

FOR REGISTRATION
Willie L. Covington
REGISTER OF DEEDS
Durham County, NC
2015 FEB 16 11:05:16 AM
BK: 7647 PG: 817-834
ORDINANCE
FEE: \$38.00
INSTRUMENT # 2015004389

APRILJ



PREPARED BY & RETURN TO
CITY OF DURHAM
DEPARTMENT OF NEIGHBORHOOD IMPROVEMENT SERVICE
101 City Hall Plaza
Durham, NC 27701

ATTENTION: Faith Gardner

NORTH CAROLINA
DURHAM COUNTY

Docket No CE13-9291

BEFORE THE HOUSING APPEALS BOARD
OF THE CITY OF DURHAM

ORDINANCE IN THE MATTER OF THE
DWELLING AT 312 E. UMSTEAD STREET
PARCEL REF. ID #118304
TAX MAP# 193-02-020 (Old)
PIN#0821-16-92-4528

THIS MATTER came on for hearing before the Housing Appeals Board of the City of Durham at its regular meeting on JANUARY 21, 2015, upon the report of the Housing Code Administrator. Notice of such hearing was furnished to the owner(s) of the subject property. Sworn evidence was presented by the Code Enforcement Officer and the Housing Code Administrator of the City of Durham, and the testimony was illustrated by video or photographs. The opportunity to present evidence and to cross-examine the witness was provided to the property owner(s); the property owner(s) [did appear]did not appear to present evidence presented at the hearing, the Housing Appeals Board of the City of Durham finds as follows:

1. There exists a structure at 312 E. UMSTEAD STREET, owned by:

PAGE, MARVENIA & SPOUSE, Owner(s).

2. That after giving proper notice of the hearing OCTOBER 18, 2013 & DECEMBER 31, 2013, as required by law, the Housing Code Administrator on JANUARY 29, 2014 issued an order and findings. The Housing Code Administrator found the housing to be unfit for human habitation. Therefore, an order was entered by the Housing Code Administrator to require the owner(s) of said house to repair or demolish so as to bring the house into compliance with The Housing Code of the City of Durham by said date no later than the 3rd day of APRIL, 2014.

The owner(s) had a reasonable opportunity to bring the dwelling into conformity with the Housing Code. The owner(s) **did not** appear at the **NOVEMBER 25, 2013 nor the JANUARY 27, 2014** hearing and **did not** appeal **JANUARY 29, 2014** Finding and Order of the Housing Code Administrator.

3. The owner(s) of said housing has/have failed or refused to abate said nuisance and has/have failed or refused to remove said hazards by having the house repaired or demolished. Said owner(s) has/have failed or refused to take such other reasonable steps as may be necessary to abate the nuisance and to remove the hazards found to exist at **312 E. UMSTEAD STREET** on or before **APRIL 3, 2014**. The owner(s) had a reasonable opportunity to remove the hazards or abate the nuisance or to take such other steps as necessary to bring the house into compliance with the Housing Code.
4. Additional findings of facts are listed in Appendix A.
5. The Board adopts the presentation of the video or photographs, which fairly and accurately depicts the condition of the building in Appendix B.
6. The Housing Code Administrator determined that the cost of doing the necessary repairs to the house would be **more than 50%** of the value of the house.

Based upon the foregoing findings of fact, the **Housing Appeals Board** of the City of Durham concludes:

- (1) That this house does not meet minimum housing code standards, and therefore it is unfit for human habitation.
- (2) That this house would require a **cost more than 50%** of the value of the house to repair or to improve said house to render it fit for human habitation.

(3) That the owner(s) of said housing at **312 E. UMSTEAD STREET** have failed or refused to comply with the order of the Housing Code Administrator to repair or demolish the house or to repair, alter or improve such housing to render it fit for human habitation after having been given a reasonable opportunity to bring said housing into conformity with the Housing Code of the City of Durham.

