objects and elements on and protruding from building walls and roofs and surrounding premises, such as empty electrical or other conduits, unused sign brackets or other protrusions shall be removed, or otherwise made safe.
 - i) Walls.
 - 1) All foundation walls shall be kept structurally sound, and capable of bearing imposed loads safely. (N.C. State Building Code - Concrete Footings and Foundation Walls.)
 - 2) Where a wall of a building has become exposed as a result of demolition of adjacent buildings, said wall must have all doors, windows, vents or other similar openings secured with material of the type comprising the wall. No protrusions or loose material constituting a hazard to persons upon the premises shall be in the wall. The exposed wall shall be painted, stucco, or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.
 - j) Windows.
 - 1) All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions shall be replaced. All broken and missing windows shall be replaced with glass or plexiglass. All exposed wood shall be repaired.

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

- 2) All windows shall be maintained free of broken glass. Where a window glass larger than four (4) square feet becomes cracked to an extent that the largest single portion of the window free of a crack is less than 80% of the total surface area of the window glass, the window glass shall be repaired or replaced by a pane free of cracks.
 - 3) All openings originally designed as windows shall be maintained as windows, complete with sills, lintels, frame, and glass, unless specifically approved by the Fire Chief for enclosure. Where the Fire Chief approves the enclosure of a window, it must be so enclosed by either bricking the opening, blocking the opening with concrete blocks, and stuccoing the exterior to prevent water intrusion and painted or stained to properly conform with the other exterior portions of the building.
- k) Painting.
- 1) All exterior surfaces, which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed.
 - 2) All exterior surfaces, which have been painted, shall be maintained free of peeling, and flaking paint or stucco. Where 33% or more of the aggregate of any painted or stucco wall shall have peeling or flaking paint or stucco worn away, the entire wall shall be scraped and repainted or recovered with stucco.
- l) Signs. All advertising structures and awnings and their accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. All non-operative/obsolete signs shall be repaired or shall, with their supporting members, be removed forthwith. In the event such signs, billboards, marquees, or awnings are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event such awnings or marquees are made of cloth, plastic or of a similar material, such awnings or marquees shall be maintained so as not to show evidence of tearing, ripping, or other holes which diminish their function and cause unsightly conditions. Whenever an advertising structure or awning is removed, all supporting members shall be removed within two (2) years of adoption of this Code and thereafter, immediately upon removal of any such advertising structure or awning. Nothing herein shall be construed to authorize any encroachments on streets, sidewalks, or other parts of the public domain by signs.
- m) Washrooms.
- 1) All washrooms and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry and sanitary condition at all times.
 - 2) All washrooms shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short circuiting from water, from other bathroom facilities or from splashing water. (National Electric Code - Protection Against Corrosion and Switches.)
- n) Garbage and Materials.
- 1) There shall not be stored or allowed to accumulate flammable or combustible liquids or other materials on the premises unless they are of a type approved for storage by the regulations of the National Fire Protection Association, and then only in such quantities as may be prescribed by the regulations. (NC State Building Code and Fire Protection Code - Order to Eliminate Injurious or Hazardous Conditions)

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

- 2) No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacles which are in accordance with the Municipal Code of the Village of Alamance.
- o) Appurtenances.
- 1) All chimneys, flues and vent attachments thereto shall be maintained 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. (N.C. State Building Code - Chimneys, Fireplace Stoves, Fireplaces and Venting Systems)
 - 2) 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 structurally sound, in good repair, and free of defects. (N.C. State Building Code - Outside Stairs, Exterior Balconies, and Fire Escapes.)
 - 3) All cornices shall be made structurally sound. Rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted. (N.C. State Building Code)
 - 4) Gutters and downspouts shall be replaced or repaired as necessary, securely installed, and appropriately located so as not to cause a hazard to pedestrian or vehicular traffic. Where a parking lot is constructed as part of a commercial business or as a business itself and covered by an impenetrable surface, the parking lot and all curbing, surfacing, sidewalks, and other parts thereof shall be maintained free of broken/cracked surfaces, holes, or other similar conditions. All commercial parking lots so described herein, shall be repaired, or replaced with like material.
 - 5) Where landscaping has been incorporated in the development plan of a downtown commercial business (or where landscaping has been required by the Town as part of a development plan including parking plan) the landscaped areas shall be maintained in a manner to equal and reflect the original landscaping approved for the development plan.
 - 6) Where curb cuts are abandoned due to new construction, change of access or general discontinuation of use, said curb cut shall be closed and replaced with a standard sidewalk and curb and gutter arrangement in accordance with Town regulations and policies.

Sec 8-167 Demolition Of Nonresidential Buildings

Where a building is under the jurisdiction of this Code, the building may be demolished by the owner provided that the following requirements are met:

- a) Obtain a Demolition Permit from the County Building Inspection Department.
- b) Remove and properly dispose of all asbestos containing materials (ACM's).
- c) Properly close off and disconnect all electric, sanitary sewer, gas, water and similar taps or connections.
- d) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris; and
- e) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stucco, or bricked by such building's owner so as not to detract from the aesthetics and

Village of Alamance, NC Non-Residential Commercial Maintenance Ordinance

value of the adjacent property and weatherproofed, if necessary, to prevent deterioration of the wall.

Sec 8-168 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 provision 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.