

Form 3. Proof of service of complaint and notice of hearing.

FILE NO. _____

**PROOF OF SERVICE
COMPLAINT AND NOTICE OF HEARING**

Service of the attached Complaint and Notice was made on the _____ day of _____, 19____, by:

1. Delivering a copy of Complaint and Notice to _____ at _____

OR

2. Mailing a copy of Complaint and Notice by registered or certified mail to _____ at _____

OR

3. The name or whereabouts of the owner were unknown and could not, after due diligence, be discovered. This Notice and Complaint was served by publication after proper affidavit, as authorized by G.S. 160A-445 and by posting a copy thereof on the outside of the dwelling (unit) located at _____ on the date mentioned above (specify date of posting if different from above).

DATE _____

TOWN MANAGER _____

Note: If the complaint is served by registered or certified mail, keep the return receipt with this form. If the complaint is served by publication, keep the publisher's affidavit of publication with this form.

Form 4. Findings of fact and order.

FILE NO. _____

FINDINGS OF FACT AND ORDER

TO: Owners and parties in interest in the dwelling (unit) located at _____ in the Town of _____, North Carolina

The undersigned Town Manager of the Town of Maiden, pursuant to law, conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which the hearing was continued with previous notice to the above-named owners and parties in interest or their agents or attorneys. At the hearing, the Answer, if any, filed by the owners and parties in interest was read and considered, and the evidence, contentions, and views of the owners and parties in interest were carefully analyzed and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the dwelling (unit) described above, and such inspection and examination has been considered, along with the other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Building Inspector does hereby find the following facts:

1. The above-named owners and parties in interest with respect to the dwelling (unit) located at the place specified above were duly served as required by law with written Complaint and Notice of Hearing which set forth the Complaint that the dwelling (unit) located at the above address is unfit for human habitation and violative of the Town Housing Code, and the particulars thereof, and fixed a time and place for a hearing upon the complaint as provided by law. At the hearing the following owners, persons in interest, or their agents or attorneys, were present and participated therein: (insert names).

2. The building described above violates the Town Housing Code, by reason of the following conditions found to be present and to exist in and about the dwelling (unit):

- 1. (Specify the violation and applicable Housing Code section.)
- 2. Etc.

3. Due to these conditions the building described above is found to be in a (deteriorated) (dilapidated) condition within the meaning of the Town Housing Code, and to be unfit for human habitation.

IT IS THEREFORE ORDERED that the owners of the dwelling (unit) named above are required to bring such dwelling (unit) into compliance with the Housing Code by (repairing, altering or improving the deteriorated structure in order to render it fit for human habitation, or by vacating and closing the structure as a human habitation) (repairing, altering or improving the dilapidated structure in order to render it fit for human habitation or demolishing or removing the structure from the premises) by a date not later than the _____ day of _____, 19____. (A date not more than 90 days from the date of this order.)

This the _____ day of _____, 19_____.

TOWN MANAGER

Note: If necessary, the Town Manager's order may also require the dwelling or dwelling unit to be vacated and closed until the necessary repairs are made.

Form 5. Proof of service of findings of fact and order.

FILE NO. _____

PROOF OF SERVICE

FINDINGS OF FACT AND ORDER OF BUILDING INSPECTOR

Service of the attached Findings of Fact and Order was made on the _____ day of _____, 19____, by:

1. Delivering a copy of Findings of Fact and Order to _____
at _____

OR

2. Mailing a copy of Findings of Fact and Order by certified or registered mail to _____ at _____

OR

3. The name of whereabouts of the owner were unknown and could not, after due diligence, be discovered. This Findings of Fact and Order was served by publication, after proper affidavit, as authorized by G.S. 160A-445, and by posting a copy thereof on the outside of the dwelling located at _____ on the date mentioned above (specify date of posting, if different from above).

DATE TOWN MANAGER

Note: 1. If the Findings of Fact and Order are served by certified or registered mail, keep the return receipt with this form. If the Findings of Fact and Order are served by publication, keep the publisher's affidavit of publication with this form.

2. If the whereabouts of the owner are unknown, publication should not be undertaken until the Town Manager has executed an affidavit to that effect (see Form #2).

Form 6. Resolution to petition superior court.

FILE NO. _____

A RESOLUTION DIRECTING THE TOWN ATTORNEY TO PETITION THE SUPERIOR COURT FOR AN ORDER REQUIRING THE OWNER OF CERTAIN PROPERTY TO COMPLY WITH THE HOUSING CODE AND THE ORDER OF THE TOWN MANAGER ISSUED PURSUANT THERETO.