NOW, THEREFORE, BE IT ORDERED BY THE HOUSING APPEALS BOARD OF THE CITY OF DURHAM:

1. That the Housing Code Administrator of the City of Durham be, and hereby is, ordered to **REPAIR or DEMOLISH** the house located at **312 E. UMSTEAD STREET** and remove from the grounds thereof such housing debris and any other material contributing to the nuisance existing.
2. That the costs of such work as is necessary to accomplish the provisions of this Ordinance are, and the same are constituted a specific lien upon the lot and parcel of land located at **312 E. UMSTEAD STREET** as provided in Section 10-239 of the Durham City Code.
3. A copy of this Ordinance shall be recorded in the Office of the Register of Deeds and shall constitute notice to all prospective purchases of such property that a lien(s) for local improvements and/or ad valorem taxes may exist against such property and may be foreclosed as provided by G.S. 105-374.
4. A copy of this Ordinance shall be filed in the Office of the City Clerk for the City of Durham.

- 5. The provisions of this Ordinance shall be effective from the date of its adoption. This Ordinance adopted by the Housing Appeals Board of the City of Durham at its regular meeting on JANUARY 21, 2014.
- 6. **THE HOUSING APPEALS BOARD ORDERED AN ADMINISTRATIVE FEE OF \$250.00 PLUS CIVIL PENALTIES IN THE AMOUNT OF \$2,700.00 TO BE PAID.**
- 7. The term "Ordinance" as used in this document means an Order issued by the Housing Appeals Board to remove or demolish a dwelling and follows the language set forth in G.S. 160A-443(5) and Durham City Code Section 10-239.

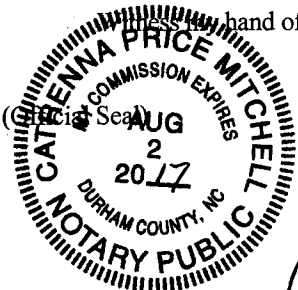



 W. Russell Congleton, Co-Chair, Housing Appeals Board

State Of North Carolina
 Durham County

I, CATRINA PRICE MITCHELL Notary Public, certify that W. Russell Congleton, Co-Chair, Housing Appeals Board appeared before me and do hereby certify that the foregoing and attached **ORDINANCE IN THE MATTER OF THE DWELLING AT 312 E. UMSTEAD STREET WAS DULY ADOPTED BY THE Housing Appeals Board** at its regular meeting held JANUARY 21, 2015 in the Department of Neighborhood Improvement Services Conference Room, Durham, North Carolina.

_____ hand of the City of Durham this 16th, day of FEBRUARY, 2015.





 Notary Public
CATRINA PRICE MITCHELL, Notary Public

My Commission Expires AUGUST 2, 2017

APPENDIX B

1. The Housing Appeals Board adopts the presentation of the video or photographs of **312 E. UMSTEAD STREET** (PARCEL REF. ID #118304) which fairly and accurately depicts the condition of the building.
2. The Board adopts additional testimony presented to the **Housing Appeals Board** on **JANUARY 21, 2015**, by the Inspector and any other parties of interest.



CITY OF DURHAM
Neighborhood Improvement Services Department
 807 EAST MAIN STREET, BUILDING 2 - SUITE 300 | DURHAM, NC 27701
 919.560.1647 | F 919.560.1790
 www.DurhamNC.gov

Date: January 29, 2014

Findings of Fact and Order
 Nonresidential: Repair or Demolish

Case #: CE-13-9291

PAGE MARVENIA
2900 E PETTIGREW ST
DURHAM, NC 27703

RE: 312 E UMSTEAD ST, DURHAM, NC - Parcel #: 118304

Dear PAGE MARVENIA,

The undersigned Code Enforcement Officer or designee of the City of Durham, pursuant to the requirements and provision of the Nonresidential Building Code, being Article VII, Division 2 Chapter 10 of the Durham City Code, conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which said hearing was continued with previous notice to the above named owners and parties in interest of their agent and attorney. At said 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 structure above described and referred to, 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 Code Enforcement Officer does hereby find the following facts:

1. The above named owners and parties and interest with respect to the structure located at the place specified above were duly served with **Complaint and Notice** setting forth the complaint and charges that said structure is in violation of the Nonresidential Code of the City of Durham, provided by law; and such hearing the following owners, parties in interest, or their agents or attorneys, were present and participated therein, to wit:
 - The owner(s)/agents(s) listed below DID NOT appear for the scheduled hearing date:
 Jamison
 son
 met at site
2. The structure above described is in violation of said Code; that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring not conform to the minimum standards established by said ordinance referred to in the complaint filed herein and the existence of said conditions is in violation of said ordinance in the following particulars: **(Violations listed on attached page(s).)**

3. That cost of repair, alteration or improvement of the said nonresidential building or structure described above would exceed 50% of the present value of the structure.

THEREFORE IT IS ORDERED that the owner and parties in interest, on or before **04/03/2014**, or 60 days from the date of receipt of the Order, whichever is later, repair, alter or improve such structure so as to bring it into compliance with the Nonresidential Code by remedying the defects specifically identified herein.

Failure to comply with this order will require further action by the administrator including calendaring this matter before the Housing Appeals Board And/or the Community Life Court (criminal district court) so that these violations may be abated.

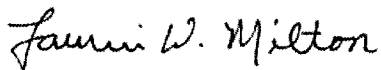
Any owner of a nonresidential building or structure, who fails to comply with any of the provisions of this order shall be subject to a civil penalty in the amount of three hundred dollars (\$300.00) for the first day of noncompliance and fifty (\$50.00) for each day thereafter.

ADDITIONALLY: A two hundred (\$250.00) Administrative fee will be assessed to the owner(s) of the listed property for noncompliance in this matter and will be collected in accordance with this section.

Further, any owner of a dwelling or dwelling unit, who requests a re-inspection shall be subject to a re-inspection fee when the re-inspection shows that the owner's dwelling still fails to comply with the provision of this ordinance. The re-inspection fees shall be charged according the following schedule:

- a. Second re-inspection/noncompliance...\$ 50.00
- b. Third re-inspection/noncompliance...\$ 75.00
- c. Forth re-inspection/noncompliance...\$ 100.00

Sincerely,



Laurin Milton, Code Enforcement Officer
(919) 560-1647 x 34269



CITY OF DURHAM
Neighborhood Improvement Services Department
 807 EAST MAIN STREET, BUILDING 2 - SUITE 300 | DURHAM, NC 27701
 919.560.1647 | F 919.560.1790
 www.DurhamNC.gov

Date: January 29, 2014

Findings of Fact and Order
 Nonresidential: Repair or Demolish

Case #: CE-13-9291

Spouse of Marvenia Page
2900 E Pettigrew St.
Durham, NC 27703

RE: 312 E UMSTEAD ST, DURHAM, NC - Parcel #: 118304

Dear SPOUSE OF MARVENIA PAGE,

The undersigned Code Enforcement Officer or designee of the City of Durham, pursuant to the requirements and provision of the Nonresidential Building Code, being Article VII, Division 2 Chapter 10 of the Durham City Code, conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which said hearing was continued with previous notice to the above named owners and parties in interest of their agent and attorney. At said 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 structure above described and referred to, 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 Code Enforcement Officer does hereby find the following facts:

1. The above named owners and parties and interest with respect to the structure located at the place specified above were duly served with **Complaint and Notice** setting forth the complaint and charges that said structure is in violation of the Nonresidential Code of the City of Durham, provided by law; and such hearing the following owners, parties in interest, or their agents or attorneys, were present and participated therein, to wit:
 - The owner(s)/agents(s) listed below DID NOT appear for the scheduled hearing date:
 Jamison
 son
 met at site
2. The structure above described is in violation of said Code; that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring not conform to the minimum standards established by said ordinance referred to in the complaint filed herein and the existence of said conditions is in violation of said ordinance in the following particulars: **(Violations listed on attached page(s).)**

3. That cost of repair, alteration or improvement of the said nonresidential building or structure described above would exceed 50% of the present value of the structure.

