

CHAPTER 151: MINIMUM HOUSING CODE

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§ 151.01 PURPOSE.

Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the Town of Franklinton and its Extraterritorial Jurisdiction (ETJ) dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the Town and its ETJ. This chapter establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this article.

§ 151.02 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter.

AGENT. Agent shall mean any person, firm or corporation who is responsible for the management, maintenance, operation, renting, leasing or sale of any property, or who makes application for or seeks a permit or certificate on behalf of the owner of any property or who in any other way represents the owner or the property in any particular case.

BASEMENT. Basement shall mean a portion of a building which is located partly or wholly underground, having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. 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.

DWELLING. Dwelling shall mean any building, structure, manufactured home, mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoined therewith, except that it does not include any temporary housing as hereinafter defined.

DUPLEX. Duplex shall mean a structure containing two (2) complete and separate dwelling units with a common wall or ceiling and under one (1) roof.

DWELLING UNIT. Dwelling unit shall mean one (1) or more rooms physically arranged as to create an independent housekeeping establishment with separate facilities for cooking, sleeping, and toilet under one roof.

EQUIVALENT DWELLING UNIT. Equivalent dwelling unit for purposes of computing the means of egress required by this chapter, the following shall be considered equivalent to a dwelling unit: Any room or rooms not provided with cooking facilities and occupied by four (4) persons within a rooming house, fraternity, sorority, rest home, or any dwelling however styled.

EXTERMINATION. 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.

FAMILY. Family shall mean an individual or two (2) or more persons related by blood to the third degree lineally or the fourth degree collaterally, marriage, or adoption living together in a dwelling unit; or a group of not more than four (4) persons, one (1) or more of whom is not related by blood as described above, marriage, or adoption to the other. A *family may* include five (5) or fewer foster children placed in a family foster home licensed by the State of North Carolina.

GARBAGE. Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE ROOM. 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.

INFESTATION. Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such numbers as to constitute a menace to the health, safety or welfare of the occupants or to the public.

INSPECTOR. Inspector shall mean the Building Inspector or his authorized inspectors. In addition to the powers and responsibilities granted in this article, the Building Inspector or his designee shall exercise the powers and responsibilities given to "public officer" in G.S. 160A-441 et seq.

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."

MULTIPLE DWELLINGS. Multiple dwellings shall mean any dwelling containing more than two (2) dwelling units.

OCCUPANT. Occupant shall mean any person, regardless of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

OPERATOR. 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.

OWNER. Owner shall mean any person who alone, or jointly, or severally with others:

(A) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(B) Shall have charge, care or control of any dwelling or dwellings unit, as owner or agent of the owner, or as executor, administrator, 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 adapted pursuant thereto, to the same extent as if he were the owner.

PLUMBING. Plumbing shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, grease traps, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supply fixtures, together with all connections to water, sewer or gas lines.

ROOMING HOUSE, LODGING HOUSE OR TOURIST HOME. A type of equivalent dwelling located in a dwelling which contains room or room(s) without cooking facilities that are rented to the general public as a whole to more than four (4) persons.

ROOMING UNIT. 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.

RUBBISH. 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.

SUPPLIED. Supplied shall mean paid by, furnished or provided by, or under the control of, the owner or operator.

TEMPORARY HOUSING. 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 (30) consecutive days.

UNFIT FOR HUMAN HABITATION. Unfit for human habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do

not comply with one (1) or more of the minimum standards of fitness or one (1) or more of the requirements established by this article.

State law reference: Minimum housing standards, G.S. 160A-441 et seq.

§ 151.03 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.

No person shall occupy or lease to another for occupancy, any dwelling unit for the purpose of human habitation which does not comply with the following requirements:

(A) Basic equipment and facilities.

(1) Kitchen sinks. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the Building Inspector. The kitchen sink shall have hot and cold running water.

