

**A RESOLUTION AMENDING THE MINIMUM HOUSING STANDARDS OF THE  
TOWN OF MOORESVILLE**

**BE IT RESOLVED THAT** the Minimum Housing Standards of the Town of Mooresville is hereby adopted to read as follows:

**TOWN OF MOORESVILLE**

**MINIMUM HOUSING CODE  
-ORDINANCE-**

**Section 1. Finding; Purpose.** Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the Town, dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety, and morals, and otherwise inimical to the welfare of the residents of the Town.

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

**Section 2. Definitions.** The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- (a) **Basement** shall mean a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- (b) **Cellar** shall mean a portion of a building located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- (c) **Deteriorated** shall mean that a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this ordinance, at a cost not in excess of fifty percent (50%) of its value as determined by finding of the Housing Inspector.
- (d) **Dilapidated** shall mean that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this ordinance except at a cost in excess of fifty percent (50%) of its value as determined by finding of the Housing Inspector.
- (e) **Dwelling** shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- (f) **Dwelling unit** shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (g) **Extermination** shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or

making inaccessible materials that may serve as their food by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the Inspector.

- (h) **Garbage** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- (i) **Habitable room** shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets, and storage spaces.
- (j) **Infestation** shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety, or welfare of the occupants or to the public.
- (k) **Inspector** shall mean a Building Inspector of the Town or any agent of the Inspector who is authorized by the Inspector.
- (l) **Multiple dwelling** shall mean any dwelling containing more than two dwelling units.
- (m) **Occupant** shall mean any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or rooming unit.
- (n) **Operator** shall mean any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- (o) **Owner** shall mean any person who alone, or jointly, or severally with others:
  - (1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
  - (2) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.
- (p) **Plumbing** shall mean and include all of the following supplied facilities and equipment; gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), waste pipes, water closets,

sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basin, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas line.

- (q) **Public Authority** shall mean the Town Housing Authority or any officer who is in charge of any department or branch of the government of the Town or of Iredell County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the Town.
- (r) **Rooming unit** shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (s) **Rooming house** shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- (t) **Rubbish** shall mean combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery, and dust.
- (u) **Supplied** shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.
- (v) **Temporary housing** shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.
- (w) **Unfit for human habitation** shall mean that conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this Ordinance.
- (x) **Meaning of certain words.** Whenever the words “dwelling, dwelling unit, rooming house, rooming unit, premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof”.

### **Section 3. Minimum Standards of Fitness for Dwellings and Dwelling Units.**

a. Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4, 5, 6, 7, 8, and 9 of this Ordinance. No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4, 5, 6, 7, 8, and 9 of this Ordinance.

b. The city shall not provide nor permit another to provide (either public or private) utility services to any substandard building or dwelling unit which becomes vacant until such building or dwelling unit has been inspected, brought into compliance with this Code and the building code, and a valid certificate of compliance, as required, has been issued.

- c. To obtain temporary utilities, the following requirements must be met:
1. Application must be completed and signed by owner or agent of the property.
  2. Temporary utilities will be issued for a period not to exceed 90 days. Utilities shall be disconnected without notice at the expiration of 90-days.
  3. The structure cannot be occupied for any reason during the time temporary utilities are being used.
  4. Failure to comply with these requirements shall result in the denial of or immediate termination of temporary utilities without further notice and the denial of future applications for temporary power.

### **Section 4. Minimum Standards for Structural Condition**

(a) **Foundation.** Foundations shall conform to the following:

1. Beneath the building, there shall be firm ground, which is reasonably dry, properly drained and no water running under the building.

#### **Violation Definition**

Ground under house not capable of supporting all footings without sinking or separation. Excessive moisture, standing or running water under building.

#### **Minimum Acceptable Quality**

There shall be solid ground under all footings with no gaps, loose soil or roots. Excessive moisture under building to be corrected by drainage, landscaping, vapor barrier, ventilation, or any combination. Excavation for footings requires a permit.

2. There shall be sound footings, adequate bearing.

**Violation Definition**

Piers, masonry underpinning, columns, or foundation walls not having adequate footings to support load, or leaning top of underpinning lean is greater than 1/2" in 4 feet.

**Minimum Acceptable Quality**

Minimum dimensions for pier on one or two story buildings are 18" x 18" x 8" deep for poured concrete. For underpinning and foundation wall, footing shall project 3" beyond wall surface, minimum 14" wide and 6" deep.

3. There shall be sound piers, no loose mortar or masonry.

**Violation Definition**

Dry stack masonry piers, spalling brick, missing mortar, or masonry.

**Minimum Acceptable Quality**

On a solid footing, a mortar and masonry pier may be built or masonry and surface bonding material, i.e., sure wall, or a steel jack, or steel post may be installed.

4. There shall be no piers in which the plumb line from the top center falls outside the middle one-third (1/3) of the pier base.

**Violation Definition**

Piers leaning as described.

**Minimum Acceptable Quality**

Pier replacement.

5. There shall be no isolated solid masonry piers exceeding in height ten (10) times the least dimension of the pier.

**Violation Definition**

For example, if a 12” square pier is in place, its maximum height is 120”.

6. There shall be no wood stiff-knee piers.

**Violation Definition**

Any vertical wood member added to support a girder or joist.

7. There shall be masonry underpinning on all dwelling units with ventilation as required by the State Residential Building Code.

**Violation Definition**

Lack of masonry underpinning. Lack of foundation ventilation.

**Minimum Acceptable Quality**

Masonry underpinning installed on proper footings. Foundation vents that provide cross-ventilation and covered with corrosion-resistant wire mesh of not more than ¼ inch or ½ inch. Vents shall be so placed as to provide ventilation at all points and prevent dead air pockets. For example, a 10’ x 40’ house will need a minimum of 4.66 sq. ft. of net free opening.

- (b) **Floors.** Floors shall conform to the following:

1. There shall be no decayed, termite damaged, fire damaged, broken, overloaded or sagging sills.

**Violation Definition**

Any portion of the floor system not free of decay or insect or fire damage. Floor system shall be able to support loads without deflection.

**Minimum Acceptable Quality**

All damaged material shall be removed and replaced with new material. Sagging and overloaded members shall be replaced with larger member or braced with appropriate pier.