THEREFORE IT IS ORDERED that the owner and parties in interest, on or before **04/03/2014**, or 60 days from the date of receipt of the Order, whichever is later, repair, alter or improve such structure so as to bring it into compliance with the Nonresidential Code by remedying the defects specifically identified herein.

Failure to comply with this order will require further action by the administrator including calendaring this matter before the Housing Appeals Board And/or the Community Life Court (criminal district court) so that these violations may be abated.

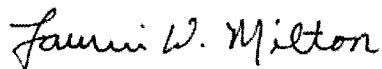
Any owner of a nonresidential building or structure, who fails to comply with any of the provisions of this order shall be subject to a civil penalty in the amount of three hundred dollars (\$300.00) for the first day of noncompliance and fifty (\$50.00) for each day thereafter.

ADDITIONALLY: A two hundred (\$250.00) Administrative fee will be assessed to the owner(s) of the listed property for noncompliance in this matter and will be collected in accordance with this section.

Further, any owner of a dwelling or dwelling unit, who requests a re-inspection shall be subject to a re-inspection fee when the re-inspection shows that the owner's dwelling still fails to comply with the provision of this ordinance. The re-inspection fees shall be charged according the following schedule:

- a. Second re-inspection/noncompliance...\$ 50.00
- b. Third re-inspection/noncompliance...\$ 75.00
- c. Forth re-inspection/noncompliance...\$ 100.00

Sincerely,



Laurin Milton, Code Enforcement Officer
(919) 560-1647 x 34269



CITY OF DURHAM
Neighborhood Improvement Services Department
 807 EAST MAIN STREET, BUILDING 2 - SUITE 300 | DURHAM, NC 27701
 919.560.1647 | F 919.560.1790
 www.DurhamNC.gov

Date: January 29, 2014

Findings of Fact and Order
 Nonresidential: Repair or Demolish

Case #: CE-13-9291

Haskell Properties, Inc.
2900 E. Pettigrew St.
Durham, NC 27703

RE: 312 E UMSTEAD ST, DURHAM, NC - Parcel #: 118304

Dear HASKELL PROPERTIES, INC.,

The undersigned Code Enforcement Officer or designee of the City of Durham, pursuant to the requirements and provision of the Nonresidential Building Code, being Article VII, Division 2 Chapter 10 of the Durham City Code, conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which said hearing was continued with previous notice to the above named owners and parties in interest of their agent and attorney. At said 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 structure above described and referred to, 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 Code Enforcement Officer does hereby find the following facts:

1. The above named owners and parties and interest with respect to the structure located at the place specified above were duly served with **Complaint and Notice** setting forth the complaint and charges that said structure is in violation of the Nonresidential Code of the City of Durham, provided by law; and such hearing the following owners, parties in interest, or their agents or attorneys, were present and participated therein, to wit:
 - The owner(s)/agents(s) listed below DID NOT appear for the scheduled hearing date:
 Jamison
 son
 met at site
2. The structure above described is in violation of said Code; that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring not conform to the minimum standards established by said ordinance referred to in the complaint filed herein and the existence of said conditions is in violation of said ordinance in the following particulars: **(Violations listed on attached page(s).)**

3. That cost of repair, alteration or improvement of the said nonresidential building or structure described above would exceed 50% of the present value of the structure.

THEREFORE IT IS ORDERED that the owner and parties in interest, on or before **04/03/2014**, or 60 days from the date of receipt of the Order, whichever is later, repair, alter or improve such structure so as to bring it into compliance with the Nonresidential Code by remedying the defects specifically identified herein.

Failure to comply with this order will require further action by the administrator including calendaring this matter before the Housing Appeals Board And/or the Community Life Court (criminal district court) so that these violations may be abated.

