

AGENDA ROXBORO CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 12, 2017 at 7:00 P.M.
CITY HALL COUNCIL CHAMBER

CALL TO ORDER		Mayor Marilyn P. Newell
INVOCATION:		Police Chief David Hess
PLEDGE OF ALLEGIANCE:		Mayor Marilyn P. Newell
AGENDA ADOPTION:		Mayor Marilyn P. Newell
CONSENT AGENDA		Mayor Marilyn P. Newell
Minutes		
Fire Department		
Police Department		
Public Services Department		
Fuel Expenditures		
Planning/RDG Report		
RECOGNITIONS:	Police Department Promotions	
PUBLIC COMMENT:	<i>(5 minutes per Citizen)</i>	Mayor Marilyn P. Newell
PUBLIC HEARINGS AND ORDINANCE MATTERS:		
NEW BUSINESS:		
1. Social Media Policy		City Manager Brooks Lockhart
2. Set Public Hearing – Ordinance: Chapter 152 – Text Amendment		Planning Director Lauren Wrenn
3. State Grant Money		Planning Director Lauren Wrenn
4. Consideration of Donation of Art		Planning Director Lauren Wrenn
5. Purchase of Backhoe and Truck		Assistant Manager Tommy Warren
OLD BUSINESS:		
COMMITTEE REPORTS		Mayor Marilyn P. Newell
ADMINISTRATIVE REPORTS:		
6. Financial & Tax Report		Finance Director Dan Craig
7. Assistant Manager’s Report		Assistant Manager Tommy Warren
8. Manager’s Report		City Manager Brooks Lockhart
COUNCIL DISCUSSION:		
CLOSED SESSION:	Per GS 143-318.11(a)(5) Acquisition or Lease of Real Property	
ADJOURNMENT:	Motion	Second

Consent Agenda

CITY OF ROXBORO, NC Consent Agenda

The Regular meeting of the Roxboro City Council was held in the Council Chamber of City Hall at 7:00 p.m. Tuesday, September 12, 2017.

The following members of the Roxboro City Council were present:

The following members of the Roxboro City Council were absent:

Mayor Marilyn P. Newell presented the consent agenda and asked if any item should be added or removed before calling for action. After some discussion, a **motion was offered by _____ to approve the consent agenda as presented with a second by _____** and upon being put to a vote, was carried unanimously.

- Minutes of August 8, 2017 (*Regular Meeting*)
- Fire/EMS Monthly Report (*August 2017*)
- Police Dept. Monthly Report (*August 2017*)
- Public Services Monthly Report (*August 2017*)
- Fuel Expenditures Monthly Report (*August 2017*)
- Planning/RDG Monthly Report (*August 2017*)

Trevie Adams, MMC/NCCMC
City Clerk

Mission Statement: "To create an inviting environment with opportunities that will add value to the Community of Roxboro"

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL
TUESDAY AUGUST 8, 2017 – 7:00 P.M. CITY COUNCIL MEETING
CITY HALL IN THE COUNCIL CHAMBERS - ROXBORO, NC**

Members Present: Mayor Marilyn P. Newell
Mayor Pro Tem William Davis
Council Member Sandy Stigall
Council Member Mark Phillips
Council Member Byrd Blackwell
Council Member Henry Daniel

Members Absent:

Others Present: City Manager Brooks Lockhart
Assistant Manager Tommy Warren
City Clerk Trevie Adams
City Attorney Nick Herman

CALL TO ORDER:

Mayor Marilyn P. Newell called the meeting to order at 7:00 p.m. welcoming everyone in attendance. **Fire Chief Kenneth Torain** provided the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Marilyn P. Newell then asked those in attendance to stand in reciting the Pledge of Allegiance to the Flag.

AGENDA ADOPTION:

Mayor Marilyn P. Newell presented the agenda and asked for any additions or corrections. **Council Member Henry Daniel offered a motion to approve the Agenda as presented with a second by Council Member Byrd Blackwell** and upon being put to a vote was carried unanimously.

CONSENT AGENDA ADOPTION:

Mayor Marilyn P. Newell presented the consent agenda and asked if anyone had any additions, corrections or comments. **A motion was offered by Mayor Pro Tem William Davis to approve the consent agenda as presented with a second by Council Member Sandy Stigall**, and upon being put to a vote, was carried unanimously.

RECOGNITIONS:

PUBLIC COMMENT: **Mayor Marilyn P. Newell** asked if anyone had signed up for Public Comment at this time.

PUBLIC HEARINGS & ORDINANCE MATTERS:

1. UDIDG for 115-117 Depot Street – Public Hearing

Mayor Marilyn P. Newell opened the Public Hearing at 7:06 p.m. **Planning Director Lauren Wrenn** presented the Mayor and Council with a UDID Grant application from Hayden Newell for 115/117 Depot Street. The Uptown Development Incentive District Grant was established November 8, 2015. An application has been received from Hayden Newell regarding the property located at 115/117 Depot Street. The application has been determined to be complete and qualifies for this grant. According to the terms of the grant and the amounts involved with this property, the calculated payments of this grant are:

2017 \$2,102.08
2018 \$1,576.56
2019 \$1,051.04
2020 \$ 525.52

After a brief discussion, **Mayor Newell closed the Public Hearing at 7:06 p.m. Mayor Pro Tem William Davis offered a motion to approve the application as presented with a second by Council Member Mark Phillips** and upon being put to a vote the motion was carried unanimously.

2. Special Event Permit – PC Library – Zombie Walk – Public Hearing

Mayor Marilyn P. Newell opened the Public Hearing at 7:07 p.m. Planning Director Lauren Wrenn presented the Mayor and Council with a Special Event Permit Application form the Person County Public Library to hold a “Zombie Walk” during the “Halloween Spooktacular” to be held October 26, 2017. The application ask that Main Street from Long Memorial Church to Gordon Street on Main Street and to also close Court and Abbitt Streets for safety reasons. **Mayor Newell asked if anyone from the Public would like to speak at this time and there being no one, closed the Public Hearing at 7:10 p.m. Council Member Mark Phillips offered a motion to approve the application as presented with a second by Council Member Byrd Blackwell** and upon being put to a vote was carried unanimously.

3. Special Event Permit – 5k Run – Antioch Bapt. Church – Public Hearing

Mayor Marilyn P. Newell opened the Public Hearing at 7:11 p.m. **Ms. Kristi Slaughter** representing Antioch Baptist Church presented the Mayor and Council with a Special Event Permit Application to hold a 5k Run in Uptown Roxboro, closing S. Main Street, Madison, Barden and Lamar Streets, Gordon and Lamar, Court Street, Reams Avenue, Morehead Street. The event will begin at 5:00 a.m. and the run would be over at 9:00 a.m. with all streets to re-open by 11:00 a.m. **Mayor Newell asked if anyone from the Public would like to speak at this time and there being no one closed the Public Hearing at 7:13 p.m. Council Member Henry Daniel offered a motion to approve the application as presented with a second by Council Member Sandy Stigall** and upon being put to a vote was carried unanimously.

4. Special Use Permit – 309 Long Avenue – Public Hearing

Mayor Marilyn P. Newell swore in Planning Director Lauren Wrenn. Ms. Wrenn presented the Mayor and Council with an application for a Special Use Permit from the Education Center of Roxboro located at 309 Long Avenue. Ms. Wrenn stated to the Mayor and Council that the City of Roxboro Planning Board met on July 3, 2017 to conduct a public hearing regarding the Special Use Permit request for the opening of a Private School Program as a part of the Education Center of Roxboro operations at 309 Long Avenue, Tax Map 29 19. Ms. Wrenn noted that upon review of the application and staff report, the City Planning Board offered a unanimous recommendation to approve the request as the request did not conflict with the City’s currently adopted land use plan and met all conditions as established by Article 4, Section 4.9.4.5. in the Unified Development Ordinance. **Mayor Marilyn P. Newell opened the Public Hearing at 7:16 p.m.** Mayor Newell asked for any public comment at this time.

- 1) Ms. Dominique Booker of 1490 Jackson Street, Roxboro, N.C.** was sworn in by Mayor Newell and explained to the Mayor and Council that the school is Christian based and Monday – Thursday classes lead to a project done on Fridays. The Center works with children with disabilities, tutoring services, after school care and runs from the day after Labor Day to mid-summer.

Mayor Newell closed the Public Hearing at 7:28 p.m. After a brief discussion, Council Member Byrd Blackwell offered a motion to approve the Special Use

Permit of 309 Long Avenue as recommended by the Roxboro Planning Board and to include in this motion that conditions recommended by the Planning Board be added, with a second by Council Member Henry Daniel and upon being put to a vote was carried unanimously.

NEW BUSINESS:

5. Purchasing Policy

City Manager Brooks Lockhart presented the Mayor and Council with the new updated Purchasing Policy for the City of Roxboro. After some discussion, **Council Member Henry Daniel offered a motion to approve the Purchasing Policy as presented with a second by Mayor Pro Tem William Davis** and upon being put to a vote was carried unanimously.

6. Auditor's Contract Approval

Finance Director Dan Craig informed the Mayor and Council that Requests for Proposal to perform the audit of the City for the year ended June 30, 2017 were sent to seven firms. Staff received two proposals from two qualified firms to perform the service. The two were:

- 1) Cobb Ezekiel Loy & Company, P.A.
Graham, N.C.
Proposed Pricing: \$32,000
Financial statement delivery date is December 1, 2017
- 2) Petway Mills & Pearson, P.A.
Zebulon, N.C.
Proposed pricing \$27,240
Financial statement delivery date is October 23, 2017

After a brief discussion, **Mayor Pro Tem William Davis offered a motion to approve Petway Mills & Pearson, P.A. of Zebulon, N.C. to perform the audit for the year ended June 30, 2017 and authorize the Finance Director to have the contract completed with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

7. Resolution to Declare Surplus

Public Services Director Andy Oakley presented the Mayor and Council with a Resolution to Declare Surplus from the Police Department. The item will be advertised on GovDeals and sold to the highest bidder. **After a brief discussion, Council Member Mark Phillips offered a motion to approve the Resolution as presented with a second by Council Member Byrd Blackwell and upon being put to a vote was carried unanimously. Clerk's Note: A copy of said Resolution is hereby incorporated into the minutes of this meeting.**

OLD BUSINESS:

8. Bids for Land Clearing – Waste Water Treatment Plant

Assistant City Manager Tommy Warren reported to Council that in preparation for the improvements to the wastewater treatment plant, there is about ten acres that will need to be cleared. The site to be cleared is part of the farm the City bought over 30 years ago and is adjacent to the wastewater treatment plant. The trees on the lot in question are such a size that there is no market value in the timber. This site will be used as a fill location and there will be major grading excavation occurring where the new oxidation ditch will be located. This ten acre site will be used for disposal of the excavated material and the work need to be done ahead of the contract work in order to expedite the construction of the oxidation ditch. Written prices for the clearing at the wastewater treatment plant are:

C.M. Solomon & Son Grading and Utilities	10 acres @ \$2,800/acre = \$28,000
Jimmy Lewis & Sons Excavating	1 – Lump Sum \$83,300

After a brief discussion, **Council Member Byrd Blackwell offered a motion to approve C.M. Solomon & Son Grading and Utilities to do the excavating at the wastewater treatment plant with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

9. Department of Transportation – Long Avenue and Morgan Street

Mr. John Sander for the Department of Transportation reported to the Mayor and Council that the intersection of Long Avenue and Morgan Street is being reviewed for changes. Some of the studies include: four-way stop signs, adding parking in front of the County Office Building and making the road more two lane, adding a stop light, and adding a cross-walk. Mr. Sander stated that this study is in any way finished and that the City will be a part of any final decisions.

COMMITTEE REPORTS

Mayor Marilyn P. Newell asked for any reports from the following committee members:

- 1) **Person County Animal Control – Council Member Sandy Stigall** – No report at this time.
- 2) **Senior Center Advisory Board – Council Member Byrd Blackwell** – No report at this time.
- 3) **Person County Youth Council – Mayor Pro Tem Will Davis** –No meeting.
- 4) **Kerr Tar Council of Government – Council Member Henry Daniel** – No meeting.
- 5) **Fire Chief’s Association – Council Member Mark Phillips** – No report at this time.

ADMINISTRATIVE REPORTS

10. Financial & Tax Report

Interim Financial Director Dan Craig presented Council with financial reports for June 30, 2017 and tax reports for June 30, 2017 at this time. **Clerk’s Note: A copy of said financial report is hereby incorporated into the minutes of this meeting.**

11. Assistant City Manager’s Report

Assistant City Manager Tommy Warren reported to the Mayor and Council that an upgrade to Doctor’s Court Pump Station was included in this year’s budget and the upgrade will be done in two phases. The first phase is replacing the force main from the pump station to Ridge Road. City staff began work on replacing the force main for phase one. The second phase is the replacement of the pump, motors and control panel and Charles Underwood, Inc. will be handling this second phase.

Continuing, Mr. Warren reported that Asphalt Experts began the street resurfacing starting with Crowel Street and the section of Montford Drive without curb and gutter. Next will be grinding on Main Street and Lamar Street. The grinding removes the last layer of asphalt so the new layer will not protrude above the curb and gutter. The contractor did a good job of traffic management while grinding Main Street, keeping one block open when working on the other block. Reams Avenue, Depot Street and Main Street intersection was open the entire time work was being performed and the company provided a flagman there to assist the public.

12. Manager’s Report

City Manager Brooks Lockhart offered some dates of interest for Council including: Rox N’ Roll Cruise-In, August 18, Personality Festival, August 25-26, Solar Eclipse, August 21, and the City Offices will be closed in observance of Labor Day on September 4, 2017. Mr. Lockhart also reminded Council of the Kerr Tar Annual

Banquet to be held on September 28, 2017 and that the Municipal Elections will be held on October 10, 2017 moving the regular Council Meeting to October 17, 2017.

Mr. Lockhart also report to the Mayor and Council that the City Code of Ordinances Chapter 36: Purchasing will be presented to Council at the September meeting for their approval.

Staff is submitting our application to appear before the Local Government Commission at their September meeting. The purpose of this meeting will be to allow the City to seek potential future debt for the construction of the Waste Water Treatment Plant upgrades.

Staff ask that Council give authorization for **Finance Director Dan Craig** to formally execute the contract for purchase and implementation, as approved in the 2017/2018 annual budget, for Fiscal management Software. The contract for \$115,204, is less than the amount approved in the budget. Upon execution, staff will work with the vendor to schedule implementation which staff hopes can be completed by the end of 2017. The objective will be to create a policy which provides continuity of direction for appropriate use and conformity with best practices for record retention in our digital era. After some discussion, it was the consensus of Council to move forward with this request.

COUNCIL DISCUSSION:

Council Member Byrd Blackwell asked if any request had been made regarding the “Brunch Bill”. **City Manager Brooks Lockhart** stated that no request had been made at this time. Council Member Sandy Stigall asked could anything be done about the appearance of the Post Office. The grass is over grown and needs maintenance. Mayor Marilyn Newell stated that she would speak with the Post Master and see what could be done.

ADJOURNMENT:

There being no further business to discuss, **A motion was offered by Council Member Sandy Stigall with a second by Council Member Mark Phillips to adjourn this meeting at 9:01 p.m.** and, upon being put to a vote, was carried unanimously.

