

## **CHAPTER 5 – BUILDINGS, ADDRESSING AND ABANDONED STRUCTURES**

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### **PART 1 - ESTABLISHMENT OF A BOARD OF INSPECTIONS**

County of Columbus is authorized to create an Inspections Department pursuant to N.C.G.S. 153A-350 for the County's territorial jurisdiction covering the construction of buildings, installation of facilities such as plumbing systems, electrical systems, refrigeration systems and air conditioning systems and the maintenance of buildings in a safe, suitable and healthful condition and other matters that may be specified by the Board of County Commissioners. The County Board of Inspections shall supervise the Inspections Department and shall serve the purposes for its establishment as stated herein.

- A. The Board of Columbus County Commissioners, Columbus County, North Carolina, does hereby authorize and establish a Columbus County Board of Inspections which shall supervise the Columbus County Inspections Department.
- B. The purpose of the Board is as follows:
1. To enforce all state building codes and guidelines and inspection requirements as the same may be enforced at that particular time.
  2. To assist in the establishment and enforcement of inspection procedures and to supervise the County building inspectors.
  3. To investigate and resolve problems or complaints which may arise from the County Inspections Program.
  4. To document and adopt bylaws and to amend the same when needed for the governing of the Inspections Department. All bylaws and inspection procedures will not be effective until the same has been duly adopted by the Board of County Commissioners of Columbus County.

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C. Composition of the Board of Inspections shall consist of:

1. One (1) General Contractor.
2. One (1) Heating/Air Conditioning Contractor.
3. One (1) Plumber.
4. One (1) Electrician.
5. One (1) Paving/Land Grading Contractor.
6. One (1) At-Large Citizen appointed by County Commissioners.
7. One (1) Ex-Officio Member.
8. One (1) Utility Company Representative

D. The initial appointment of each person shall be as follows:

1. General Contractor - Two (2) years
2. Electrician - Two (2) years
3. At-Large Citizen - Two (2) years
4. County Commissioner - Two (2) years
5. Plumber - One (1) year
6. Heating/Air Conditioning - One (1) year
7. Paving/Land Grading - One (1) year
8. Utility Company Representative - One (1) year

E. After the initial appointment, all appointments will be for two (2) year terms. Each appointee may succeed himself/herself one (1) time. Each appointee may be returned to the board after a term rotation off of the board has elapsed.

F. The Board of Inspections has the right to nominate individuals to fill any vacancy on its board, but the final and absolute decision concerning the appointment of said vacancy will be by the Board of Columbus County Commissioners.

G. The Board of Inspections shall meet at least one (1) time per month and the meeting shall be called and conducted by the Chairman of the Board with minutes recorded by the Board's secretary. The meetings shall take place at such time and location as the Chairman may deem appropriate within Columbus County, provided that all meetings shall comply with the Open Meetings Law(s) of the North Carolina General statutes.

H. This ordinance was passed by the Columbus County Board of Commissioners on April 18, 1994, upon motion by Commissioner Richardson, seconded by Commissioner Norris and passed unanimously, and recorded in the minutes of said meeting, Book 22, page 609.

**PART 2 – ADDRESSING**

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Section 1. Purpose and Intent.

The purpose and intent of this Ordinance is to provide a uniform system of rural addresses for all properties and buildings throughout the County in order to facilitate provisions of adequate public safety and emergency response services and to minimize difficulty in locating properties and buildings for public service agencies and the general public.

Section 2. Definitions.

The following words, terms and phrases appearing in this Chapter shall have the meanings appearing below, unless the context establishes a different meaning:

***Address Administrator:*** The official of Columbus County designated by the County Administrator, charged with the administration of this article, including their authorized agent or delegate.

***Building:*** Any structure whether residential, commercial, industrial, or institutional in nature and use. When a structure is divided by division walls from the ground up without openings, each portion of such building may be deemed a separate building.

***Driveway:*** A private way, beginning at the property line of a lot abutting a public or private road or other easement. A driveway may not serve more than a single lot unless it runs along a lot line shared by two (2) lots and serves no more than two (2) lots addressed from the named road.

***Mobile Home Park:*** Shall mean and include site, lot, tract, or parcel of land upon which one (1) or more mobile home/ manufactured homes or travel trailer is parked, for the temporary or permanent use as living quarters of one (1) or more families.