(2) Water closets and lavatories. Every dwelling unit shall contain a room separate from the habitable rooms which affords privacy and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Building Inspector. Access to such room shall be through a weather tight area.

(3) Bathtub and showers. Every dwelling unit shall contain a room which affords privacy to a person and shall contain a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Building Inspector.

(4) Hot water facilities in new construction. All new construction shall have adequate hot water heating facilities.

(5) Hot water facilities in existing structures. Existing structures shall have installed adequate hot water heating facilities by or before the year 1961.

(B) Heating. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:

(1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 65° to 68° F measured three feet above the floor during ordinary winter conditions.

('81 Code, §5-81)

(2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all

habitable rooms with a minimum temperature of 65° to 68° F measured (3) three feet above the floor during ordinary winter conditions. ('81 Code, §5-82)

(C) Light and ventilation. No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein which does not comply with the following requirements:

(1) Every existing habitable room shall be provided with a window with a minimum of six (6) square feet or a gravity or mechanical ventilation system capable of providing one (1) air change every thirty (30) minutes approved by the Building Inspector.

(2) Every habitable room shall have at least one (1) window or skylight which can easily be opened directly to the outside, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) per cent of the minimum window area size or minimum skylight-type window size, as required in subsection (1) of this section, except where there is supplied some other device affording adequate ventilation and approved by the Building Inspector.

(3) Every habitable room of every building shall contain at least two (2) separate floors or wall-type electric convenience outlets and every water closet compartment, bathroom, laundry, furnace, room entrance, exit way, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be connected to the source of electric power in a safe manner. The electrical service serving a dwelling unit shall be of sufficient capacity to carry the demand load as determined by the electrical code of the Town of Franklinton.

(4) Every public hall and stairway in every multiple dwelling serving five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(D) Sanitary maintenance, safety and structural standards. No person shall occupy as owner-occupant, or lease to another for occupancy, any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

(1) Screening for insects and rodents.

(a) During the period of April 1 to October 1, inclusive, for protection against mosquitoes, flies and other insects, every door opening directly from the dwelling or dwelling unit to outdoor space shall have supplied screens and a self-closing device; and every window or other device with openings to outdoor space used, designed or intended to be used for ventilation shall be likewise provided with screens, provided that dwelling units containing central air conditioning equipment or window-type air conditioning units which will

satisfactorily cool and ventilate the dwelling unit are not required to have screens in door and window openings.

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

(c) Screens shall be provided for all enclosed crawl space vents.

(d) Screens shall fit openings snugly and shall not be torn or otherwise defective.

(e) Screens shall not be permanently fixed to the window frame or sash by nail, staples or screws.

(2) Foundations.

(a) A foundation wall shall support the building at all points and shall be free of holes and cracks which would admit rodents, water or dampness to the interior of the building or which lessen the capability of the foundation to support the building.

(b) Crawl space shall be graded so as to prevent any water standing.

(c) Footings shall be sound and have adequate bearing capacity.

(d) Piers shall be sound with no loose mortar or masonry.

(e) No pier in which the plumb line from top center falls outside the middle one-third (1/3) of the pier base shall be allowed.

(3) Floors.

(a) There shall be no decayed, termite-damaged, fire-damaged, broken, overloaded or sagging sills that adversely affect the structural integrity of the building framing system.

(b) Sills shall be properly supported and reasonably level.

(c) Joists shall not be decayed, overloaded, sagging or broken so as to adversely affect the structural integrity of the floor framing system.

(d) Flooring shall be weather tight without holes or cracks which permit excessive air to penetrate rooms.

(e) Flooring shall be reasonably smooth. There shall be no decayed or fire damaged material so as to adversely affect the structural integrity of the flooring system.

(f) There shall be no loose flooring.

(g) Floors shall be reasonably level.

(h) Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition. The floor surfaces shall be covered with a non-absorbent material.

(4) Walls, exterior.

