**CHAPTER 10: BUILDINGS AND BUILDING REGULATIONS**

**CHAPTER** **10:** **BUILDINGS AND BUILDING REGULATIONS**

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*North Carolina State Building Code, see G.S.  143‑138 et seq.*

***ARTICLE I. IN GENERAL***

**10‑1 JURISDICTION.**

The terms of this chapter are made applicable to the extraterritorial jurisdiction of the town and within its zoning jurisdiction.

(1970 Code,  10‑611; 2001 Code,  10‑1)

**10‑2 PENALTY.**

Any violation of this chapter subjects the offender to a civil penalty of $500, as outlined in  1‑6.

(2001 Code,  10‑2)

**10‑310‑30 RESERVED.**

***ARTICLE II. BUILDING CODES***

***Statutory references:***

*Authority to adopt technical codes by reference, see G.S.  160A‑76*

*State building codes, see G.S.  143‑138(c)*

**10‑31 BUILDING CODE ADOPTED.**

The latest edition of the State Building Code, volume I, General Construction, as adopted by the State Building Code Council and as amended, is adopted by reference as fully as though set forth in this section as the Building Code of the town to the extent the Code is applicable for safe and stable design, methods of construction, minimum standards and use of materials in buildings and structures erected, enlarged, altered, repaired or otherwise constructed or reconstructed.

(1970 Code,  10‑2; 2001 Code,  10‑31)

**10‑32 MINIMUM HOUSING CODE ADOPTED.**

The latest edition of the Standard Housing Code, and as amended, is adopted by reference by the town to the extent the Code is applicable for setting minimum standards for living conditions for the residents of the town.

(1970 Code,  10‑3; 2001 Code,  10‑32)

**10‑33 AMENDMENTS TO CODES.**

Amendments to the regulatory codes adopted by reference in this article, which are from time to time adopted and published by the agencies or organizations referred to in this article, shall be effective in the town at the time the amendments are filed with the Town Clerk, as provided in  10‑34.

(1970 Code,  10‑4; 2001 Code,  10‑33)

**10‑34 COPIES OF CODES FILED WITH CLERK.**

An official copy of each regulatory code adopted in this article, and official copies of all amendments to the codes, shall be kept on file in the office of the Town Clerk. The copies shall be the official copies of the codes and the amendments.

(1970 Code,  10‑12; 2001 Code,  10‑34)

**10‑3510‑60 RESERVED.**

***ARTICLE III. INSPECTION DEPARTMENT***

***Statutory reference:***

*Inspection department, see G.S.  160A‑411*

**10‑61 JOINT INSPECTION DEPARTMENT AUTHORIZED.**

The Board of Commissioners may enter into and carry out contracts with any other municipality, any county or any combination of municipalities and counties, under which the parties agree to create and support a joint Inspection Department for the enforcement of the state and local laws as may be specified in the agreement.

(1970 Code,  10‑23; 2001 Code,  10‑61)

**10‑62 REPORTS AND RECORDS.**

The Inspection Department, and each Inspector, shall keep a complete, permanent and accurate record in convenient form of all applications received, permits issued, inspections and reinspections made, and all other work and activities of the Inspection Department. Periodic reports shall be submitted to the Board of Commissioners and to the Town Manager, as required.

(1970 Code,  10‑25; 2001 Code,  10‑62)

**10‑63 INSPECTION PROCEDURE.**

(A) *Inspections.* The Inspection Department shall inspect all buildings and structures and work in buildings and structures for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate code. When deemed necessary by the appropriate Inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; but, no approval shall be based upon reports of the organizations unless they are in writing and certified by a responsible officer of the organization. All holders of permits, or their agents, shall notify the Inspection Department and the appropriate Inspector at each of the following stages of construction so that approval may be given before work is continued:

(1) Foundation inspection, to be made after trenches are excavated and the necessary reinforcements and forms are in place, and before concrete is placed. Drilled footings, piles and similar types of foundations shall be inspected as installed;

(2) Framing inspection, to be made after all structural framing is in place and all roughing‑in of plumbing and electrical and heating equipment has been installed, after all fire blocking, chimneys, bracing and vents are installed, but before any of the structure is enclosed or covered. Poured in place concrete structural elements shall be inspected before each pour of any structural member;

(3) Fireproofing inspection, to be made after all areas required to be protected by fireproofing are lathed, but before plastering or other fireproofing is applied; and

(4) Final inspection to be made after the building or structure has all doors hung, fixtures set and ready for occupancy, but before the building is occupied.