***Private Road:*** Any road which serves more than two (2) buildings and is not maintained by a governmental entity or agency through the use of public funds.

**Public Road:** Any road or street which is maintained by a government entity or agency through the use of public funds.

**Road Address:** The combination of numbers and road names assigned by Columbus County which uniquely identifies a particular building or lot.

**Subdivision:** All divisions of a tract or a parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or change in existing streets as outlined in G.S. 153A-335.

Section 3. Road Names.

- A. The road names on file with the office of the Emergency Services are the official names of these roads. The Address Administrator is hereby authorized to determine the need for road name changes. Unless there is a substantial documental need for a change in an official road name, no changes will be made
- B. All roads in Columbus County shall be identified by a sign showing the official name of that road.
- C. Road name signs shall be uniform throughout the County in accordance with the following system:

White with Green Background	Public Roads
White with Blue Background	Private Roads

- D. All roads which meet the criteria for a private road shall be named using the procedures listed below.

As part of Columbus County's Comprehensive E9-1-1 Telecommunications System, all State Maintained and Private Roads will be identified and addressed. In order to have a systematic process to facilitate the naming of State Maintained and Private Roads the following guidelines are to be followed:

1. A private road shall be defined as any road, lane, drive, etc. which serves more than two (2) structures (other than farm storage buildings) not facing state-maintained road or highway.
2. That the property owner(s) submits three (3) proposed names for the road, in the form of a petition, to the Address Administrator. The petition will indicate location of the road, contact person, telephone number, etc.

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3. That the petition must indicate the number of property owners on the private road in question and that a majority of the property owners must be in agreement with the proposal.
4. That these petitions be examined and compared with the existing road names to ensure that no road names are duplicated.
5. Every effort will be made to name the road by one (1) of the three (3) proposed names, but in the event that all of the proposals are already being used, the contact person will be notified and other proposed names requested.
6. For a private road, once the road name is approved by the Address Administrator will notify the contact person of the total cost of the sign(s), of which property owner(s) will be required to pay the total
7. The Address Administrator will order the sign(s). When the private road name sign(s) arrive, the Address Administrator will notify the contact person to pick up the sign(s). The contact will be responsible for the installation of the sign(s). The installer should contact their phone company prior to installation to avoid cutting buried cables.
8. The County will order and have the sign(s) installed.
9. The signs for 11 private roads will have six (6) inch blades, blue background with white reflective letters installed on standard square aluminum poles.
10. The monies collected from the property owner(s) will be used to pay for these signs and will be transferred to the appropriate line item.

### Section 4. Administration and Application.

- A. The Address Administrator will be responsible for the interpretation and administration of this Ordinance, including:
  1. Assigning all numbers for properties and buildings.
  2. Maintain address records of each property and building.
  3. Recommending any changes necessary to facilitate sequential building numbers along a road.
  4. Designating individual unit addresses within any multiple housing units in conformity with this Ordinance.
  5. Assisting the public in complying with the requirements of this Ordinance.

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B. Road address number will be assigned using the Columbus County Addressing System listed below:

1. Columbus County uses an equal interval system in its approach to assigning road address numbers to buildings within the County. This requires the selection of two (2) intersecting baselines, one (1) running in an East-West direction and one (1) running in a North-South direction. A frontage interval of 5.28 feet is then used to assign a progression of road address numbers to building and properties. Working out from these lines in any direction along a continuous road with this system will easily convert to distance from the beginning point (i.e., 1600 equals 1.6 miles).
2. The base lines selected for Columbus County are the Whiteville City limits. Most road address numbers will begin at the end of the road closest to the nearest base line; or in case of a dead-end road, at its intersection with another named road. For continuous roads, which cross a base line, they will be addressed with respect to East -West -North -South of that line.
3. All buildings will be addressed relative to their position on a named road. Houses which are obviously facing a named road will be addressed with the number which falls closest to the front door of that building. Buildings, which are situated more than seventy-five (75) feet off a named road will be addressed where their driveway intersects the named road (if the house is not visible from the road, use driveway).
4. Road address numbers will be assigned every 5.28 feet from the beginning point on that particular road. Numbers will be assigned, even numbers on the right side of the road, odd numbers on the left side of the road, as one would stand with their back toward the beginning point.

C. This Ordinance shall apply in all areas of Columbus County not within a municipality.

1. However, the following government entities are addressed by the Address Administrator: Boardman, Bolton, Brunswick, Cerro Gordo, Chadbourn, Fair Bluff, Lake Waccamaw, Riegelwood, Sandyfield, Tabor City and Whiteville.