WHEREAS, the (Governing Body) of the Town of Maiden finds that the dwelling herein described is unfit for human habitation under the provisions of the Housing Code, and that all of the procedures of the Housing Code have been complied with; and

WHEREAS, the owner of this dwelling has failed to comply with a lawful order of the Town Manager to repair the same to meet the requirements of the Housing Code, or to demolish the same, within the time therein prescribed;

NOW, THEREFORE, BE IT RESOLVED by the (Governing Body) of the Town of Maiden that the Town Attorney is hereby authorized and directed to proceed, as authorized by G.S. 160A-446(g), to petition the Superior Court of Catawba County for an order requiring the owner of the dwelling located at _____

_____ in the Town of Maiden, North Carolina to take such steps as may be necessary to comply fully with the order of the Town Manager issued on the _____ day of _____, 19_____.

Adopted this _____ day of _____, 19_____.

MAYOR

ATTEST:

TOWN CLERK

Form 7. Ordinance to repair and placard dwelling.

FILE NO. _____

AN ORDINANCE DIRECTING THE BUILDING INSPECTOR TO REPAIR THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED.

WHEREAS, the (Governing Body) of the Town of Maiden finds that the dwelling described herein is unfit for human habitation under the Town Housing Code, and that all of the procedures of the Housing Code have been complied with; and

WHEREAS, this dwelling should be repaired to meet the requirements of the Housing Code, as directed by the Town Manager, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160A-443(5) pursuant to an order issued by the Town Manager on _____, and the owner has failed to comply with the order;

NOW, THEREFORE, BE IT ORDAINED by the (Governing Body) of the Town of Maiden, that:

Section 1. The Town Manager is hereby authorized and directed to place a placard containing the legend:

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

on the building located at the following address: _____

Section 2. The Town Manager is hereby authorized and directed to proceed to repair, alter or improve and (if necessary) to vacate and close the above described dwelling in accordance with the order to the owner thereof dated the _____ day of _____, 19____, and in accordance with the Housing Code and G.S. 160A-443.

Section 3. The cost of repairs, alterations or improvements, or of vacating and closing shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Town Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A. Upon completion of the required repairs, alterations or improvements, the Town Manager shall certify the cost of same to the Tax Collector.

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This ordinance shall become effective upon its adoption.

Adopted this _____ day of _____, 19____.

MAYOR

ATTEST:

TOWN CLERK

Note: This ordinance must be recorded in the office of the Register of Deeds in the county where the property is located and must be indexed in the name of the property owner in the grantor index.

Form 8. Ordinance to demolish, remove, and post notice on property.

FILE NO. _____

AN ORDINANCE DIRECTING THE TOWN MANAGER TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED.

WHEREAS, the (Governing Body) of the Town of Maiden finds that the dwelling described herein is unfit for human habitation under the Town Housing Code, and that all of the procedures of the Housing Code have been complied with; and

WHEREAS, this dwelling should be removed or demolished, as directed by the Town Manager, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160A-443(5) pursuant to an order issued by the Town Manager on _____, and the owner has failed to comply with the order;

NOW, THEREFORE, BE IT ORDAINED by the (Governing Body) of the Town of Maiden, that:

Section 1. The Town Manager is hereby authorized and directed to place a placard containing the legend:

“This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.”

on the building located at the following address: _____

Section 2. The Town Manager is hereby authorized and directed to proceed to remove or demolish the described above dwelling in accordance with his order to the owner thereof dated the _____ day of _____, 19____, and in accordance with the Housing Code and G.S. 160A-443.

Section 3. (a) The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the (City) (Town) Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of G.S. Chapter 160A.

(b) Upon completion of the required removal or demolition, the Town Manager shall sell the materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Town Manager shall certify the remaining balance to the Tax Collector. If a surplus remains after sale of the materials and satisfaction of the cost of removal or demolition, the Town Manager shall deposit the surplus in the Superior Court where it shall be secured and disbursed in the manner provided by G.S. 160A-446(6).

Section 4. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared to be unfit for human habitation.

Section 5. This ordinance shall become effective upon its adoption.

Adopted this _____ day of _____, 19____.

MAYOR

ATTEST:

TOWN CLERK

Note: This ordinance must be recorded in the office of the Register of Deeds in the county where the property is located and must be indexed in the name of the property owner in the grantor index.

Form 9. Notice of appeal.