(B) *Calls for inspection.* Requests for inspections may be made to the office of the Inspection Department or to the appropriate Inspector. The Inspection Department shall make inspections as soon as practicable after the request is made; provided, the work is ready for inspection at the time the request is made. Reinspections may be made at the convenience of the Inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the Inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate Inspector in the form of a notice posted on the building or given to the holder or his or her agent. Failure to call for inspections or proceedings without approval at each stage of construction shall be deemed a violation of this section.

(C) *Street or alley lines.*

(1) Where the applicant for a permit proposes to erect any building or structure or the line of any street alley or other public place, he or she shall secure a survey of the line of any street, alley or other public place adjacent to the property upon which the building or structure is to be erected before proceeding with the construction of the building or structure.

(2) It shall be the duty of the Building Inspector to see that the building does not encroach the street alley or other public pace.

(1970 Code,  10‑26; 2001 Code,  10‑63)

**10‑64 OVERSIGHT NOT TO LEGALIZE VIOLATION.**

No oversight or dereliction of duty on the part of any Inspector or other official or employee of the Inspection Department shall be deemed to legalize the violation of any provision of this chapter or any provision of a regulatory code adopted in this chapter.

(1970 Code,  10‑21; 2001 Code,  10‑64)

**10‑65 POWERS OF INSPECTION OFFICIALS.**

(A) *Authority.* Inspectors are authorized, empowered and directed to enforce all the provisions of this chapter and the regulatory codes adopted in this chapter.

(B) *Right of entry.* Inspectors shall have the right of entry on any premises within the jurisdiction of the regulatory codes adopted in this chapter at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the regulatory codes, upon presentation of proper credentials.

(1970 Code,  10‑28; 2001 Code,  10‑65)

**10‑6610‑100 RESERVED.**

***ARTICLE IV. PERMITS***

***Statutory reference:***

*Contractors, see G.S.  87‑1 et seq.*

**10‑101 REGISTRATION OF CONTRACTORS.**

Every person carrying on the business of building contractor, plumbing contractor, heating‑air conditioning contractor or electrical contractor within the town shall register at the office of the Inspection Department, giving name and place of business.

(1970 Code,  10‑31; 2001 Code,  10‑101)

**10‑102 BONDS REQUIRED OF CONTRACTORS.**

Every person required to register at the office of the Inspection Department under  10‑101 shall also give a good and sufficient bond in a sum as set from time to time and contained in the annual budget ordinance, conditioned upon faithful performance of duty in doing any work which he or she may have contracted to do, and to indemnify the town against loss, in any manner whatsoever, for the unskilled or negligent work or conduct in the performance of the duties imposed by the provisions of this chapter or any regulatory code adopted in this chapter, or any damages to any utility lines, streets or sidewalks in the town, or for the use of defective or improper material in the work, or for any damage which may accrue to any person by reason of any default of the contract, or for the payment of any inspection or other fees required by this chapter.

(1970 Code,  10‑32; 2001 Code,  10‑102)

**10‑10310‑130 RESERVED.**

***ARTICLE V. MINIMUM HOUSING STANDARDS***

**DIVISION 1. GENERALLY**

**10‑131 FINDING; PURPOSE.**

(A) Pursuant to G.S.  160A‑441, it is 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 the 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.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S.  160A‑411 et seq., it is the purpose of this article 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.

(2001 Code,  10‑131) (Ord. passed 7‑11‑1979)

**10‑132 DEFINITIONS.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed lo them in this section, except where the context clearly indicates a different meaning.

***BASEMENT.*** 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.

***CELLAR.*** 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.

***DETERIORATED.*** 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 article, at a cost not in excess of 50% of its value, as determined by finding of the public officer.

***DILAPIDATED.*** 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 article at a cost not in excess of 50% of its value, as determined by finding of the public officer.

***DWELLING.*** Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants. Temporary housing shall not be regarded as a ***DWELLING***.