D. No subdivision, mobile home park, other non-permanent dwelling unit park, may be recorded, constructed, or otherwise begun without first submitting plans showing layout of any proposed subdivision, mobile home park or other non-permanent dwelling park to the Address Administrator. The Address Administrator will review the plans to ensure adequate access to and from the proposed subdivision, or park and will assign address numbers for each proposed lot and ensure that other provisions of this Ordinance are complied with.

Section 5. Display of Road Address Numbers.

- A. Road Address Numbers must be clearly displayed so that the location can be easily identified from the road.
1. The 9-1-1 address Number must be displayed on the front of a building or at the entrance to a building which is most clearly visible from the road during both day and night.
  2. If a building is more than fifty (50') feet from any road, the address number shall be displayed at the end of the driveway nearest the road which provides access to the building.
  3. Numerals indicating the address number of a single-family dwelling shall be at least four (4) inches in height and shall be posted and maintained so as to be legible from the road.
  4. Numbers for multiple dwelling units and non-residential buildings shall be at least four (4) inches in height and shall be placed on the front of the building facing the road or on the end of the building nearest the road.
  5. Numerals shall be of a contrasting color to the background.
  6. Mobile home and other non-permanent dwelling unit lots shall have sequential address numbers throughout the park. Each lot will have a separate address number assigned. The address number of each lot must be clearly displayed on the lot so as to be legible from the road rather than maintained on the mobile home unit.
- B. The Address Administrator will have the authority to authorize and approve alternate methods of displaying road address numbers which meet the intent of this Ordinance when strict adherence to these standards cannot be reasonably met.
- C. The Postal Service will adopt the new house numbering system as addresses. If mail is delivered to the home, the new address will be the mailing address. If mail is received at a post office, the new address will not affect the mailing address and will only be used to locate the residence in an emergency.
1. The address number must be displayed on both sides of the mail box.
  2. Each address should have a mail box unless mail is received at a post office.

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Section 6. Enforcement.

- A. No building permit shall be issued until 9-1-1 address number has been assigned for a lot. The record plat of any subdivision must show the address for each lot created or recorded, as required by Section 4, Paragraph D.
- B. No Certificate of Completion or Certificate of Occupancy will be issued by the Building Inspection Department until the road address numbers are properly displayed.
- C. No person may display or cause to be displayed on any building any number other than the number assigned by the Address Administrator.
- D. No person may remove, obliterate, conceal or destroy any number or sign displayed in accordance with this Ordinance.
- E. Owners or occupants of buildings which do not comply with this Ordinance will be notified and requested to meet these requirements within thirty (30) days from the date of the notification. A warning notice will be issued after fifteen (15) days of the requirements have not been met. If the owner or occupant does not comply voluntarily with this Ordinance within fifteen (15) days of the delivery of a warning notice by certified mail to the building in violation, a civil penalty, pursuant to G.S. 153A-123, will be assessed. The civil penalty may be recovered by the County in a civil action in the nature of a debt if the offender does not pay the penalty within fifteen (15) days after the warning notice has been issued. In addition, this Ordinance may be enforced by an appropriate equitable remedy issued from a court of competent jurisdiction.
- F. A violation of this Ordinance shall subject the offender to a civil penalty until subject complies with this Ordinance.
- G. Monies collected from enforcement of this Ordinance will be applied to the appropriate line item for the Addressing Office.

Section 7. Effective Date.

This Part shall take effect and be in force on May 15, 1995.

**PART 3 – INSULATION CONTRACTORS**

**ARTICLE 1 – LICENSING OF CONTRACTORS**

Section 1. Authority.

This ordinance is adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and G. S. 153A-134.

Section 2. License Required.

On and after January 1, 1978, no person, firm or corporation may for a consideration install, alter or restore, within any unincorporated part of Columbus County, North Carolina, and within any city which adopts this ordinance pursuant to the authority granted in G. S. 153A-122, any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards who is not either:

- A. Licensed as a contractor to do the proposed work under Chapter 87 of the General Statutes;
- B. Working under the supervision of a registered architect or professional engineer;
- C. An owner working upon his own building; or
- D. Licensed under this ordinance.

Section 3. Applications.