(a) There shall be no wall in which the plumb line from the top of the wall to the bottom exceed two (2) inches nor shall the slope of the wall exceed 2% slope, unless approved by a Licensed Architect or Licensed Engineer in a sealed affidavit attesting to the safety of the structure.

(b) Walls shall be structurally sound.

(c) There shall be no broken, cracked or fire damaged structural members.

(d) All siding shall be weather tight, with no holes or excessive cracks or decayed boards which permit excessive air to penetrate rooms.

(e) There shall be no loose siding.

(f) Exterior surfaces not inherently resistant to deterioration shall be treated with a protective coating or covering and maintained in good repair to prevent deterioration.

(5) Walls, interior.

(a) There shall be no interior wall in which the plumb line from the top of the wall to the bottom exceed two (2) inches nor shall the slope of the wall exceed 2% slope, unless approved by a Licensed Architect or Licensed Engineer in a sealed affidavit attesting to the safety of the structure. The interior finish shall be free of holes and cracks which permit excessive air to penetrate rooms.

(b) No loose plaster, loose boards or other loose wall materials shall be allowed.

(c) Only standard building materials shall be used on a wall to prevent air intrusion.

(d) There shall be no decayed or termite-damaged studs.

(e) There shall be no broken or cracked studs or other broken or cracked structural members allowed.

(6) Ceilings.

(a) There shall be no joists which are decayed, broken, or experiencing excessive sagging, or improperly supported.

(b) There shall be no holes or excessive cracks which permit air to penetrate rooms.

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

(d) Ceiling joist shall be structurally sound.

(e) Only standard building materials shall be used on a ceiling to prevent air intrusion.

(7) Roofs.

(a) There shall be no rafters which are decayed, broken, or improperly supported.

(b) There shall be no rafters that have been damaged by fire.

(8) Exterior and interior windows and doors.

(a) All exterior windows and doors shall be reasonably weather tight, shall have no broken glass, and shall have adequate operable locks and hardware.

(b) All interior doors and hardware shall be in good repair.

(9) Means of egress.

(a) One or two dwelling units. There shall be a minimum of one (1) exit from each dwelling unit when the travel distance to the exit does not exceed seventy-five (75) feet.

(b) Three or more dwelling units. The exit provisions shall conform to the requirements as established by the North Carolina State Building Code.

(c) Platforms, steps, and/or handrails provided to serve exits shall be maintained in safe condition as established by the North Carolina State Building Code.

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

(10) Porches.

(a) Foundation, floor, ceiling and roof shall be equal to standards set forth above, except sills, and joists need not be level if providing drainage of floors; floors need not be weather tight; ceiling height shall be not less than seven (7) feet.

(b) Roof post and attached railings if provided, shall be structurally sound.

(c) Every porch, terrace or entrance platform located at least thirty (30) inches above the adjacent finished grade shall be equipped with railings not less than thirty-six (36) inches high.

(11) Stairs and steps.

(a) Stairs and steps shall not be decayed and shall be in good repair.

(b) Every rail shall be firmly fastened and maintained in good condition.

(c) No flight of stairs more than one (1) inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.

(d) Supports shall not sag and shall be structurally sound.

(e) Every stair tread shall be sound and securely fastened.

(f) Open sides of stairs with a total rise of more than thirty (30) inches above the floor or grade below shall have handrails not less than thirty-four (34) inches in height measured vertically from the nosing of the treads.

(12) Electrical.

(a) No receptacles, ceiling fixtures, light switches or other fixtures shall be broken or hanging loose.

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

(c) Every habitable room of every building shall contain not less than two (2) separate floor or wall-type electric convenience outlets and every water closet compartment, bathroom, laundry, furnace, room entrance, exit way, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be connected to the source of electric power in a safe manner and grounded.

(d) There shall be installed in every habitable room, bathroom, laundry room, hallway, stairway and furnace room at least one (1) 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 (1) of which is controlled from a wall switch.