***DWELLING UNIT.*** 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.

***EXTERMINATION.*** 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 or trapping; or by any other recognized and legal pest elimination methods approved by the public officer.

***GARBAGE.*** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

***HABITABLE ROOM.*** 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.*** The presence, within or around a dwelling, of any insects, rodents or other pests in a number as to constitute a menace to the health, safety or welfare of the occupants or the public.

***MULTIPLE DWELLING.*** Any dwelling containing more than two dwelling units.

***OCCUPANT.*** Any person over one year of age, living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

***OPERATOR.*** Any person who has charge, care or control of a building or part of a building in which dwelling units or rooming units are let.

***OWNER.***

(1) Any person who alone, jointly or severally with others, shall have:

(a) Title to any dwelling or dwelling unit, with or without accompanying actual possession; or

(b) Charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, administrator, trustee or guardian of the estate of the owner.

(2) Any person thus representing the actual ***OWNER*** shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant to this article, to the same extent as if he or she were the owner.

***PLUMBING.*** 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 basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

***PUBLIC OFFICER.*** The Town Manager, Assistant Town Manager and Town Clerk, who are authorized by this article to exercise the powers prescribed by this article and by G.S.  160A‑441 through 160A‑450.

***ROOMING UNIT.*** 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.

***ROOMINGHOUSE.*** 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 or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

***RUBBISH.*** 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.*** Paid for, furnished or provided by or under the control of the owner or operator.

***TEMPORARY HOUSING.*** 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 30 consecutive days.

***UNFIT FOR HUMAN HABITATION.*** 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 article.

(2001 Code,  10‑132) (Ord. passed 7‑11‑1979; Ord. passed 5‑14‑1985)

***Cross-reference:***

*Definitions generally, see  1‑2*

**10‑13310‑150 RESERVED.**

**DIVISION 2. STANDARDS**

**10‑151 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.**

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 this division. 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 this division.

(2001 Code,  10‑151) (Ord. passed 7‑11‑1979)

**10‑152 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.**

(A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in a condition that they will not fail or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness and shall be maintained in a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather- and water-tight.

(H) There shall be no chimneys or parts of chimneys which are defective, deteriorated or in danger of falling or in a condition or location as to constitute a fire hazard.

1. There shall be no use of the ground for floors or wood floors on the ground.

(2001 Code,  10‑152) (Ord. passed 7‑11‑1979)

**10‑153 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.**

(A) *Plumbing system.*

(1) Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and adequate supply of water.

(3) All plumbing fixtures shall meet the standards of the Town Plumbing Code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

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

(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 with a minimum temperature of 65°F measured at a point three feet above the floor during ordinary winter conditions.

(2) *Other heating facilities.* When a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 65°F under ordinary winter conditions.

(C) *Electrical system.*

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room contains at least two floor- or wall‑type electric convenience receptacles, connected in a manner as determined by the Town Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling- or wall‑type electric light fixture. If wall or ceiling light fixtures are not provided in any habitable room, each habitable room shall contain at least three floor- or wall‑type electric, convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric light at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed in accordance with the State Electrical Code (latest edition of the State Building Code).

(2001 Code,  10‑153) (Ord. passed 7‑11‑1979; Ord. 1996‑04, passed 7‑9‑1996)

**10‑154 MINIMUM STANDARDS FOR VENTILATION.**

(A) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area measured between stops for every habitable room, shall be 10% of the floor area of the room. Whenever walls or other portions of structures face a window or any room and the light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of the room, the total window area of the skylight shall equal at least 15% of the total floor area of the room.

(B) *Habitable rooms.* Every habitable room shall have at least one window or skylight, which can easily be opened or another device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required or shall have other approved, equivalent ventilation.

(C) *Bathroom and water closet room.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms; except that, no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

(2001 Code,  10‑154) (Ord. passed 7‑11‑1979)

**10‑155 MINIMUM STANDARDS FOR SPACE, USE AND LOCATION.**

(A) *Room size.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code (current edition of the State Building Code). Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area; and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) *Ceiling height.* At least half of the floor area of every habitable room shall have a ceiling height of not less than seven feet, six inches.