2. Sills shall be properly supported and reasonably level.

**Violation Definition**

Headers, bands, joists, or girders not level or braced.

**Minimum Acceptable Quality**

All supports of these members shall conform to Section 4 (a) (b).

3. Joists shall not be overloaded, sagging or broken, and shall be structurally sound and not likely to cause structural weakness in the future.

**Violation Definition**

See Section 4 (a) (b).

**Minimum Acceptable Quality**

All repairs, including support and replacement, shall meet or exceed State Residential Building Code.

4. Maximum spans for floor joists and sills, providing they show signs of being weak or overloaded, shall comply with the requirements of the State Residential Building Code.

**Violation Definition**

Deflection is evident.

**Minimum Acceptable Quality**

See Section 4 (a) (b).

5. Flooring shall be weathertight without holes or excessive cracks which permit air to penetrate rooms.

**Violation Definition**

Holes and cracks, including unused floor registers, unused floor furnaces, cracks at baseboards, and excessive holes for plumbing or electrical lines.

**Minimum Acceptable Quality**

Floor system and baseboards to be repaired to original condition. Covers shall be used on holes around pipes.

6. Flooring shall be reasonably smooth and not decayed, fire damaged or worn through.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Repairs shall be made with same style, color and grade of material and shall be even with the existing surface.

7. There shall be no loose flooring.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Secure or replace loose flooring. See Section 4 (b).

8. Floors shall be reasonably level.

**Violation Definition**

Floors that vary 1/2" in 4 feet in any direction.

**Minimum Acceptable Quality**

See Section 4 (b).

(c) **Walls, exterior.** Exterior walls shall conform to the following:

1. There shall be no wall in which the plumb line from the top center of studs falls outside the base plate at any point along the wall.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Wall shall be reconstructed.

2. Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the State Residential Building Code.

**Violation Definition**

Studs bent, bowed, twisted, loose or unable to support loads.

**Minimum Acceptable Quality**

Replace or repair damaged or weak studs.

3. Studs shall be structurally sound and not likely to cause structural weakness in the future.

**Violation Definition**

Studs overloaded, decayed, or damaged.

**Minimum Acceptable Quality**

Replace or repair managed or weak studs.

4. There shall be no broken or cracked structural members.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Replace or repair defective members.

5. All siding shall be weathertight, with no holes or excessive cracks or decayed boards which permit air to penetrate rooms.

**Violation Definition**

Siding and sheathing with holes larger than 1/4 inch or cracks larger than 1/8 inch by 6 inches.

**Minimum Acceptable Quality**

Repair siding or sheathing with materials of same style and grade as existing. Holes may be filled with exterior grade filler. Replacement siding shall be of same style and grade as existing. Painting shall match existing.

6. There shall be no loose siding.

**Violation Definition**

All siding not securely anchored.

**Minimum Acceptable Quality**

Secure or replace loose siding. See Section 4 (c).

7. There shall be no deterioration because of lack of preventive maintenance consisting of painting, waterproofing, and repair.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Exterior surfaces subject to deterioration shall be protected by paint or other protective coating. Loose or scaling coatings shall be removed before painting. Spot painting shall be of the same color as existing coating.

(d) Walls, interior. Interior walls shall conform to the following:

1. Interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms, and if painted or papered, shall be free of chips or excessive peeling.

**Violation Definition**

Holes and cracks allowing air penetration are not permitted. All wall covering shall be securely attached to wall surface. All interior wall surfaces must be finished with a protective coating or covering.

**Minimum Acceptable Quality**

Repairs shall be with material of same quality and shall be even with existing surfaces. Holes around pipes shall be covered.

2. There shall be no walls in which the plumb line from the top center of studs falls outside the base plate at any point along the wall.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Walls shall be reconstructed.

3. There shall be no loose plaster, loose boards, or other loose wall materials.

**Violation Definition**

Any wall material or covering not firmly anchored, or fastened to walls.

**Minimum Acceptable Quality**

Loose plaster, tile, and paint shall be repaired; wall surface cleaned and prepared for replacement wall cover. Paneling shall be re-anchored or removed. All materials shall be of the same or similar quality and be even with existing surfaces.

4. There shall be no cardboard, newspaper, or other highly combustible or improper wall finish and all wall materials shall be of the same or similar quality and materials.

**Violation Definition**

Flammable wall surfaces.

**Minimum Acceptable Quality**

Replace with materials manufactured for wall covering.

5. Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the State Residential Building Code.
6. Studs shall be structurally sound and not likely to cause structural weakness in the future.
7. There shall be no broken or cracked studs or other structural members.

**Violation Definition (5, 6, 7)**

Repair or replace damaged or weak studs or structural members.

- (e) **Ceilings.** Ceilings shall conform to the following:

1. There shall be no joists which are decayed, broken, sagging, or improperly supported at the ends.

**Violation Definition**

Ceiling joists shall have no rot or decay, insects, or fire damage. Ceiling joists shall be able to support loads without noticeable deflection.

**Minimum Acceptable Quality**

All damaged material shall be removed and replaced with new material. Sagging and overloaded members shall be replaced with larger members or braced with appropriate pier.

2. Maximum spacing for ceiling joists, providing they show signs of being weak or overloaded, shall comply with the requirements of the State Residential Building Code.
3. Maximum spans for ceiling joists, providing they show signs of being weak or overloaded, shall comply with the requirements of the State Residential Building Code.

**Violation Definition (2, 3)**

As described.

**Minimum Acceptable Quality (2, 3)**

Replace or install structural members to conform to approved span tables.

4. There shall be no holes or excessive cracks which permit air and dust to penetrate rooms.

**Violation Definition**

Holes 1/4" or cracks 1/8" x 6" or larger.

**Minimum Acceptable Quality**

Repairs shall be made with materials of same quality and grade. Repairs shall be even with the existing surface. Surface finish of the repair shall be of the same color as the existing surface.

5. There shall be no loose plaster, boards, gypsum wall board, or other ceiling finish.

**Violation Definition**

All ceiling materials, including finishes, not securely anchored or in place.

