

## CHAPTER 150: BUILDING REGULATIONS

### Section

#### *In General*

- 150.01 Adoption of Building Code
- 150.02 Fees
- 150.03 Required certifications, licenses

#### *Smoke Detectors*

- 150.15 Definitions
- 150.16 Required; location
- 150.17 Specifications
- 150.18 Responsibility for providing, maintaining
- 150.19 Enforcement
- 150.20 Compliance with Building Code

#### *Street Numbers*

- 150.30 Display; specifications; notice of violation

#### *Vacant Property Registration, Maintenance and Security*

- 150.40 Intent and scope
- 150.41 Definitions
- 150.42 Registration required
- 150.43 Maintenance requirements
- 150.44 Security requirements
- 150.45 Inspections

#### *Residential Rental Property Registration*

- 150.50 Intent and scope
- 150.51 Definitions
- 150.52 Registration of residential rental property required
  
- 150.99 Penalty

*IN GENERAL***§ 150.01 ADOPTION OF BUILDING CODE.**

The North Carolina State Building Code, as adopted, and amended by the State of North Carolina, is hereby adopted and incorporated by reference as if fully provided herein.  
(1993 Code, § 14-1) (Am. Ord. 14-10, passed 8-19-2014)

*Statutory reference:*

*State building code to apply statewide, see G.S. § 143-138(e)*

**§ 150.02 FEES.**

(A) *Required.* Every person shall be required to apply for a building permit and inspection permit from the Code Enforcement Officer before beginning any construction, installation, repair, removal or remodeling when the activity shall fall within the jurisdiction of the Town Code Enforcement Officer. A building and inspection permit fee structure will be established annually during the town budget process and will be subject to change at any time by the Board of Commissioners.

(B) *Emergency work.* For the purpose of facilitating emergency work when immediate necessity exists, construction repairs and replacement to structures and buildings damaged by storms, fire, accident or any other emergency, where a delay would likely result in further damage or injury to persons or property, work may be commenced immediately. The required building permit shall be applied for on the next regular working day after work is commenced.

(C) *Transfers.* Permit fees are not transferable.

(D) *Refunds.* Permit fees are not refundable.

(E) *Permit renewal.* Upon written application of the permittee prior to the expiration of the original permit, the Code Enforcement Officer or his or her designee may renew the permit. The renewed permit shall be valid for 90 days from the expiration of the original permit. There will be no fees charged for authorized permit renewals.

(F) *Permit suspension.* All permit fees will be forfeited on any permit invalidated because the authorized work either is not commenced within the valid life of the permit or if the authorized work is suspended or abandoned for a period of six months after time of commencing work.  
(1993 Code, § 14-2)

**§ 150.03 REQUIRED CERTIFICATIONS, LICENSES.**

(A) Any person who is certified as a journeyman, electrician, plumber, gasfitter or mechanical tradesperson or as a master electrician, plumber, gasfitter or mechanical tradesperson by the state shall be considered certified as the same in the town.

(B) Any person who is licensed as either an electrical, plumbing, gas, mechanical or general contractor by the State Board of Examiners shall be considered licensed as the same in the town. It shall be unlawful for any person to work as either an electrical, plumbing, gasfitter, mechanical or general contractor within the town without having a current license issued in accordance with the General Statutes.

(C) No person shall install or alter any electrical equipment or make any addition or alteration in the arrangement of any electrical system in the town, or wire any building for the installation of any electrical lights, meters, heating devices or apparatus requiring the use of electrical current unless the person is considered certified by the State Board of Examiners.

(D) No person shall install or alter any plumbing system or related appurtenances or make any addition or alteration on the arrangement of any plumbing system in the town, or pipe any building for the installation of any appliance meters, heating devices or apparatus requiring the use of potable water supply, sanitary or storm drainage unless the person is considered certified by the State Board of Examiners.

(E) No person shall install or alter any gas system or make any addition or alteration in the arrangement of any gas system in the town, or pipe any building for the installation of any appliance, meters, heating device or apparatus requiring the use of gas unless the person is considered certified by the State Board of Examiners.

(F) No person shall install or alter any mechanical equipment or make any addition or alteration in the arrangement of any mechanical system in the town, unless the person is considered certified by the State Board of Examiners.

(G) The Town Code Enforcement Officer or his or her designee shall enforce this section. (1993 Code, § 14-3) Penalty, see § 10.99

***SMOKE DETECTORS***

**§ 150.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DWELLING UNIT.** A single unit providing complete independent living facilities for one or more persons including permanent provisions of living, sleeping, eating, cooking and sanitation.

**OWNER.** One or more persons, jointly or severally, in whom is vested all or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term includes a mortgagee in possession.

(1993 Code, § 14-26)

#### **§ 150.16 REQUIRED; LOCATION.**

Smoke and carbon monoxide detectors shall be located and maintained as required by the North Carolina State Building Code.