FILE NO. _____

STATE OF NORTH CAROLINA)

)

COUNTY OF CATAWBA)

BEFORE THE ZONING BOARD

)

OF ADJUSTMENT

TOWN OF MAIDEN)

)

IN RE DWELLING LOCATED AT _____)

)

NOTICE OF APPEAL

_____)

To the Zoning Board of Adjustment and the Town Manager of the Town of Maiden.

Take notice that the undersigned appeals to the Zoning Board of Adjustment of the Town of Maiden from the order of the Town Manager, dated the _____ day of _____, 19____, relating to the dwelling located at _____

This appeal is taken for the following reasons:

This the _____ day of _____, 19____.

APPELLANT

Filed with the Building Inspector _____

TOWN MANAGER

Filed with the Zoning Board of Adjustment _____

CLERK

Form 10. Notice of hearing of appeal.

FILE NO. _____

**NOTICE OF HEARING OF THE ZONING BOARD OF ADJUSTMENT
ON APPEAL FROM ORDER OF BUILDING INSPECTOR**

TO: _____

Notice is hereby given that the Zoning Board of Adjustment will conduct a hearing at _____ o'clock ____m. on the _____ day of _____, 19____, at the Town Hall, on your appeal from the order of the Town Manager dated the _____ day of _____, 19____, concerning the property located at _____
_____. At such hearing you may be heard in person or by agent or counsel upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence as you may desire which is relevant or material to the order.

This the _____ day of _____, 19____.

CLERK
ZONING BOARD OF ADJUSTMENT

Form 11. Affidavit of service by publication.

Note: If the whereabouts of an owner are unknown, this affidavit form should be executed by the Clerk to the Zoning Board of Adjustment *prior to* publication in a newspaper.

This form can be used in connection with publication of the notice of hearing (Form #10) or an order of the Board (Form #13).

STATE OF NORTH CAROLINA)
)
 COUNTY OF CATAWBA) AFFIDAVIT
)
 TOWN OF MAIDEN) SERVICE BY PUBLICATION
)
 IN RE DWELLING LOCATED AT)
 _____)

(Name of Clerk to Zoning Board of Adjustment), being first duly sworn, deposes and says:

1. That he is the Clerk to the Zoning Board of Adjustment of the Town of _____, the body which is authorized to hear appeals arising under the Town Housing Code; and
2. That (name of owner(s) of dwelling) (is) (are) the owner(s) of the above-entitled dwelling; and
3. That according to the information and belief of the clerk the whereabouts of the owner(s) are unknown and cannot be ascertained by the clerk in the exercise of reasonable diligence; and
4. That service of the (notice of hearing) (order) of the Zoning Board of Adjustment must be made by publication in a newspaper having general circulation in the Town as authorized by G.S. 160A-445 and by posting a copy thereof on the outside of the dwelling at the location stated above.

 CLERK
 ZONING BOARD OF ADJUSTMENT

Sworn to and subscribed before me, this, the _____ day of _____, 19____.

NOTARY PUBLIC

My Commission Expires: _____

Form 12. Proof of service of notice of hearing.

FILE NO. _____

PROOF OF SERVICE

NOTICE OF HEARING OF THE ZONING BOARD OF ADJUSTMENT

Service of the attached Notice was made on the _____ day of _____, 19____, by:

1. Delivering a copy of the Notice to _____

OR

2. Mailing a copy of Notice by registered or certified mail to _____

OR

3. The name or whereabouts of the owner cannot, after due diligence, be discovered, and this Notice was served by publication, after proper affidavit, as authorized by G.S. 160A-445 and by posting a copy thereof on the outside of the dwelling at the above-stated location on the above-mentioned date (specify date if different from above).

CLERK
ZONING BOARD OF ADJUSTMENT

Note: If the notice of hearing is served by certified or registered mail, keep the return receipt with this form. If the notice of hearing is served by publication, keep the publisher's affidavit of publication with this form.

Form 13. Order.

FILE NO. _____

STATE OF NORTH CAROLINA)
)
COUNTY OF CATAWBA) BEFORE THE ZONING BOARD
) OF ADJUSTMENT
TOWN OF MAIDEN)
IN RE DWELLING LOCATED AT)
) ORDER
)

The appeal in the above-entitled matter having been heard after due notice, the Zoning Board of Adjustment in its discretion finds, and it is hereby ordered, that the Findings of Fact and Order of the Town Manager dated the _____ day of _____, 19____, are (affirmed) (reserved) (modified) in the following respects: _____

_____ ,
for the following reasons: _____

This the _____ day of _____, 19____.