**Minimum Acceptable Quality**

Repairs shall be made with materials of same quality and grade. Repairs shall be even with the existing surface. Surface finish of the repair shall be of the same color as the existing surface.

6. There shall be no cardboard, newspaper, highly combustible or improper ceiling finish; and all ceiling materials shall be of the same or similar quality and material.

**Violation Definition**

Flammable materials used to ceiling finish.

**Minimum Acceptable Quality**

Materials shall be made with materials of same quality and grade. Repairs shall be even with the existing surface. Surface finish of the repair shall be of the same color as the existing surface.

**Violation Definition**

There shall be no rot, decay, cracks, excessive checking, insect or fire-damaged members.

**Minimum Acceptable Quality**

Replace damaged or weakened joists and restore ceiling surface to original contours and finish.

**(f) Roofs; Roofs shall conform to the following:**

1. There shall be no rafters which are decayed, broken, or improperly supported at the ends.

**Violation Definition**

There shall be no rot, decay, cracks, excessive checking, insect or fire-damaged rafters.

**Minimum Acceptable Quality**

All damaged material shall be removed and replaced with new material. Sagging and overloaded members shall be replaced with larger member or braced.

2. No rafters shall be seriously damaged by fire.

**Violation Definition**

Fire damages greater than 1/4" in depth.

**Minimum Acceptable Quality**

Fire damaged rafters shall be replaced with new materials of same or better quality and grade as original material.

3. Rafters shall be properly braced and tied four (4) feet on center maximum.

**Violation Definition**

Collar beams of 1x6's or 2x4's not installed every 4 between rafters.

**Minimum Acceptable Quality**

Install collar beams.

4. The attic shall be ventilated as required by the State Residential Building Code.

**Violation Definition**

Inadequate ventilation of attic area.

**Minimum Acceptable Quality**

Addition of ventilated area will be based on amount of existing ventilation, roof type, and ceiling area.

5. Sheathing shall not be loose and shall be structurally sound and not likely to cause structural weakness in the future.

**Violation Definition**

Roof sheathing not free of rot, decay, damage or other weakness.

**Minimum Acceptable Quality**

All damaged or weakened sheathing must be replaced and properly anchored to rafters.

6. There shall be no loose roof covering, no holes, and no leaks causing damage to the structure or rooms.

**Violation Definition**

All shingles or other roof covering not intact or missing. Leaking Roof.

**Minimum Acceptable Quality**

All loose, damaged or leaking roofing must be replaced. Not more than one roof may be installed over the original roofing. Repairs to a damaged roof with more than two layers of roofing require that all roofing be removed.

7. There shall be a minimum of Class “C” roof covering.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

As described.

**Violation Definition**

Improperly installed or missing flashing between roof and chimney or other vertical surface.

**Minimum Acceptable Quality**

Corrosion-resistant metal flashing shall be properly installed.

(g) **Porches** – Porches shall conform to the following:

1. The floor, ceiling, and roof shall be equal to requirements set forth above, except sills, joists, and floors need to not be level if providing drainage of floors; floors need not be weather tight; the ceiling height may be seven (7) feet; and the attic need not be vented.

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Porch floors shall be sloped ½” for every 4’.

2. Every porch, terrace or entrance platform forty-eight (48) inches or more above adjacent finished grade shall be equipped with railings or guards not less than thirty (30) inches high, unless other effective barriers provide adequate safety.

**Violation Definition**

Handrails missing from a porch that is more than 48” above finished grade.

**Minimum Acceptable Quality**

Railings with posts securely anchored.

3. If post and railings are provided, they shall be structurally sound and not likely to cause structural weakness in the future.

**Violation Definition**

Posts and railings not free of rot, damage or decay.

**Minimum Acceptable Quality**

Weakened and damaged posts and railings shall be replaced or repaired.

(h) **Stairs and steps** – Stairs and steps shall conform to the following:

1. Stairs and steps shall be free of holes, grooves, and cracks large enough to constitute accident hazards.

**Violation Definition**

Interior or exterior stairs and steps that are loose, weak, missing, decayed or damaged.

**Minimum Acceptable Quality**

Secure or replace weak, loose or missing components with proper sized material to equal quality and appearance of original. Mortar in place loose masonry and point up joints and fill all holes.

2. Stairwells and flights of stairs more than four (4) risers high shall have rails not less than two (2) feet six (6) inches measured vertically from the nose of the treads to the top of the rail.
3. Every rail shall be firmly fastened and maintained in good condition.

**Violation Definition (2, 3)**

Interior or exterior step railings are loose, missing or otherwise unmaintained.

**Minimum Acceptable Quality (2,3)**

Supports and anchors for handrail shall not be more than 4' apart. Anchors and fasteners shall not move under applied load.

4. No flight of stairs shall be settled more than one inch out of its intended position or pulled away from supporting or adjacent structures.

**Violation Definition**

Steps and platform that have moved from their intended position.

**Minimum Acceptable Quality**

Install or repair footings or piers to support load.

5. Supports shall not sag and shall be structurally sound and not likely to cause structural weakness in the future.

**Violation Definition**

Post or stringers not firmly anchored or free of decay or damage.

**Minimum Acceptable Quality**

Improper members shall be repaired or removed and replaced and protected from deterioration.

6. Every stair riser shall be reasonably uniform in height, and treads shall be sound and securely fastened in position and strong enough to bear a concentrated load of at least three hundred (300) pounds without danger of breaking through.

**Violation Definition**

Irregular risers/treads or weak, decayed or damaged steps.

**Minimum Acceptable Quality**

Secure or replace weakened treads, stringers or disappearing stairs with proper sized material to equal quality and appearance of original. Mortar in place loose brick or block; point up joints and fill all holes. Reconstructed steps must have regularly spaced risers no more than 8 1/4' high and treads a minimum of 10 1/4" wide.

**Section 5 – Minimum Standards for Plumbing Systems**

- (a) All plumbing to be installed shall be installed in accordance with the State Plumbing Code.

**Violation Definition**

Performance of plumbing work without a permit.

**Minimum Acceptable Quality**

Violation is corrected when permit is closed out.

- (b) All plumbing shall be connected to the Town sanitary sewer system where available or to another approved system.

**Violation Definition**

Sewer lines not connected to the Town sanitary sewer system or system approved by Environmental Health.