(1993 Code, § 14-27) (Am. Ord. 14-10, passed 8-19-2014)

#### **§ 150.17 SPECIFICATIONS.**

(A) The smoke detectors installed must be capable of sensing visible or invisible products of combustion and providing a suitable alarm.

(B) Appropriate permits as required must be secured for the installation of smoke detectors powered by alternating current; however, no fee will be charged for the permit.

(C) Smoke detectors shall be installed in conformance with the provisions of the State Building Code and Electrical Code.

(D) Battery operated smoke detectors with an approved listing may be installed in a dwelling or dwelling unit constructed before April 1, 1993. Any dwelling or dwelling unit constructed or renovated after April 1, 1993, shall have installed a 115-volt permanently connected automatic smoke detector.

(E) All 115-volt smoke detectors shall be supplied by a branch circuit serving one or more of the required lighting outlets and permanently connected ahead of switching devices.

(1993 Code, § 14-28)

#### **§ 150.18 RESPONSIBILITY FOR PROVIDING, MAINTAINING.**

(A) The owner or agent of the owner of a dwelling unit shall provide smoke detectors as required by this subchapter and shall maintain them in good working order.

(B) The owner or agent of the owner of a dwelling unit which is rented or leased shall furnish the tenant at the beginning of each tenancy, and at least annually thereafter, with written certification that all smoke detectors required are present, have been inspected and are in good working order.

(C) The tenant shall be responsible for reasonable care of the smoke detector and for interim testing, repair and maintenance and for providing written notice to the owner for repair of any malfunctioning smoke detector. The owner shall be obligated to provide and pay for service, repair or replacement of any malfunctioning smoke detector. Service, repair or replacement must occur within five days of receipt of written notice from the tenant that a smoke detector is in need of service, repair or replacement.  
(1993 Code, § 14-29)

**§ 150.19 ENFORCEMENT.**

The Code Enforcement Officer, or his or her duly authorized representative, is authorized to administer and enforce this chapter.  
(1993 Code, § 14-30)

**§ 150.20 COMPLIANCE WITH BUILDING CODE.**

Nothing in this subchapter shall excuse any owner for the required buildings from compliance with all other applicable provisions of the North Carolina Building Code. All dwelling units will be in compliance by the date of adoption of this code of ordinances.  
(1993 Code, § 14-31)

***STREET NUMBERS***

**§ 150.30 DISPLAY; SPECIFICATIONS; NOTICE OF VIOLATION.**

(A) The owner, agent, or occupant of any residential, commercial, or other building or structure within the town shall cause such building or structure to be numbered in accordance with the street number or address assigned by Halifax County.

(B) The street numbers on commercial buildings or structures shall not be less than four inches high, and not less than three inches high on all other buildings or structures. All numbers shall be of a contrasting color to the background to which they are attached, and located in such a manner as to be readily identified from the street on which the building or structure is located.

(C) No person shall alter, deface or take down any number placed on any property in accordance with this section, except for repair or replacement of such number.  
(Ord. 2011-07, passed 10-17-2011) Penalty, see § 150.99

**VACANT PROPERTY REGISTRATION, MAINTENANCE AND SECURITY****§ 150.40 INTENT AND SCOPE.**

It is the purpose and intent of the Enfield Board of Commissioners to establish vacant property maintenance standards as a mechanism to preserve the integrity of the town and to protect the town from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant property. Additionally the town desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied property, to reduce the risk of damage from fire, flooding or other hazards, and to promote the comfort, happiness and emotional stability of area residents. The town finds that the presence of vacant property poses special risks to the health, safety, and welfare of the community and therefore requires heightened regulatory attention. The provisions of this subchapter shall apply to all property within the incorporated jurisdiction of the town. (Ord. 14-13, passed 12-15-2014)

**§ 150.41 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DAYS.** Consecutive calendar days.

**EVIDENCE OF VACANCY.** Any aesthetic condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation; extensively chipped or peeling exterior paint; exterior walls, porches, steps, roofs or other improvements in poor condition; broken windows and other signs of general disrepair; accumulation of newspapers, circulars, flyers or mail; past due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds, or shutters which demonstrate vacancy; the absence of furnishings or personal items consistent with habitation; boarded windows; and statements by neighbors, passersby, delivery agents, and/or other credible individuals that the property is vacant.

**OWNER.** Any person or entity having legal or equitable title in any real property located within the corporate jurisdiction of the town; provided that a trustee to a deed of trust shall not be considered an owner.

**PROPERTY.** Any real property or portion thereof situated within the corporate boundary of Enfield.

**RECORD OWNER.** The person(s) or entity(ies) listed as an owner(s) on the recorded deed, Halifax County Tax Office records, or probated will or heir by intestacy.