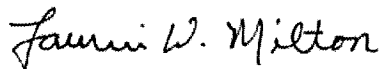
Any owner of a nonresidential building or structure, who fails to comply with any of the provisions of this order shall be subject to a civil penalty in the amount of three hundred dollars (\$300.00) for the first day of noncompliance and fifty (\$50.00) for each day thereafter.

ADDITIONALLY: A two hundred (\$250.00) Administrative fee will be assessed to the owner(s) of the listed property for noncompliance in this matter and will be collected in accordance with this section.

Further, any owner of a dwelling or dwelling unit, who requests a re-inspection shall be subject to a re-inspection fee when the re-inspection shows that the owner's dwelling still fails to comply with the provision of this ordinance. The re-inspection fees shall be charged according the following schedule:

- a. Second re-inspection/noncompliance...\$ 50.00
- b. Third re-inspection/noncompliance...\$ 75.00
- c. Forth re-inspection/noncompliance...\$ 100.00

Sincerely,



Laurin Milton, Code Enforcement Officer
(919) 560-1647 x 34269



CITY OF DURHAM
Neighborhood Improvement Services Department
807 EAST MAIN STREET, BUILDING 2 - SUITE 300 | DURHAM, NC 27701
919.560.1647 | F 919.560.1790
www.DurhamNC.gov

Date: January 29, 2014

Findings of Fact and Order
Nonresidential: Repair or Demolish

Case #: CE-13-9291

Robert Jervis
4312 Abbey Pl.
Durham, NC 27707-5601

RE: 312 E UMSTEAD ST, DURHAM, NC - Parcel #: 118304

Dear ROBERT JERVIS,

The undersigned Code Enforcement Officer or designee of the City of Durham, pursuant to the requirements and provision of the Nonresidential Building Code, being Article VII, Division 2 Chapter 10 of the Durham City Code, conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which said hearing was continued with previous notice to the above named owners and parties in interest of their agent and attorney. At said 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 structure above described and referred to, 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 Code Enforcement Officer does hereby find the following facts:

1. The above named owners and parties and interest with respect to the structure located at the place specified above were duly served with **Complaint and Notice** setting forth the complaint and charges that said structure is in violation of the Nonresidential Code of the City of Durham, provided by law; and such hearing the following owners, parties in interest, or their agents or attorneys, were present and participated therein, to wit:
 - The owner(s)/agent(s) listed below DID NOT appear for the scheduled hearing date:
Jamison
son
met at site
2. The structure above described is in violation of said Code; that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring not conform to the minimum standards established by said ordinance referred to in the complaint filed herein and the existence of said conditions is in violation of said ordinance in the following particulars: **(Violations listed on attached page(s).)**

3. That cost of repair, alteration or improvement of the said nonresidential building or structure described above would exceed 50% of the present value of the structure.

THEREFORE IT IS ORDERED that the owner and parties in interest, on or before **04/03/2014**, or 60 days from the date of receipt of the Order, whichever is later, repair, alter or improve such structure so as to bring it into compliance with the Nonresidential Code by remedying the defects specifically identified herein.

Failure to comply with this order will require further action by the administrator including calendaring this matter before the Housing Appeals Board And/or the Community Life Court (criminal district court) so that these violations may be abated.

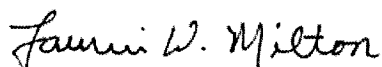
Any owner of a nonresidential building or structure, who fails to comply with any of the provisions of this order shall be subject to a civil penalty in the amount of three hundred dollars (\$300.00) for the first day of noncompliance and fifty (\$50.00) for each day thereafter.

ADDITIONALLY: A two hundred (\$250.00) Administrative fee will be assessed to the owner(s) of the listed property for noncompliance in this matter and will be collected in accordance with this section.