CHAIRMAN
ZONING BOARD OF ADJUSTMENT

CLERK

Form 14. Proof of service of order.

FILE NO. _____

**PROOF OF SERVICE
ORDER OF HOUSING APPEALS BOARD**

Service of the attached Order was made on the _____ day of _____, 19____, by:

1. Delivering a copy of the Order to _____

OR

2. Mailing a copy of the Order by certified or registered mail to _____

OR

3. The name or whereabouts of the owner cannot, after due diligence, be discovered, and this Order was served by publication, after proper affidavit, as authorized by G.S. 160A-445 and by posting a copy thereof on the outside of the dwelling at the above-stated location on the above-mentioned date.

CLERK
ZONING BOARD OF ADJUSTMENT

Note: 1. If the notice of hearing is served by certified or registered mail, keep the return receipt with this form. If the notice of hearing is served by publication, keep the publisher's affidavit of publication with this form.

2. If the whereabouts of the owner are unknown, publication should not be undertaken until the Town Manager has executed an affidavit to that effect (see Form #11).

APPENDIX E

FORMS RELATING TO MINIMUM HOUSING STANDARDS*

Form 1. Complaint and notice of hearing.

FILE NO. _____

COMPLAINT AND NOTICE OF HEARING BEFORE
BUILDING INSPECTOR UNDER HOUSING CODE

TO: Owners and parties in interest in the dwelling (unit) located at _____
in the Town of Maiden, North Carolina.

YOU ARE HEREBY NOTIFIED that the dwelling (unit) located at the place designated above is in a condition that appears to be unfit for human habitation and to violate the Town Housing Code in the following ways.

1. (Specify the violation and the applicable Housing Code Section.)
2. Etc.

YOU ARE FURTHER NOTIFIED that a hearing will be held before the Town Manager of the Town of Maiden at his office in the Town Hall at _____ o'clock, ____m. on the _____ day of _____, 19____ (a time not less than ten nor more than 30 days after serving of the complaint) for the purpose of finding the facts as to whether or not the condition of such building falls within the scope of the above-mentioned sections of the Housing Code. At the hearing, you shall be entitled to file answer to the complaint and to be heard in person or by counsel upon all legal or factual questions relating to this matter and shall be entitled to offer such evidence which is relevant or material to the questions sought to be determined or the remedies sought to be effected.

YOU ARE FURTHER NOTIFIED that if, upon such hearing, the Town Manager shall find that the conditions in the above-described dwelling (unit) do in fact violate the Housing Code, and do in fact render such dwelling (unit) unfit for human habitation, the Town Manager will issue an order in writing directed to the owner of such dwelling (unit) requiring the owner to remedy these conditions by repairing the same or by vacating and demolishing or removing the same, or by taking such other steps as may be necessary to remedy these conditions. The Town Manager may make such other orders and take such other procedures as are authorized under the Housing Code and the General Statutes of North Carolina.

Further information as to this matter may be obtained by contacting the undersigned.

This the _____ day of _____, 19_____.

TOWN MANAGER

*Editor's note--If a Housing Appeals Board has been created to hear appeals involving this code, then the words "Housing Appeals Board" should be substituted for the words "Zoning Board of Adjustment" throughout Forms 9 through 14.

Form 2. Affidavit of service by publication.

Note: If the whereabouts of an owner are unknown, this affidavit form should be executed by the Town Manager *prior to* publication in a newspaper. This form can be used in connection with publication of the complaint (Form #1) or the findings of fact and order (Form #4).

FILE NO. _____

STATE OF NORTH CAROLINA)
)

COUNTY OF CATAWBA)

AFFIDAVIT

TOWN OF MAIDEN)

SERVICE BY PUBLICATION

IN RE DWELLING LOCATED AT _____

(Name of Town Manager), being first duly sworn, deposes and says:

1. That he is the Town Manager of the Town of Maiden, duly authorized to enforce the Town Housing Code against the above-entitled dwelling; and
2. That (name of owner(s) of dwelling) (is) (are) the owner(s) of the above-entitled dwelling; and
3. That, according to the information and belief of the Town Manager, the whereabouts of the owner(s) are unknown and cannot be ascertained by the Town Manager in the exercise of reasonable diligence; and
4. That service of the (complaint) (findings of fact and order) must be made by publication in a newspaper having general circulation in the Town, as authorized by G.S. 160A-445.

TOWN MANAGER

Sworn to and subscribed before me, this, the ____ day of _____, 19 ____.

NOTARY PUBLIC

My Commission Expires: