

TOWN OF GARNER



TOWN COUNCIL WORK SESSION

August 29, 2017
6:00 P.M.

Garner Town Hall
900 7th Avenue
Garner, NC 27529

**Town of Garner
Work Session Agenda
August 29, 2017**

Dinner will be served for town officials in the Conference Room at 5:15 p.m.

The Council will meet in a Work Session at 6:00 p.m. in the Council Chambers located at 900 7th Avenue.

A. CALL MEETING TO ORDER/ROLL CALL

B. ADOPTION OF AGENDA

C. REPORTS/DISCUSSION

1. Depot Relocation Task Force Update Page 2
Presenter: Mari Howe, Downtown Development Manager

GRA will provide an update on the progress of forming a volunteer committee to evaluate alternative locations for the historic train depot in Downtown Garner.

2. Nuisance/Compliance Discussion Page 3
Presenter: John Hodges, Assistant Town Manager - Development Services & Tony Beasley, Inspections Director

As requested by Council staff has completed a review of Code Compliance ordinance, processes, workload and staffing.

3. DOT Project Update – Raynor Rd, 50 Bridge, 70/Timber Interchange Page 14
Presenter: Jeff Triezenberg, Planning Director

Staff will provide an update on the two upcoming bridge replacement projects - NC 50 over US 70 and Raynor Road over White Oak Creek - and the STIP project for conversion of the intersection of Timber Drive/Hammond Road with US 70 to an interchange.

D. COUNCIL REPORTS

E. MANAGER REPORTS

F. ADJOURNMENT

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: August 29, 2017		
Subject: Depot Relocation Task Force Update		
Location on Agenda: Reports		
Department: Economic Development		
Contact: Mari Howe, Downtown Development Manager		
Presenter: Mari Howe, Downtown Development Manager		
<p>Brief Summary:</p> <p>GRA will report back to council regarding progress in forming a volunteer committee to evaluate alternative locations for the historic train depot in Downtown Garner.</p>		
Recommended Motion and/or Requested Action:		
<p>Detailed Notes:</p> <p>The Depot Relocation Task Force has met a number of times to give input regarding potential sites and uses for the depot. Staff developed a list of town-controlled sites for relocation and vetted sites for technical viability and long term likelihood of redevelopment. The task force is prepared to make a final recommendation for relocating the depot at this time.</p>		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:		
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: August 29, 2017		
Subject: Code Compliance Ordinance and Staffing Review		
Location on Agenda: Reports		
Department: Inspections		
Contact: John Hodges, Assistant Town Manager - Development Services		
Presenter: John Hodges, Assistant Town Manager-Development Services & Tony Beasley, Inspections Director		
Brief Summary: Staff, along with the Town Attorney, has completed a review of Code Compliance ordinance, processes, workload and staffing as requested by Council. A summary of our findings is included in the attached memorandum to guide discussion at the August 29, 2017 Council Work Session.		
Recommended Motion and/or Requested Action: Receive report and direct staff as needed.		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: <input checked="" type="radio"/> No: <input type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JMH	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		



Town Manager's Office Memorandum

TO: Town Council

FROM: John Hodges, Assistant Town Manager – Development Services

DATE: August 29, 2017

SUBJECT: Code Compliance Ordinance and Staffing Review

Staff, along with the Town Attorney, has completed a review of Code Compliance ordinance, processes, workload and staffing as requested by Council. A summary of our findings is included in this memorandum to guide discussion at the August 29, 2017 Council Work Session.

Nuisance Ordinance

The Town's ordinance, included for your review, allows the Town to enforce all nuisance issues that are allowable by statute. Staff works diligently to ensure that their interpretation of the ordinance is fair and that it is administered consistently throughout town. Staff notes that there may be situations that are reported as nuisances that are beyond our ability to regulate, such as storage in carports.

Unified Development Ordinance (UDO)

Staff has identified several changes or clarifications that need to be made to the UDO. Some of these have come to light or have increased awareness since the recent expansion of the Town's extraterritorial jurisdiction or ETJ. While these updates are needed, staff believes they can be addressed in the upcoming re-write of the UDO which will begin after completion of the Comprehensive Plan. Staff has processes in place to bridge the gap until the changes are made. Please note that none of the issues identified prevent staff from enforcing basic nuisance situations.

Staffing

The Code Compliance division of the Inspections Department is made up of two positions – Chief Code Compliance Officer currently staffed by Doug Greiner and a supplemental (part time) Code Compliance Officer position which is vacant and being advertised.