Submitted by:

Trevie Adams, MMC/NCCMC
City Clerk

August 8, 2017

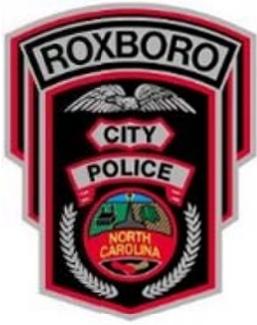


City of Roxboro
Fire and Rescue Department

Date: September 12, 2017
To: Mayor Newell
Roxboro City Council
From: Kenneth M. Torain, Fire Chief

Highlight

- **Responses** - During the month of August the City of Roxboro Fire Department responded to 28 fire calls within the city limits, and 34 fire calls outside the city limits. Also, the department responded to 66 first responder calls within the city, and 37 first responder calls in our county response district. Over the course of August, we had to call back off-duty personnel and auxiliary personnel for a total of 3 full alarms. Roxboro Fire Department responded to 181 dispatched calls this month.
- **Community Events** Roxboro Fire Department put down gravels from North Elementary to Brookwood Apts. During that day also we sprayed the kids and one of the firefighters family provided ice cream to all the kids. Also the weekend before school went back the family bought filled with school supplies and distributed 85 new backpacks for the kids.
- **Back to School** The department split and sent crews to Southern Middle School and Northern Middle School to a welcome back to school event.
- **Personality** Roxboro Fire Department was present for the entire Personality event. During the event we had approx. 20 families stop by the department to look inside and at the trucks.
- **House Fire Victims** The victims from the house fire on Mountain Road are still receiving clothes and monetary donations at the Roxboro Fire Department. We have had people from as far away as Raleigh to drive up to render aid to the family.
- **Brookwood Apts.** We are scheduled to meet up with the new owners of the Apartments in September. They have put up cameras on all the buildings and meeting is about what they can do going forward.



ROXBORO POLICE DEPARTMENT



109 North Lamar Street
Roxboro, North Carolina 27573

Office 336 599 8345

www.cityofroxboro.com

City Council Report

August 2017

Patrol Division

Highlighted Events

- The department hosted the FBI to provide officer safety and rapid deployment training for staff.
- Lt. Hawkins and Sgt. Ford attended the Governor's Highway Safety Program Labor Day Booze it or Lose Campaign kickoff meeting with agencies from across the state.
- New Police Officer Chad Campbell was sworn in during the month of August. He is a native of Person County; graduate of NC A&T with a Bachelor's degree in Criminal Justice. He was hired by the department and sent to attend Basic Law Enforcement Training.



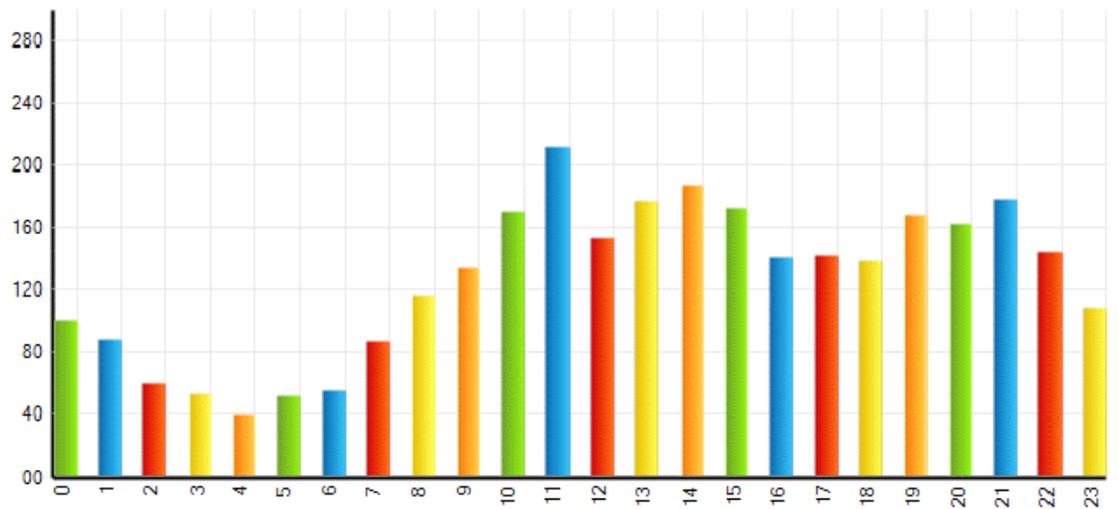
Community Policing

- The police department is has partnered with Caswell-Person Lake Authority for "Fish with a Cop" on Saturday, September 23 from 10 am-4pm. The event is free. We will fish with kids during the event.
- Hosted National Night Out at Southern Middle School.
- The Police Department is sponsoring & coaching (2) Fall Youth Parks & Recreation sport teams. Football 12 U Coaches: Sgt. Dickerson; Det. Howe; Ofc. Brown & Ofc. Gray. Baseball 10 U Coaches: Chief Hess; Det. Watson; Ofc. Wright & Ofc. Gray.

- Citizens Police Academy 10th Session began September 5th. The program will meet every Tuesday night from 6-8 PM through November 22nd. City Council and all department heads are invited to attend any meeting.
- Participated in the “Men in Suits” back to school encouragement event at Southern Middle School.
- Lieutenant Hughes was caught doing a good deed for a citizen by helping them with a vehicle mechanical failure.
- Hosted a Red Cross Blood Drive

Monthly Activities

- Calls for Service – 1241
- Incident Reports- 340
- Vehicle Crashes – 53
- Citations – 136
- Total Arrests- 79



Calls For Service by Hour of the Day
August 2017

Criminal Investigations Division

- CID responded to seven after hour call out investigations averaging three per investigator.
- CID continues to follow up on several active investigations.
- Assisted patrol during the month.
- CID & SCU conducted an operation in Harris Gardens with the assistance of K9 that yielded the recovery of illegal narcotics and developed an informant.
- Several arrest warrants on open cases were obtained.

Total Numbers for the Month

- Number of cases assigned: 17
- Follow up hours in field: 133
- Phone follow up hours: 26
- Hours spent doing paperwork: 82
- Call outs: 7
- Out of town follow ups: 4
- Felony warrants: 4
- Misdemeanor warrants: 2
- Cases closed: 5
- Arrests: 6
- Felony packets: 4
- Number of interviews conducted: 14

Forensic Investigations conducted by Detective Howe

Roxboro Police Department – 2	Oxford Police Department- 0
Chapel Hill Police Department – 6	Person County Sheriff's Office- 1
Creedmoor Police Department- 1	Hillsborough Police Department- 0
Butner Police Department - 0	Granville County Sheriff's Office- 0

Street Crimes Unit

- SCU attended the North Carolina Gang Investigators Conference. United States Attorney General Jeff Sessions presented at the conference.
- Assisted an outside agency with a covert operation.

Administrative Services Unit

- Evidence was submitted to the crime lab.
- Assisted with planning and participation in National Night Out.
- Assisted facilitating security requests for Personality.
- Lt. Hawkins attended a planning session for the September 9th Patriot Day event.
- The 10th Session of the Citizens Police Academy began September 5th.
- Coordinated several vehicle maintenance needs.
- Lt. Hawkins negotiated with Ilderton Dodge to obtain approved police vehicles two months sooner than expected.

Administration

Meetings

- Met with City Manager and other city leaders to discuss recruitment plans.
- Attended training hosted by NCLM Risk Management in conjunction with the department's goal of achieving the NCLM Risk Management accreditation.
- Met with RCS staff to discuss the new parking lot and expected traffic patterns.
- Meetings with elected officials, law enforcement partners, city leaders, community leaders, and media management of post Charlottesville/Durham protests.

Highlighted Events

- Assisted patrol with the search and arrest of Marquis Torian and Media management of the case. Met with concerned citizens post arrest and family members.
- Through the North Carolina Chiefs of Police Association, Chief Hess is coordinating a statewide effort to raise donations for Houston area law enforcement officers impacted by Hurricane Harvey. More than 20 agencies statewide are participating. Dusty's Towing donated a Conex box for on site storage; plans are in place for community involvement in sorting and packaging. Tommy Winstead has offered his warehouse as the main shipping site. Plans to coordinate shipping of donated clothing and hygiene products will be finalized toward the end of September.
- After a two-day assessment protocol that involved local community leaders, businesses leaders, and law enforcement agencies across the region, several promotions will take place in September and January 2018. The January promotions are to prepare staff in advanced of Deputy Chief Kirby's retirement. More information will be provided to council on those promotions in weekly reports.

THANK YOU FOR YOUR CONTINUED SUPPORT



Public Services Department Monthly Report



City of Roxboro

August 2017

Public Utilities Department	Public Works Department																																																									
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Water Repairs:</td><td style="text-align: right;">30</td></tr> <tr><td>Hydrant Repairs and Maint:</td><td style="text-align: right;">2</td></tr> <tr><td style="padding-left: 20px;">Meters Changed:</td><td style="text-align: right;">31</td></tr> <tr><td style="padding-left: 20px;">New Water Services:</td><td style="text-align: right;">0</td></tr> <tr><td style="padding-left: 20px;">Broken Meters Replaced:</td><td style="text-align: right;">0</td></tr> <tr><td colspan="2"> </td></tr> <tr><td style="padding-left: 20px;">Sewer Repairs:</td><td style="text-align: right;">7</td></tr> <tr><td style="padding-left: 20px;">Sewer Blockages:</td><td style="text-align: right;">24</td></tr> <tr><td style="padding-left: 20px;">New Sewer Services:</td><td style="text-align: right;">1</td></tr> <tr><td colspan="2"> </td></tr> <tr><td style="padding-left: 20px;">Locate Services Provided:</td><td style="text-align: right;">171</td></tr> <tr><td style="padding-left: 40px;"></td><td style="text-align: right;">46 Hrs</td></tr> </table> <p>Remarks: 120 hours were spent mowing sewer ROW and crews replaced 140 feet of 2 inch water main</p>	Water Repairs:	30	Hydrant Repairs and Maint:	2	Meters Changed:	31	New Water Services:	0	Broken Meters Replaced:	0			Sewer Repairs:	7	Sewer Blockages:	24	New Sewer Services:	1			Locate Services Provided:	171		46 Hrs	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Commercial Garbage:</td><td style="text-align: right;">503.14</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 20px;">Residential Garbage:</td><td style="text-align: right;">246.86</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Brush Collected:</td><td style="text-align: right;">23.1</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Leaves Collected:</td><td style="text-align: right;">12</td><td style="text-align: right;">tons</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">Potholes Repaired:</td><td style="text-align: right;">5</td><td></td></tr> <tr><td style="padding-left: 40px;">Asphalt:</td><td style="text-align: right;">24.95</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Concrete:</td><td style="text-align: right;">0</td><td style="text-align: right;">yards</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">Vehicle Repairs:</td><td style="text-align: right;">39</td><td></td></tr> <tr><td style="padding-left: 20px;">Garage Materials:</td><td style="text-align: right;">\$10,416.98</td><td></td></tr> </table> <p>Remarks:</p>	Commercial Garbage:	503.14	tons	Residential Garbage:	246.86	tons	Brush Collected:	23.1	tons	Leaves Collected:	12	tons				Potholes Repaired:	5		Asphalt:	24.95	tons	Concrete:	0	yards				Vehicle Repairs:	39		Garage Materials:	\$10,416.98	
Water Repairs:	30																																																									
Hydrant Repairs and Maint:	2																																																									
Meters Changed:	31																																																									
New Water Services:	0																																																									
Broken Meters Replaced:	0																																																									
Sewer Repairs:	7																																																									
Sewer Blockages:	24																																																									
New Sewer Services:	1																																																									
Locate Services Provided:	171																																																									
	46 Hrs																																																									
Commercial Garbage:	503.14	tons																																																								
Residential Garbage:	246.86	tons																																																								
Brush Collected:	23.1	tons																																																								
Leaves Collected:	12	tons																																																								
Potholes Repaired:	5																																																									
Asphalt:	24.95	tons																																																								
Concrete:	0	yards																																																								
Vehicle Repairs:	39																																																									
Garage Materials:	\$10,416.98																																																									
Water Treatment Plant	Wastewater Treatment Plant																																																									
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Total Water Treated:</td><td style="text-align: right;">82.26</td><td style="text-align: right;">MG</td></tr> <tr><td style="padding-left: 20px;">Average Daily Treated:</td><td style="text-align: right;">2.654</td><td style="text-align: right;">MGD</td></tr> <tr><td style="padding-left: 20px;">Maximum Daily Treated:</td><td style="text-align: right;">3.9</td><td style="text-align: right;">MGD</td></tr> <tr><td style="padding-left: 20px;">Minimum Daily Treated:</td><td style="text-align: right;">1.71</td><td style="text-align: right;">MGD</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">City Lake Level:</td><td style="text-align: right;">13" Low</td><td style="text-align: right;">9/5/17</td></tr> <tr><td style="padding-left: 20px;">Lake Roxboro Level:</td><td style="text-align: right;">Full</td><td style="text-align: right;">9/5/17</td></tr> </table> <p>Remarks:</p>	Total Water Treated:	82.26	MG	Average Daily Treated:	2.654	MGD	Maximum Daily Treated:	3.9	MGD	Minimum Daily Treated:	1.71	MGD				City Lake Level:	13" Low	9/5/17	Lake Roxboro Level:	Full	9/5/17	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Average Monthly Flow:</td><td style="text-align: right;">1.48</td><td style="text-align: right;">MGD</td></tr> <tr><td style="padding-left: 20px;">Maximum Daily Flow:</td><td style="text-align: right;">3.19</td><td style="text-align: right;">MGD</td></tr> <tr><td style="padding-left: 20px;">Minimum Daily Flow:</td><td style="text-align: right;">1.2</td><td style="text-align: right;">MGD</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">Monthly Rainfall:</td><td style="text-align: right;">6.35"</td><td></td></tr> <tr><td style="padding-left: 20px;">Maximum Rainfall:</td><td style="text-align: right;">2.5"</td><td style="text-align: right;">8/12/17</td></tr> <tr><td style="padding-left: 20px;">Peak Hourly Flow:</td><td style="text-align: right;">16 mg</td><td style="text-align: right;">8/12/17</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">Monthly Samples Analyzed:</td><td style="text-align: right;">2547</td><td></td></tr> </table> <p>Remarks:</p>	Average Monthly Flow:	1.48	MGD	Maximum Daily Flow:	3.19	MGD	Minimum Daily Flow:	1.2	MGD				Monthly Rainfall:	6.35"		Maximum Rainfall:	2.5"	8/12/17	Peak Hourly Flow:	16 mg	8/12/17				Monthly Samples Analyzed:	2547										
Total Water Treated:	82.26	MG																																																								
Average Daily Treated:	2.654	MGD																																																								
Maximum Daily Treated:	3.9	MGD																																																								
Minimum Daily Treated:	1.71	MGD																																																								
City Lake Level:	13" Low	9/5/17																																																								
Lake Roxboro Level:	Full	9/5/17																																																								
Average Monthly Flow:	1.48	MGD																																																								
Maximum Daily Flow:	3.19	MGD																																																								
Minimum Daily Flow:	1.2	MGD																																																								
Monthly Rainfall:	6.35"																																																									
Maximum Rainfall:	2.5"	8/12/17																																																								
Peak Hourly Flow:	16 mg	8/12/17																																																								
Monthly Samples Analyzed:	2547																																																									

City of Roxboro, Nort LM
 Distribution of Gas TiWD
 31-Jul-17 CS
 GC

Lawn Mowers
 Weed Eaters
 Chain Saws
 Gas Cans, ETC.