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four feet, six inches shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

(E) *Basements.* No basement shall be used for living purposes unless:

(1) The floor and walls are substantially water-tight;

(2) The total window area, total openable window area and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well or accessway.

(2001 Code,  10‑155) (Ord. passed 7‑11‑1979)

**10‑156 MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.**

(A) *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.

(B) *Interior floors, walls and ceiling.* 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.

(C) *Windows and doors.* Every window, exterior door, basement or cellar door, and hatchway shall be substantially weather-tight, water-tight and rodent-proof; and shall be kept in sound working condition and good repair.

(D) *Stairs, porches and appurtenances.* Every outside and inside stair, porch and any appurtenance to the places 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.

(E) *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 the floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under the chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage.* Every yard shall, be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.

(H) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of weed or plant growth which are noxious or detrimental to health.

(I) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code (latest edition of the State Building Code).

(2001 Code,  10‑156) (Ord. passed 7‑11‑1979)

**10‑157 MINIMUM STANDARDS FOR CONTROL OF INSECTS, RODENTS AND INFESTATION.**

(A) *Screens.* In every dwelling unit tor 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 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 in or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling until shall be responsible for the extermination whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by the failure of the owner to maintain a dwelling in a rodent-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 the 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 unit (mechanical sink grinder) in each dwelling unit or an incinerator unit, to be approved by the public officer, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by town ordinances.

(2001 Code,  10‑157) (Ord. passed 7‑11‑1979; Ord. passed 5‑14‑1985)

**10‑158 MINIMUM STANDARDS APPLICABLE TO ROOMINGHOUSES; EXCEPTIONS.**

(A) *Generally.* All of the provisions of this division, and all of the minimum standards and requirements of this division, 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 subsections (B) through (E) of this section.

(B) *Water closet, hand lavatory, bath facilities.* At least one 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 rooms within a rooming house wherever the facilities are shared. All facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. The required facilities shall not be located in a cellar.

(C) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(D) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceiling and for the sanitary maintenance of every other part of the rooming house; and he or she 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.

(E) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (B) of this section shall be located within the rooming house and within rooms which afford privacy and are 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 in the rooming house.

(2001 Code,  10‑158) (Ord. passed 7‑11‑1979)

**10‑15910‑180 RESERVED.**

**DIVISION 3. ENFORCEMENT**

**10‑181 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.

(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 which he or she occupies and controls.

(C) *Rubbish and garbage.* Every occupant of dwelling or dwelling unit shall dispose of all his or her 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 in the unit in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of the fixtures.

(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.

(2001 Code,  10‑181) (Ord. passed 7‑11‑1979)

**10‑182 DUTIES OF PUBLIC OFFICER.**

The public officer is designated as the officer to enforce the provisions of this article and to exercise the duties and powers prescribed in this article. It shall be the duty of the public officer to:

(A) Investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town, in order to determine which dwelling units are unfit for human habitation and for the purpose of carrying out the objectives of this article with respect to the dwellings and dwelling units;

(B) Take action, together with other appropriate departments and agencies, public and private as may be necessary to effect rehabilitation of housing which is deteriorated;

(C) Keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness prescribed in this article; and

(D) Perform other duties as may be prescribed in this article.

(2001 Code,  10‑182) (Ord. passed 5‑14‑1985)

**10‑183 POWERS OF PUBLIC OFFICER.**

The public officer is authorized to exercise 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 granted in this article:

(A) To investigate the dwelling conditions in the town in order to determine which dwellings 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, the entries shall be made in accordance with law and in a manner as to cause the least possible inconvenience to the persons in possession; and

(D) To appoint and fix the duties of the officers, agents and employees as he or she deems necessary to carry out the purposes of this article.

(2001 Code,  10‑183) (Ord. passed 5‑14‑1985)

**10‑184 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.**

For the purpose of making inspections, the public officer is 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 charge, shall give the public officer free access to the dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purposes of the inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner, his or her agent or employee, access to any part of the dwelling or dwelling unit and its premises, at all reasonable times, for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

(2001 Code,  10‑184) (Ord. passed 5‑14‑1985)

**10‑185 PROCEDURE FOR ENFORCEMENT.**

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the public officer by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the public officer, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in the dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the public officer at a place fixed in the complaint, not less than ten, nor more than 30, days after the serving of the 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 place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the 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 public officer.