In calendar 2016, the division handled 263 cases which resulted in 1,094 inspections. Zoning violation caseload was not tracked during this time due to a database issue. For the first seven months of 2017 (January through June), 346 nuisance cases were handled generating 752 inspections. 30 zoning cases were also handled during this period. The workload continues to grow for this division and, should Council request additional attention to nuisance issues, the demand may exceed capacity of the current structure.

The 2017-2018 proposed budget included conversion of the supplemental code compliance position to full-time. This request, totaling \$55,857, was not funded due to the demand for additional hours in fire and building inspections. While we have someone temporarily filling the supplemental position, the Inspections Director has not been successful finding qualified candidates looking for part-time positions.

If Council decides that additional resources should be added to the Code Compliance division, staff recommends revisiting the opportunity to make position full-time instead of increasing supplemental hours.

Staff and the Town Attorney will be prepared to discuss this issue in greater detail at the August 29, 2017 Work Session.

Chapter 6 - HEALTH AND SANITATION GENERALLY^[1]

Footnotes:

--- (1) ---

Cross reference— Animals and fowl, Ch. 3; garbage, refuse, rubbish and waste, Ch. 5; water and sewers, Ch. 17.

State Law reference— General authority for town to pass ordinances relative to public health, G.S. § 160A-174.

ARTICLE I. - IN GENERAL

Secs. 6-1—6-15. - Reserved.

ARTICLE II. - NOXIOUS WEEDS AND GRASS AND SIMILAR NUISANCES^[2]

Footnotes:

--- (2) ---

Cross reference— Sight obstructions at intersections, § 15-28 et seq.

State Law reference— Authority for town to abate public health nuisances, G.S. § 160A-193.

Sec. 6-16. - Procedures in article not exclusive.

The procedures set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this article shall not prevent the town from proceeding in a criminal action against any person violating the provisions of this article as provided in General Statutes, section 14-4.

(Ord. No. 1198, § 7, 6-17-69)

Sec. 6-17. - Nuisances declared.

The following enumerated and described conditions 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 town and are found, deemed and declared to be public nuisances wherever the same may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

- (1) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats, snakes, or other pests, or has the potential for becoming a breeding ground or harbor for such pests;

- (2) A place of heavy growth of weeds or grass over twelve (12) inches in height, provided, however, that for purposes of this subsection the term "grass" refers to turf grasses which in common usage and custom are generally mowed to a height of significantly less than twelve (12) inches, and this subsection does not apply to plant material within the general botanical category of grasses which naturally grow to and are customarily maintained at heights in excess of twelve (12) inches.
- (3) A place overgrown with (a) vines, shrubs or other vegetation or (b) accumulated yard waste over eight (8) inches in height;
- (4) A place of growth of noxious vegetation, including poison sumac (*Rhus vernix*), poison ivy (*Rhus radicans*) or poison oak (*Rhus toxicodendron*), in a location likely to be accessible to the general public;
- (5) An open place of collection of water for which no adequate natural drainage is provided and where insects tend to breed or which is or is likely to become a nuisance or a menace to public health;
- (6) An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;
- (7) Is an open place of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
- (8) An open accumulation of construction demolition debris, provided that if the same is in a dumpster, trailer or truck bed, it shall not be considered to be "open."
- (9) Hides, dried or green, provided the same may be kept for sale in the town when thoroughly cured and odorless;
- (10) Any furniture, appliances, automotive parts or pieces or other wood or metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement, or areas which may provide a habitat for rats, snakes, insects or other pests;
- (11) Any improper or inadequate drainage on private property which causes flooding, interferes with the use of, or endangers in any way the streets, sidewalks, parks or other town-owned property of any kind;
- (12) Any stormwater retention or detention pond or other impoundment device or stormwater quality control device, which is operating improperly; provided further, that this subsection applies in the town's extraterritorial jurisdiction as well as within the town limits;
- (13) Any storm drain, sewer manhole, abandoned well or other private or public facility which is not properly covered with a grate or other means to remove any hazard to pedestrians or motor traffic;
- (14) Any ditch, trench or below ground portion of a construction project which remains open for more than fourteen (14) days without being completed or which is not protected with barricades, flags or other means so as to constitute a hazard to pedestrians or motor traffic;
- (15) Failure to clean or clear a public street of mud and debris related to a construction, timbering or other similar land use project within twelve (12) hours after notification by the town manager or his designee for major and minor thoroughfares or within twenty-four (24) hours after such notification for collector and local streets; however, if it is found by the town manager or his designee that the situation is causing a clear and present danger or hazard to traffic or the general public, such cleaning or clearing may be required to take place as soon after notification as practicable;
- (16) Any condition which violates the rules and regulations of the Wake County Health Department;
- (17) Dead or dying trees which because of their condition and location near public rights-of-way and easement, including streets, sidewalks, bikeways and greenways, constitute a potential hazard to pedestrian or motor traffic. (The abatement shall include such portion of the trunk, as well as the limbs, as ordered by the building inspector. Where the opinion of an arborist is required to determine the condition of the tree, the cost shall become a lien pursuant to section 6-23.)

- (18) A structure which is not fully enclosed due to casualty or deterioration of glazing, doors or other building components sufficient to deter unauthorized access and prevent the entry of rain;
- (19) A residential structure which is boarded up without having been ordered by a building inspector, or pursuant to a permit, except where boarded up in emergency preparedness for an imminent disaster such as a hurricane; or
- (20) Combustible landscaping materials prohibited:
 - a. No pine straw or other combustible landscaping materials with a fire rate of spread more than twenty-four (24) inches per minute shall be placed, kept, or stored within ten (10) feet of any buildings with combustible exterior construction.
 - b. This provision shall not apply to one- and two-family dwellings as defined in Section R101.2 of the North Carolina Residential Building Code, as the same may be amended; nor shall it apply to pine straw falling from trees located on the same parcel as the dwelling.

The owner or occupant of a property which is subject to this subsection may obtain a grace period of up to four (4) months upon the showing of good faith efforts to comply;

- (21) Any other condition specifically declared to be a danger to the public health, safety, morals and general welfare of inhabitants of the city and a public nuisance by the town council, which proceeding may be initiated by the town manager or his designee before the council after giving written notice thereof. Such notice shall state the condition existing, the location and that the council will be requested on a day certain, after a public hearing at which the person notified may appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the city and a public nuisance. After such declaration by the council in the form of an ordinance, the condition will be abated as provided for in this chapter, provided no administrative appeal shall lie from a proceeding pursuant to the subsection and initiated by the town manager or his designee before the town council.

(Ord. No. 1198, § 1, 6-17-69; Ord. No. 2362, §§ 1—3, 6-5-89; Ord. No. 2479, § 1, 5-6-91; Ord. No. 3009, § 1, 3-5-01; Ord. No. 3225, § 2, 12-2-02; Ord. No. 3589, §§ 1—3, 7-20-10; Ord. No. 3657, § 1, 3-5-12; Ord. No. 3741, § 1, 7-22-14)

Sec. 6-18. - Duty to cause investigation of possible nuisances.

The town manager, or his designee, upon notice from any person of the existence of any of the conditions described in this article, shall cause to be made by the appropriate county health department official or town official such investigation as may be necessary to determine whether in fact such condition exists as to constitute a public nuisance.

(Ord. No. 1198, § 2, 6-17-69; Ord. No. 2479, § 2, 5-6-91)

Sec. 6-19. - Nuisance abatement inspection fee.

Pursuant to General Statutes, section 160A-414, a fee for inspecting nuisances defined in this article shall be charged to the owner of such lot or parcel of land. It shall be the duty of the tax collector to mail a statement of such fee to the owner or other person in possession of such premises with instructions that such fee is due and payable within thirty (30) days from the receipt thereof.

- (1) *Fees enumerated.* The fee for such inspections is set out in the Fees and Charges Ordinance.
- (2) *Extra inspections.* The fee referenced above entitles the permittee to an initial inspection plus one (1) additional inspection for the corrected work. For each inspection in excess of these, there shall be an additional charge.

(Ord. No. 1930, § 1, 6-25-84; Ord. No. 2357, § 2, 5-16-89)

Sec. 6-20. - Duty to give notice of existence of nuisance and require abatement.

- (a) Upon a determination that a public nuisance as described in this article exists, the town manager or his designee shall notify in writing the owner, occupant or person in possession of the premises in question of the condition constituting such public nuisance and shall order the prompt abatement thereof within ten (10) days from the receipt of such written notice, or if proof of the delivery of the written notice cannot be obtained, within ten (10) days of the mailing of such notice to the owner's last known address as listed with the Wake County Tax Collector, and in addition notice may be published in a newspaper of general circulation.
- (b) Within the ten-day period mentioned in subsection (a) above, the owner of the property where the nuisance exists may appeal the findings of the town manager or his designee made pursuant to subsection (a) above to the town council by giving written notice of appeal to the town clerk. The filing of the appeal shall stay the abatement of the nuisance by the town until a final determination by the council, unless the town manager or his designee certifies to the council that, because of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property or that, because the violation is transitory in nature, a stay would seriously interfere with the effective enforcement of this chapter. In that case, abatement proceedings shall not be stayed except by order of the town council or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the town manager or his designee. In the event no appeal is taken, the town may proceed to abate the nuisance.
- (c) The council, in the event an appeal is taken as provided in subsection (b) above and after hearing all interested persons and reviewing the findings of the town manager or his designee, may reverse the findings made pursuant to subsection (a) above; but if the council shall uphold the findings of the town manager or his designee made pursuant to such subsection, the council shall adopt an ordinance specifically declaring the condition existing on the property to be a danger and hazard to the health, safety, morals and general welfare of the inhabitants of the town and a public nuisance and directing the appropriate town employees to cause the condition or conditions to be abated.
- (d) If any of the above-defined nuisances are found to exist, the responsibility for abatement shall rest with the owner, occupant or person in possession of the property or their agent, notwithstanding that the nuisance is found to exist, wholly or in part, within a town easement which crosses private property.

(Ord. No. 1198, § 3, 6-17-69; Ord. No. 1930, § 2, 6-25-84; Ord. No. 2362, § 4, 6-5-89; Ord. No. 2479, §§ 3, 4, 5-6-91; Ord. No. 3390, § 1, 3-21-06)

Sec. 6-21. - Abatement of nuisance by town; violator may have town abate nuisance.

- (a) If any person, after having been ordered to abate a public nuisance described in this article, fails, neglects or refuses to abate or remove the condition constituting the nuisance within ten (10) days from mailing of the order, the town manager or his designee shall cause the condition to be removed or otherwise remedied by having employees of the town or a private contractor hired by the town go upon such premises and remove or otherwise abate such nuisance under the supervision of an officer or employee designated by the administrative officer. In such instances, weeds or grass shall always be cut to a height satisfactory to the manager or his designee.
- (b) Any person who has been ordered to abate a public nuisance may within the time allowed by this article request the town in writing to remove such condition, the cost of which shall be paid by the person making such request.
- (c) Nuisance abatement by the town in the form of grass cutting will not include cutting in areas which are inaccessible, will not include cutting of living trees and will not involve cutting on any lot which is located

more than two hundred (200) feet from an improved lot (meaning one on which there is an existing residence or commercial structure).

(Ord. No. 1198, § 4, 6-17-69; Ord. No. 1587, § 1, 6-4-79; Ord. No. 1930, § 2, 6-25-84; Ord. No. 2479, § 5, 5-6-91; Ord. No. 3390, § 2, 3-21-06; Ord. No. 3580, § 1, 5-3-10)

Sec. 6-22. - Cost of nuisance abatement to be charged to owner of premises; statement of charges.

The actual cost incurred by the town in removing or otherwise remedying a public nuisance defined in this article shall be charged to the owner of such lot or parcel of land, and it shall be the duty of the tax collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof.

(Ord. No. 1198, § 5, 6-17-69; Ord. No. 1930, § 2, 6-25-84)

Sec. 6-23. - Lien created upon failure to pay nuisance abatement costs.

In the event charges for the removal or abatement of a public nuisance described by this article are not paid within thirty (30) days after the receipt of the statement of charges as provided for in section 6-22, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes.

(Ord. No. 1198, § 6, 6-17-69; Ord. No. 1930, § 2, 6-25-84)

Sec. 6-24. - Nonconformities.

Maintaining a residential structure with window and/or door openings or other wall openings boarded up for more than six (6) months after the adoption of this ordinance [from which this section derives] without having applied for a permit shall be unlawful.

(Ord. No. 3657, § 4, 3-5-12)

Sec. 6-25. - Annual notice to chronic violators of public nuisance ordinances.

The notice given to violators required in section 6-20 is modified as set forth herein for chronic violators. A chronic violator is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three (3) times under any provision of the public nuisance ordinance. The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of the article, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail.

(Ord. No. 3578, § 1, 4-5-10; Ord. No. 3657, § 4, 3-5-12)

Editor's note— Section 1 of Ord. No. 3578, adopted April 5, 2010, repealed the former § 6-24 and enacted a new § 6-24 as set out herein. The former § 6-24 pertained to second and subsequent violations, and derived from Ord. No. 1198, adopted June 17, 1969; and Ord. No. 1930, adopted June 25, 1984.