**Minimum Acceptable Quality**

Permit required for repairs to sewer lines. Irreparable septic system shall be corrected by connecting sewer lines to Town sanitary sewer system or other system approved by Environmental Health.

- (c) All fixtures shall be operable

**Violation Definition**

All fixtures with leaks or excessive water consumption due to defects. All fixtures not properly anchored.

**Minimum Acceptable Quality**

Replace worn out washers or ball cocks so water waste is stopped. Anchoring shall be such that fixtures are not supported by supply or waste lines.

- (d) There shall be no broken water closet bowls.

**Violation Definition**

Water closet bowls not free of leaks and cracks.

**Minimum Acceptable Quality**

Replace defective bowl. No patching or caulking of the bowl is permitted.

- (e) Water closet shall not be loose or leaking.

**Violation Definition**

Toilet moves when pressure is applied or tank is loose.

**Minimum Acceptable Quality**

Adjust flange and bolts to anchor toilet. Tank to be anchored to prevent movement. Seat to be bolted.

- (f) No leaks shall be in shower stall floor and/or wall.

**Violation Definition**

Floors and walls of shower stall not impervious to water.

**Minimum Acceptable Quality**

Floors and walls of shower to be masonry, ceramic, metal, plastic. Painted floors are not acceptable.

- (g) There shall be adequate facilities for furnishing hot water to each tub or shower, lavatory, and kitchen sink.

**Violation Definition**

No hot water at time of inspection.

**Minimum Acceptable Quality**

Water heater shall be safely operable. Every dwelling unit shall have a separate heater. Shared water heaters shall be designed for multi-family use.

- (h) There shall be installed a potable water supply inside the building for each dwelling unit.

**Violation Definition**

Well water not free of sediment, odor or contaminants.

**Minimum Acceptable Quality**

Connection to city water or obtain certification from Environmental Health.

- (i) There shall be installed a water closet, tub or shower, lavatory and sink for each dwelling unit. The kitchen sink shall be at least twelve (12) inches by sixteen (16) inches by six (6) inches.

**Violation Definition**

Missing or undersized fixture.

**Minimum Acceptable Quality**

Replace or install fixture.

- (j) There shall be separate toilet facilities for each dwelling unit.

**Violation Definition**

Single family dwellings or apartments not having their own bathroom.

**Minimum Acceptable Quality**

Install a bathroom.

- (k) Toilet and bathing facilities shall be protected from the weather.

**Violation Definition**

Toilet and bathing facilities not having walls, ceilings and roof.

**Minimum Acceptable Quality**

Install walls, see sections 4 (c) (d) (e) (f)

- (l) All water piping shall be protected from freezing by proper installation I protected space.

**Violation Definition**

Water lines freeze in the winter.

**Minimum Acceptable Quality**

Insure that if supply lines are close to foundation vents, that the vent can be closed, or pipe is insulated. No water supply lines shall be exposed outside dwelling.

- (m) Soil and water pipes shall be supported with no broken or leaking pipes.

**Violation Definition**

More than 4 ft. between supports for plumbing lines or pipes are leaking or improperly supported.

**Minimum Acceptable Quality**

Water lines to be anchored to floor joists. Sewer lines to have masonry or steel strap supports.

- (n) Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.

**Violation Definition**

Cracks, holes rot, or other conditions that allow water to penetrate floor surface.

**Minimum Acceptable Quality**

Linoleum, 12” square block tile, ceramic or other impervious materials. Apply flexible waterproof sealer around walls and fixtures. Painted floors are not acceptable.

**Section 6 – Minimum Standards for Heating Systems**

- (a) Every building and every dwelling unit shall be weatherproof and capable of being adequately heated, and the heating equipment in every dwelling or dwelling unit shall be maintained in good order and repair.

**Violation Definition**

Excessive holes or cracks in walls, ceilings, floors, windows and doors. Heating equipment not reasonably clean and free of dust, debris and obstacles to the circulation of heated air.

**Minimum Acceptable Quality**

See Section 4 (c) (d) (e) (f)

- (b) Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either subparagraph 1. or 2. of this paragraph (b):

1. Central and electric heating system. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected to a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor with an outside temperature of twenty (20) degrees Fahrenheit.
2. Other heating facilities. Where a central or electric heating system is not provided, or is inadequate, each dwelling and dwelling unit shall be provided with sufficient chimneys, flues, or gas vents, with heating appliances connected, so as to heat all habitable rooms to a minimum temperature of sixty-eight (68) degrees Fahrenheit measured three (3) feet above the floor with an outside temperature of twenty (20) degrees Fahrenheit.

**Violation Definition**

Heating system unable to heat unit to 68° F.

**Minimum Acceptable Quality**

1. Central air vents shall be in all habitable rooms and in bathrooms and water closet compartments and free of dirt, debris or obstructions.
  2. All habitable rooms shall have a source of heat adequate to heat each room to the minimum standard.
- (c) All electric, gas and oil heating equipment installed on the premises shall be listed by Underwriters' Laboratories or American Gas Association and installed in accordance with the provisions of the State Heating Code.

**Violation Definition**

Improper heating device installed.

**Minimum Acceptable Quality**

Replace heating system with one that has been approved by Underwriters' Laboratories or American Gas Association.

- (d) There shall be no loose bricks in chimneys.

**Violation Definition**

Masonry loose or missing at chimney bonnet, body, fire box or foundation.

**Minimum Acceptable Quality**

Replace missing brick and mortar and point up joints. Use appropriate fire-rated brick and mason for fire box repairs.

- (e) There shall be no holes in flues.

**Violation Definition**

Flues, whether metal, ceramic or masonry, not free of cracks and holes.

**Minimum Acceptable Quality**

All repairs to masonry and ceramic flues shall be with fire-rated mortar. All repairs to metal flues shall be a minimum 16 gauge new steel flue pipe with U.L. label.

- (f) There shall be no hanging masonry chimneys.

**Violation Definition**

Any masonry chimney without its own footing shall be called a hanging chimney.

**Minimum Acceptable Quality**

Under permit from Building Standards, proper footing and foundation shall be constructed, or remove chimney and repair damage to dwelling.