Every person desiring a license under this ordinance shall submit an application for such a license to the Columbus County Building Inspector conforming to the following requirements:

- A. Form of Application. Each application shall be a written statement upon forms provided by the Columbus County Building Inspector.
- B. Contents of Application. Each application shall contain the following information
  - 1) Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;
  - 2) Name and home addresses of the partners, if partnership
  - 3) Names and home addresses of the officers and directors, if a corporation
  - 4) Place where the proposed business is to be located;
  - 5) Complete record of all convictions of felonies or acts involving dishonesty, fraud, or deceit by the applicant or any employee, partner, officer, or director of the applicant whether in this or any other state or jurisdiction;

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- 6) Complete record of all licenses held by the applicant or any employee, partner, officer, or director of the applicant authorizing activities of the type regulated by this ordinance or other activities involving construction, alteration, or modification of buildings and structures;
  - 7) Information as to the circumstances in which any local, state, or federal government or agency has refused, suspended, or revoked a license of type described in paragraph (f) to applicant or any employee, partner, officer, or director of the applicant.
- C. License Fee. Each application shall be accompanied by a license fee in the amount of \$25.00 for such license, such amount to be for the calendar year prorated by quarters to the end of such year.
- D. False Statements. False statements on any application for a license shall be grounds for Immediate revocation or denial of such license.

Section 4. Procedure for Issuance.

- A. Review by County Officers. Each application received by the Columbus County Building Inspector shall be promptly forwarded to the Columbus County Police Department or the Sheriff Department for review. Such officers shall promptly make any comments and recommendations pertaining to the application and forward them to the County Building Inspector.
- B. Licensing Agency. The application and any comments and recommendations relating thereto shall be considered by the Building Inspector which shall then issue or deny the license pursuant to the following standards.
- C. Standards. The Columbus County Building Inspector shall issue the license unless he shall find. the applicant or any employee, partner, officer, or director of the applicant:
- 1) Has been convicted within the last three years of a felony or an act involving dishonesty, fraud, or deceit, whether in this or any state or jurisdiction;
  - 2) Has been refused a license to do the type of work authorized herein or has had such a license suspended or revoked by any local, state, or federal government or agency and such government or agency has nor subsequently granted or restored such license;
  - 3) Has knowingly made a false statement in the application;
  - 4) Has failed to post the bond or other security required by Section 5.
- D. Appeal from Denial. Any applicant whose license is denied may appeal the denial to the Columbus County Board of Commissioners. After reasonable notice to the applicant, the Board shall afford the applicant an opportunity to show why its license should not be denied.

Section 5. Bond Requirement.

- A. Before a license shall be issued to any applicant, the applicant shall post a bond with Columbus County in the amount of \$1,000. In lieu of posting a bond, the applicant may deposit a cashier's check or cash in the same amount.
- B. The security required by subsection (A) shall be available to indemnify any person for any damage which may occur by reason of the applicant's failure properly to provide or install insulation, energy utilization equipment or other materials designed or intended to meet the State Building Code standards for insulation and energy utilization.

Section 6. Termination and Renewal of License.

All license issued hereunder shall terminate on the last day of the calendar year for which issued. Renewal of such licenses shall be pursuant to the same procedures and requirements set forth for initial issuance.

Section 7. Suspension, Revocation, and Appeal.

- A. The Columbus County Building Inspector may suspend or revoke any license issued hereunder at any time upon a showing that the applicant or any employee, partner, officer, or director of the applicant has:
  - 1) Knowingly made a false statement in the application for a license; or
  - 2) Violated the State Building Code requirements as to insulation or energy utilization equipment or materials, whether in this or any other jurisdiction; or
  - 3) Been convicted of an act involving dishonesty, fraud, or deceit with respect to any contract entered into for work requiring this license.
- B. Any licensee whose, license is suspended or revoked may appeal the suspension or revocation to the Columbus County Board of Commissioners. After reasonable notice to the licensee, the Board shall afford the licensee an opportunity to show why its license should not be suspended or revoked.

Section 8. Change of Location.

The location of any licensed business may be changed, provided a 10 day notice thereof is given to the licensing agency designated in Section 4 (b) and operation at such new location does not violate any applicable State or local law, ordinance, or regulation.