(B) *Procedure after hearing.*

(1) After the notice and hearing, the public officer shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation and, if so, whether it is deteriorated or dilapidated.

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

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

(C) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the public officer to repair, alter or improve the dwelling or dwelling unit within the time specified in the order; or if the owner of a dilapidated dwelling shall fail to comply with an order of the public officer to vacate and close and remove or demolish the dwelling or dwelling unit within the time specified in the order, the public officer shall submit to the Town Board at its next regular meeting a resolution directing the Town Attorney to petition the Superior Court for an order directing the owner to comply with the order of the public officer, as authorized by G.S.  160A‑446(g).

(2) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the public officer within the time specified in the order, if injunctive relief has not been sought or has not been granted as provided in subsection (E)(1) of this section the public officer shall submit to the Town Board an ordinance ordering the public officer to cause the 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 public officer, and pending the removal or demolition, to placard the dwelling as provided by G.S.  160A‑443 and  10‑187 of this code.

(D) *Appeals from orders of the public officer.*

(1) An appeal from any decision or order of the public officer may be taken by any aggrieved person. Any appeal from the public officer shall be taken within ten days from the rendering of the decision or service of the order and shall be taken by filing with the public officer and with the Zoning Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the public officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When appeal is from a decision of the public officer refusing to allow the aggrieved person to do any act, his or her decision shall remain in force until modified or reversed. When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirements until the hearing by the Board, unless the public officer certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his or her 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 public officer by the Board or by a court of record upon a petition made pursuant to G.S.  160A‑446(f) and subsection (E) of this section.

(2) 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 on order appealed from and may make a 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 public officer; but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the public officer. 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 this article, to adapt the application of this article to the necessities of the case to the end that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done.

(3) 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 public officer or a decision rendered by the Board shall have the right within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the public officer pending a final disposition of the cause, as provided by G.S.  160A‑446(f).

(2001 Code,  10‑185) (Ord. passed 5‑14‑1985)

***Statutory reference:***

*Authority to order repair, closing and demolition of uninhabitable dwelling, see*

*G.S.  160A‑443 et seq.*

**10‑186 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.**

Complaints or orders issued by the public officer shall be served upon persons either personally or by registered or certified mail; if the whereabouts of the persons are unknown and cannot be ascertained by the public officer in the exercise of reasonable diligence, the public officer shall make an affidavit to that effect; and the serving of the complaint or order upon the person may be made by publishing the complaint once each week for two successive weeks in a newspaper, 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.

(2001 Code,  10‑186) (Ord. passed 7‑11‑1979)

***Statutory reference:***

*Service of complaints and orders, see G.S.  160A‑445*

**10‑187 IN REM ACTION BY PUBLIC OFFICER; PLACARDING.**

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the public officer issued pursuant to the provisions of this article and upon adoption by the Town Board of an ordinance authorizing and directing him or her to do so, as provided by G.S.  160A‑443(5) and  10‑185(C) of this code, the public officer shall proceed to cause the dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by ordinance of the Town Board and shall cause to be posted on the main entrance of the dwelling or dwelling unit 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. Occupation of a building so posted shall constitute a misdemeanor.

(B) Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located and shall be indexed in the name of the property owner in the grantor index, as provided by G.S.  160A‑443(5).

(2001 Code,  10‑187) (Ord. passed 5‑14‑1985)

***Statutory reference:***

*Remedies for dealing with unfit dwellings, see G.S.  160A‑446*

**10‑188 COSTS A LIEN ON PREMISES.**

As provided by G.S.  160A 446(f), 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 public officer pursuant to  10‑187 of this code shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority and be enforced and the costs collected, as provided by G.S.  160A‑216 et seq.

(2001 Code,  10‑188) (Ord. passed 7‑11‑1979)

**10‑189 ALTERNATIVE REMEDIES.**

Neither this article nor 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 article by criminal process, as authorized by G.S.  14‑4 and  10‑191 of this code; and the enforcement of any remedy provided in this article shall not prevent the enforcement of any other remedy or remedies provided in this article or in other ordinances or laws.