- (g) Thimbles shall be grouped in tightly.

**Violation Definition**

Loose or missing mortar around thimble that permits fumes to escape.

**Minimum Acceptable Quality**

Thimble to set in fire-rated mortar.

- (h) Thimbles shall not be broken or cracked.

**Violation Definition**

Fumes allowed in living areas due to cracked or broken thimbles.

**Minimum Acceptable Quality**

Thimble shall be replaced and set in fire-rated mortar.

- (i) Thimbles shall be high enough for stovepipes to rise one-quarter (1/4) per inch per foot minimum.

**Violation Definition**

Thimbles have insufficient rise to promote proper draft.

**Minimum Acceptable Quality**

Alter rise to 1/4" per foot minimum.

- (j) The hearth shall be at least sixteen (16) inches deep and eight (8) inches beyond each side of the fireplace opening.

**Violation Definition**

Hearth is not the minimum dimension. Hearth is the area in front of the fireplace opening.

**Minimum Acceptable Quality**

Enlarge hearth or close fireplace with masonry.

- (k) No combustible materials shall be within seven (7) inches of the top and seven (7) inches of either side of the fireplace opening.

**Violation Definition**

Fireplace opening is less than 7" from combustible material.

**Minimum Acceptable Quality**

Remove combustible materials or seal fireplace.

- (1) Fireplace opening shall be closed with masonry when the chimney is used as a flue for a stove.

**Violation Definition**

Fireplace opening not closed or closed with wood, metal or other non-masonry products.

**Minimum Acceptable Quality**

Brick or concrete block and mortar shall be use dot close off fireplace.

- (m)A stove shall be within six (6) feet of a thimble serving it.

**Violation Definition**

Heating appliance more than 6 feet from thimble.

**Minimum Acceptable Quality**

Move stove or chimney to within 6 feet of thimble.

- (n) No combustible material shall be within twelve (12) inches of a stovepipe.
- (o) No stovepipe shall be through combustible walls.

**Violation Definition**

Wood trim and wood and plaster stud walls are closer than 12 inches to stovepipe.

**Minimum Acceptable Quality**

Remove wood and other combustible material from area of stovepipe. Walls shall remain weather-tight.

- (p) In multiple dwelling and rooming houses with central heat, the furnace room shall be enclosed with material having at least a one-hour fire protection rating.

**Violation Definition**

Furnace contained in a non-rated wall system.

**Minimum Acceptable Quality**

Furnace walls and ceiling to be 6 inch masonry or U.L. approved wall and floor system.

- (q) Fireplaces may be used for supplementary heating only and not for basic heat.

**Violation Definition**

Fireplace is the only means of heat.

**Minimum Acceptable Quality**

Install heating systems to serve all rooms.

**Section 7. Minimum Standards for Electrical Systems**

- (a) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose.

**Violation Definition**

Any electrical receptacles or fixtures not securely anchored.

**Minimum Acceptable Quality**

Electrical devices shall be held in place by screws, bolts or other acceptable anchors.

- (b) All switches and receptacles shall be safely operable.

**Violation Definition**

Electrical switches or receptacles worn and loose, or cover plates not in place.

**Minimum Acceptable Quality**

Replace defective receptacle or fixture and install cover plate.

- (c) Every habitable room shall contain not less than two (2) wall-type electrical convenience receptacles.

**Violation Definition**

A habitable room has less than two duplex receptacles.

**Minimum Acceptable Quality**

Install additional duplex receptacles on a different wall.

- (d) There shall be installed in every habitable room, bathroom, laundry room, hallway, stairway and furnace room at least one supplied ceiling or wall-type electrical light fixture; provided, further, that the ceiling light fixture may be omitted in living room and bedrooms, provided three (3) electrical convenience receptacles are installed, one of which is controlled from a wall switch.

**Violation Definition**

No switch able light fixture or switch able outlet.

**Minimum Acceptable Quality**

Add fixtures or outlets as required.

- (e) There shall be no unsafe wiring.

**Violation Definition**

Electrical wiring incorrect size for fusing and load. All primary electrical cables to be protected from mechanical damage or electrical shock hazard.

**Minimum Acceptable Quality**

Replace unsafe wiring and protect soft wall cables by conduit or inside walls.

- (f) There shall be no drop or extension cords in excess of six (6) feet in length.

**Violation Definition**

Extension cords in use over 6 feet in length.

**Minimum Acceptable Quality**

Remove extension cords over 6' if there are 2 duplex receptacles in the room or install additional outlets.

(g) No circuits shall be overloaded.

**Violation Definition**

Frequent fuse failure or circuit breaker tripping.

**Minimum Acceptable Quality**

Minimum house service to be 60 amps. Remove electrical appliances from overloaded circuit, or install additional circuits.

(h) Fuses shall be sized correctly and not bridged out.

**Violation Definition**

Oversized fuses on receptacle or lighting circuits.

**Minimum Acceptable Quality**

Replace oversized fuses or add new circuits.

(i) All wiring to be installed shall be in accordance with the National Electrical Code.

**Violation Definition**

As described.

**Section 8. Minimum Standards for Insulation**

Every dwelling, including multiple dwellings, of three (3) stories or less in height shall have installed in the ceiling or, in the case of a dwelling of more than one story, in the ceiling of the top story, insulation to a minimum resistance value of R-19. Except as specified in this section, the insulation shall be installed in accordance with the requirements of the North Carolina Uniform Residential Building Code.

**Violation Definition**

As described.

### **Minimum Acceptable Quality**

Install insulation to a minimum value of R-19.

### **Section 8. Minimum Standards for Insulation**

Every dwelling, including multiple dwellings, of three (3) stories or less in height shall have installed in the ceiling or, in the case of a dwelling of more than one story, in the ceiling of the top story, insulation to a minimum resistance value of R-19. Except as specified in this section, the insulation shall be installed in accordance with the requirements of the North Carolina Uniform Residential Building Code.

### **Section 9. Minimum Standards for Light and Ventilation**

- (a) The window glazed area in each habitable room shall not be less than eight (8) percent of the floor area or eight (8) square feet, whichever is greater.

#### **Violation Definition**

A habitable room containing less than 8% of its floor space in glazed area or glazed area is covered by paint or glazing compound.