Section 4 of Ord. No. 3657, adopted March 5, 2012, added new provisions designated as § 6-24, renumbering former §§ 6-24—6-26 as 6-25—6-27.

Sec. 6-26. - Civil penalty provided.

- (a) A violation of any provision of this section [article] shall constitute a misdemeanor punishable as provided in section 1-8 or a civil penalty as set forth below.
- (b) A violation of any provision of this section [article] shall subject the offender to a civil penalty in the amount of one hundred fifty dollars (\$150.00) for the first offense, plus the cost of abating the nuisance. No penalty for the first offense after January 1, 2003 shall be imposed if the offender abates the nuisance within ten (10) days of notice of the violation. A second or subsequent violation of any provision of this section [article] shall subject the offender to a civil penalty in the amount of three hundred dollars (\$300.00) plus costs of abatement.
- (c) The offender shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid within ten (10) days of its receipt by the offender.
- (d) The penalty may be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he or she has been issued a citation.

(Ord. No. 2479, § 6, 5-6-91; Ord. No. 3225, § 3, 12-2-02; Ord. No. 3657, § 4, 3-5-12)

Editor's note— Former § 6-25. See editor's note to § 6-25.

Sec. 6-27. - Alternative nuisance abatement.

In addition to other enforcement procedures set forth herein, nuisances may be abated and violations enforced as set forth below.

- (1) Where an offender has been issued a written citation by delivery in person, the offender may avoid the penalty becoming past due on the tenth day thereafter only by fully abating the nuisance or filing a notice of appeal within the ten-day period.
- (2) Where citations have been issued to both an occupant and a non-occupant owner for the same nuisance condition on the same premises, the filing of a notice of appeal by either the occupant or non-occupant owner shall be deemed to be also on behalf of the other.
- (3) When a notice of appeal is filed, the appeal will be heard by the chief building inspector or designee within five (5) days of the filing of the notice of appeal. Postponements of the appeal hearing will be allowed only for extraordinary reasons.
- (4) If the nuisance has not been abated and if no notice of appeal has been filed, the inspector shall re-inspect the premises as soon as practicable following the expiration of ten (10) days from the notice of violation, and if the nuisance has not been abated, shall take steps to abate the nuisance as set forth in subsection 6-21(a).
- (5) Following abatement, the offender shall be issued a written supplement to the citation detailing the amount of the penalty and the clean-up bill. If the penalty and clean-up bill are not paid within ten (10) days of either hand delivery to the offender, or mailing to the offender by certified mail, the penalty and abatement expenses may be recovered in a civil action in the nature of a debt, and/or collected in accordance with existing state law, including collecting costs of abatement as a lien on real property.
- (6) When any property within the town is allowed by the occupant and/or owner to be in a condition constituting a nuisance as defined in section 6-17, the violation exists separately and independently on the part of the occupant and any non-occupant owner of the premises. A non-occupant owner who is an offender under this section [article] shall, to the extent practicable, be subjected to the penalties, recovery of abatement costs, and misdemeanor prosecution, as well as an occupant, provided that while a civil penalty may be recovered or a misdemeanor prosecution may be had against both occupant and non-owner occupant for the same nuisance

condition, if the town shall have recovered the abatement costs from one (1) party, it may not recover the same cost from a second party.

(Ord. No. 3225, § 4, 12-2-02; Ord. No. 3657, § 4, 3-5-12)

Editor's note— Former § 6-26. See editor's note to § 6-25.

Sec. 6-28. - Enclosing structures.

- (a) All structures shall be enclosed with building materials appropriate to the residence house sufficient to deter unauthorized access and prevent the entry of rain; where the openings are windows and/or doors, the windows and doors shall be of a material and type appropriate to the structure and designed to be sufficient to deter such entry, except as set forth hereinafter.
- (b) A structure must be boarded up temporarily by the owner if a building inspector orders the same upon investigation, which may arise from a request from the Garner Police Department or Garner Volunteer Fire and Rescue, Inc., that there are circumstances that temporary boarding-up is necessary to protect life or property.
- (c) The building inspector may give notice of such an order by hand delivery or by posting a copy of the same conspicuously on the premises. If an owner who has been ordered to board up a structure by a building inspector fails to do so within five (5) business days, the building inspector may request the public works department of the town to abate the nuisance and the cost thereof shall become a lien on the owner's property to the full extent provided by law.
- (d) An owner who wishes to appeal from an order to board up a structure, or from the denial of a permit, or the denial of an extension of a permit, may appeal within ten (10) days to the town manager or his designee, provided, that if the appeal is from an order of an inspector to board up a structure, the appeal must be filed within five (5) days of the issuance of the order and will be set for an administrative hearing as promptly as possible.