Shell
 Account Number: 80-001-3945-4

Gas 0.5260
 Diesel 0.5860
 Total Cost
 Tax Adjust

0.05
 2.00%
 per gallon
 Discount
 2.00%
 Discount

Net Cost
 Average Cost
 Per Gallon

Summary

Card Number	Dept Number	Make	Model	Gallons	Total Cost	Tax Adjust	per gallon Discount	2.00% Discount	Net Cost	Average Cost Per Gallon
1	4120	City Hall		53.19	110.80	27.98	2.66	1.06	79.10	2.083
2	4130	Finance		-	-	-	-	-	-	#DIV/0!
3	4160	Public Buildings		247.48	539.51	130.17	12.37	4.95	392.01	2.180
4	4180	Purchasing		-	-	-	-	-	-	#DIV/0!
17	4910	Planning & Zoning		-	-	-	-	-	-	#DIV/0!
		Total Administrative		300.67	650.31	158.15	15.03	6.01	471.11	2.163
5	4310	Police		2,093.64	4,326.17	1,101.25	104.68	41.87	3,078.36	2.066
6	4311	CID		176.67	369.78	92.93	8.83	3.53	264.48	2.093
26	4312	Narcotics		-	-	-	-	-	-	#DIV/0!
9	4380	Animal Control		-	-	-	-	-	-	#DIV/0!
		Total Police		2,270.31	4,695.95	1,194.18	113.52	45.41	3,342.85	2.068
7	4340	Fire		1,271.80	2,722.46	714.82	63.59	25.44	1,918.62	2.141
8	4341	Fire Inspections		65.92	137.10	34.67	3.30	1.32	97.81	2.080
		Total Fire Dept.		1,337.72	2,859.56	749.49	66.89	26.75	2,016.43	2.138
10	4510	Public Services		115.58	237.37	60.80	5.78	2.31	168.48	2.054
11	4511	Streets		333.79	745.81	183.82	16.69	6.68	526.13	2.234
12	4512	Street Cleaning		-	-	-	-	-	-	#DIV/0!
13	4513	Garage		32.45	71.97	19.02	1.62	0.65	50.68	2.218
14	4710	Residential Garbage		1,353.03	3,075.82	792.88	67.65	27.06	2,188.23	2.273
15	4711	Commercial Garbage		966.13	2,199.46	565.02	48.31	19.32	1,566.81	2.277
16	4740	Cemetery		236.98	657.84	124.65	11.85	4.74	516.60	2.776
		Total Public Services		3,037.96	6,988.27	1,746.18	151.90	60.76	5,016.94	2.300
		Total General Fund		6,946.66	15,194.09	3,848.00	347.33	138.93	10,847.32	2.187
18	7112	Meter Reading		187.06	400.25	98.39	9.35	3.74	288.76	2.140
19	7114	Lake Warden		121.88	286.79	64.11	6.09	2.44	214.15	2.353
25	7118	Pump Stations		484.03	1,107.00	254.60	24.20	9.68	818.52	2.287
20	7120	Water Plant		164.51	346.92	86.53	8.23	3.29	248.87	2.109
21	7121	Water Line Maintenance		247.95	542.39	134.50	12.40	4.96	390.53	2.187
22	7130	WWTP		59.32	131.83	31.20	2.97	1.19	96.48	2.222
23	7131	Sewer Line Maintenance		604.58	1,303.22	326.70	30.23	12.09	934.20	2.156
24	7132	WWTP II		77.26	172.09	40.64	3.86	1.55	126.04	2.227
		Total Enterprise Fund		1,946.59	4,290.49	1,036.67	97.33	38.93	3,117.56	2.204
		Total All Funds		8,893.25	19,484.58	4,884.68	444.66	177.87	13,964.88	2.191



September 6, 2017

To: Mayor Newell
Roxboro City Council

From: Lauren Wrenn, Planning & Development Director

Subject: September Council Report

Uptown Development/Roxboro Development Group:

- Personality Festival: As usual, the Roxboro Development Group played an active role in the annual Personality Festival. This year, RDG partnered with the Directors' RoundTable to host a scavenger hunt during the two-day event. During this scavenger hunt, participants were sent to various Uptown businesses and landmarks to gather clues and information about Person County. This being the 225th Anniversary of Person County's existence, the scavenger hunt drew attention to historic facts and moments for the area. Participants who completed the hunt were rewarded with a free gift.
- Rox N' Roll: The August Cruise-In was truly a hot night Uptown. With temperatures soaring over 90, volunteers did well to withstand the heat of the evening. Turnout for this month's Cruise-In was not as abundant as the previous month, but the high temperature could certainly be in-part to blame. The theme for the month centered around a night on the red carpet. Drivers were greeted with free bags of popcorn and a red carpet walk to the registration tents. Next month's theme is NFL Tailgate. RDG is working with the Uptown restaurants to offer drink and food specials that coincide with the theme, as well as provide a special (locally-sourced) giveaway.
- Music On Main: This year's live concert event was a success as usual. The perfect weather made for a steady stream of spectators. Many folks took advantage of the proximity to the Hall's Way development and strolled through while the band took a short intermission. RDG will continue to look for ways to improve the impact of this event on the Uptown corridor and draw additional spectators to our area.
- Other Highlights:
 - Continued work on the Uptown Branding Project
 - Held RDG Board meeting on August 16th
 - Attended Main Street Managers' Meeting in Sanford, NC
 - Held several committee meetings
 - Began preparations for 2019-2024 Strategic Planning process next year
 - Worked with PCC Small Business Center to promote upcoming seminars



Planning & Development:

- Nuisance Abatement and Land Use Ordinance Revisions: Draft documents are in Council packets for review this month.
- Code Enforcement: Grass complaints were on a definite rise in the past month, as staff felt the strain of handling an increase in incoming phone calls. However, at the time of this report, nearly all cases were abated or pending the end of the compliance deadline. Staff is also working to continue the efforts on minimum housing cases and ensure the most effective and efficient approach is applied.
- Long Avenue and Morgan Street DOT Proposal: Pending reply from DOT Division 5 Office.
- Downtown Revitalization Grant Proposal: Presentation to be given at Council meeting.

- Other Highlights:
 - Attended UNC School of Government Training – September 7 and 8
 - Continued to work on improved application procedures and information distribution
 - Issued zoning permits for new businesses and improvements/expansions
 - Continued to monitor Code Enforcement progress for Burch Avenue min. housing case
 - Prepared for Planning Board meeting on September 11th
 - Attended Purchasing training for Department Heads

1. Social Media Policy

DIGITAL DEVICE & SOCIAL MEDIA POLICY

All digital files, social media posts and electronic communications systems/devices created for city business purposes are public documents.

All city provided electronic devices and software are public property subject to inspection and review at any time.

- A. **Purpose** This policy covers the use of all technology resources belonging to the City of Roxboro. It includes, but is not limited to pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems, e-mail systems, network resources and Internet resources (including social media sites). City of Roxboro provides these technology resources to enable City employees to provide timely and efficient services. Providing timely, efficient and accurate information is the primary function of these automated resources and any activity or action that interferes with this purpose is prohibited. Failure to adhere to this policy places the individual at risk for legal liabilities, potential embarrassment and disciplinary action up to and including dismissal. All employees and officials have the responsibility to use technology resources in a professional, ethical and lawful manner. These resources are business tools provided to employees at a significant cost. All employees are expected to use these resources for business related purposes. This may include communicating with other local governments, state and federal agencies, researching relevant business issues and topics, and obtaining useful business information.

All employees must respect copyrights, software licensing rules, property rights, privacy and the prerogatives of others, similar to other business transactions. All existing City policies apply to conduct on the Internet ("Internet" includes social media), including, but not limited to, those involving intellectual property protection and software piracy, privacy, misuse of City resources, harassment, information and data security, and confidentiality.

All employees and officials will receive a copy of this policy.

This Policy also covers social media and networking sites and use. Employees may have separate personal and professional accounts. Employees should be mindful of blurring their personal and professional lives when using social media sites. Social media posts made in the course of work or about work may be public records as defined in footnote 1.

- B. **Administration:** Department Heads and IT personnel have the authority to inspect the contents of any equipment, files, City-authorized or created social media sites/posts or mail in the normal course of their supervisory responsibilities. Reasons for review include, but are not limited to, investigation of network slowdown, system hardware or software problems including software license compliance, general system failure, litigation or potential litigation, reasonable suspicion of a crime or violation of policy, or a need to perform work or provide a service when an employee is not available. All communication system users acknowledge their consent that the City may, at its discretion, inspect, use or disclose any electronic communications and/or data without further notice for any legitimate business, legal or discretionary purpose. The City may utilize monitoring software to administer this policy.

C. **Public Nature of Electronic Communication:** Electronic communication is a public record like any other public document. Users must understand that any communications created, received or backed up on the City system may be public documents if they meet the definition of “public records”.¹ Public records include those made to perform a job or conduct public business even if made on an employee’s personal device and/or on the employees own time. All public records or documents must be disclosed, if requested. Public records and electronic communications may be searched for evidence in legal proceedings.

D. **Standards of Use:**

- 1) Any business or personal use of the Internet or e-mail by a City employee shall clearly and accurately identify the employee. Anonymous or pseudonymous use is prohibited.
- 2) E-mail is an official form of communication, just like traditional mail.
- 3) The City will limit computer access to those employees who demonstrate a legitimate business need. Legitimate business need will be determined by the individual department heads.
- 4) The City has software and systems in place that can monitor and record all computer usage. Users are advised that the City’s security systems are capable of recording (for each and every user) each World Wide Web, Internet [site](#) or Social Media site visit, each chat, newsgroup or email message, and each file transfer into and out of the City network. The City reserves the right to do so at any time. **No employee shall have any expectation of privacy as to his or her computer usage.** ~~City~~ Information Technology (“IT”) employees and ~~or~~ employee’s supervisors may review computer usage activity and analyze usage patterns. This information may be publicized to assure that City technology resources are devoted to maintaining the highest levels of productivity. IT [personnel can will](#) conduct periodic audits of computer usage patterns in an effort to monitor compliance with this written policy.
- 5) The City reserves the right to inspect any and all files stored in private areas of the network in order to assure compliance with policy.
- 6) Any software or files downloaded via the Internet into the City network become

¹ (a) “Public record” or “public records” shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any City, unit, special district or other political subdivision of government.

(b) The public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people. Therefore, it is the policy of this State that the people may obtain copies of their public records and public information free or at minimal cost unless otherwise specifically provided by law. As used herein, “minimal cost” shall mean the actual cost of reproducing the public record or public information.

N.C. Gen. Stat. Ann. § 132-1 (West)

the property of the City. Any such files or software may be used only in ways that are consistent with their licenses or copyrights

- 7) Employees may use their City Internet resources for non-business research or browsing outside of work hours, with consent from the appropriate Department Head, provided that all other State, City, and Departmental employee and computer usage policies are adhered to. Sites that are deemed potentially offensive during business hours are still to be considered potentially offensive outside of work hours, and are therefore not allowed.
- 8) **Personal Use of E-mail/Internet (including social media)/Cell Phones:** Use of the City's digital Communications Systems by employees for personal use ([personal apps or games](#)) is allowed, subject to the following restrictions:
 - a. There is no cost to the City;
 - b. The use is occasional in that it does not interfere with the conduct of City business. Personal use should be limited to personal time (breaks) and personal use of the Internet and e-mail should be minimal. Supervisors shall monitor the extent of personal use of these assets during regular working hours.
 - c. The use must not interfere with employee's job performance or divert City resources from their use for official business.
- 9) **Prohibited Uses:** The following uses of the City's Digital Communications Systems are strictly prohibited:
 - a. Use of the Digital Communications Systems to send chain letters.
 - b. Use of the Digital Communications Systems to compromise the integrity of City of Roxboro and its business in any way.
 - c. Use of the Digital Communications Systems to send messages containing offensive, abusive, discriminatory, threatening, harassing, or other language inappropriate for the operation of City of Roxboro.
 - d. Use of the Digital Communications Systems to send messages that violate any policy of the City including the City's Policy against harassment. Such messages include, but are not limited to, messages that contain sexual implications, racial slurs, or other comment that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin or disability.
 - e. Use of the Digital Communications Systems for the operation or advertisement of a personal business.
 - f. Intentionally viewing, downloading and/or transmitting materials (other than that required for law enforcement purposes) that involve the use of obscene language, images, jokes, sexually explicit materials or messages that abuse or belittle any person, group or classification of individuals.
 - g. Use of the Digital Communication System to distribute personnel information unless it is an authorized Human Resource function. General Statute § 160A-168 lists the employee personal information that is public. This includes, but is not limited to, salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records or related information.

- h. Installation or downloading of software from outside vendors or the Internet without prior authorization from IT personnel.
- i. Permission by employees for unauthorized persons to use the City Electronic Digital / Communication system. "Unauthorized persons" include family members and friends.
- j. Installation of Software through any method unless authorized by IT personnel. This includes software by third-party vendors, as well as shareware, freeware, personal software and Internet distributed programs.
- ~~k. Use of any Digital / Communications device to play any games.~~
- ~~k.~~ Use of City facilities or equipment to download or distribute pirated software or data.
- ~~m.l.~~ Use of City facilities or equipment to deliberately propagate any malicious or destructive code or device, including but not limited to, viruses, worms, Trojan horses, or trap-door program code.
- ~~n.m.~~ Use of the City's technology resources knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- ~~o.n.~~ Upload by employees with Internet access of any software licensed to the company or data owned or licensed by the company without explicit authorization from the manager responsible for the software or data.

10) **Security:**

- a. Each employee is responsible for all actions taken while using ~~his/her~~ their user profile or password. Passwords should be kept confidential and not shared. Only the director of the IT department or the City Manager can authorize exceptions to this policy.
- b. All City-authorized or City-created social media sites or accounts must be approved by a Department ~~Head~~ Head, Assistant City Manager or the City Manager.

Each Department Head is responsible for keeping the login and password information from each account in a secure ~~location/format~~ location and format.

Because others may not be aware of the public records law, every Department Head or the City Managers ~~are~~ is responsible to see that each social networking web site shall include the following statement:

"Representatives of the City of Roxboro government communicate via this site. Any communication on this site (whether by a City employee or the general public) may be subject to monitoring and disclosure to third parties and is considered public."

See *Section F. Comment Policy* ~~on page 7~~ for more policies about the use of social media.

- c. Any file, program, or document received on any media, through the

Internet or through file transfer must be checked for viruses immediately. Employees should be cautious when receiving an unexpected email message containing an attachment. It should not be opened if there is any doubt about the type of file, content or sender. This is to prevent viruses from infecting the City's entire network. Each individual employee is responsible for the prevention of the spread of viruses.

- d. All electronic communications are the property of the City, are subject to monitoring and therefore not considered private. City of Roxboro will disclose any electronic mail message as required by appropriate law or regulation. The City shall promptly access electronic communication data:
 - i. When a user leaves the employ of City of Roxboro for any reason, the User's-user's digital mail and social media accounts will be accessed for the purpose of saving those messages that pertain to City business. These files may be subject to transfer to another user if necessary to conduct City business. The employee's City e-mail service will be discontinued.
 - ii. When necessary to investigate a possible violation of City policy or a breach of the security of the Digital / Communications Systems.
 - iii. In the event there is reasonable suspicion a user has committed or is committing any crime.
- e. Files containing sensitive City data, as defined by existing State, City, or departmental data security policy, that are transferred in any way across the Internet must be encrypted or password protected.
- f. Employees may only access the Internet through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited unless the accessing computer is not connected to the City's network. The use of a direct modem connection to other external computers or networks will be reviewed on a case by case basis.
- g. Services such as FTP and JAVA can potentially be used by outside influences to damage a computer or compromise sensitive data. Since these can happen without the user's consent or knowledge, Department Heads, authorized IT personnel and the City Manager may disable FTP, JAVA, or any other Internet protocol or tool that is not absolutely critical to the operation of the City.
- h. Because of export restrictions, programs or files containing encryption technology are not to be placed on the Internet or transmitted in any way outside the United States.
- i. Employees are allowed to have personal social networking sites. These sites must remain personal in nature and be used to share personal opinions or non-work related information. This helps ensure a distinction between sharing personal and City views. **In addition, employees should never use their City e-mail account or password in conjunction with a personal social networking site** and employees should never refer or link back to their own personal site from the

professional site.