#### **Minimum Acceptable Quality**

Remove any substance from window glass to allow free passage of light. Any single pane of glass with more than hairline crack shall be replaced. Enlarge window area to meet minimum requirement.

- (b) The operable window area in each habitable room shall be equal to at least one-half (1/2) of the minimum allowance window area and facing directly to the outside for ventilation unless the room is served by an approved ventilating system.

#### **Violation Definition**

Less than 1/2 of the minimum window area opens to the outside.

#### **Minimum Acceptable Quality**

Install a larger window unit or ventilation or air conditioning system acceptable to the inspector. The window shall be able to remain open unsupported by sticks.

- (c) All windows and doors opening to the outside shall be adequately screened unless the room is served by an approved ventilation system. Screens shall fit openings snugly and the screen mesh shall not be torn or otherwise defective.

**Violation Definition**

Screen doors not fitting door jambs or window screens and door screens not having intact screens or having bent or broken frames or hardware are violations. Patching screens is not allowed.

**Minimum Acceptable Quality**

Repair or replace door or window screen. Window or door screen shall have no cracks around frame that permit insects to enter. Approved air conditioning system or ventilation systems may remove requirement for screens.

- (d) Screens shall not be permanently fixed to the window frame or sash.

**Violation Definition**

Screens nailed, screwed or otherwise fixed in place are violations.

**Minimum Acceptable Quality**

Remove all obstructions to screen and repair or replace screen and screen frame so that unit can be easily removed. Standard screen latch hardware or non-rusting nails can be used. Do not nail through screen frame. Not more than 4, 4d nails shall be used.

- (e) In bathrooms containing more than one water closet, the window area shall be at least three (3) square feet of glazed area. Where adequate windows cannot be provided, metal ducts with at least seventy-two (72) square inches are open area and extending from the ceiling through the roof, or mechanical ventilation to the outside, shall be provided.

**Violation Definition**

Bathrooms not meeting these requirements are in violation.

**Minimum Acceptable Quality**

Enlarge window area or install a ventilating system.

- (f) Every public hall and inside stairway in every multi-family dwelling shall be adequately lighted at all times with an illumination of at least three (3) foot-candles per square foot in the darkest portion of the normally traveled stairs and passageways.

**Violation Definition**

A poorly lit or unlit public hall or inside stairway.

### **Minimum Acceptable Quality**

Light fixture shall be operable at all times. Light controls shall be separate from dwelling units. Light shall shine on all stairs and public floors. A 100 watt incandescent bulb will light a 500 sq. ft. hall or stairway.

- (g) All windows opening to the outside shall be reasonably weather tight and shall have operable locks.

### **Violation Definition**

A window unit that air penetrates or does not have operable locks.

### **Minimum Acceptable Quality**

Install weather-stripping or repair defective window components to stop air flow. Repair or install locks.

## **Section 10. Minimum Standards for Space and Use**

- (a) At least one room in the dwelling shall contain not less than one hundred fifty (150) square feet.
- (b) A kitchen-dining room combination, if any, shall not be less than one hundred (100) square feet.
- (c) A first bedroom, if any shall not be less than one hundred (100) square feet.
- (d) A second bedroom, if any, shall not be less than seventy (70) square feet.
- (e) There shall be at least seventy (70) square feet in each habitable room.
- (f) There shall be at least one hundred fifty (150) square feet of floor space in habitable rooms for the first occupant in each dwelling unit; at least one hundred (100) square feet for each of the next three (3) occupants; and at least fifty (50) square feet for each additional occupant over the number of four (4). (Children one year of age and under shall not be counted.)
- (g) There shall be at least eighty (80) square feet bedroom floor space for the first occupant; at least twenty (20) square feet for the second occupant; and at least thirty (30) square feet for each occupant over the number of two (2). (Children one year of age and under shall not be counted.)

### **Violation Definition (a – g)**

The measured room area is less than the specified floor area.

**Minimum Acceptable Quality (a – g)**

Expand to meet minimum size. It may be possible under some conditions to discontinue using as habitable space.

- (h) Those habitable rooms which must be included to meet the foregoing minimum space requirements shall be at least seven (7) feet wide in any part with at least one-half (1/2) of the floor area having a ceiling height of at least seven (7) feet. That portion of any room where the ceiling height is less than five (5) feet shall not be considered as part of the required floor area.

**Violation Definition**

The measured room area is less and ceiling height are less than specified. Ceilings obstructed by ductwork, joists, and boxed-in utilities; for example, do not count toward minimum square footage requirements if the obstruction is less than 7' high.

**Minimum Acceptable Quality**

If clearance can't be obtained through ceiling or floor alteration, space must not be used as a habitable room.

- (i) No basement shall be used as a habitable room or housing unit unless:
  - 1. The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness and condensation.

**Violation Definition**

Presence of excessive moisture or standing water.

**Minimum Acceptable Quality**

Use a combination of surface bonding agents on interior walls, sump pump, landscaping, or drainage system to eliminate moisture or water.

- 2. The total window area in each room is equal to at least the window area sizes prescribed herein for habitable rooms. (See Section 11-53 of this article, light and ventilation requirements.)

**Violation Definition**

Please see Section 9 (a).

**Minimum Acceptable Quality**

Please see Section 9 (a).

3. Such required window area is located entirely above the grade of the ground adjoining such window area unless provided with adequate window wells.

**Violation Definition**

Windows that are partially or wholly below existing grade level.

**Minimum Acceptable Quality**

Install window wells with walls of masonry or galvanized or nonferrous metal. Window well to be installed so that wall is approximately 2" above grade and is properly drained.

4. The total of operable window area in each room is equal to at least the area prescribed herein for habitable rooms (See Section 11-53 of this article, light and ventilation requirements.), except where there is supplied some other device affording adequate ventilation and approved by the inspector.

**Violation Definition**

Please see Section 9 (b).

**Minimum Acceptable Quality**

Please see Section 9 (b).

- (j) Toilet and bathing facilities shall be enclosed.

**Violation Definition**

Toilet and bathing rooms that do not meet all appropriate minimum standards of fitness.