## **ARTICLE 2. PERMIT REQUIREMENTS**

### Section 1. Permit Required: Insulation and Energy Utilization, Permit Fee; Persons Exempted.

- A. On or after January 1, 1978, no person, firm or corporation may for a consideration install, alter or restore, within any city which adopts this ordinance and any unincorporated part of Columbus County pursuant to the authority granted in G. S. 153A-122, any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards without first securing a permit for the work to be done. Such permit shall be either:
- 1) A general building permit, secured from the Columbus County Building Inspector and evidencing full compliance with all applicable requirements of the state Building Code and other State and local laws, or
  - 2) An insulation and energy utilization permit, secured from the energy and insulation inspector or County inspection department and evidencing full compliance with the insulation and energy utilization standards in the State Building Code.
- B. The following are exempted from the requirement of obtaining a permit:
- 1) An owner working upon his own building;
  - 2) Any person working under the supervision of a registered architect or professional engineer when work is being performed under a general building permit; and
  - 3) A contractor licensed to do the proposed work under Chapter 87 of the General Statutes of North Carolina when the work is being performed under a general building permit.

## **ARTICLE 3. PENALTIES AND EFFECTIVE DATE**

### Section 1. Penalties.

Any person, firm or corporation violating the provisions of this ordinance shall be subject to all the applicable punishments, penalties, and equitable relief provided for by Chapter 703, North Carolina Session Laws of 1977, and G. S. 153A-123.

### Section 2. Effective Date.

This Ordinance shall become effective the 19th day of December, 1977.

## **PART 4 - ABANDONED STRUCTURES**

### **ARTICLE 1. GENERAL REQUIREMENTS**

#### **Section 1. Authority.**

Columbus County hereby exercises its authority to enact Abandoned Structure regulations pursuant to N.C.G.S 153A-12, 121,123 &140; 160A-443.

#### **Section 2. Jurisdiction.**

The jurisdiction of this Ordinance shall be described as any part of Columbus County not within the corporate limits or the extra territorial jurisdiction of any municipality. However, this ordinance shall not apply to any structure used or previously used for agricultural purposes other than residential. In addition, the Governing Board of any municipality may by resolution permit this Ordinance to be applicable within the municipality. If it does so the municipality shall give written notice to the county of its withdrawal of such permission. Thirty (30) days after the day the county receives the notice this Ordinance ceases to be applicable within the municipality.

#### **Section 3. Short Title.**

This ordinance shall be known as the Abandoned Structure Ordinance of Columbus County, North Carolina, and may be cited as the Abandoned Structure Ordinance.

### **ARTICLE 2. PURPOSE**

The purpose of this ordinance is to promote the public safety, health, and welfare of the citizens of Columbus County through the regulation of abandoned structures in the county. All abandoned structures defined herein are hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of Columbus County.

### **ARTICLE 3. DEFINITIONS**

The following words, terms, and phrases shall have the following meanings when used in this Part:

***Abandoned Structure:*** For the purposes of this Ordinance, abandoned structures shall be defined in two (2) categories, one related to manufactured homes and the other related to all other building structures except those identified as exempt in Section 2 of this Article.

- A. ***Manufactured Home (abandoned):*** A manufactured home shall be considered an abandoned structure if it is in a wrecked, scrapped, disassembled, unusable, cannibalized, burnt, or inoperable (not connected to an approved sewer system) condition and not

occupied and is found to be a nuisance because it creates or fosters one (1) or more of the following conditions:

- 1) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
- 2) A point of heavy growth of weeds or other noxious vegetation over eight (8") inches in height;
- 3) The collection of pools or ponds of water;
- 4) Concentrated quantities of gasoline, oil, or other flammable or explosive materials;
- 5) A source of danger for children because of the possibility of entrapment or injury from exposed sharp surfaces of metal, glass, or other rigid materials;
- 6) A source of danger from the home, or parts thereof, falling or turning over;
- 7) An accumulation of garbage, food waste, or any other rotten or putrefied matter of any kind;
- 8) Accumulation of sewage or animal waste;
- 9) Concentrated quantities of hazardous materials;
- 10) The presence of dead animals; or
- 11) Any manufactured home specifically declared a public health and safety hazard by the Board of Commissioners.