In addition, employees may use other social media sites for personal reasons. Whether the social media account is the employee's own or a third-party site, employees should be aware of how their use reflects upon them and the City.

When off duty, if using social media for personal reasons, the employee must remain aware of how their use reflects upon them and the City.

- 11) **Telephone System:** The telephone system is intended primarily to accomplish the work of City of Roxboro. Providing services to internal and external customers is always the first priority. Personal use should be limited in accordance with the provisions of Internet and e-mail use.

The City will deem personal use excessive if it prevents the employee from managing customer inquiries, complaints and requests for service in a timely manner or if it interferes with the employee's accomplishing their job responsibilities. Excessive Personal use of the City's long distance service is prohibited. Violations will be subject to disciplinary actions as provided in the Personnel Policy.

- 12) **Cellular Phones:** City provided cell phones are to be used to conduct City business. Personal use is only allowed according to the department's individual policies. Any personal use shall be at no cost to the City and may require reimbursement.

Using a cellular phone while driving is a violation of North Carolina law unless a "hands-free" device is used. If it is imperative to place or answer a call while driving, the employee shall pull off of the road and park. In all cases, adherence to current laws regarding cell phone use and distracted driving will prevail.

Department heads are responsible for reviewing cell phone bills for their staff on a monthly basis.

Employees who abuse this policy will be subject to disciplinary action. Employees who do not make or fail to meet the arrangements to reimburse the City for personal use will be subject to garnishment of their payroll.

- 13) **Printers, Copiers and Faxes:** Photocopy machines, printers and fax machines shall be used for the transaction of City business. Any personal use must be pre-approved by the Department Head and reimbursement for personal use should be arranged with the Department Head prior to use. Unauthorized copying of copyrighted material is strictly prohibited.

E. **Violations.** It is the user's responsibility to read and abide by topics set forth in this document. If any employee violates any of the provisions of this policy, or a supervisor or department head knowingly permits a violation of this policy, the employee, supervisor or Department Head will be subject to disciplinary action up to and including dismissal, as provided in the Personnel Policy.

F. **Comment Policy:** The City of Roxboro welcomes comments to its social media pages and Internet sites (if a comment provision is provided.)

The purpose of these sites is to present matters of public interest in [the City of Roxboro City](#), including its many residents, businesses and visitors. We encourage you to submit your questions, comments, and concerns, but please note this is a moderated online discussion site and not a public forum.

It should be further noted that service requests should not be submitted through comments on any City of Roxboro social media site. Service requests must be submitted through established procedures.

Once posted, the City of Roxboro reserves the right to delete submissions that contain:

- a. vulgar ~~Language~~[language](#);
- b. personal attacks of any kind;
- c. offensive comments that target or disparage any ethnic, racial, or religious group.

Further, the City also reserves the right to delete comments that are:

- a. spam or include links to other sites;
- b. clearly off topic;
- c. advocate illegal activity;
- d. promote particular services, products, or political organizations;
- e. infringe on copyrights or trademarks;
- f. use personally identifiable medical information; it is recommended that employees not share any private information on any City social media sites.
- g. designed to further a political campaign, candidate, cause or agenda.

ALL social media sites will contain the following statement:

“Please note that the comments expressed on these sites do not reflect the opinions or positions of the Roxboro City government or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the [Public Information Officer for Roxboro City administrator of the site](#).”

G. **Definitions:** Certain terms in this policy should be understood expansively to include related concepts.

- a. **City** – [City of Roxboro City](#) government and all of its departments and branches.
- b. **Digital Communications Systems** — All of the City’s technology resources including but not limited to: computers, networks, Internet accounts, Internet access, social media accounts, telephones, radios, printers, facsimile machines, cameras, and so on. As used in this Policy, this term may also refer to the use of any technology or digital device or program to conduct the City’s business.
- c. **Display** - monitors, flat-panel active or passive matrix displays, monochrome LCD’s, projectors, televisions and virtual-reality tools

- d. **Document** - any kind of file that can be read on a computer screen as if it were a printed page, including HTML files displayed in an Internet browser; any file designed to be accessed by a word processing or desktop publishing program or its viewer; or the files prepared for the Adobe Acrobat reader and other electronic publishing tools.
- e. **E-mail** - The distribution of messages, documents, files, software, or images by electronic means over a phone line or a network connection. This includes internal e-mail, external e-mail and Internet e-mail.
- f. **Internet** - The internet is global system of interconnected computer networks that use the internet protocol suite (TCP/IP) to link billions of device worldwide.
- g. **Social Media** - The forms of electronic communication (as websites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (including videos).

2. Set Public Hearing - Ordinance: Chapter 152 Text Amendment

**AN ORDINANCE DECLARING PUBLIC NUISANCES, UNLAWFUL CONDITIONS ON
PRIVATE PROPERTY; AMENDING CHAPTER 93
THE CODE OF ORDINANCES OF THE CITY OF ROXBORO**

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and
WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-193, authorizes municipalities to summarily remedy, abate or remove public health nuisances; and
WHEREAS, the City Council of the City of Roxboro finds that it is in the public interest to amend Chapter 93 of the City's Code of Ordinances to provide more specificity as to the requirements for regulating Public Nuisances; and
WHEREAS, the City Council of the City of Roxboro, after due notice, conducted a public hearing on the _____ day of _____ 2017, upon the question of amending the City Code in this respect.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ROXBORO, NORTH CAROLINA:**

PART ONE. That Title IX, General Regulations, Chapter 93: Nuisances; of the Code of Ordinances of the City of Roxboro, North Carolina, is hereby amended and rewritten in its entirety to read as follows:

**“CHAPTER 93, PUBLIC NUISANCES, UNLAWFUL
CONDITIONS ON PRIVATE PROPERTY**

Section 93.01 Administration

For the purpose of this Chapter, the term "nuisance" shall mean or refer to any condition or any use of property or any act or omission affecting the condition or use of property which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

Section 93.02 Declaration of Public Nuisance

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the City. They are hereby found, deemed and declared to be public nuisances wherever the conditions may exist within the corporate limits as now or hereafter established. The creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

- (1) Any weeds or other vegetation having an overall height of more than twelve (12) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants. It shall be the duty of every person occupying, owning or having control of property abutting on a street or highway that utilizes

a portion of the unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use.

(2) Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice and rats, flies and mosquitoes or other pests.

(3) An open or unsecured storage or collection place for chemicals, acids, oils, gasoline, flammable or combustible materials or flammable or combustible liquids, poisonous materials or other similar harmful or dangerous substances, gasses or vapors.

(4) An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials collection.

(5) An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans and containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

(6) Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.

(7) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(8) The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items. The use of carports, open porches, decks, open garages and other outdoor areas that are visible from the street as a storage or collection place for boxes, appliances, furniture (not typical outdoor or yard furniture), tools, equipment, junk, garbage, old worn out broken or discarded machinery and equipment, cans, containers, household goods or other similar condition that increase the likelihood of a fire; may conceal dangerous conditions; may be a breeding place or habitat for mice, rats or other pests; or, create an unattractive condition or visually blighted property

(9) 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) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit.

(10) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code

Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.

(11) The placement, storage or use of upholstered sofas, couches, chairs or other indoor type furniture, appliances, seats removed from motor vehicles or other furniture not intended for outdoor use by the manufacturer, use on any open porch, carport, stoop, deck, veranda, terrace, patio or other outdoor area that is visible from nearby streets and sidewalks.

(12) A collection place, pool or pond of stagnant or foul water or persistent dampness caused by overflowing septic tanks, manmade dams, open ditches, overflowing pipes, foundation trenches or other impoundments of any kind.

(13) Barns or farm animal pens, pastures or enclosures for farm animals which are not kept sanitary and clean or otherwise become a collection place for animal waste and which because of the conditions associated therewith attract rats, mice, flies or other pests or emit foul odors that can be detected or noticed on adjacent properties or are otherwise not kept in a sanitary condition.

(14) Dog lots, pens, pet enclosures of all kinds, outdoor areas where dogs or other pets are chained or kept or areas where dogs and cats are permitted to roam which become a collection place for dog, cat or pet waste and excrement and which attract flies or other pests, emit foul odors which can be detected or noticed on adjacent property or are not kept in a sanitary condition.

(15) A collection place for sewage and sewage drainage or the seepage from septic tanks, broken or malfunctioning plumbing and sewer pipes or any other seepage of dangerous, hazardous or poisonous liquids.

(16) A collection place for tree limbs, dried brush, dead vegetation, stumps or other decayed wood and materials or other similar rubbish.

(17) Any discharge into or polluting of any stream, creek, river or other body of water or the discharge of any dangerous substance or any other material likely to harm the water or any vegetation, fish or wildlife in or along the water or the storage of such harmful materials and substances in a manner so that it is likely that such streams, creeks, rivers or other bodies of water will become polluted or adversely affected in any manner.

(18) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.

(19) Any conditions or use of property, which results in the emission of pollutants and particles into the atmosphere or causes noxious odors, vapors and stenches to be discharged into the air.

(20) 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:

- a. A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- b. A point of heavy growth of weeds or other noxious vegetation which exceeds twelve (12) inches in height ; or
- c. In a condition allowing the collection of pools or ponds of water; or
- d. A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- e. An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
- f. So situated or located that there is a danger of it falling or turning over; or
- g. A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- h. One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass;
- i. Any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

(21) Any condition detrimental to the public health which violates the rules and regulations of the County Health Departments.

Section 93.03 Complaint; Investigation of Public Nuisance

1. When any condition in violation of this section is found to exist, the Code Administrator or such persons as may be designated by the City Council shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the city may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

- (a) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
- (b) By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.
- (c) By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (a) and (b).

2. The City may notify a chronic violator of the City's public nuisance ordinance that, if the violator's property is found to be in violation of this chapter, the City shall, without further notice in the calendar year in which notice is given, take action to remedy the violation. The expense of such action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator is a person who owns property whereupon, in the previous calendar year, the City gave notice of violation at least three times under any provision of the public nuisance ordinance.

Section 93.04 Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the City may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the real property on which the work was completed. In the case of a violation of subsection 93.02(1), a flat administrative fee of one (\$100) hundred dollars will be added to the actual cost of the abatement and charged to the owner of the real property for which the abatement occurred. In the case of one or more violations of subsections 93.02 (2) through (21), an hourly rate administrative fee will be added to the actual cost of abatement. The hourly rate will be established and may be periodically adjusted by contract or by action of the City Council.

Section 93.05 Procedure Is Alternative

The procedure set forth in this Chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies as set forth in Chapter 10, Section 10.99, General Penalty, of the Code of Ordinances of the City of Roxboro.”

PART TWO. Sections 93.06 through 93.07 and 93.99(C) are hereby repealed and reserved

PART THREE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption. Adopted this _____ day of _____, 2017.

Merilyn P. Newell, Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

**AN ORDINANCE CONCERNING ABANDONED, JUNKED AND NUISANCE VEHICLES;
AMENDING CHAPTER 94
THE CODE OF ORDINANCES OF THE CITY OF ROXBORO**

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general Police's power; and

WHEREAS, Article 15 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-303, et seq., authorizes municipalities to regulate, remove and dispose of Abandoned and Junked Vehicles;

WHEREAS, N.C.G.S. 160A-193 authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, the City Council of the City of Roxboro finds that it is in the public interest to amend Chapter 94 of the City's Code of Ordinances to provide more specificity as to the requirements for regulating Abandoned, Junked and Nuisance Vehicles; and

WHEREAS, the City Council of the City of Roxboro, after due notice, conducted a public hearing on the _____ day of _____ 2017, upon the question of amending the City Code in this respect.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROXBORO, NORTH CAROLINA:

PART ONE. That Title IX, Chapter 94, Junked and Abandoned Motor Vehicles, of the Code of Ordinances of the City of Roxboro, North Carolina, is hereby amended in its entirety to read as follows:

“CHAPTER 94, ABANDONED, JUNKED AND NUISANCE VEHICLES

Section 94.01 Administration.

The Police Department and the Code Administrator of the City shall be responsible for the administration and enforcement of this Chapter. The Police Department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the City, and on property owned by the City. The Code Administrator shall be responsible for administering the removal and disposal of "abandoned", "nuisance" and "junked" motor vehicles located on private property. The City may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this Chapter and applicable State laws. Nothing in this Chapter shall be construed to limit the legal authority or powers of officers of the Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties. **State law reference – City authority for removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303 as amended. City authority for regulation of abandonment of junked motor vehicles, G.S. 160A-303.2 as amended.**

Section 94.02 Definitions.

For the purpose of this Chapter, certain words and terms are defined as herein indicated:

(a) Abandoned motor vehicle: As authorized and defined in G.S. 160A-303, an abandoned motor vehicle is one that:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the city for longer than 24 hours; or
- (3) Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

(b) Authorized Official: The supervisory employee of the Police Department or the City Code Administrator, respectively, designated to order the removal of vehicles under the provisions of this Chapter.

(c) Motor vehicle or vehicle: All machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

(d) Junked motor vehicle: As authorized and defined in G.S. 160A-303.2, 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 five hundred dollars (\$500.00).

(e) 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 twelve (12) 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 City Council.

Section 94.03 Abandoned vehicle unlawful, removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.

(b) Upon investigation, the authorized officials of the City may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Section 94.04 Nuisance vehicle unlawful, removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the City Code Administrator may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Section 94.05 Junked motor vehicle regulated, removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(b) It shall be unlawful to have more than one junked motor vehicle, as defined herein, on the premises of private property. A single, junked motor vehicle must strictly comply with the location and concealment requirements of this Chapter.

(c) It shall be unlawful for the owner, person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the location requirements or the concealment requirements of this Chapter.

(d) Subject to the provisions of subsection (e), the City Code Administrator may order the removal of a junked motor vehicle found in violation of this Chapter to a storage garage or area. No such vehicle shall be removed from private property without the written request of the owner, lessee, or occupant of the premises unless the Code Administrator finds in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of the area residents.

(e) Allowed concealment or enclosure of junked motor vehicles

(1) One junked motor vehicle, in its entirety, may be located in the rear yard, as defined in the Zoning Ordinance, provided the junked motor vehicle is entirely concealed from public view from a public street and/or abutting premises by an acceptable covering for not more than sixty (60) calendar days. Junked motor vehicles kept on the premises more than sixty (60) calendar days shall be kept inside a completely enclosed building. The Code Administrator has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate.

(2) Any one or more junked motor vehicles kept for a period exceeding sixty (60) calendar days shall be kept within a completely enclosed building, as defined in the Zoning Ordinance.

Section 94.06 Removal of abandoned, nuisance, or junked motor vehicles; pre-towing notice requirements.

(a) Except as set forth in Section 94.07 below, an abandoned, nuisance, or junked motor vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom and to which mailed, and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the City on a specified date (no sooner than seven (7) days after the notice is affixed). The notice shall state that the vehicle will be removed by the City on a specified date, no sooner than seven days after the notice is mailed or affixed, unless the vehicle is moved by the owner or legal possessor prior to that time.

(b) With respect to abandoned vehicles on private property, nuisance vehicles and junked vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the Board of Adjustment in writing, heard at the next regularly scheduled meeting of the Board of Adjustment, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Section 94.07 Exceptions to prior notice requirement.

The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked motor vehicle may, as determined by the authorized official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorized

official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

(a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, the City Council hereby determines that the immediate removal of such vehicles may be warranted when they are:

- (1) Obstructing traffic.
- (2) Parked in violation of an ordinance prohibiting or restricting parking.
- (3) Parked in a no-stopping or standing zone.
- (4) Parked in loading zones.
- (5) Parked in bus zones, or
- (6) Parked in violation of temporary parking restrictions.