Further, any owner of a dwelling or dwelling unit, who requests a re-inspection shall be subject to a re-inspection fee when the re-inspection shows that the owner's dwelling still fails to comply with the provision of this ordinance. The re-inspection fees shall be charged according the following schedule:

- a. Second re-inspection/noncompliance...\$ 50.00
- b. Third re-inspection/noncompliance...\$ 75.00
- c. Forth re-inspection/noncompliance...\$ 100.00

Sincerely,



Laurin Milton, Code Enforcement Officer
(919) 560-1647 x 34269



CITY OF DURHAM
Neighborhood Improvement Services Department
 807 EAST MAIN STREET, BUILDING 2 - SUITE 300 | DURHAM, NC 27701
 919.560.1647 | F 919.560.1790
 www.DurhamNC.gov

Date: January 29, 2014

Findings of Fact and Order
 Nonresidential: Repair or Demolish

Case #: CE-13-9291

William A. Marsh, Jr.
616 Nantahala Dr.
Durham, NC 27713-7109

RE: 312 E UMSTEAD ST, DURHAM, NC - Parcel #: 118304

Dear WILLIAM A. MARSH, JR.,

The undersigned Code Enforcement Officer or designee of the City of Durham, pursuant to the requirements and provision of the Nonresidential Building Code, being Article VII, Division 2 Chapter 10 of the Durham City Code, conducted a hearing at the time and place stated in the Complaint and Notice heretofore issued and served, or at a time to which said hearing was continued with previous notice to the above named owners and parties in interest of their agent and attorney. At said 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 structure above described and referred to, 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 Code Enforcement Officer does hereby find the following facts:

1. The above named owners and parties and interest with respect to the structure located at the place specified above were duly served with **Complaint and Notice** setting forth the complaint and charges that said structure is in violation of the Nonresidential Code of the City of Durham, provided by law; and such hearing the following owners, parties in interest, or their agents or attorneys, were present and participated therein, to wit:
 - The owner(s)/agents(s) listed below DID NOT appear for the scheduled hearing date:
 Jamison
 son
 met at site
2. The structure above described is in violation of said Code; that conditions exist in such structure which are dangerous or injurious to the health, safety or morals of the occupants of such structure, the occupants of neighboring not conform to the minimum standards established by said ordinance referred to in the complaint filed herein and the existence of said conditions is in violation of said ordinance in the following particulars: **(Violations listed on attached page(s).)**

3. That cost of repair, alteration or improvement of the said nonresidential building or structure described above would exceed 50% of the present value of the structure.

THEREFORE IT IS ORDERED that the owner and parties in interest, on or before **04/03/2014**, or 60 days from the date of receipt of the Order, whichever is later, repair, alter or improve such structure so as to bring it into compliance with the Nonresidential Code by remedying the defects specifically identified herein.

Failure to comply with this order will require further action by the administrator including calendaring this matter before the Housing Appeals Board And/or the Community Life Court (criminal district court) so that these violations may be abated.

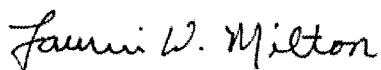
Any owner of a nonresidential building or structure, who fails to comply with any of the provisions of this order shall be subject to a civil penalty in the amount of three hundred dollars (\$300.00) for the first day of noncompliance and fifty (\$50.00) for each day thereafter.

ADDITIONALLY: A two hundred (\$250.00) Administrative fee will be assessed to the owner(s) of the listed property for noncompliance in this matter and will be collected in accordance with this section.

Further, any owner of a dwelling or dwelling unit, who requests a re-inspection shall be subject to a re-inspection fee when the re-inspection shows that the owner's dwelling still fails to comply with the provision of this ordinance. The re-inspection fees shall be charged according the following schedule:

- a. Second re-inspection/noncompliance...\$ 50.00
- b. Third re-inspection/noncompliance...\$ 75.00
- c. Forth re-inspection/noncompliance...\$ 100.00

Sincerely,



Laurin Milton, Code Enforcement Officer
(919) 560-1647 x 34269



CITY OF DURHAM
Neighborhood Improvement Services Department
 807 EAST MAIN STREET, BUILDING 2 - SUITE 300 | DURHAM, NC 27701
 919.560.1647 | F 919.560.1790
 www.DurhamNC.gov

Findings of Fact and Order

Date: January 29, 2014

Case #: CE-13-9291

City Ordinance violations and details:

RE: **312 E UMSTEAD ST, DURHAM, NC**

Housing - Property Maintenance, Durham City Code Chpt 10, Art VI

Violation #1: 10-234 (h)(1) Floors, walls, ceilings or fixtures not sanitary - Floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.