B. ***Building. Structure (abandoned):*** A building structure shall be considered an abandoned structure if it is unoccupied and damaged or in disrepair to the point of being condemnable as defined in the most current edition of the North Carolina State Building Code (International Building Code with NC Amendments) as related to being structurally unsound, unable to support the design loads as determined by the Columbus County Building Official and is found to be a nuisance because it creates or fosters one (1) or more of the following conditions:

- 1) A breeding ground or harbor for mosquitoes, other insects, rats, or other pests;
- 2) A point of heavy growth of weeds or other noxious vegetation over eight (8") inches in height;
- 3) The collection of pools or ponds of water;
- 4) Concentrated quantities of gasoline, oil, or other flammable or explosive materials;
- 5) A source of danger for children because of the possibility of entrapment or injury from exposed sharp surfaces of metal, glass, or other rigid materials;
- 6) A source of danger from the building structure, or parts thereof, falling or turning over;
- 7) An accumulation of garbage, food waste, or any other rotten or putrefied matter of any kind;
- 8) Accumulation of sewage or animal waste;
- 9) Concentrated quantities of hazardous materials;
- 10) The presence of dead animals; or

- 11) Any building structure specifically declared a public health and safety hazard by the Board of Commissioners.

***Classic or Antique Vehicles:*** Any vehicle found on the property that is considered a “classic or antique vehicle” as defined by the North Carolina Department of Motor Vehicles will be exempted from removal from the property under this amendment. Said vehicles may, however, be relocated on the property to allow for the safe and efficient removal of an abandoned structure and any of the various types of debris listed above.

***Junked motor vehicle:*** As authorized and defined in G.S. 153A-132.2, the term junked motor vehicle means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked; or
- (2) Cannot be self-propelled or move in the manner in which it originally was intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

***Manufactured Home:*** A structure, transportable in one or more sections, which in the traveling mode whose body is 8 feet or more in width or 40 feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. Such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Department of Housing and Urban Development (HUD) and complies with the standards established under that Federal agency. For purposes of this ordinance, "manufactured home" includes both factory-built single-family structures built to meet standards established under The National Manufactured Housing Construction and Safety Standards Act of 1974 and mobile homes built prior to the effective date of those standards (June 15, 1976). The Federal Standards became effective on June 15, 1976, and all homes with a date of manufacture on or after this date were required to have a HUD label indicating compliance with the standards.

***Nuisance vehicle:*** A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
- (3) In a condition allowing the collection of pools or ponds of water; or

- (4) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (5) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
- (6) So situated or located that there is a danger of it falling or turning over; or
- (7) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
- (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the County Board of Commissioners.

#### **ARTICLE 4. REGULATED ACTIVITIES AND PROCEDURE**

##### **Section 1. Abandoned Manufactured Homes Unlawful; Removal Authorized; Tax Classification.**

- A. It shall be unlawful for the registered owner or persons entitled to the possession of an abandoned manufactured home, or for the registered owner, lessee, or occupant of the real property upon which an abandoned manufactured home is located, to cause or allow a manufactured home to be an abandoned manufactured home.
- B. If, following the second notice required by Subsection 4.4.G, no action is taken to remove or abate the abandoned structure pursuant to the time limitations period identified in the second notice of violation or following appeal pursuant to this Ordinance, the County may enter the property and remove, abate, or remedy the abandoned structure as provided herein.
- C. Manufactured homes that are abandoned as defined herein shall be considered personal property and, if previously characterized as real property for tax or other purposes, shall forfeit that characterization.

Section 2. Nuisance Conditions and Junked or Nuisance Vehicles; Removal Authorized.

Upon notice issued to the owners of any abandoned structure as herein defined, it is also determined that any of the following conditions or any combination thereof, are found to be present or exist within (150) one hundred fifty feet of said abandoned structure, such notice shall include an order to also remove, remedy or otherwise abate such conditions by the imposed deadline as related to the removal, remedy or abatement of said structure or structures.

- A. Any grass, weeds or similar noxious vegetation having an overall height of more than eighteen (18) inches above the surrounding ground within an area of approximately one hundred fifty (150) feet in any direction of an abandoned structure.
- B. An open place, collection, or concentration of mattresses, boxes, paper, garbage, trash, refuse, old clothes, rags, automobile parts, tires or rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, or other similar items.
- C. A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating and air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) or other similar items.
- D. Any junked or nuisance vehicle that is found to exist on the property of an abandoned structure as defined herein.

Section 3. Notice, Hearing, Appeal, Lien on Property.