(b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on City-owned property other than the streets or highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorized official finds a special need for prompt action to protect and maintain the public health, safety, and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Section 94.08 Removal of vehicles; post-towing notice requirements.

Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the City, be removed to a storage garage or area by a tow truck operator or towing business contracted to perform such services for the City. Whenever such a vehicle is removed, the authorized City official shall immediately notify the last known registered owner of the vehicle with such notice to include the following;

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

The City shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, indicating the information set forth in subsections (1) through (5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the State, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned, nuisance, or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorized City official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify him of the information set forth in subsections (1) through (5) above.

Section 94.09 Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner or any person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county

magistrate designated by the chief district court judge to receive such hearing requests. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-219.11, as amended.

Section 94.10 Redemption of vehicle during proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fees, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this Chapter.

Section 94.11 Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the City and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

Section 94.12 Conditions on removal of vehicles from private property.

As a general policy, the City will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable State law procedures. In no case will a vehicle be removed by the City from private property without a written request of the owner, occupant or lessee, except in those cases where the vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the City Code Administrator. The City may require any person requesting the removal of an abandoned, nuisance, or junked motor vehicle from private property to indemnify the City against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

Section 94.13 Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance, or junked motor vehicle, for disposing of such vehicle as provided in this Chapter.

Section 94.14 Exceptions.

Nothing in this Chapter shall apply to any vehicle: (1) which is located in a bona fide "automobile graveyard" or "junkyard" as defined in N.C.G.S. 136-143, in accordance with the "Junkyard Control Act", N.C.G.S. 136-141, et seq., (2) which is in an enclosed building, (3) which is on the premises of a business enterprise being operated in a lawful place and manner, or (4) which is in an appropriate storage place or depository maintained in a lawful place and manner by the City.

Section 94.15 Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the City, any vehicle which has been impounded pursuant to the provision of this

Chapter unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

Section 94.16 Alternative Remedies.

Nothing in this Chapter, nor any of its provisions, shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies, as set forth in Chapter 10, Section 10.99, General Penalties; Enforcement of Ordinances; Continuing Violations, of the Code of Ordinances of the City of Roxboro.”

PART TWO. Sections 94.20 through 94.24 and 94.99 are hereby repealed and reserved.

PART THREE. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

PART FOUR. This Ordinance shall become effective upon its adoption by the City Council of the City of Roxboro, North Carolina.

PART FIVE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART SIX. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SEVEN. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this _____ day of _____, 2017.

Merilyn P. Newell Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

**AN ORDINANCE CONCERNING MINIMUM HOUSING STANDARDS
AMENDING CHAPTER 151
THE CODE OF ORDINANCES OF THE CITY OF ROXBORO**

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, Part 6 of Article 19 of the North Carolina General Statutes, N.C.G.S. 160A-441, et seq., authorizes municipalities to provide for the repair, closing or demolition of dwellings, buildings or structures used or intended for human habitation;

WHEREAS, N.C.G.S. 160A-193 authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, the City of Roxboro City Council finds that it is in the public interest to amend the City's Code of Ordinances to provide more specificity as to the requirements for regulating dwellings, buildings or structures used or intended for human habitation; and

WHEREAS, the City of Roxboro City Council, after due notice, conducted a public hearing on the _____ day of _____ 2017, upon the question of enacting a City Ordinance in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, THE CITY OF ROXBORO, NORTH CAROLINA:

PART ONE. That Chapter 151, the Minimum Housing Standards Ordinance, of the City of Roxboro, North Carolina, is hereby amended and rewritten in its entirety to read as follows:

"CHAPTER 151, MINIMUM HOUSING STANDARDS

Section 151.01. Findings; Purpose; Authority.

Pursuant to Section 160A-441, of the General Statutes of North Carolina, it is hereby found and declared that there exist in the City dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the City of Roxboro.

In order to protect the health, safety and welfare of the residents of the City, as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes of North Carolina, it is the purpose of this Ordinance to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by Section 160A-444 of the General Statutes of North Carolina.

In addition, it is hereby found and declared, under the authority of North Carolina General Statutes 160A-174, that there exist in the City dwellings which, although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected can lead to deterioration and dilapidation of dwellings which render them unfit for human habitation.

Section 151.02. Scope.

(a) This Chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used or intended for use as such.

(b) The provisions of this Chapter shall apply to all existing housing and to all housing hereafter constructed within the corporate City limits as now or hereafter established. Portable, mobile or demountable buildings or structures, including trailers, manufactured homes and mobile homes when used or intended for use for housing within the jurisdiction, shall be subject to the applicable provisions of this Chapter. This Chapter establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this Chapter.

(c) The provisions of this Chapter shall also apply to abandoned structures which are found by the City Council to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary conditions.

Section 151.03. Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

Abandoned Structure- Any structure, whether designed and intended for residential or other uses, which has been vacant or not in active use, regardless of purpose or reason, for the past two-year period and which is determined by the Housing Inspector to be unfit for human habitation or occupancy based upon the standards as set forth in this Chapter.

Basement - A portion of a building which is located partly underground, having access to light and air from windows located above the level of the adjoining ground.

Cellar - A portion of a building located partly or wholly underground having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deteriorated Dwelling - A dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of its value*, as determined by finding of the Housing Inspector.

Dilapidated Dwelling - A dwelling that is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this Chapter, *at a cost not in excess of fifty percent of its value*, as determined by finding of the Housing Inspector.

Dwelling - Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any accessory buildings and structures and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

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

Extermination - The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Housing Inspector.

Garbage - The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room - A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

Housing Inspector - The person appointed by the City Council to carry out the administration and enforcement of this Chapter.

Infestation - The presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or to the public.

Manufactured Home (Mobile Home) - A structure as defined in G.S. 143-145(7).

Multiple Dwelling - Any dwelling containing more than two dwelling units.

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

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

Owner - The holder of the title in fee simple and every mortgagee of record. Parties in Interest. All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

Public Authority - Any housing authority or any officer who is in charge of any department or branch of the government of the City, County, or State relating to health, fire, building regulations, or other activities concerning dwellings in the City.

Rooming House - Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

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

Rubbish - Combustible and noncombustible waste materials except garbage and ashes, and the term shall include, but not be limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Supplied - Paid for, furnished or provided by, or under the control of, the owner or operator. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit" or "premises" are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

Section 151.04. Office of Housing Inspector Created; Powers and Duties.

For the purposes of administering and enforcing the provisions of this Chapter, the office of Housing Inspector is hereby created. The Housing Inspector shall be appointed by the City Council, and shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Chapter, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

- (a) Investigations - To investigate the dwelling and building conditions in the City in order to determine which dwellings therein are unfit for human habitation and dangerous, being guided in such examination of dwellings and buildings by the requirements set forth in this Chapter.
- (b) Oaths, witnesses, etc. - To administer oaths and affirmations and to examine witnesses and receive evidence.
- (c) Right of Entry - To enter upon and within premises and dwellings for the purpose of making examinations and investigations; provided, that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession. 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
- (d) Warrants; Citations, etc. - To swear criminal warrants, issue civil citations and to take such other actions as may be necessary to carry out the enforcement procedures of this Chapter. 5
- (e) Delegation of functions, etc. - To delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.

Section 151.05. Inspections.

For the purpose of carrying out the intent of this Chapter, the Housing Inspector, upon proper identification, is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and premises, including abandoned structures. The owners or occupants of every dwelling, dwelling unit, rooming unit, or rooming house, or the person in charge thereof, shall give the Housing Inspector free access to such dwelling, dwelling unit, rooming house or rooming unit, and its premises, at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful order issued pursuant to the provisions of this Chapter.

Section 151.06. Preliminary Investigations; Notices; Hearings.

Whenever a petition is filed with the Housing Inspector by a public authority or by at least five (5) residents of the City charging that any dwelling is unfit for human habitation or whenever it appears to the Housing Inspector (on his own motion) that any dwelling is unfit for human habitation, the Housing Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Housing Inspector (or his designated agent) at a place within the City therein fixed not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Inspector.

Upon the issuance of a complaint and notice of hearing pursuant to this Section, the Inspector may cause the filing of a notice of lis pendens, with a copy of the complaint and notice of hearing attached thereto, in the Office of the Clerk of Superior Court of the county in which the subject property exists, to be indexed and cross-indexed in accordance with the indexing procedures of the North Carolina General Statutes. The Inspector shall cause a copy of the notice of lis pendens to be served upon the owners and parties in interest in the dwelling at the time of filing in accordance with Section 160A-445 of the North Carolina General Statutes, as applicable. Upon compliance with the requirements of any order issued based upon such complaint and hearing, the Inspector shall direct the Clerk of Superior Court to cancel the notice of lis pendens.

Section 151.07. Dwelling Unfit for Human Habitation.

The Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that any one of the following conditions exist in such dwelling:

- (a) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the dwelling unsafe.

- (b) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) percent or more of damage or deterioration.

(c) Floors or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(d) Such damage by fire, wind or other causes as to render the dwelling unsafe.

(e) Dilapidation, decay, unsanitary conditions or disrepair which is dangerous to the health, safety or welfare of the occupants or other people in the City.

(f) Inadequate facilities for egress in case of fire or panic.

(g) Defects significantly increasing the hazards of fire, accident or other calamities.

(h) 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 City.

(i) Lack of proper electrical, heating or plumbing facilities required by this Chapter which constitutes a definite health or safety hazard.

(j) Lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system, the lack of either one of which renders a dwelling unfit for human habitation. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

In addition to the ten (10) conditions stated above, any one of which renders a dwelling unfit for human habitation, the Housing Inspector shall determine that a dwelling is unfit for human habitation if he finds that a dwelling fails to fully comply with seven (7) or more of the following enumerated standards of dwelling fitness:

STRUCTURAL STANDARDS

Structural Integrity

(1) Walls, partitions, supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

Supports

(2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

Foundations

(3) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

Steps

(4) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.

Egress

(5) Adequate facilities for egress in case of fire or panic shall be provided.

Interior Materials

(6) Interior walls and ceilings of all rooms, closets and hallways shall be furnished of suitable materials which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

Weatherization

(7) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

Chimneys

(8) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

Floors

(9) There shall be no use of the ground for floors, or wood floors on the ground.

PLUMBING STANDARDS

Facilities

(10) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. For the purposes of this standard, a dwelling is not connected to a potable water supply if the water supply has been "cut off" because of non-payment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.

Maintenance

(11) All plumbing fixtures shall meet the standards of the Plumbing Code and shall be maintained in a state of good repair and in good working order.

Accessible

(12) All required plumbing fixtures shall be located within the dwelling and be accessible to the occupants of the same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

HEATING STANDARDS

Generally

(13) Every dwelling shall have facilities for providing heat in accordance with either paragraph (a) or (b) below. Such facilities shall be maintained in a state of good repair and good working order.

(a) Central and electrical heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during average winter conditions.

(b) Other heating facilities. Where a central or electric heating system is not provided, each dwelling shall be provided with sufficient electrical receptacles, fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms, bathrooms and water closet compartments with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during average winter conditions.

ELECTRICAL STANDARDS

Wiring

(14) Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall type electrical convenience receptacles, connected in such manner as determined by the Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall type electric convenience receptacles.

Hall Lights

(15) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural light is not sufficient.

Maintenance

(16) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the Electrical Code.

VENTILATION STANDARDS

Generally

(17) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructions are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such a room, the total window area of such skylight shall equal at least fifteen percent of the total floor area of such room.

Habitable rooms

(18) Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room, shall be equal to at least forty-five percent of the minimum window area size or minimum skylight type window size as required, or shall have other approved equivalent ventilation.

Bathroom and water closet room

(19) Every bathroom equipped with more than one water closet compartment shall comply with the light and ventilation requirements for habitable rooms.

SPACE, USE AND LOCATION STANDARDS

Room sizes

(20) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the NC Residential Building Code.

Ceiling Height

(21) At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

Cellar

(22) No cellar shall be used for living purposes unless:

(a) the floor and walls are substantially watertight; (b) the total window area, total openable window area and ceiling height are equal to those required for a habitable room; (c) the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the windows face a stairwell, window well or access way.

SAFE AND SANITARY MAINTENANCE STANDARDS

Exterior foundation, walls and roofs

(23) Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

Interior floors, walls and ceilings

(24) Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

Windows and doors

(25) Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, water tight and rodent proof; and shall be kept in sound working condition and good repair.

Stairs, porches and appurtenances

(26) Every inside and outside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

Bathroom and kitchen floors

(27) Every bathroom and kitchen floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in sound condition and good repair.

Supplied facilities

(28) Every supplied facility, piece of equipment or utility which is required under this Chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

Drainage

(29) Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

INSECT, RODENT AND INFESTATION CONTROL STANDARDS

Screens

(30) For protection against mosquitoes, flies and other insects every dwelling shall have:

(a) Supplied and installed screens on every door opening leading directly from the dwelling to outdoor space. Except, that sliding doors, doors with self-closing devices, doors on mobile homes with self-closing devices and doors that open into rooms of living spaces that are artificially ventilated or air conditioned are exempt from this provision.

(b) Supplied and installed screens on every window or other device with an opening to outdoor space, except that this requirement shall not apply for any room or rooms of a dwelling that are ventilated year round with an operable and installed heating and air conditioning system.

Rodent control

(31) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.

Infestation

(32) Every dwelling shall be maintained in a manner to be free of any infestations of insects, rodents or other pests. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

Rubbish storage and disposal

(33) Every dwelling shall be supplied with approved containers and covers for storage of rubbish as may be required by City Ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

Garbage storage and disposal

(34) Every dwelling shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage container as may be required by City Ordinances.

Smoke Detector and Carbon Dioxide Detector Systems

(35) Every dwelling unit shall be provided with an approved listed smoke detector installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements

of UL 217, Single and Multiple Station Smoke Detectors. Every dwelling unit shall be provided with an approved listed carbon dioxide detector installed in accordance with the manufacturer's recommendations and listing.

ROOMING HOUSE STANDARDS

All of the provisions of this Chapter, and all of the minimum standards and requirements of this Chapter, shall be applicable to rooming houses, and to every person who operates a rooming house or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following Subsections:

Water closet, hand lavatory and bath facilities

(36) At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever such facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway and shall not be more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

Minimum floor area for sleeping purposes

(37) Every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

Sanitary conditions

(38) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained, is leased or occupied by the operator.

Sanitary facilities

(39) Every water closet, flush urinal, lavatory basin and bathtub or shower required by Subsection (36) of this Section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

[Note: Full compliance with a standard means that if any part of the stated standard is not complied with by a particular dwelling then that dwelling has failed to fully comply with the enumerated standard. For example, in regard to standard #10, if all standards are met in a dwelling except that a supply of hot water is not provided then the dwelling fails to fully comply with standard #10.]

Section 151.08. Dwellings Not in Compliance But Not Unfit for Human Habitation.

In any case where the Housing Inspector determines that a dwelling fails to fully comply with one or more but less than seven (7) of the above enumerated standards of dwelling fitness, such dwelling shall not be found to be unfit for human habitation and shall not be subject to the procedures and remedies as provided for in this Chapter for dwellings unfit for human habitation. Each such failure or noncompliance, however, shall constitute a violation of the terms of this Chapter and shall subject the violator to the penalties and enforcement procedures of the General Penalties; Enforcement of Ordinances; Continuing Violations Ordinance. In making the determination as described in this Section, the Housing Inspector shall not be required to make notice and hold the hearing as called for in Section 151.06, but the Housing Inspector may do so if the determination of the severity and classification of dwelling fitness is not clear to the Housing Inspector upon preliminary investigation.