Comments: Entire Building Interior Must Be Cleaned

Nonresidential - Building space and use, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(a)(1) Floor and walls not waterproof - The floor and walls, if in contact with the earth, are waterproof and dampproof in accordance with the state building code requirements. Such waterproofing and dampproofing shall be between the floor or wall finish and the ground.

Comments: Repair/Maintain Exterior Walls to Prohibit Interior Wall Water Damage and Potential Molding

Nonresidential - Ceilings, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(g)(6)(d) Ceilings contain cracks, holes, or deterioration - Ceilings shall be maintained free of holes, cracks or loose or deteriorated materials.

Comments: Repair Water Damaged and Fallen Ceilings/Asbestos Inspection/Report Required Prior to Beginning Work

Nonresidential - Dangerous Conditions, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(n) Dangerous conditions exist - Any combination of conditions which in the judgment of the administrator renders any nonresidential building or structure dangerous or injurious to the health, safety, or general welfare of owners, occupants or members of the general public.

Comments: In Order to Protect the Health and Safety of Occupants All Violations Must Be Corrected and Inspected as Required Before Any Use is Permitted

Nonresidential - Electrical, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(i) Electric service adequate / 100 amp - Every enclosed area shall be supplied with adequate electric service, of at least 100 amp service which shall be properly installed and connected to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the city.

Comments: Electrical Service, Appliances, Fixtures, Outlets, Switches Must Meet Standard For Permitted Use/Permit Required

Nonresidential - Entrances and exits, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(b)(1) Entrances and exits standards - All entrances and exits must meet the standards set forth in the state building code.

Comments: All Entrances, Exits, and Associated Doors Must Comply With State Building Code/Engineers Letter of Compliance Required

Violation #2: 10-304(b)(3) Exit obstructed or unsafe - Safe, continuous and unobstructed exit shall be provided from interior of building or structure to the exterior at street or grade level.

Comments: Stairways Must Be Cleared of All Junk and Debris

Nonresidential - Exterior walls, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(g)(2)(c) Walls, Load bearing not sound - All structure or load bearing walls, exterior or interior, shall not be bowed or out of plumb and shall be structurally sound.

Comments: Repair Exterior Walls to Ensure Structural Integrity/Engineers Letter Required

Nonresidential - Fire and safety, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(l)(2) Fire extinguisher not present or not working - Fire extinguishing equipment. All fire extinguishing equipment required by the state fire code shall be provided and maintained in an operable condition.

Comments: Install Extinguishing Equipment and/or Fire Sprinkling System as Required For Permitted Use

Violation #2: 10-304(l)(3) Smoke detectors missing or not working - Enclosed areas shall be equipped with a smoke detector (battery operated or 110 volt) which has been listed by a testing agency (such as Underwriters Laboratories). All smoke detectors shall be located on or near the ceiling of the room wherein it is located and shall be installed in accordance with the manufacturer's instructions and maintained in proper working condition.

Comments: Install Fire/Smoke/Carbon Monoxide Detectors or Systems as Required For Permitted Use/Fire Marshall Inspection Required

Nonresidential - Floors, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(g)(8)(h) Floors - bathroom, laundry or kitchen not waterproof - All bathroom, laundry and kitchen floors shall be constructed and maintained so as to be impervious to water by covering with a waterproof nonabsorbent material.

Comments: Repair/Replace All bathroom Floors and Walls That Are Not Impervious to water

Nonresidential - Heating, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(e) Heating unit inadequate - Every nonresidential building or structure shall have a heating unit appropriate for the use of the nonresidential building or structure.