(e) There shall be no unsafe wiring.

(f) There shall be no bare wires, open joints or spliced cables.

(g) No circuits shall be overloaded.

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

(i) There shall be no open spaces in the panel box.

(13) Plumbing.

(a) Every plumbing fixture and water and waste pipe shall be the correct size and properly installed and maintained in good sanitary working condition.

(b) The plumbing system shall be connected to the Town of Franklinton's sanitary sewer system where available; otherwise, the plumbing system shall be connected onto an approved septic tank.

(c) Water closets shall not be broken.

(d) Water closets shall not be loose from the floor or leaking.

(e) Tub and shower stall floors and walls shall be watertight.

(f) Fixtures shall not be cracked or broken.

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

(h) There shall be installed a water closet, tub or shower, lavatory and kitchen sink for each dwelling unit.

(i) There shall be separate toilet facilities for each dwelling.

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

(k) All water piping shall be protected from freezing by proper installation in protected space.

(l) Sewer and water lines shall be properly supported, with no broken or leaking lines.

(14) Heating.

(a) All occupied dwelling units shall have heating facilities, central or other.

(b) Heating facilities, central or other, shall be properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments.

(c) During the months of October through May, every occupied dwelling unit shall have a heating appliance with a minimum capacity of twelve thousand (12,000) BTU output so as to heat at least one (1) habitable room, excluding the kitchen, to a minimum temperature of sixty-five (65) degrees Fahrenheit, measured three (3) feet above the floor with an outside temperature of twenty-five (25) degrees Fahrenheit. As an alternative, a professional engineer or a North Carolina licensed HVAC contractor may provide calculations that the room designated can be heated accordingly by a heating unit with lesser capacity.

(d) Every bathroom or water closet compartment which does not open directly from a room having a source of heat shall be provided with an electrical receptacle or gas connection.

(e) All electric, gas and oil burning equipment installed on the premises shall be of a type approved by Underwriters' Laboratories, Inc., or by American Gas Association and shall be installed in accordance with the provisions of the manufacturers' recommendations or listing.

(f) Chimneys shall have no loose bricks or mortar.

(g) Flues shall have no holes.

(h) There shall be no hanging masonry chimneys.

(i) Thimbles shall be grouted in tight.

(j) Thimbles shall be installed high enough for the stovepipe to rise one-fourth (1/4) inch per foot minimum.

(k) Fireplaces shall be used only for supplemental heat and not for basic heating.

(l) Hearth extension shall be made of non-combustible materials at least twenty (20) inches deep and twelve (12) inches beyond each side of the fireplace opening.

(m) Combustible materials shall not be within six (6) inches of either side of the fireplace opening or within twelve (12) inches above the fireplace opening.

(n) If the fireplace opening is closed, the closure shall be of noncombustible material and airtight.

(o) Any stove shall be within six (6) feet of the thimble serving it.

(p) No combustible materials shall be within twelve (12) inches of stovepipe.

(q) No stovepipe shall be routed through combustible walls.

(r) Portable kerosene heaters are not acceptable as a permanent source of heat but they may be used as a supplementary unit in one- and two-family dwelling units. No owner shall be held to be in violation of this Code when an occupant is using a kerosene heater as a source of heat as long as the owner has complied with appropriate ventilation.

(15) Smoke detectors.

(a) Every owner of a rental residential dwelling unit lawfully constructed without smoke detectors shall install a smoke detector mounted on the ceiling or wall on every level, at a point centrally located in the corridor or area giving access to each group of rooms used for sleeping purposes and in common stairwells in each dwelling unit.

(b) The owner of every rental residential unit where a smoke detector is installed shall maintain and insure that the smoke detector is kept in good working order at all times. If a battery-operated smoke detector is used, the batteries shall be replaced at least once per year. **State law reference:** 1991 Session laws Chapter 321 §2.

(16) Effective functioning of facilities and equipment. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed, installed or connected that it will function safely and effectively and shall be maintained in satisfactory working condition. It shall be unlawful for any person willfully or maliciously to deposit any material in any toilet, bathtub, sink or other plumbing fixture which may result in the obstruction of any sanitary sewer. This liability on the part of the occupant shall not relieve the owner of the responsibility of cleaning any resultant blockage.

(17) Temporary interruption of service. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or disconnected from any occupied dwelling leased or occupied by him, except for such temporary interruption as may be necessary while actual repair or alterations are in process or during temporary emergencies when discontinuances of services are approved by the Building Inspector.

(18) Space, use and location. No person shall occupy or lease to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

(a) Required space in dwelling units. Every dwelling unit shall comply with the following Schedule of Required Minimum Habitable Room Floor Area.

SCHEDULE OF REQUIRED MINIMUM HABITABLE ROOM FLOOR AREA:

Number of Persons	Required Minimum Habitable Floor Area in Square Feet
1	150
2	260
3	370
4	480
5	590
6	700
7	780
8	850
9	950
10	1,050
11	1,560
12	1,670
13	1,780

14	1,890
15	2,000
16 and greater	an additional 150 for each additional occupant

The living or principal room shall contain not less than one hundred fifty (150) square feet; the first bedroom shall contain not less than one hundred (100) square feet; and all other bedrooms, if any, shall contain not less than seventy (70) square feet each. The above floor areas shall be calculated only for habitable rooms.

(b) Each habitable room shall have at least seventy (70) square feet.

(c) Height of ceiling. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet; and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(d) Access to bath and bedrooms. No dwelling or dwelling unit constructed after adoption of this chapter, containing two (2) or more sleeping rooms, shall have such room arrangements that access to bathroom or water closet compartment intended for use by occupant of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(e) Cellars. No cellar space shall be used as a habitable room or dwelling unit.

(f) Basement. No basement space shall be used as a habitable room or dwelling unit, unless:

(1) The floor and walls are impervious to leakage of underground and surface runoff water.

(2) The total window area in each room is equivalent to the minimum window area size as identified in this chapter.

(3) Such required minimum window area is located entirely above the grade of the ground adjoining such window area.

(4) The total of openable window area in such habitable room is equivalent to at least the minimum requirements in this chapter, except where there is supplied another device for adequate ventilation approved by the Building Inspector.

(g) Access limitation of dwelling units to commercial uses. No habitable rooms, bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

(19) Minimum standards for rooming houses or bed and breakfast inns.

(a) Every person who operates a rooming house or bed and breakfast inn or who occupies or lets to another for occupancy any rooming unit in any rooming house or bed and breakfast inn shall comply with the provision of every section of this article except as provided in the following subsections:

(1) 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 three (3) rooms within a rooming house or bed and breakfast inn wherever the facilities are shared. 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.

(2) Every water closet, lavatory basin and bathtub or shower required by subsection (1) shall be located within the rooming house or bed and breakfast inn and within a room or rooms which afford privacy and are separate from the habitable rooms.

(3) Access for every water closet, lavatory basin and bathtub or shower required by subsection (1) shall be not more than one (1) story removed from any of the persons sharing such facilities and from a common hall and without going outside the rooming house or bed and breakfast inn or through any other occupied room therein.

(4) 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) person shall contain at least fifty (50) square feet of floor area for each occupant thereof.

(5) The operator of every rooming house or bed and breakfast inn 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 or bed and breakfast inn; 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 or bed and breakfast inn is contained is leased or occupied by the operator.

(6) Every rooming house or bed and breakfast inn owner shall provide a resident management. The resident manager's name and room number shall be placed on the primary entrance of the dwelling. The resident manager shall be required to maintain an up-to-date floor plan of the rooming house or bed and breakfast inn. This floor plan shall be posted in a conspicuous location.

(7) Every rooming house or bed and breakfast inn shall have a public telephone located within a central area of the dwelling.