(2001 Code,  10‑189) (Ord. passed 7‑11‑1979)

**10‑190 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.**

All appeals which may be taken from decisions or orders of the public officer pursuant to  10‑185 (D) shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Board shall have the power to fix the times and places of its meetings and to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by  10‑185 (D) and shall keep an accurate journal of all its proceedings.

(2001 Code,  10‑190) (Ord. passed 7‑11‑1979)

***Cross-reference:***

*Zoning, see Ch. 44*

**10‑191 CONFLICT WITH OTHER PROVISIONS.**

If any provision, standard or requirement of this article 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.

(2001 Code,  10‑191) (Ord. passed 7‑11‑1979)

**10‑192 VIOLATIONS; PENALTY.**

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the dwelling or dwelling unit, or to vacate and close and remove or demolish the dwelling or dwelling unit, upon order of the public officer duly made and served as provided in this article, within the time specified in the order; and each day that any failure, neglect or refusal to comply with the 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  10‑185, to occupy or permit the occupancy of the dwelling or dwelling unit after the time prescribed in the order for its repair, alteration or improvement or its vacating and closing; and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) The violation of any provision of this article shall subject the offender to a civil penalty in the nature of a debt of $500.

(2001 Code,  10‑192) (Ord. passed 5‑14‑1985)

**10‑19310‑220 RESERVED.**

***ARTICLE VI. FIRE LIMITS***

***Cross-reference:***

*Fire Prevention and Protection, see Ch. 20*

***Statutory reference:***

*Establishing fire limits, see G.S.  160A‑435*

**10‑221 DESCRIPTION OF FIRE LIMITS.**

The following boundary is declared to be the primary fire limits of the town, and all lots within that boundary are declared to be within the fire limits: Beginning at the center of the intersection of Sanders Street and Florence Street and runs thence in a northeasterly direction as the center of Florence Street to the center of the intersection with Graham Street; and runs thence as the center of Graham Street in a southeasterly direction to the center of the intersection with First Street; and runs thence as the center of First Street to a point directly in line with the northern line of the F.C.X. lot extended; thence in a northwesterly direction to, with and as the northern line of the F.C.X. lot to the center of Middle Street; thence as the center of Middle Street; thence as the center of Sanders Street to the point of beginning.

(1970 Code,  4‑30; 2001 Code,  10‑221)

**10‑222 CONSTRUCTION WITHIN THE FIRE LIMITS REGULATED.**

No construction, alteration or repair of any kind or description shall be made in any building or structure within the fire limits without a building permit, and in full compliance with ordinances and state law governing construction within municipal fire limits.

(1970 Code,  4‑31; 2001 Code,  10‑222)

**10‑22310‑250 RESERVED.**

***ARTICLE VII. HOUSE MOVING***

***Cross-reference:***

*Environment, see Ch. 18*

***Statutory reference:***

*Professional house moving, see G.S.  20‑356 et seq.*

**10‑251 REGULATED.**

(A) In addition to fulfilling the requirements of G.S.  20‑356 through 20‑372, professional house movers are required to make a deposit as set from time to time and included in the annual budget ordinance with the Town Finance Officer at least 24 hours prior to moving any structure within the town limits. The deposits may be cash, certified cashiers check or a bond.

(B) If damages occur to any town owned, occupied or maintained property as a result of the moving activities, or if the activities cause the use of town personnel for traffic control or other ancillary assistance, the cost of repairs or expense will be retained by the town from the deposit. However, the mover is liable for damages and expenses and his or her liability is not limited to the amount of deposit.

(C) The Town Manager must approve entirely all moving activities that do not adversely affect the public health, safety and welfare, including, but not limited to:

(1) Which house can and will be moved;

(2) Which travel routes will be used in transporting the house; and

(3) Which agencies will need to be contacted for assistance within the town.

(D) After verification by the Town Manager or his or her agent that no damages or expenses occurred in the moving, the entire deposit will be returned to the mover. If damages or expenses were incurred, the amount of the deposit remaining, if any, after payment of the damages and expenses will be returned to the mover.

(2001 Code,  10‑251) (Ord. 1987‑3, passed 10‑19‑1987)