**Minimum Acceptable Quality**

Toilet and bathing rooms must meet all appropriate minimum standards of fitness. (See Sections 54 and 5)

- (k) There shall be no holes or excessive cracks in walls, ceilings, outside doors or outside windows.

**Violation Definition**

Cracks wider than 1/8" or longer than 6 inches or holes larger than 1/4" diameter are in violation.

**Minimum Acceptable Quality**

Holes and cracks shall be repaired with similar or compatible materials and returned to a condition that matches the original condition, including repainting with the same color.

1. Access shall be provided to all rooms within a dwelling unit without passing through a public space.

**Violation Definition**

All rooms must be accessible from within the dwelling unit.

**Minimum Acceptable Quality**

Alter dwelling to enclose rooms or accesses. Building permit may be required.

- (m) Doors shall be provided at all doorways leading to bedrooms, toilet rooms, and bathrooms and all rooms adjoining a public space.

**Violation Definition**

Doors shall have operable latch set and be free of holes, cracks, or damage. Lofted sleeping areas do not require doors.

**Minimum Acceptable Quality**

Repairs shall be made with same or similar material. If there is no door, install an interior door with an operable latch set.

- (n) Doors providing access to any living unit shall have operable locks and the owner shall provide a change of locks or keys for new tenants.

**Violation Definition**

Unlock able doors or nonfunctioning locks are prohibited. A padlock and hasp are not permitted as the sole means of locking the door.

**Minimum Acceptable Quality**

A secure operable lock shall be installed. Locks must be changed or re-keyed when new tenants move in.

- (o) All doors opening to the outside shall be reasonably weather tight.

**Violation Definition**

Light appears around door or at threshold or air entry is felt around door.

**Minimum Acceptable Quality**

Weather-stripping, door sweep and/or threshold shall be installed.

(p) Smoke alarms shall be installed as follows:

- (i) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms; and
- (ii) In each room used for sleeping purposes; and
- (iii) In each occupied story within a dwelling unit, including basements and cellars; and
- (iv) Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place. Buildings undergoing construction which constitutes the removal of interior wall or ceiling materials exposing the structure must install smoke detectors as required by the North Carolina Building Code.

**Violation Definition**

No operable smoke detector or alarm.

**Minimum Acceptable Quality**

Install smoke detector or alarm at each sleeping area or in hallway leading to sleeping area.

**Section 11. Minimum Standards for Safe and Sanitary Maintenance**

(a) Building Structure. The building shall be maintained as follows:

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

**Violation Definition**

Exterior surfaces not weather tight, not in sound condition and not protected by approved or properly applied paint sealant or siding.

**Minimum Acceptable Quality**

1. Clean, surfaces with no cracked or peeling paint.
  2. Properly painted or sided surfaces.
  3. Holes and cracks properly caulked
  4. Prime exposed wood, new material and metal surfaces
  5. Apply sufficient paint to assure proper coverage
  6. Paint coverage must be of a continuous color and texture
2. Interior floor, walls, and ceilings. Every floor, interior wall, and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. These surfaces shall also be maintained in a clean and sanitary condition.

**Violation Definition**

Interior surfaces not clean or free of peeling paint, mildew, soot, grease, etc.

**Minimum Acceptable Quality**

All interior surfaces may be washed, painted or covered. There shall be no paint on window glass, window runs or plumbing fixtures.

3. Windows and doors. Every window, exterior door, basement or cellar door, and hatchway shall be substantially weather tight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.
4. Stairs, porches, and appurtenances. Every inside and outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. See Section 4 (g)
5. Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition. See Section 4 (b)
6. Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition. See Section 5, 6, and 7.
7. Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water. See Section 11 (g)

8. Noxious Weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health. See Section 11 (h)

**Violation Definition**

As described.

**Minimum Acceptable Quality**

Heavy undergrowth, brush, plants, dead trees, and deal limbs in trees shall be removed from property and properly disposed of.

**Section 12. Minimum Standards for Control of Insects, Rodents, and Infestations**

- (a) Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.
- (b) Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.
- (c) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- (d) Rubbish Storage and Disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by Town Ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.
- (e) Garbage Storage and Disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinders) in each dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by Town Ordinance.

**Section 13. Exit Requirements**

- (a) There shall be two (2) main exits, each at least thirty (30) inches wide and six (6) feet, eight (8) inches high easily accessible to the occupants of each building. All exit doors must be easily operable and remotely located. (See the State Building Code for exemptions.)

**Violation Definition**

Single family houses with (a) one exit, (b) exits less than 30 inches wide, (c) exit less than 6’8” high.

**Minimum Acceptable Quality**

Install new exit or enlarge existing exit.

- (b) Platforms, steps, and/or handrails provided to serve exits shall be maintained in safe condition.

**Violation Definition**

Exits with loose, damaged, decayed, and/or weakened steps, handrails, or landings.

**Minimum Acceptable Quality**

Refer to Section 4 (g) (h)

- (c) There shall be a safe, continuous and unobstructed exit from the interior of the buildings to the exterior at street or grade level.

**Violation Definition**

Exits not free of obstacles or hazards.

**Minimum Acceptable Quality**

Ensure access to exit and beyond is safe and unobstructed.

**Section 14. Minimum Standards Applicable to Rooming Houses; Exceptions**

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

- (a) Water Closet, Hand Lavatory, and Bath Facilities. At least one (1) water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house where ever said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- (b) Minimum Floor Area for Sleeping Purposes. Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- (c) Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- (d) Sanitary Facilities. Every water closet, flush urinal, lavatory basin, and bathtub or shower required by subsection (a) of this section shall be located within the rooming house separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

## **Section 15. Responsibilities of Owners and Occupants**

- (a) Public Areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (c) Rubbish and Garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities
- (d) Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

- (e) Care of facilities, equipment, and structure. No occupant shall willfully destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.
- (f) The owner alone shall be responsible for the following:
  - (i) In order to protect the health and safety of occupants of a building the owner shall, within 48 hours after being notified in writing:
    - (1) Repair broken, burst, frozen or inoperable plumbing pipe, or fixtures.
    - (2) Repair any exposed or unsafe wiring.
    - (3) Repair or replace any unsafe and/or dangerous cooking or heating equipment provided by the owner.
    - (4) Repair or replace fuel storage tanks and/or leaking, improperly supported or dangerous.
    - (5) Repair, replace, or install a heating appliance as required by this Code.
  - (g) Oil or gas fired portable or non-vented cook stove or heater are prohibited.
  - (h) Heating or cooking unit which constitutes a serious fire hazard is prohibited.