(8) Every rooming house shall have a kitchen facility.

(9) There shall be no living or principal room required.

(10) Every rooming house operator shall conform to the license requirements of this Code.

§ 151.04 RESPONSIBILITIES OF PERSONS.

Occupants of dwellings, multi-family dwellings and dwelling units, and owners or operators of rooming houses shall be responsible for maintenance thereof as provided in this section.

(A) Responsibilities of occupants.

(1) Cleanliness. Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises thereof which he occupies, controls or uses in a clean and sanitary condition.

(2) Disposal of rubbish. Every occupant of a dwelling unit shall dispose of all his rubbish in a clean and sanitary manner as required by this Code.

(3) Disposal of garbage. Every occupant of a dwelling unit shall dispose of his garbage in a clean and sanitary manner by placing it in the garbage disposal facilities as required by this Code.

(4) Use and operation of supplied plumbing fixtures. Every occupant of a dwelling unit shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

(5) Installation and care of plumbing fixtures furnished by occupant. Every plumbing fixture furnished by the occupant of a dwelling unit shall be properly installed and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

(6) Extermination in single dwelling units. The occupants of a dwelling unit or multi-family dwelling shall be responsible for such extermination as when required by this code.

(B) Responsibilities of property owners.

(1) Exterior property areas. No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit for the purpose of living therein, or premises, which does not comply with the following requirements. The inspector shall cause periodic inspections to be made of dwelling premises to secure compliance with these requirements:

(a) Sanitation. All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage.

(b) Grading and drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

(c) Noxious weeds. All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.

(d) Insect and rodent harborage. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises; except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of the other than a single-family dwelling, extermination shall be the responsibility of the owner.

(e) Accessory structures. All accessory structures including detached garages shall be maintained structurally sound and in good repair.

(2) Interior areas. No person shall occupy as owner-occupant, or lease to another for occupancy, any dwelling, multi-family dwelling, dwelling unit, rooming house, rooming unit or portion thereof, for the purpose of living therein which does not comply with the following requirements:

(a) Sanitation. The interior of every dwelling and multi-family dwelling used for human habitation shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities as required in this chapter.

(b) Insect and rodent harborage. Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found

they shall be promptly exterminated by acceptable processes which will not be injurious to human health.

(c) Extermination in buildings. Every owner of a dwelling or multi-family dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests whenever infestation exists in two (2) or more of the dwelling units, or in the shared or public parts of the structure.

(d) Extermination in single dwelling units. The occupants of a dwelling unit in a dwelling or multi-family dwelling shall be responsible for such extermination within the unit occupied by him whenever the occupants dwelling unit is the only unit in the building that is infested.

(e) Responsibility of owner. Notwithstanding the foregoing provisions, whenever infestation of rodents is caused by failure of the owner to maintain any dwelling or multi-family dwelling in a rodent proof condition, extermination of such rodents shall be the responsibility of the owner.

§ 151.05 POWERS OF DEPARTMENT.

(A) The Code Enforcement Officer and/or Building Inspector is hereby designated to exercise the powers prescribed by this article.

(B) The Code Enforcement Officer and/or 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 article, including the following powers in addition to others herein granted:

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

(2) To administer oaths, affirmations, examine witnesses and receive evidence;

(3) To enter upon premises for the purpose of making examinations, provided such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

(4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article, or to impose such duties upon the regularly appointed plumbing , environmental, heating and air conditioning, and electrical inspectors, as approved by the Building Inspector.

§ 151.06. INSPECTIONS.

(A) The Code Enforcement Officer and/or Building Inspector is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Town and its Extraterritorial Jurisdiction in order that he may perform the duty of safeguarding the health and safety of the occupants of dwellings and of the general public. Should the owner or occupant of any dwelling refuse to permit the officer/inspector reasonable access, such officer/inspector shall proceed to obtain a search warrant pursuant to G.S. 15-27.2.