Section 151.09. Procedure After Hearing; Order.

If, after notice and hearing, the Housing Inspector determines that the dwelling under consideration is unfit for human habitation in accordance with the standards set forth above, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

(a) If the repair, alteration or improvement of the dwelling can be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as a human habitation, based upon the Housing Inspector's standards for closing dwellings;

OR

(b) If the repair, alteration or improvement of the dwelling cannot be made at a cost of less than fifty (50) percent of the value of the dwelling, requiring the owner, within the time specified in the order, to repair, alter or improve the dwelling in order to render it fit for human habitation or to remove or demolish such dwelling.

If, after notice and hearing the Housing Inspector determines that the dwelling under consideration is not unfit for human habitation but is not in full compliance with one or more standards of dwelling fitness as set forth above, he may proceed with the enforcement procedures of the General Penalties; Enforcement of Ordinances; Continuing Violations Ordinance.

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

Section 151.10. 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 dwelling, the Housing Inspector may:

- (1) Cause the dwelling to be repaired, altered or improved or to be vacated and closed.
- (2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.

(b) If the owner fails to comply with an order to repair, alter or improve or to remove or demolish the dwelling, the Housing Inspector may:

- (1) Cause such dwelling to be vacated and removed or demolished.
- (2) Cause to be posted on the main entrance of any such dwelling, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a violation of this Chapter.

(c) The duties of the Housing Inspector set forth in Subsections (a) and (b) shall not be exercised until the City Council shall have by Ordinance ordered the Housing Inspector to proceed to effectuate the purpose of this Chapter with respect to the particular property or properties which the Housing Inspector shall have found to be unfit for human habitation and which property or properties shall be described in the Ordinance. No such Ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the Housing Standards. For the purposes of this subsection, a period of ninety (90) days following the date of the Housing Inspector's order shall constitute a reasonable opportunity. The Ordinance shall be recorded in the Office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(d) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Housing Inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina. If the dwelling is removed or demolished by the Housing Inspector, he shall sell the materials of the dwelling, and any personal property, fixture or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Housing Inspector, 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 of the decree of the Court.

(e) If any occupant fails to comply with an order to vacate a dwelling, the Housing Inspector may file a civil action in the name of the City to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any persons occupying such dwelling. The Clerk of Superior Court shall issue a

summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 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 Housing Inspector produces the certified copy of an Ordinance adopted by the City Council pursuant to Subsection (c) authorizing the Housing Inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgement ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgement may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the City Council has ordered the Housing Inspector to proceed to exercise his duties under Subsections (a), (b) and (c) of this Section to vacate and close or remove and demolish the dwelling.

Section 151.11. Service of Complaints and Orders.

Complaints or Orders issued by the Housing Inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (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 inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the inspector makes an affidavit to that effect, then 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 City at least not later than the time at which personal service would be required under the provisions of this Chapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Section 151.12. Appeals.

(a) The Board of Adjustment is hereby appointed as the Housing Appeals Board to which appeals from any decision or order of the Housing Inspector may be taken. Except where this Chapter provides for different rules or procedures, the Board of Adjustment acting as the Housing Appeals Board shall follow its rules of procedure, which may be amended to provide specifically for this function.

(b) An appeal from any decision or order of the Housing Inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the City. Any appeal from the Housing Inspector shall be taken within ten days from the rendering of the decision or service of the order by filing with the Housing Inspector and with the Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Housing Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Housing Inspector

refusing to allow the person aggrieved thereby to do any such act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the Housing Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Housing Inspector certifies to the Board after the notice of appeal is filed with him, that because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's written notice to the Housing Inspector, by the Board, or by a court of record upon petition made pursuant to Subsection (e) of this Section.

(c) The Board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Housing Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Housing Inspector. The Board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from carrying out the strict letter of the Ordinance, to adapt the application of the Ordinance to the necessities of the case to the end that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

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

(e) Any person aggrieved by an order issued by the Housing Inspector or a decision rendered by the Board may petition the Superior Court for an injunction, restraining the Housing Inspector from carrying out the order or decision and the Court may, upon such petition, issue a temporary injunction restraining the Housing Inspector pending a final disposition of the cause. The petition shall be filed within 30 days after issuance of the order or rendering of the decision. Hearings shall be had by the Court on a petition within 20 days, and shall be given preference over other matters on the Court's calendar. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Subsection.

Section 151.13. Alternative Remedies.

Nothing in this Chapter nor any of its provisions shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other Chapters or laws. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies, as set forth in the General Penalties; Enforcement of Ordinances; Continuing Violations Ordinance of the City of Roxboro.

No dwelling shall be hereafter erected, altered, moved, or changed in occupancy without a Certificate of Occupancy. In any case where the Housing Inspector, after notice and hearing as required herein,

finds that a dwelling or dwelling unit is unfit for human habitation, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit: until such time that he determines that it is fit for human habitation. In addition, in any case where the Housing Inspector, after preliminary investigation as provided for herein, concludes, based upon that investigation, that a dwelling or dwelling unit is unfit for human habitation and believes that the occupancy of such dwelling or dwelling unit could cause imminent peril to life or property from fire or other hazards, he shall withhold issuance of a Certificate of Occupancy for such dwelling or dwelling unit until such time that he determines that it is fit for human habitation.

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

Section 151.14. Conflict with Other Provisions.

In the event any provision, standard or requirement of this Chapter is found to be in conflict with any provision of any other ordinance or code of the City, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the City's jurisdiction shall prevail. The North Carolina Building Code, current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of building made or required pursuant to this Ordinance.

Section 151.15. Violations.

In addition to the conditions, acts or failures to act that constitute violations specified in this Chapter above, it shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. It shall be unlawful for the owner of any dwelling, with respect to which an order has been issued pursuant to Section 151.09, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition.

Section 151.16. Validity.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Chapter and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid."

PART TWO. That all ordinances in conflict with the provisions of this Chapter are hereby repealed to the extent of such conflict.

PART THREE. That this Ordinance shall become effective upon its adoption by the City Council of the City of Roxboro, North Carolina.

Adopted this _____ day of _____, 2017.

Marilyn P. Newell Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

**AN ORDINANCE CONCERNING NON-RESIDENTIAL BUILDING
OR STRUCTURE STANDARDS; CHAPTER 152
THE CODE OF ORDINANCES OF THE CITY OF ROXBORO**

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, Part 6 of Article 19 of the North Carolina General Statutes, N.C.G.S. 160A-439, authorizes municipalities to provide for the repair, closing or demolition of Non-Residential buildings or structures;

WHEREAS, N.C.G.S. 160A-193 authorizes municipalities to summarily remedy, abate or remove public health nuisances; and

WHEREAS, the City of Roxboro City Council finds that it is in the public interest to rescind Chapter 152, Abandoned Buildings and enact and establish Chapter 152, Non-Residential Building And Structure Standards, of the City's Code of Ordinances to provide more specificity as to the requirements for regulating Non-Residential buildings and structures; and

WHEREAS, the City of Roxboro City Council, after due notice, conducted a public hearing on the _____ day of _____ 2017, upon the question of amending the City Code in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, THE CITY OF ROXBORO, NORTH CAROLINA:

PART ONE. That Chapter 152, NON-RESIDENTIAL BUILDING AND STRUCTURE STANDARDS, of the Code of Ordinances, City of Roxboro, North Carolina, is hereby established and written to read as follows:

"CHAPTER 152, NON-RESIDENTIAL BUILDING OR STRUCTURE STANDARDS

Section 152.01 Title.

This Chapter shall be known as the "Non-Residential Building or Structure Standards" for the City of Roxboro, and may be cited as such, and will be referred to hereinafter as "this Chapter."

Section 152.02 Purpose.

It is the purpose of the provisions of this Chapter to provide a just, equitable and practicable method to evaluate whether non-residential buildings or structures fail to meet minimum standards of maintenance, sanitation, and safety established by the City. The minimum standards address 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. The provisions of this Chapter are cumulative with and in addition to any other remedy provided by law including the current editions of standard codes adopted by the City of Roxboro.

Section 152.03 Findings; Authority.

Pursuant to Chapter 160A-439 of the General Statutes of North Carolina, it is hereby found and declared that there exist in the City non-residential buildings or structures which are unsafe and especially dangerous to life because of liability to fire or because of bad conditions of walls,

overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress and other causes.

In addition, it is hereby found and declared, that there exist in the City non-residential buildings or structures which, although not meeting the classification of unsafe and especially dangerous to life, fail to fully comply with all the minimum standards for non-residential buildings or structures fitness as established herein and, therefore, have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected, can lead to deterioration and dilapidation of non-residential buildings or structures which render them unsafe and especially dangerous to life.

Section 152.04 Scope; Jurisdiction.

The provisions of this Chapter shall apply to all existing non-residential buildings or structures and to all non-residential buildings or structures hereafter constructed within the corporate City limits as now or hereafter established.

Section 152.05 General Definitions and Interpretations.

Unless specifically defined in Section 152.06, words used in the Non-Residential Building or Structure Standards shall have their respective customary dictionary definitions. For the purpose of these regulations certain words, terms or phrases used herein are interpreted and defined as follows:

Words used in the present tense shall include the future tense.

Words used in the singular shall include the plural and words used in the plural shall include the singular.

The words "shall" and "will" always indicate MANDATORY. The words "should" and "may" always indicate OPTIONAL.

The word "lot" includes the words "plot" and/or "parcel".

The word "building" includes the word "structure".

The word "person" includes a "firm, association, organization, partnership, trust, company, corporation and/or individual".

The word "use" includes the terms "arranged, designed, and/or intended" for a use, activity and/or purpose.

The term "Board of Adjustment" shall always indicate the BOARD OF ADJUSTMENT OF THE CITY OF ROXBORO, NORTH CAROLINA as created and appointed by the City Council of the City of Roxboro.

The term "City Council" shall always indicate the CITY COUNCIL OF THE CITY OF ROXBORO, NORTH CAROLINA.

Section 152.06 Special Definitions and Interpretations.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

Building: Any covered structure intended for shelter, housing or enclosure of persons, animals, facilities, equipment or chattels; the term Building shall be construed to include the term Structure; furthermore, it shall be construed as if followed by the term or part thereof.

Building, Accessory: A detached subordinate building located on a lot, parcel or tract whose use is incidental to that of the principal building. A building cannot be considered accessory unless it accompanies a principal building on the same lot, parcel or tract.

Building, Principal: A building in which the principal use of the lot, parcel or tract is conducted.

Building Code: The North Carolina State Building Code.

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.

Fire Hazard: (see also **Nuisance**) Any thing 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 non-residential use 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.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Infestation: The haunting or overrunning by rats, snakes, birds, insects or other destructive vermin or animals that endanger the public health and safety.

Non-Residential Building or Structures Standards Inspector: The person delegated as such by the City Council of the City of Roxboro. (Hereinafter referred to as "the Inspector".)

Nuisance:

- 1) 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 City of Roxboro; or
- 2) 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
- 3) Physical conditions dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists; or
- 4) Unsanitary conditions or conditions that are dangerous to public health, well-being or the general welfare; or
- 5) Fire hazards or other safety hazards.

Occupant: Any person who has charge, care or control of a non-residential building or structure or a part thereof, whether with or without the knowledge and consent of the owner, or any person,

individually or jointly, entitled to possession regardless of whether the building or structure is actually occupied or not.

Owner: The holder of the title in fee simple and every mortgagee of record of a property.

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.

Physical Valuation: The estimated cost to replace a building in kind.

Plumbing: All of 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 baths, 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.

Premises: A lot, plot or parcel of land including the buildings or structures thereon, under control by the same owner or occupant, devoted to or zoned for non-residential use.

Public Sanitary Sewer: Any sanitary sewer owned, operated and maintained by the County or the City of Roxboro and available for public use for the disposal of sewage.

Rubbish: Combustible and non-combustible waste materials, except garbage and ashes, including, but not limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Sewage: Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or water-carried waste from any other fixture, equipment or machine.

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.

Structure: Anything constructed or erected which requires location on the ground. (Refer to the definition of "building" herein.)

Supplied: Paid for, furnished or provided by, or under control of, the owner or occupant.

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.

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.

Section 152.07 Office of Non-Residential Building or Structure Standards Inspector Created; Powers and Duties.

(a) For the purposes of administering and enforcing the provisions of this Chapter the office of Non-Residential Building or Structures Standards Inspector, (herein called "Inspector"), is hereby created.

(b) The Inspector shall be appointed by the City Council and shall have such powers as may be necessary or convenient to carry out and effectuate the purposes and provision of this Ordinance, including without limiting the generality of the foregoing, in addition to others herein granted, the following powers:

- (1) To investigate the non-residential building conditions in the jurisdiction in order to determine which buildings therein are unsafe, being guided in such examinations of buildings by the requirements set forth in this Chapter and for the purpose of carrying out the objectives of this Chapter with respect to such non-residential buildings or structures.
- (2) To administer oaths and affirmations and to examine witnesses and receive evidence.
- (3) To enter upon and within premises and buildings for the purpose of making examinations and investigations; provided, that such entries shall be made at reasonable hours in such a manner as to cause the least possible inconvenience to the persons in possession.
- (4) To delegate any of his functions and powers under this Chapter to such officers and agents as he may designate.

Section 152.08 Duties and Responsibilities of the Owner.

It shall be the duty and responsibility of the owner to maintain all non-residential buildings or structures in accordance with all standards for non-residential buildings or structures fitness as stated in this Chapter.

Section 152.09 Duties and Responsibilities of the Occupant.

It shall be the duty and responsibility of the occupant to ensure that:

- 1) All parts of the premises under the control of the occupant shall be kept in a safe, clean and sanitary condition consistent with the non-residential use and the occupant shall refrain from performing any acts which would render any part of the building or premises unsafe or unsanitary or which would obstruct any adjacent owner/occupant from performing any duty required, or from maintaining his building or premises in a safe and sanitary condition.
- 2) Every occupant shall be responsible for the elimination of infestation in and on the premises, subject to his control.
- 3) Every occupant shall maintain all supplied plumbing fixtures in a safe and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.
- 4) No garbage or solid waste shall be stored or allowed by the occupant to accumulate on the premises unless contained in a trash receptacle(s) which is in accordance with the Ordinances of the City of Roxboro.

5) Damage to public sidewalks and/or curb and gutter located in the public right-of-way shall be repaired or replaced at no expense to the City when such damage is caused by vehicles making deliveries to the non-residential use under the control of the occupant.

6) Where the owner would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is found to be defective or inoperable, the occupant affected thereby shall, upon learning of such defect, provide notice to the owner.

Section 152.10 Relationship of Duties and Responsibilities to Occupancy.

The provisions of this Chapter that apply to the exterior or exterior components of a structure or building or to the premises shall be complied with whether the structure or building or premises is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized persons or the formation of nuisance conditions such as infestation.

Section 152.11 Validity.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections sentences, clauses or phrases be declared invalid.

Section 152.12 Conflict with Other Provisions.

In the event any provision, standard or requirement of this Chapter is found to be in conflict with any provision of any other ordinance or code of the City, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the jurisdiction shall prevail. The North Carolina State Building Code, current edition, shall serve as the standard for all alterations, repairs, additions, removals, demolitions and other acts of building made or required pursuant to this Ordinance.

Section 152.13 Amendments.

The City Council may, from time to time amend, supplement, or change the provisions and requirements of this Chapter. Any such amendment shall be by ordinance of the City Council.

Section 152.14 Unlawful to occupy unsafe buildings and structures.