**Section 16. Duties of Building Inspector**

The Building Inspector is hereby designated as the officer to enforce the provision of this Ordinance and to exercise the duties and powers herein prescribed. It shall be the duty of the Building Inspector:

- (a) To investigate the dwelling conditions, and to inspect dwellings and dwelling units, located in the Town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this ordinance with respect to such dwellings and dwelling units;
- (b) to take such action, together with other appropriate departments and agencies, public and private; as may be necessary to effect rehabilitation of housing which is deteriorated;
- (c) to keep a record of the results of inspections made under this Ordinance and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
- (d) to perform such other duties as may be herein prescribed.

**Section 17. Powers of Building Inspector**

The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance, including the following powers in addition to others herein granted:

- (a) to investigate the dwelling conditions in the Town in order to determine which dwellings therein are unfit for human habitation;

- (b) to administer oaths and affirmations, examine witnesses and receive evidence;
- (c) to enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in such manner as to cause the least possible inconvenience to the person in possession; and
- (d) to appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this Ordinance.

### **Section 18. Inspection; Duty of Owners and Occupants**

For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in chare thereof, shall give the Inspector free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any par t of such dwelling or dwelling unit, and its premises, at reasonable times for the purpose of making such repairs or alternations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful order issued pursuant to the provisions of this Ordinance.

### **Section 19. Procedure for Enforcement**

- (a) Preliminary Investigation; Notice; Hearing. Whenever a petition is filed with the Inspector by a Public Authority or by at least five (5) residents of the Town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten (1) nor more than thirty (30) days after serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the time and place fixed in the complaint. Notice of such hearing shall also be given at least one of the persons signing a petition relating to such dwellings. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.
- (b) Procedure After Hearing. After such notice and hearing, the Inspector shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

If the Inspector determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and

cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this Ordinance within a specified period of time, not to exceed ninety (90) days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.

If the Inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter, and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this Ordinance within a specified period of time, not to exceed ninety (90) days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations, and improvements have been made.

If the Inspector determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof and order directing and requiring to owner either to repair, alter, and improve such swelling or dwelling unit to comply with the minimum standards of fitness established by this Ordinance, or else vacate and remove or demolish the same within a specified period of time not to exceed ninety (90) days.

An owner of any dwelling or dwelling unit who desires to comply with such findings of fact may sign and agree to be bound by such Intent to Repair Contract. Such contract shall outline the requirements for compliance and outline the procedure in the event of a failure to comply. The Intent to Repair Contract shall afford the full ninety day period for compliance based on the following performance criteria: first 30 days – obtain licensed contractors, zoning, and building permits; second 30 days – complete all demolition and clean up; and, third. 30 days – “Dried In” all structural repairs and “rough in” inspections passed. An Intent to Repair Contract must be signed by owner within 10 days from Order to Repair or Demolish. Such contract, if signed by both Code Enforcement Officer and Owner, shall temporarily suspend enforcement unless the Order to Repair is violated

The Code Enforcement Officer shall immediately resume enforcement if such contract is breached by Owner in any way.

(c) Failure to Comply With Order

- (1) Inn Personam Remedy. If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Inspector to vacate and close, and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board of Commissioners at its next regular meeting a resolution directing

the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. 160-A-446 (g).

- (2) In Rem Remedy. After failure of an owner of a deteriorated dwelling or dwelling unit, or dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph (1), the Inspector shall submit to the Board of Commissioners an Ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. 160A-443 and Section 17 of this Ordinance.
- (d) Appeals from Orders of Inspector. An appeal from any decision or order of the Inspector may be taken by a person aggrieved thereby. Any appeal from the Inspector shall be taken within 10 days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Board of Commissioners a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the persons aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of this requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one days' written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446 (f) and subsection (e) of this Section.

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

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

- (e) Petition to Superior Court by Owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160-A-446 (f).

## **Section 20. Methods of Service of Complaints and Orders**

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same once each week for two successive weeks in a newspaper, (printed and published) (circulating) in the Town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

**Section 21. In Rem Action by Inspector; Placarding.** After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this Ordinance, and upon adoption by the Board of Commissioners of an Ordinance authorizing and directing him to do so, as provided by G.S. 160A-443 (5) and Section 15 (c) of this Ordinance, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this Ordinance, or to be vacated and closed and removed or demolished, as directed by the Ordinance of the Board of Commissioners and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following word: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful". Occupation of a building so posted shall constitute a misdemeanor.

**Section 22. Costs, a Lien on Premises.** As provided by G.S. 160A-446 (6), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to Section 17 of this Ordinance shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by Article 10, Chapter 160A of the General Statutes.

**Section 23. Alternative Remedies.** Neither this ordinance or any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this Ordinance by criminal process as authorized by G.S. 14-4 and Section 21 of this Ordinance, and the enforcement of any remedy provided herein

shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances of laws.

**Section 24. Zoning Board of Adjustment to Hear Appeals.** All appeals which may be taken from decision or orders of the Inspector pursuant to Section 15 (d) of this Ordinance shall be heard and determined by the Board of Commissioners. As the appeals body, the Board shall have power to fix the times and places of its and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by Section 15 (d) and shall keep an accurate journal of all its proceedings.

**Section 25. Conflict With Other Provision.** In the event any provision, standard, or requirement of this Ordinance is found to be in conflict with any provision of any other ordinance or code of the Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

**Section 26. Violations; Penalty.** It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 15 of this Ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

**The violation of any provision of this Ordinance shall constitute a misdemeanor, as provided by G.S. 14-4.**

**Section 26. Severability.** If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end the provisions of this Ordinance are hereby declared to be severable.

**Section 27.** Each day's continuing violation shall be a separate and distinct offense.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Bill Thunberg, Mayor

Attest:

---

Janet O. Pope, Town Clerk

Approved as to form:

---

Stephen P. Gambill, Town Attorney