(B) Reserved.

(C) It shall be unlawful for any owner or the agent of any owner to occupy, rent or offer for occupancy or rent as a dwelling any structure or part thereof, upon which an order to repair, alter or improve, or to vacate and close, or to demolish, has been issued without said owner or agent receiving the authority to do so by the Code Enforcement Officer/Building Inspector after confirmation of the dwelling compliance with the Housing Code. If the dwelling(s) is vacant as a result of prior inspector orders, the owner or agent must first file application for and secure a certificate of housing code compliance from the Code Enforcement Officer/Building Inspector. The Code Enforcement Officer/Building Inspector shall issue a certificate of housing code compliance when, after examination and inspection, it is found that the structure conforms to the provisions of this chapter.

(D) The following conditions are necessary for the issuance of a certificate of housing code compliance:

(1) The owner or authorized agent of any dwelling unit vacated after an order to repair or vacate and close has been issued shall apply to the Code Enforcement Officer/Building Inspector for a certificate of housing code compliance prior to the dwelling unit being reoccupied.

(2) After the repairs have been completed, the property owner or agent shall request a certificate of housing code compliance. The Code Enforcement Officer/Building Inspector shall cause an inspection to be made of the dwelling unit specified in the application.

(3) If after examination and inspection the dwelling unit is found to conform, a certificate of housing code compliance shall be issued to the owner of the dwelling unit.

(4) If after examination and inspection the dwelling is not found to conform, the owner of the dwelling unit shall be provided a list of violations that must be corrected before a certificate of housing code compliance may be issued or the dwelling unit occupied.

(5) The certificate of housing code compliance shall state:

- (a) The date of issue.
- (b) The address of the dwelling or dwelling unit.
- (c) The name of the person to whom it is issued.
- (d) The certification that the dwelling or dwelling unit complies with all applicable provisions of this chapter.
- (e) The name of the Building Inspector or Code Enforcement Officer.

§ 151.07 CONFLICT OF REGULATIONS.

Where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the Town, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town shall prevail. Where a provision of this chapter shall be found to be in conflict with a provision of any other ordinance or code of the Town which establishes a lower standard for the promotion and protection of the health and safety of the people of the Town, the provisions of this article shall prevail and such other ordinance or code is declared to be repealed to the extent that it may be found in conflict with this chapter.

§ 151.08 ENFORCEMENT; SERVICE OF NOTICES AND ORDERS.

(A) Whenever a petition is filed with the Code Enforcement Officer by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the Code Enforcement Officer (on his own motion) that any dwelling is unfit for human habitation, the Officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties having an interest in such dwelling including lien holders and tenants, if any, as the same may be determined by reasonable diligence, a complaint stating the charges in that respect and a notice that a hearing will be held before the Officer and Town Manager at the Town Hall Offices not less than ten days nor more than 30 days after the serving of such complaint; that the owner and parties in interest shall be given a right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

(B) If after such notice and hearing the Town Manager and Code Enforcement along with any other agent of the Town determines that the dwelling under consideration is unfit for human habitation because it does not meet the minimum standards of this code, the Officer shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and others interested therein an order:

(1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, not to exceed fifty (50) per cent of the value, requiring the owner within the time specified, to repair, alter or improve such dwelling to render it fit for human habitation or vacate and close the dwelling as a human habitation; or

(2) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, to exceed fifty (50) percent of the value, requiring the owner, within the time specified in any event and not less than ninety (90) days, to repair, alter or improve such dwelling to render it fit for human habitation, or remove or demolish such dwelling .

(C) Dwellings ordered vacated and closed shall have all outer doors firmly locked and basement, cellar and first-story windows barred or boarded to prevent entry, and shall not again be used for human habitation until a Certificate of Housing Code Compliance has been issued pursuant to this chapter.