Comments: Install Heating Unit/Permit Required

Nonresidential - Interior Walls, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(g)(7)(f) Doors interior - Doors must fit the opening in which they are hung and be equipped with hardware that allows for their opening and closing.

Comments: All Doors Must Meet Codes For Permitted Use and Operate as Designed

Violation #2: 10-304(g)(7)(b) Walls interior has flaking paint or is dirty - All walls, woodwork, doors and windows shall be kept clean and free of any flaking, loose or peeling paint.

Comments: All Interior Walls Must Be Cleaned

Violation #3: 10-304(g)(7)(b) Walls interior has flaking paint or is dirty - All walls, woodwork, doors and windows shall be kept clean and free of any flaking, loose or peeling paint.

Comments: Entire 2nd Floor Must Be Cleaned of Smoke/Fire Damage and Sealed and Finish Painted

Nonresidential - Light and ventilation, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(c) Windows - frames and glass - Window frames and glass shall be reasonably weathertight, with no cracked or broken glass. If, in the opinion of the administrator or his or her designee, certain cracked glass does not present a danger or hazard, a waiver of this provision may be granted.

Comments: Repair/Replace All Inoperable and/or Broken Exterior Windows

Nonresidential - Lighting of halls and stairs, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(d) Lighting in enclosed area inadequate - Every enclosed area shall be adequately lighted at all times with fixtures with conveniently located light switches controlling the lighting system which provides the illumination required therein and which may be turned on when needed. This provision may be waived by the administrator.

Comments: Install Required Lighting in All Common Hallways and Stairways

Nonresidential - Painting, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(k) Painting interior peeling - All interior loose or peeling wall covering or paint shall be removed and the exposed surface shall be placed in a smooth and sanitary condition. No paint shall be used for interior painting of any enclosed area unless the paint is free from any lead pigment.

Comments: Remove All Flaking/Peeling Paint and Finish Paint Entire Interior/Test For Lead Paints Prior to Beginning Work

Nonresidential - Plumbing, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(j)(1)(b) Plumbing and fixtures maintained in good repair and prevent contamination - All plumbing, water closets and other plumbing fixtures in every nonresidential building or structure shall be installed and maintained in good working condition and repair and in accordance with the requirements of this division and the state plumbing code. All plumbing shall be so maintained and used as to prevent contamination of the water supply through cross connections or back siphoning.

Comments: Repair/Replace All Leaking and/or Deteriorated Waste and Water Lines and Fixtures/Permit Required

Violation #2: 10-304(j)(2) Water heating requirements - Every enclosed area shall have supplied a water heating unit which has been listed by a testing agency and is properly installed, operated and maintained in safe and good working condition and is properly connected to the bathtub or shower, sink and lavatory basin. Such water heating unit shall be capable of automatically heating water to a temperature of 120 degrees Fahrenheit and capable of meeting normal demands at every required outlet, even though the enclosed areas' heating unit is not in operation. All gas-fired water heaters shall be vented to the outside.

Comments: Repair/Replace Water Heating System to Meet Code For Permitted Use/Permit Required

Nonresidential - Roof, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(g)(3)(a) Roof leaks (not weathertight) - Roofing shall be provided to prevent the entrance of moisture and shall be maintained by renewal, repair, waterproofing or other suitable means.

Comments: Replace Roof and Flashing/Permit Required

Nonresidential - Safety and maintenance, Durham City Code Chpt 10, Art VII, Div 2

Violation #1: 10-304(f)(1) Good repair and safe conditions needed all elements - Every nonresidential building or structure and all parts thereof used or occupied as an enclosed area shall be kept in good repair, in safe condition and fit for any use. The roof and walls of all such buildings or structures shall be maintained so as not to leak; and all means of draining water therefrom shall be maintained as to prevent dampness in the walls, ceiling or crawl space or basement.

Comments: Repair/Maintain All Walls, Ceilings, and Roofs to Prevent Dampness