- A. Upon determining that a violation of this ordinance exists, the Planning Director shall issue a written notice, in accordance with Section 5 (Enforcement) of this Article, to:
  - 1. the registered owner or person(s) entitled to possession of the abandoned structure;
  - 2. the registered owner, lessee, or person(s) entitled to the land on which the abandoned structure is located; and
  - 3. the occupant of the abandoned structure.
- B. The notice shall be provided by hand delivery, service of process, or certified mail.
- C. The notice shall:
  - 1. Identify the property and describe the abandoned structure located thereon to be removed, abated, or remedied;
  - 2. Direct that the abandoned structure be removed, abated, or remedied;
  - 3. Advise that the property must comply within sixty (60) days;

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4. State that the county may enter the property to remove, abate, or remedy the abandoned, structure if appropriate action is not taken during the time period provided;
  5. State that the costs incurred by the county to remove, abate, or remedy the abandoned structure, if not paid by the violator(s), shall be a lien upon the abandoned structure, the abandoned structure owner's real or personal property upon which it is located and shall be collectable as unpaid taxes;
  6. Notify the violator(s) of a right to appeal the basis of the notice to the Columbus County Planning Board, provided the appeal is made within fifteen (15) calendar days of receipt of the notice and that the appeal must be in writing addressed to the Columbus County Planning Board; and
  7. If the owner of the real property on which the abandoned structure is located can demonstrate that the cost of removal, abatement or remediation would create an undue financial hardship, the county may assume responsibility for removal of the abandoned structure by a licensed and/or bonded contractor.
- D. If the name or whereabouts of the owner, tenant, possessor, or occupant cannot, after due diligence, be discovered, the notice shall, in addition to the above, include the date, time, and location for a hearing before the Planning Board on the matter. The notice shall be considered properly and adequately served if a copy thereof is conspicuously posted on the property in question at least ten (10) days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the county at least once not later than one (1) week prior to the hearing.
- E. The owner, tenant, possessor, occupant, or agent of the owner may appeal a notice by the Planning Director for decision by the Planning Board. The owner or his/her agent may either rely on written materials or appear before the Planning Board for a hearing at which he/she shall be heard in person or by counsel and may present arguments and evidence pertaining to the matter. The only issues for appeal are:
1. Whether the person is actually entitled to the notice; or
  2. Whether the action or condition that serves as the basis of the notice is dangerous or prejudicial to public health or safety. The fact that an owner did not bring the manufactured home to the property or does not have a possessory interest in the condition creating the abandoned, structure is not a defense.
- F. The Planning Board shall within thirty (30) days of the date of the hearing or the date of the written appeal if a hearing is not requested, issue an order either canceling the notice or directing the violator(s) to remove, abate, or remedy the identified structure. The owner, tenant, possessor, or occupant may appeal decisions of the Planning Board to the Columbus County Board of Commissioners within fifteen (15) days of the decision.

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G. If the property is not removed, abated or remedied within sixty (60) days of the initial notice and an appeal has not been filed, the Planning Director shall issue a second notice. The notice shall:

1. Identify the property and describe the abandoned structure located thereon to be removed, abated or remedied;
2. Direct that the abandoned structure be removed, abated or remedied;
3. Advise that the property must comply by a specific date, such date not to be less than thirty (30) days nor more than sixty (60) days from date of the second notice;
4. State that the county may enter the property to remove, abate, or remedy the abandoned structure if appropriate action is not taken before the date provided;
5. State that the cost incurred by the county to remove, abate, or remedy the abandoned structure, if not paid by the violator(s) and any unpaid civil penalties, may be a lien upon the abandoned structure, the abandoned structure owner's real or personal property upon which it is located and may be collectable as unpaid taxes;
6. Advise that civil penalties, in accordance with Subsection 6.1.A, are being assessed daily as of the date of the second notice; and
7. Advise that in addition to any and remedies above, the Columbus County Board of Commissioners may request criminal penalties in accordance with Subsection 6.1.C.

H. If the property is not removed, abated or remedied before the date provided in the second notice, the Planning Director shall present the case to the Planning Board with a recommendation of action based on severity, location and available resources. The Planning Board shall then direct the Planning Director of their desired action. The Planning Board shall base their recommendation on the point system identified in Table "A" below. If the action requires the utilization of county resources, the Planning Director shall prepare and present an Ordinance to the Board of Commissioners for their consideration and adoption. The Board of Commissioners shall consider the recommendation(s) of the Planning Board, the structure's score as related to Table "A" below, and available resources, but is not obligated to adopt the Ordinance.