**UTILITIES.** Water, sewer, telephone, gas, cable, electricity, and other common public utility services.

**VACANT.** Property that is not occupied or put to active use by a person or entity on a regular basis. (Ord. 14-13, passed 12-15-2014)

**§ 150.42 REGISTRATION REQUIRED.**

(A) All owner(s) of vacant property must register such property as vacant with the town on a form approved by the town. Registration is required within 30 days of: (i) the property becoming vacant; or (ii) receiving a notice of registration requirement from the town.

(B) The town shall send a notice of registration requirement to the record owner of any property that exhibits evidence of vacancy. The owner shall register the property within 30 days unless the owner can provide clear and convincing evidence to the town, within such time period, that the property is not vacant.

(C) The registration shall contain the following information:

- (1) Name of the owner(s) or owner(s)'s designee;
- (2) Mailing address (and physical address, if different);
- (3) Email address;
- (4) Telephone number;
- (5) Name and contact information of any other responsible party;
- (6) Name and contact information of any mortgagor; and
- (7) Date on which the property became vacant.

(D) Any changes in the information required in this section shall be reported to the town in writing within 30 days of such change.

(E) Vacant property shall remain subject to the maintenance and security requirements of this subchapter as long as they remain vacant.

(F) Once the property is no longer vacant or is sold, the owner must provide written proof of occupancy or sale to the town within 30 days. (Ord. 14-13, passed 12-15-2014)

**§ 150.43 MAINTENANCE REQUIREMENTS.**

Property subject to this subchapter must be maintained such that the exterior of all improvements, yards, decks and porches, windows and doors, and other features of the property do not exhibit any evidence of vacancy. Without limiting the foregoing, areas of wood rot, peeling paint, excessive vegetative growth, or other such building or property deterioration shall be corrected in order to eliminate any evidence of vacancy.

(Ord. 14-13, passed 12-15-2014)

**§ 150.44 SECURITY REQUIREMENTS.**

Vacant property shall comply with the following security requirements:

(A) The property shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(B) This includes, without limitation, securing all windows, doors, and any other such opening to inhibit access to the interior of any improvement located on the property.

(Ord. 14-13, passed 12-15-2014)

**§ 150.45 INSPECTIONS.**

The town shall have the authority and the duty to inspect property for compliance with this subchapter and to issue citations for any violations. The town shall have the discretion to determine when and how such inspections are to be made, and any written warnings that may be given, provided that its policies are reasonably calculated to ensure that this subchapter is enforced.

(Ord. 14-13, passed 12-15-2014)

***RESIDENTIAL RENTAL PROPERTY REGISTRATION*****§ 150.50 INTENT AND SCOPE.**

The purpose of this subchapter is to establish a registration requirement for owners of residential rental property so that the Town may expeditiously identify and contact the owner when excessive levels of criminal activity have occurred on or in the property and otherwise enforce the provisions of the Code of Ordinances.

(Ord. 14-14, passed 12-15-2014)

**§ 150.51 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**RECORD OWNER.** The person(s) or entity(s) listed as an owner on the recorded deed, Halifax County Tax Office records, or probated will or heir by intestacy.

**RESIDENTIAL RENTAL PROPERTY.** Property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: apartments, mobile homes, mobile home spaces, town homes and condominium unit(s). A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent.  
(Ord. 14-14, passed 12-15-2014)

**§ 150.52 REGISTRATION OF RESIDENTIAL RENTAL PROPERTY REQUIRED.**

(A) Each record owner of residential rental property shall register such property with the town by providing the following information to the Town Administrator or his or her designee on a form provided by the town:

- (1) The address(s) for the residential rental property, which shall include the street name(s), number(s) and zip code;
- (2) The name, business and personal address, telephone number and e-mail address of each owner of the property. If the mailing address includes a post office box, the registrant shall also provide a physical address where such person can be located;
- (3) The number of units located on the residential property; and
- (4) The current tenant(s) of record on any written lease, or the identity of the tenant(s) if there is no written lease.

(B) Each residential rental property parcel shall be registered separately.

(C) Each record owner of residential rental property shall update the town within five business days of any change to the information required by this section.  
(Ord. 14-14, passed 12-15-2014)

**§ 150.99 PENALTY.**

(A) Any violation of § 150.30 subjects the offender to a civil penalty of \$100 and any other penalty as provided in § 10.99.

(B) Violations of §§ 150.40 through 150.45 and §§ 150.50 through 150.52.

(1) Any person violating any provision of §§ 150.40 through 150.45 and §§ 150.50 through 150.52 shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding \$50 or imprisonment not to exceed 30 days. Each day a violation continues shall be deemed a separate offense.

(2) The town may institute injunction, mandamus or other appropriate action in any judicial proceeding to prevent the violation of this subchapter.  
(Ord. 2011-07, passed 10-17-2011; Am. Ord. 14-13, passed 12-15-2014; Am. Ord. 14-14, passed 12-15-2014)