(D) In persona remedy. If the owner of any deteriorated or dilapidated dwelling unit shall fail to comply with an order following the hearing and within the time specified therein, Code Enforcement Officer shall request a resolution from the Board of Commissioners to be issued at its next regular meeting, directing the Town Attorney to institute an action in the District or Superior Court seeking an order directing such owner to comply with the order of the Code Enforcement Officer and in the alternative, authorizing and directing the Town to demolish and remove dilapidated dwellings in the event that the owners fail to comply with the order within reasonable time. The Town Attorney shall seek to recover all costs incurred by the Town as a lien on the property of the owner.

§ 151.09 PETITION TO DISTRICT OR SUPERIOR COURT BY OWNER.

Any person aggrieved by an order by the Officer or a decision rendered by the Board of Commissioners under this chapter shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the District or Superior Court for a temporary injunction restraining the Officer pending a final disposition of the cause, as provided by GS. §160A-446(f). ('81 Code) (Ord. passed 1-23-79; Am Ord. passed 10-16-01)

§ 151.10 METHODS OF SERVICE.

(A) Complaints or orders issued by an officer shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(B) If the identities of any owners or whereabouts of persons are unknown and the same cannot be ascertained by the officer in the exercise of reasonable diligence, or if the owners are known but have refused to accept service by registered or certified mail; the inspector shall make an affidavit to that effect, stating the steps taken to determine and locate the persons of interest, then the serving of such complaint or order upon such owners or persons may be made by publication in a newspaper having general circulation in the Town at least once no later than the time at which personal service would be required. A notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

§ 151.11 PLACARDING PREMISES.

If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Code Enforcement Officer/Building Inspector may cause such dwelling to be repaired, altered or improved or to be vacated and closed; the Officer/Inspector may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

The removal of such placard when posted pursuant hereto shall be unlawful.
G.S. §160A-443(5) ('81 Code) (Ord. passed 1-23-79) Penalty, see §151.99

§ 151.12 LIEN ON PREMISES FOR COSTS; SALE OF MATERIALS, ETC.

The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the Code Enforcement Officer shall be a lien against the real property upon which such cost was incurred, which lien shall be filed, have the same priority and be collected as provided by G.S. 160A-216 et seq. If the dwelling is removed or demolished by the Officer, he shall sell the materials of such dwelling and any personal property; fixtures; or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court by the Officer, shall be secured in such manner as may be directed by such court and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court. Provided, however, that nothing in this chapter shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

§ 151.13 ALTERNATE REMEDIES.

In case any dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this chapter or of any ordinance or code adopted or any valid order or decision of the Officer or Board made pursuant to any ordinance or code adopted, the Officer or Board may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate such

violation, to prevent the occupancy of the dwelling , or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

§ 151.99 PENALTY.

(A) It shall be unlawful for the owner to occupy or to permit the occupancy by others or for anyone to occupy a dwelling which has been posted with the notices authorized by this Chapter after the time prescribed in the notice for the vacation of said dwelling and each day's occupancy after said date shall be a separate and distinct offense.

(B) If any person shall violate any provision of this chapter, he shall be guilty of a misdemeanor and punishable by a fine of \$500, as provided by GS. §14-4.

(C) Any owner of a dwelling who fails to comply with an order to repair, vacate and close or demolish any dwelling determined unfit for human habitation pursuant to the provisions contained within this chapter, or who permits the reoccupancy of an unfit dwelling in violation of this chapter shall be subject to a civil penalty of five hundred dollars (\$500.00) for the first day following the expiration of an order to repair, vacate and close or demolish any dwelling or following a determination that an unfit dwelling has been reoccupied in violation of this chapter. In each instance, a penalty of one hundred dollars (\$100.00) per day shall be imposed for each subsequent day that the unfit dwelling remains in violation of an order issued pursuant to this chapter or in violation thereof. If a person fails to pay the civil penalty within thirty (30) days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt or by debt setoff.