TABLE "A" - ABANDONED STRUCTURE PRIORITIZATION RANKING

CONDITION	POINTS
Structurally unsound (walls, roof, or flooring)	10
Unsecured (windows, doors not locked/boarded)	8
Located on a road designated as an "Entrance Corridor"	7
Located within 500' of an occupied building	4
Located within 1,000' of an educational/religious facility	3
Unightly (littered with excessive junk, debris, graffiti or vegetation)	2

- I. Any person who removes an abandoned structure pursuant to this Ordinance shall not be held liable for damages for the removal of the abandoned structure to the owner, lien holder, or other person legally entitled to the possession of the abandoned structure removed; however, any person who intentionally or negligently inflicts injury upon any person or real property in the removal of such abandoned structure, may be held liable for damages.

## **ARTICLE 5. ADMINISTRATIVE**

### Section 1. Administration.

- A. The Columbus County Planning Department and Columbus County Building Inspections Department are jointly and mutually responsible for the administration and enforcement of this ordinance.
- B. The county may secure, make safe, remove, store, and dispose of abandoned structures in compliance with this ordinance and applicable state laws.
- C. Nothing in this Ordinance shall be construed to limit the legal authority or powers of officers or the employees of the county or state in enforcing other laws or in otherwise carrying out their duties with regard to abandoned manufactured homes.

### Section 2. Enforcement.

- A. Enforcement of this Ordinance shall rest with those governmental agencies and personnel authorized to exercise police powers to include the Director of the Columbus County Planning Department and the Director of the Columbus County Building Inspections Department.
- B. The provisions of this Ordinance shall be enforced by the inspection of property and by observation of persons who are engaged in or responsible for a violation of an action or condition that is prejudicial to public health or safety. Enforcement personnel are empowered to issue citations, warning citations, or letters of warning when any of the provisions of this Ordinance have been violated. Citations shall be delivered by enforcement officials in person to the alleged violator or delivered by registered mail return receipt requested to the person so charged. Any citation of violation so delivered or mailed shall direct the alleged violator to appear in district court on or before a specific day or hour named in the citation. The period so specified shall not be less than seventy-two (72) hours after its delivery to the violator.
- C. Where enforcement personnel determine that a violation is a first offense for the person charged, a written letter or warning citation shall be issued. Such warning letter or warning citation shall state therein the nature of the violation, the corrective measures to be taken, and the time and date when corrections are to be completed. Failure to comply with the corrective

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measures stated in such warning notices shall be just cause for enforcement personnel to issue a citation for violation of this Ordinance.

- D. The Columbus County Planning Director shall cause all citation forms to be serially numbered and accounted for. The Columbus County Auditor or his representative may periodically inspect these records to determine the disposition of the forms and shall report the result of such inspection to the Columbus County Manager. For the purpose of this inspection, the Columbus County Auditor shall have access to all necessary records and files.

### Section 3. Penalty Provisions.

- A. Civil penalty: The County may assess a civil penalty twenty-five and 00/100 (\$25.00) dollars, which amount may be recovered by the county in a civil action in the nature of a debt. Each day in which the violation occurs, or continues, shall constitute a separate offense. No civil penalty shall be assessed prior to notice of violation by citation or letter.
- B. Injunction and order of abatement: The provisions of this Ordinance may be enforced by injunction and order of abatement.
- C. Criminal penalties: In addition to other remedies cited in this Ordinance, any person violating the provisions of this Ordinance shall be guilty of a Class,3 Misdemeanor and shall be subject to fines in accordance with GS 14-4. A fine of not more than one hundred and 00/100 (\$100.00) dollars for the first offense, two hundred and 00/100 (\$200.00) dollars for the second offense, and five hundred and 00/100 (\$500.00) dollars for each subsequent offense, is hereby established. Each day in which the violation occurs, or continues, shall constitute a separate offense.

### Section 4. Ordinance Cumulative.

Procedures set forth in this Ordinance shall be in addition to any other remedies that may exist under law or ordinance for the abatement of public nuisances or for the removal of abandoned structures.

### Section 5. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 6. Conflict with Other Laws.

Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the most restrictive or that imposing higher standards shall govern.

Section 7. Enactment.

This Ordinance shall take effect and be in force this the 4th day of January, 2011. APPROVED and ADOPTED this the 3rd day of January, 2011.