(Ord. No. 3657, § 2, 3-5-12)

Sec. 6-29. - Boarding up residential structures by owners.

- (a) Where a building inspector finds that there are circumstances such as damage to the structure by accident, wind, fire, collision, Act of God or nature which render it unusually difficult or impracticable for the owner to install windows and/or doors, or enclose other openings with permanent components promptly, a residential structure may be boarded up temporarily by the owner or owner's agent pursuant to issuance of a permit.
- (b) Such a permit may be issued by a building inspector upon receipt of an application for a permit. Prior to issuance of a permit, or extending a permit, the owner or owner's agent shall confer with a building inspector to discuss alternatives considered preferable by the town as set forth in the preamble to this ordinance [from which this section derives].
- (c) A permit to board up a structure must contain the following information:
 - (1) The full name, mailing address and telephone number of the owner and of any person applying as agent of the owner;
 - (2) The address and tax parcel number of the structure to be boarded up;
 - (3) The owner's plan for the occupancy, repair, including replacement of the temporary boarding-up material by appropriate glazing, doors and other suitable building components, or demolition of the structure, including the deadline for coming into compliance and removing the boards;

- (4) The owner's plan for regular maintenance during the period the structure is boarded up and such other information as the inspection department shall from time to time deem necessary;
 - (5) The owner's agreement to install the boarding-up materials in a manner consistent with guidelines adopted by the inspections department;
 - (6) The owner shall have a continuing duty to promptly supplement information required by this section in the event as circumstances change.
- (d) A permit may be revoked for failure to comply with the terms thereof.
 - (e) The application fee for a boarding-up permit, or for an extension of such a permit, shall be twenty dollars (\$20.00) or as otherwise established in the town's fees and charges ordinance.
 - (f) The duration of a permit allowing a residential structure to be boarded up, and the duration of an order [from] a building inspector to board up a nonresidential structure, shall be no more than six (6) months, except where an extension is granted pursuant to subsection (e).
 - (g) Upon application and submission of good grounds therefor, a building inspector may issue a subsequent permit for an extended period upon finding that there are factors which require an extension of a residential boarding-up permit for an extended period and the boarding up is accomplished in a fashion consistent with the appearance of the structure, such as using exterior shutters or millwork of a similar appearance on a residential structure, or otherwise giving due concern to the appearance of the structure and impact on the neighboring properties.
 - (h) Factors which may justify the extension of a permit include an unresolved insurance claim for repair or replacement (other than inexcusable delay by the homeowner), hardship, and security concerns which can not reasonably be accomplished by some method other than by boarding up, (such as by using high-impact synthetic glazing or similar materials.) In evaluating security concerns, the building inspector may consider the use of the property and the value of the structure and its contents, and the burden on the owner and the expense thereof, of securing the property in some other fashion.
 - (i) Except as ordered or permitted by this ordinance [from which this section derives], it shall be unlawful to board up a residential structure.

(Ord. No. 3657, § 3, 3-5-12)

Town of Garner
Town Council Meeting
Agenda Form

Meeting Date: August 29, 2017		
Subject: NCDOT Project Updates: NC 50 Bridge, Raynor Rd. Bridge & Timber/70 Interchange		
Location on Agenda: Discussion		
Department: Planning		
Contact: Jeff Triezenberg, Planning Director		
Presenter: Jeff Triezenberg, Planning Director		
Brief Summary: Staff will provide the Council with a status update on the two upcoming bridge replacement projects - NC 50 over US 70 and Raynor Road over White Oak Creek - and the STIP project for conversion of the intersection of Timber Drive/Hammond Road with US 70 to an interchange.		
Recommended Motion and/or Requested Action: Receive information.		
Detailed Notes:		
Funding Source:		
Cost:	One Time: <input type="radio"/>	Annual: <input type="radio"/> No Cost: <input checked="" type="radio"/>
Manager's Comments and Recommendations:		
Attachments Yes: No: <input checked="" type="radio"/>		
Agenda Form Reviewed by:	Initials:	Comments:
Department Head:	JT	
Finance Director:		
Town Attorney:		
Town Manager:	RD	
Town Clerk:		