(A) It shall be unlawful for any firm, person or corporation to occupy a building or a structure situated in the jurisdiction of the City of Roxboro which is in such a defective or hazardous condition that it is unsafe and especially dangerous to life. The City Council has determined that unsafe and especially dangerous buildings and structures are detrimental to the health, safety and welfare of the citizens of Roxboro, that such unsafe and especially dangerous buildings and structures shall be condemned, and that the owners of such unsafe and especially dangerous buildings and structures shall immediately remedy the unsafe, dangerous, hazardous or unlawful conditions or demolish such buildings or structures.

(B) A building or structure shall be found to be especially dangerous to life and held unsafe by the Inspector if the Inspector finds that any one (1) of the following conditions exists in such building or structure:

- (1) Interior walls or vertical studs which seriously list, lean or buckle to an extent as to render the building unsafe.
- (2) Supporting member or members which show thirty-three (33) percent or more damage or deterioration, or non-supporting, enclosing or outside walls or covering which shows fifty (50) 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 welfare of the occupants or other people of the jurisdiction.
- (6) Inadequate facilities for egress in case of fire or panic.
- (7) Defects significantly increasing the hazards of fire, accident or other calamities.
- (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 jurisdiction.
- (9) Lack of proper electrical, heating or plumbing facilities required by this Chapter which constitutes a health or a definite safety hazard.
- (10) For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sanitary sewer or other approved sewage disposal system. For the purposes of this standard, a building is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
- (11) Any violation of the State Fire Prevention Code which constitutes a condition which is unsafe and especially dangerous to life.
- (12) Any abandoned non-residential building or structure which is found to be a health or safety hazard by the Inspector as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities.

(C) In addition to conditions 1-12 enumerated in (B) above, any one of which renders a building or structure unsafe, the Inspector shall determine that a non-residential building or structure is unsafe if he finds that a building or structure fails to fully comply with any five (5) or more of the following enumerated standards of building and premises fitness. Full compliance with a standard means that if

any part of the stated standard is not complied with by a particular building and premises, then that building and premises has failed to fully comply with the enumerated standard.

GENERAL

- (1) Buildings and premises shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.
- (2) Flammable, combustible, explosive or other dangerous or hazardous materials shall be stored in a manner approved for such materials and consistent with the State Fire Prevention Code.
- (3) Buildings and premises shall be kept free of loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property.
- (4) The premises shall be kept free of insufficiently protected holes, excavations, breaks, projections, obstructions and other such dangerous impediments on and around fences, walls, walks, driveways, parking lots and other areas which are accessible to and generally used by persons on the premises.
- (5) Building and premise surfaces shall be kept clear 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. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration.
- (6) Buildings and premises shall be kept free of objects and elements protruding from building walls, roof or premises which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects.

APPURTENANCES

- (7) 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.
- (8) 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.
- (9) All cornices shall be made structurally sound. Rotten or weakened portions shall be removed and/or replaced. All exposed wood shall be treated or painted.
- (10) Gutters and down spouts shall be replaced or repaired as necessary and shall be appropriately located and securely installed so as not to cause a hazard to pedestrians, vehicular traffic or property.

(11) Attached and unattached accessory structures shall be maintained in a state of good repair.

(12) Advertising sign structures, attached or freestanding, awnings, marquees and their supporting members and other similar attachments and structures shall be maintained in good repair and shall not cause a nuisance or safety hazard.

STRUCTURAL

(13) Walls, partitions, supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

(14) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(15) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(16) Interior and exterior steps, railings, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fall or collapse.

(17) Where a wall of a building has become exposed as a result of demolition of an adjacent building said wall must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall unless such doors, windows, vents or other similar openings are to be maintained in accordance with the provisions of this Chapter. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked and weatherproofed if necessary to prevent deterioration of the wall.

PLUMBING, ELECTRICAL AND SUPPLIED FACILITIES

(18) All plumbing fixtures and pipes shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.

(19) All electrical fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electric Code.

(20) Every supplied facility, piece of equipment or utility which is required under this Chapter or the State Building Code for occupancy or use shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

EGRESS

(21) Facilities for egress in case of fire or panic shall be adequate and shall remain clear for such purposes.

(22) All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints, or broken or loose mullions.

(23) All windows shall be maintained free of broken glass that could be dangerous to the public, invitees or third parties ordinarily expected to use the premises, from falling or shattering.

(24) All openings originally designed as windows shall be maintained as windows, unless specifically approved by the Inspector for enclosure.

DRAINAGE

(25) All yards and premises shall be properly graded and maintained so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

Section 152.15 Buildings and Premises Not Declared Unsafe But Which Are Not in Compliance With All Standards.

In any case where the Inspector determines that a non-residential building or structure fails to fully comply with one or more but less than five of the standards of non-residential buildings or structures fitness set forth in 152.14(C), such building or structure shall not be found to be unsafe and shall not be subject to the procedures and remedies as provided for in this Chapter for unsafe buildings and premises. Each such failure of non-compliance, however, shall constitute a violation of the terms of this Chapter and shall subject the violator to the penalties and enforcement procedures of Section 152.29. In such case the Inspector shall notify the owner as provided for in Section 152.19.

Section 152.16 Investigation.

Whenever it appears to the Inspector that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by the City Council, the Inspector 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.

Section 152.17 Complaint and Notice of Hearing.

If the preliminary investigation discloses evidence of a violation of the minimum standards, the Inspector 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 a hearing will be held before the Inspector (or his or her designated agent) at a place within the city, scheduled not less than 10 days nor more than 30 days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

Section 152.18 Order to take corrective action; contents; issuance.

If, after notice and hearing, the Inspector 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 as established by the City Council, the Inspector shall state in writing the 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.

(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 City Council or to vacate and close the nonresidential building or structure for any use.

(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 City Council 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 this ordinance.

(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 shall be required 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.

Section 152.19 Service of Complaints and Orders of Inspector.

Complaints or orders issued by the Inspector pursuant to this ordinance shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within 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 Inspector in the exercise of reasonable diligence, and the Inspector 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 City 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.

Section 152.20 Appeal of Order of Inspector; finality if not appealed.

Any owner who has received an order under Section 152.18 may appeal from the order to the City Board of Adjustment by giving notice of appeal in writing to the Inspector and to the City Clerk within ten (10) days following issuance of the order. In the absence of an appeal to the Board of

Adjustment within the prescribed time, the order of the Inspector shall be final. The Board of Adjustment shall hear appeals within a reasonable time after receipt of the notice of appeal and it may modify and affirm or revoke the order. Any person aggrieved by a decision or order of the Inspector shall have the remedies provided in G.S. 160A-446.

Section 152.21 Failure to comply with Order of Inspector.

(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 City Council may adopt an ordinance ordering the Inspector to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Inspector 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 Inspector may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The Inspector 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 misdemeanor.

(B) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the City Council may adopt an ordinance ordering the Inspector to proceed to effectuate the purpose of this section with respect to the particular property or properties that the Inspector 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 City Council. 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 Inspector may cause the building or structure to be removed or demolished.

Section 152.22 Remedies; lien for cost of demolition and removal.

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

(B) The amount of the costs is also a lien on any other real property of the owner located within the 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 Inspector, he or she shall offer for sale the recoverable materials of the building or structure and any personal property, 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 Inspector, 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 City Council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 152.23 Failure of occupant to comply with order to vacate.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the Inspector may file a civil action in the name of the City 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 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 Inspector produces a certified copy of an ordinance adopted by the City Council pursuant to Section 152.21 of this Chapter 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 30 days before the filing of the summary ejectment proceeding, that the governing body has ordered the Inspector to proceed to exercise his duties under Section 152.21 of this Chapter to vacate and close or remove and demolish the nonresidential building or structure.

Section 152.24 Action by City Council Upon Abandonment of Intent to Repair.

(A) If the City Council has adopted an ordinance or the Inspector 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 years** pursuant to the ordinance or order, the City Council may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the municipality 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 City Council 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 90 days; or
- (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 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 years** before the City Council may take action under this subsection. The ordinance shall be recorded in the office of the register of deeds in the county 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 Inspector shall effectuate the purpose of the ordinance.

Section 152.25 Demolition of Non-Residential Buildings by Owner.

Where a non-residential building or structure is under the jurisdiction of this Chapter, the building may be demolished by the owner provided that the following requirements are met:

(1) The owner shall obtain a demolition permit from the Building Inspections Department.

(2) All sewer, gas, water and similar taps or connections shall be properly closed and disconnected.

(3) All debris from the building shall be removed from the site. This requirement is for the removal of all debris that is above the street level of the building.

(4) The lot shall be graded 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 twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade.

(5) 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, unless such doors, windows, vents, or other similar openings are to be maintained in accordance with the provisions of this Chapter. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed or bricked and weatherproofed if necessary to prevent deterioration of the wall.

Section 152.26 Inspections.

(A) For the purpose of carrying out the intent of this Chapter, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all non-residential buildings and premises, including abandoned structures. The owner or occupant of every non-residential building or the person in charge thereof, shall give the Inspector free access to such building and its premises, at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a non-residential building shall give the owner thereof, or his agent or employee, access to any part of such building and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful order issued pursuant to the provisions of this Chapter.

(B) The Inspector may make periodic inspections for unsafe, unsanitary or otherwise hazardous and unlawful conditions in non-residential structures within the jurisdiction. In addition, he may make

inspections when he has reason to believe that such conditions may exist in a particular structure or premises.

Section 152.27 Defects in buildings to be corrected.

When the Inspector finds any defects in a non-residential building, or finds that a building has not been constructed in accordance with applicable State and City laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his duty to notify the owner or occupant of the building of its defects, hazardous conditions or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions or violations of law in the property he owns. Failure to do so shall constitute a violation of this Chapter. Each day any violation of this Chapter shall continue shall constitute a separate offense.

Section 152.28 Violations.

In addition to the conditions, acts or failure to act that constitute violations specified in this Chapter, it shall be unlawful for the owner of any building or structure to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close or vacate and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. It shall be unlawful for the owner of any building, with respect to which an order has been issued pursuant to Section 152.18, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, or vacation and removal or demolition.

Section 152.29 Procedure Is Alternative

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their abatement by summary action or otherwise, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinance or laws. In addition to the remedies provided for herein, any violation of the terms of this Chapter shall subject the violator to the penalties and remedies as set forth in Chapter 10, Section 10.99, General Penalties; Enforcement of Ordinances; Continuing Violations, of the Code of Ordinances City of Roxboro.”

PART TWO. That all ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PART THREE. That this Ordinance shall become effective upon its adoption by the City Council of the City of Roxboro, North Carolina.

Adopted this _____ day of _____, 2017.

Merilyn P. Newell Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

3. State Grant Money

Information to be
Distributed at
City Council Meeting

4. Consideration of Donation of Art

Information to be
Distributed at
City Council Meeting

5. Purchase of Backhoe and Truck

Purchase of Backhoe and Dump Truck

Included in this year's budget was the purchase of a backhoe and a F-750 flatbed dump truck for the Public Works Department.

The backhoe is a Caterpillar and is being purchased off of the State Purchasing Contract 760H. It is model 430F Backhoe Loader.

Cost for the backhoe is:

430F Backhoe	\$137,084.00
Freight	\$ 1,450.00
<u>5 year powertrain warranty</u>	<u>\$ 4,125.00</u>
Total	\$142,659.00

The price of the backhoe is equal to the amount budgeted.

The flatbed dump truck is a 2017 Ford F-750 with a 14 ft flatbed that dumps. This vehicle is being purchased from the North Carolina Sheriff's Association's Bid 17-03-0912. Total price for the truck, chassis and dump bed is \$79,669.00. The truck is \$4,031 less than budgeted.

The North Carolina Sheriff's Association's bid meets the requirements for a competitive bid process.

It is recommended that City Council approve the purchase of the Caterpillar 430F Backhoe Loader in the amount of \$142,659.00 and the Ford F-750 in the amount of \$79,699.00



Customer: City Of Roxboro
Address 1:
Address 2: Po Box 128
City/St/Zip: Roxboro,, NC 27573 0128
County: PERSON
Phone No: (336)599-3116
Attention: City Of Roxboro

Quote No: 3M3M11
Date: 8/25/2017
Customer No: 0321800
Prepared By: Ed Hooks
Phone No: 919-568-7520
Fax No:
Email: hooks@gregpoole.com

We are pleased to submit the following quotation with all standard equipment plus the following attachments:

MODEL:

- 493-8174 430F2 BACKHOE LOADER DCA2
 - 450-8454 430F2 BHL TIER 4, HRC
 - 337-9696 COUNTERWEIGHT, 1015 LBS
 - 450-8761 ENGINE, 86KW, C4.4 ACER T4F
 - 450-8732 STICK, EXTENDABLE, 16FT
 - 398-2681 RIDE CONTROL
 - 450-8683 DELUXE CAB
 - 450-8715 AIR CONDITIONER, T4
 - 395-2942 DELUXE SEAT, FABRIC, HEATED
 - 450-8533 HYDRAULICS, MP, 6FCN/8BNK, IT
 - 450-8616 PT, 4WD, AUTOSHIFT
 - 398-2882 COLD WEATHER PACKAGE, 120V
 - 447-0049 PRODUCT LINK, CELLULAR PL641
 - 337-7436 MP BUCKET, 1.3 CUYD
 - 9R-5321 CUTTING EDGE, TWP PIECE
 - 380-8961 TIRES, 12.5 80/19.5L24 FS
 - 491-7634 WORKING LIGHTS, HALOGEN
 - 206-1747 SEAT BELTS, 2"
 - 9R-6007 STABILZER PADS, FLIP-OVER
 - 219-3387 24" BUCKET
 - 353-1389 STABILZER GUARD
 - 6W-8832 CARRIAGE, FORK
 - 195-6939 FORK TINE, 2" X 5" X 54"
 - 456-3390 COUPLING, QICK DISCONNECT
 - 398-2855 LINES, COMBINED, AUX. E-STICK
 - 387-6598 RADIO, CD
 - 270-3204 PLATE GROUP, BOOM WEAR
 - 347-5941 STORAGE BOX
 - 353-1390 INSTRUCTIONS, ANSI
- NOTE: 2017-2018 PRICING

CATERPILLAR LIST \$183,900.00

CONTRACT NUMBER 760H
 LESS DISCOUNT PER ACTIVE
 STATE CONTRACT NUMBER
 201101567/ BID NUMBER
 LESS DISCOUNT \$46816.00

TOTAL SALES PRICE:		137,084.00
(Price does not include applicable taxes or fees)		
PLUS FREIGHT	ADD	\$1,450.00
FOR 5 YEAR/5000 HOUR POWERTRAIN		
WARRANTY	ADD	\$4,125.00
Total		\$142,659.00

**2016-2017 North Carolina Sheriff's Association
Police Rated, Administrative, Utility Vehicles, Trucks Vans
Bid 17-03-0912**

	OPTION CODE	NCSA PRICING
Item 80 - 2017 Ford F750 Regular Cab chassis		
STANDARD ITEMS: 31,000lb GVWR, Exterior Color: Oxford White, 270HP - 675lb-ft torque, 6-speed automatic, Hydraulic brakes, 10,000lb front axle, 21,000lb rear axle, 158"wb - 84"CA, 50 gallon aluminum fuel tank, 30/0/30 fixed driver & passenger Non suspension seat		
	F7D-600A	\$51,277.00
POWERTRAIN		
300hp / 700ft/lb torque	99E	\$1,876.00
Power Take-off Provision with LiveDrive Capability	41A	\$842.00
WHEELS/TIRES		
Front 22.5 X 8.25 Steel Wheels	643	\$29.00
Goodyear G661 11R22.5H Front tires	TCD	\$43.00
Rear 22.5 x 8.25 Steel Wheels	663	\$47.00
Goodyear G182 11R22.5H Rear tires	RCE	\$90.00
BRAKES		
Air brakes-Straight truck	67C	\$1,664.00
Air dryer, Bendix AD/IP with heater	62D	\$433.00
Trailer Air brake package	158	\$344.00
Trailer connection socket	159	\$94.00
AXLES		
12,000lb front axle	43P	\$494.00
12,000lb taper leaf springs	61D	\$287.00
21,000lb locking rear axle	476	\$1,721.00
23,000lb rear springs	68R	\$217.00
Driveshaft upgrade	52P	\$174.00
WHEELBASE / CA		
176" wheelbase / 102"CA	176WB	\$118.00
FRAME		
120,000 PSI frame	536	\$344.00
Special De-Rating GVWR to 25,999lbs	18D	\$113.00
ELECTRICAL/ALTERNATOR/BATTERY		
Jump Start Stud-remote mounted	55M	\$85.00
Battery (2) 900 CCA with steel battery box, 12V Motorcraft	63B	\$57.00
Voltmeter	16V	\$94.00
SEATS		
30/70 fixed driver & fixed 2-passenger bench-Vinyl	881	\$329.00
UPTION OPTIONS		
Godwin 14' flatbed, 24" permanent metal sides, 6" board pockets, 30" contractor air tailgate with manual barn door using strap hinges, 54" headboard with window, 24" cab shield, electric tarp with idler bar, PH20 pintle hitch, Hot Shift PTO, mud flaps, back up alarm, electric brake controller with 6-pin plug		
	14FBD	\$18,897.00
Total for chassis & body options	8.18.2017	\$79,669.00

City of Roxboro
Bryan Garrett
336.322.6043bp bgarrett@cityofroxboro.com

6. Financial & Tax Report

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the One Months Ended July 31, 2017

	Original Budget	Actual	Annual Variance Favorable (Unfavorable)	8.33% Percent of Budget
General Fund (10)				
Ad Valorem Taxes	\$ 4,725,597	\$ 69,832.87	\$ (4,655,764.13)	1.48%
Local Option Sales Tax	1,585,466	145,617.58	(1,439,848.42)	9.18%
Other Taxes and Licenses	12,000	1,266.84	(10,733.16)	10.56%
Unrestricted Intergovernmental	983,648	-	(983,648.00)	0.00%
Restricted Intergovernmental	637,276	32,187.59	(605,088.41)	5.05%
Permits and Fees	7,000	435.00	(6,565.00)	6.21%
Sales and Services	667,120	55,626.36	(611,493.64)	8.34%
Miscellaneous	21,000	1,425.69	(19,574.31)	6.79%
Investment Earnings	2,500	497.47	(2,002.53)	19.90%
Interfund Transfers	1,131,557	82,213.00	(1,049,344.00)	7.27%
Sale of Fixed Assets	15,000	-	(15,000.00)	0.00%
Total Revenues	9,788,164	389,102.40	(9,399,061.60)	3.98%
Expenditures:				
Governing Body - City Council	207,026	20,208.80	186,817.20	9.76%
City Hall Administration	566,487	41,707.50	524,779.50	7.36%
Finance	255,152	11,039.77	244,112.23	4.33%
Sales Tax	88,100	736.53	87,363.47	0.84%
Tax Collections	64,194	1,067.84	63,126.16	1.66%
Buildings & Grounds	266,923	9,809.13	257,113.87	3.67%
Safety / Purchasing	22,625	1,907.00	20,718.00	8.43%
Police	3,127,834	200,905.11	2,926,928.89	6.42%
Fire	2,003,748	118,795.66	1,884,952.34	5.93%
Emergency Communications 911	95,800	229.77	95,570.23	0.24%
Transportation - Streets	1,986,644	89,115.49	1,897,528.51	4.49%
Environmental Protection	1,079,582	26,776.49	1,052,805.51	2.48%
Economic Development	259,281	18,388.37	240,892.63	7.09%
Cultural & Recreational	500	-	500.00	0.00%
Debt Service	539,120	-	539,120.00	0.00%
Interfund Transfers	75,000	-	75,000.00	0.00%
Total Expenditures	10,638,016	540,687.46	10,097,328.54	5.08%
Excess of Revenues Over (Under) Expenditures	(849,852)	(151,585.06)	698,266.94	
Other Financing Sources				
Proceeds of Capital Lease	583,392	-	(583,392.00)	0.00%
Fund Balance Appropriated	266,460	-	(266,460.00)	0.00%
Total Other Financing Sources	849,852	-	(849,852.00)	0.00%
Excess of Revenues Over (Under) Expenditures	\$ -	(151,585.06)	\$ (151,585.06)	
Fund Balance Beginning of Year		4,702,534.97		
Fund Balance Current Period		\$ 4,550,949.91		

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the One Months Ended July 31, 2017

	Original Budget	Actual	Annual Variance Favorable (Unfavorable)	8.33% Percent of Budget
Enterprise Funds				
Revenues:				
Water & Sewer Fund 60				
Charges for Services	\$ 5,236,752	\$ 463,654.91	\$ (4,773,097.09)	8.85%
Assessments	-	-	-	#DIV/0!
Tapping Fees	20,000	3,600.00	(16,400.00)	18.00%
Other Operating Revenues	35,475	734.63	(34,740.37)	2.07%
Nonoperating Revenues	500	50.05	(449.95)	10.01%
Interfund Transfers-MERP	-	-	-	-
Interfund Transfers	924,719	-	(924,719.00)	0.00%
Sale of Fixed Assets	15,000	-	(15,000.00)	0.00%
Total Water & Sewer Fund 60	6,232,446	468,039.59	(5,764,406.41)	7.51%
Triple Tier Fund 61				
Operating Revenues	6,965	683.44	(6,281.56)	9.81%
Nonoperating Revenues	100	2.23	(97.77)	2.23%
Rural Center Engineering Grant	-	-	-	#DIV/0!
Capital Reserve Fund 69				
Operating Revenues	704,247	71,722.17	(632,524.83)	10.18%
Nonoperating Revenues	1,500	63.47	(1,436.53)	4.23%
Interfund Transfers	-	-	-	#DIV/0!
Total Revenues	6,945,258	540,510.90	(6,404,747.10)	7.78%
Expenditures:				
Public Utilities: Administration	-	-	-	#VALUE!
Sales Tax	-	-	-	#DIV/0!
Billing & Collection	171,938	5,800.61	166,137.39	3.37%
Meter Section	281,863	7,435.44	274,427.56	2.64%
Raw Water Supply	58,294	3,981.69	54,312.31	6.83%
Water Plant	1,400,199	79,209.44	1,320,989.56	5.66%
Water Maint and Construction	647,114	35,076.80	612,037.20	5.42%
Wastewater Plant II	127,955	5,144.43	122,810.57	4.02%
Wastewater Plant	1,194,179	61,322.22	1,132,856.78	5.14%
Pump Stations	417,978	12,241.13	405,736.87	2.93%
Wastewater Maint & Construction	436,882	20,366.30	416,515.70	4.66%
Debt Service	479,487	-	479,487.00	0.00%
Interfund Transfers-MERP	-	-	-	-
Interfund Transfers	1,016,557	82,213.00	934,344.00	8.09%
Total Water & Sewer Fund 60	6,232,446	312,791.06	5,919,654.94	5.02%
Triple Tier Fund 61	7,065	-	7,065.00	0.00%
Capital Reserve Fund 69	705,747	-	705,747.00	0.00%
Total Expenditures	6,945,258	312,791.06	6,632,466.94	4.50%
Excess of Revenues Over (Under) Expenditures	-	227,719.84	227,719.84	
Other Financing Sources				
Proceeds of Capital Lease	-	-	-	#DIV/0!
Interfund Transfers 61 TT	-	-	-	#DIV/0!
Fund Balance Appropriated 60 WS	-	-	-	#DIV/0!
Fund Balance Appropriated 61 TT	-	-	-	#DIV/0!
Fund Balance Appropriated 69 CR	-	-	-	#DIV/0!
Total Other Financing Sources	-	-	-	#DIV/0!
Excess of Revenues Over (Under) Expenditures	\$ -	227,719.84	\$ 227,719.84	
Fund Balance Beginning of Year		2,262,190.12		
Fund Balance Current Period		\$ 2,489,909.96		

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the One Monts Ended July 31, 2017

Original Budget	Actual	Annual Variance Favorable (Unfavorable)	8.33% Percent of Budget
<u>Central Depository</u>			
Cash	2,284,568.47		
BB&T MMA	128,142.63		
NCCMT	687,506.47		
Flexible Spending Account AFLAC	45,258.55		
Roxboro Savings Bank	517,665.53		
Gateway Bank MMA Finistar	-		
CD's	-		

Total Cash and Investments	\$ 3,663,141.65		\$3,663,141.65
<u>Breakdown by Fund:</u>			
General	\$ 3,802,204.54		
CDBG-Revolving Loan Fund	91,817.30		
Vehicle Special Revenue	3,516.52		
Ridge Road Capital Project	(589,384.44)		
Stormwater Capital Fund	87,513.70		
Enterprise	285,384.56		
Triple Tier Water	16,519.91		
Capital Reserve	470,123.91		
Wastewater Plant Capital Project	(828,966.78)		
Annexation Area Capital Project	198,309.60		
Christmas Club / Flex Fund	51,503.12		
LEO Pension Trust Fund	74,599.71		
Reserve for Interest Earned	-		

Total of Fund's Cash and Investments	\$ 3,663,141.65		\$3,663,141.65

**City of Roxboro, North Carolina
Fund Balance
General Fund
As of July 31, 2017**

	General Fund			
	31-Jul-17 Fund Balances	Percentage of Total Fund Balance	Percentage of Fiscal Year 2018 Budget	Percentage of Prior Year Actual Expenditures
Fund Balances				
Reserved				
Reserved for inventories	\$ 45,118	0.99%	0.42%	0.44%
Reserved by state statute	653,781	14.37%	6.15%	6.33%
Reserved for streets - Powell Bill	287,458	6.32%	2.70%	2.78%
Reserved for cemetery	30,269	0.67%	0.28%	0.29%
Reserved for drug enforcement	-	0.00%	0.00%	0.00%
Reserved for public safety	<u>134,988</u>	<u>2.97%</u>	<u>1.27%</u>	<u>1.31%</u>
Total fund balance reserved	<u>1,151,614</u>	<u>25.30%</u>	<u>10.83%</u>	<u>11.14%</u>
Unreserved				
Designated by Council	-	0.00%	0.00%	0.00%
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>3,399,336</u>	<u>74.70%</u>	<u>31.95%</u>	<u>32.90%</u>
Total fund balance unreserved	<u>3,399,336</u>	<u>74.70%</u>	<u>31.95%</u>	<u>32.90%</u>
Total equity and other credits	<u>\$ 4,550,950</u>	<u>100.00%</u>	<u>42.78%</u>	<u>44.04%</u>
Budget Ordinance for June 30, 2018, as Amended			\$ 10,638,016	
Prior Year Expenditures				\$ 10,333,189

**City of Roxboro, North Carolina
Fund Balance
Enterprise Fund
As of July 31, 2017**

	Enterprise Fund			
	31-Jul-17 Fund Balances	Percentage of Total Fund Balance	Percentage of Fiscal Year 2017 Budget	Percentage of Prior Year Actual Expenditures
Fund Balances				
Reserved				
Reserved for encumbrances	\$ 14,267	0.57%	0.27%	0.28%
Reserved by state statute	422,861	16.98%	8.11%	8.26%
Reserved for capital outlay (C89 + C91)	<u>1,784,478</u>	<u>71.67%</u>	<u>34.21%</u>	<u>34.85%</u>
Total fund balance reserved	2,221,606	89.22%	42.59%	43.39%
Unreserved				
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>268,304</u>	<u>10.78%</u>	<u>5.14%</u>	<u>5.24%</u>
Total fund balance unreserved	<u>268,304</u>	<u>10.78%</u>	<u>5.14%</u>	<u>5.24%</u>
Total equity and other credits	<u>\$ 2,489,910</u>	<u>100.00%</u>	<u>47.74%</u>	<u>48.63%</u>
Budget Ordinance for June 30, 2017, as Amended			\$ 5,215,889	
Prior Year Expenditures			\$ 5,120,360	

**City of Roxboro
Tax Collection Report
For the Month Ended
31-Aug-17**

	2017 Tax Levy	2016 Tax Levy	2015 Tax Levy
Original Levy	\$ 4,354,070.66	\$ 4,342,813.89	\$ 4,197,916.89
Motor Vehicles Added to Levy	0.00	0.00	0.00
Motor Vehicles Added to Levy-DMV	51,472.73	493,114.72	340,607.97
Public Utilities	-	-	-
Adjusted Original Levy	<u>4,405,543.39</u>	<u>4,835,928.61</u>	<u>4,538,524.86</u>
+Discoveries	<u>101,580.09</u>	<u>123,960.93</u>	<u>439,665.94</u>
Levy	<u>4,507,123.48</u>	<u>4,959,889.54</u>	<u>4,978,190.80</u>
-Releases	<u>9,024.82</u>	<u>5,665.00</u>	<u>24,164.42</u>
Current Levy	<u>4,498,098.66</u>	<u>4,954,224.54</u>	<u>4,954,026.38</u>
Collection year-to-date	\$ 416,305.52	\$ 4,899,939.26	\$ 4,931,637.94
Uncollected	\$ 4,081,793.14	\$ 54,285.28	\$ 22,388.44
Collection % of Current Levy	9.26%	98.90%	99.55%
Property Tax Rate Per \$100	\$ 0.670	\$ 0.670	\$ 0.660

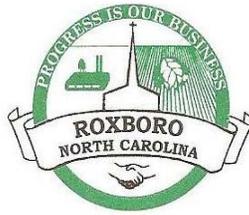
7. Assistant Manager's Report

Assistant City Manager's Report

Wastewater Treatment Plant – Work has begun on clearing the 10 acres at the waste water treatment plant. This is the first step in the plant upgrade.

Hurricane Preparedness – Public Services crews began hurricane preparedness this week. Public Work crews have been checking catch basins and culverts, and removing debris. Public Utilities have been fueling and checking generators and pumps. The Wastewater Treatment Plant has prepared a check list for high water and excessive inflow at the plant so all the operator will be aware of what action may be needed to prevent spills. All crews are making sure all necessary equipment is in running order and full of fuel.

8. Manager's Report



City of Roxboro

MEMORANDUM

TO: Mayor Newell and City Council
FROM: Brooks Lockhart
SUBJECT: Manager's Report
DATE: September 12th, 2017

- Please take note of several upcoming dates.
 - Kerr-Tar COG Annual Awards Banquet, September 28th, Vance Grandville Community College
 - City Manager Vacation, September 23-30th, Outer Banks
 - Municipal Elections, October 10th
 - City Council Meeting, October 17th, 7pm at City Hall (rescheduled)
- Trainings for staff on the new Purchasing Policy have been completed. Upon further review, City Staff has concluded that revisions to *City Code of Ordinances Chapter 36: Purchasing* and *Chapter: 37 Cash Management* will be revisited after the completion of the annual audit.
- The auditors spent the last week in August and the first week in September doing field work on our Audit at City Hall. The auditors provided feedback that our paperwork was very organized which helped to speed the process of the audit. I would like to thank the entire Finance Staff and HR Staff for their efforts in promptly providing information to the auditors.
- Staff at the USDA Rural Development is working on our application and mentioned it was currently in the underwriting review. Pending the conditional offer letter from USDA RD, we will need to put our WWTP Upgrade Project out for bid. After receiving bid numbers, we will be able to submit our application to appear before the Local Government Commission at their next meeting. The purpose of this meeting will be to allow the City to seek potential future debt for the construction of the Waste Water Treatment Plant Upgrades. We anticipate updating Council on this status in October.