

CHAPTER 152: HOUSING CODE

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HOUSING CODE; GENERALLY**§ 152.01 DEFINITIONS.**

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

ABANDONED STRUCTURE. Any structure, other than a dwelling, dwelling unit, habitable room, multiple dwelling, rooming unit or roominghouse, which is a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities, and which cannot be repaired, altered or improved so as to no longer constitute health or safety hazard at a cost of less than 50% of its value.

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 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 chapter, at a cost not in excess of 50% of its value, as determined by findings of the Inspector.

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 chapter at a cost not in excess of 50% of its value as determined by the finding of the Inspector.

DWELLING. Any building, structure, manufactured home or 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 enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

DWELLING UNIT. Any room or group of rooms located within a dwelling, manufactured home or mobile home 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, trapping or by any other recognized and legal pest elimination methods approved by the Inspector.

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 to the public.

INSPECTOR. The Inspector of the town appointed to administer this chapter and shall include any agent of the Inspector who is authorized by the Inspector.

MODULAR HOME. A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code and bears a seal or label as provided in G.S. § 143-139.1.
(Ord. passed 7-12-2004)

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 a part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who alone or jointly or severally with others:

(a) Has title to any dwelling, dwelling unit or abandoned structure, with or without accompanying actual possession thereof; or

(b) Has charge, care or control of any dwelling, dwelling unit or abandoned structure, as owner, or as executor, administrator, trustee or guardian of the estate of the owner. Any person thus representing the actual owner shall be bound to comply with the provisions of this subchapter, and the rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PARTIES IN INTEREST. All individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

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

PUBLIC AUTHORITY. The Board of Commissioners or any officer who is in charge of any department or branch of the government of the town health, fire, building regulations or other activities concerning dwellings or abandoned structures in the town.

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, wife, son or daughter, mother, father, 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.

SUBSTANDARD DWELLING OR STRUCTURE. A dwelling, dwelling unit, multiple dwellings, apartment house or any other space used or intended to be used as a habitable living space in any building or structure which does not meet the basic minimum requirements of this subchapter for that use.

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 utility 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 subchapter.

(B) Whenever the words dwelling, dwelling unit, rooming use, rooming unit, premises and abandoned structure are used in this subchapter, they shall be construed as though they were followed by the words "or any part thereof."

(1993 Code, § 14-51)

Statutory reference:

Minimum housing standards, see G.S. §§ 160A-441 et seq.

§ 152.02 PURPOSE OF SUBCHAPTER.

(A) Pursuant to G.S. § 160A-441, it is hereby found and declared that there exists in the town:

(1) 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 other

conditions rendering dwellings unsafe or unsanitary, dangerous and otherwise detrimental to the health, safety, morals and welfare of the residents of the town.

(2) Certain abandoned structures which, due to the attraction of insects and rodents, conditions creating a fire hazard, dangerous conditions contributing a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities, are a health hazard and are otherwise inimical to the welfare of the town.

(B) In order to protect the health, safety and welfare of the residents of the town, it is the purpose of this subchapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, and in addition to provide for the regulations of abandoned structures, as expressly authorized by G.S. § 160A-444.

(1993 Code, § 14-52)

§ 152.03 CONFLICTS WITH OTHER PROVISIONS.

If any provision, standard or requirement of this subchapter is found to be in conflict with any provision of any other ordinance or code of the town, the provision that 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.

(1993 Code, § 14-54)

§ 152.04 DUTIES AND POWERS OF INSPECTOR.

(A) The Inspector is hereby designated as the officer to enforce the provisions of this subchapter and to exercise the duties and powers herein prescribed. It shall be the duty of the Inspector to:

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

(2) Investigate any structures located in the town, in order to determine which structures are abandoned structures by reason of constituting a health or safety hazard, and for the purpose of carrying out the objectives of this subchapter with respect to abandoned structures;

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

(4) To keep a record of the results of inspections made under this subchapter and an inventory of abandoned structures and of those dwellings that do not meet the minimum standards of fitness prescribed in this subchapter; and

(5) To perform other duties as may be prescribed in this subchapter.
(1993 Code, § 14-71)

(B) The Inspector is authorized to exercise powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this subchapter including the following:

(1) Investigate the dwelling conditions in the town in order to determine which dwellings are unfit for human habitation;

(2) Investigate structures in the town to determine which structures are abandoned structures;

(3) Administer oaths and affirmations, examine witnesses and receive evidence;

(4) Enter upon premises for the purpose of making examinations and inspections, provided entries shall be made in a manner as to cause the least possible inconvenience to the persons in possession; and

(5) Appoint and fix the duties of officers, agents and employees as he or she deems necessary to carry out the purposes of this subchapter.
(1993 Code, § 14-72)

§ 152.05 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times and all dwellings, dwelling units, rooming units, abandoned structures and premises. The owner or occupant of every dwelling, dwelling unit, rooming unit or abandoned structure or person in charge thereof, shall give the Inspector free access to the dwelling, dwelling unit, rooming unit or abandoned structure and its premises at all reasonable times for the purposes of inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employees, access to any part of a dwelling or dwelling unit and its premises at all reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this subchapter or with any lawful order issued pursuant to the provisions of this subchapter.
(1993 Code, § 14-73)

§ 152.06 PROCEDURE FOR ENFORCEMENT.

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the public officer by a public authority, or whenever a petition is filed by at least five residents of the town charging that any dwelling is unfit for human habitation, or whenever it appears to the public officer either on his or her own action or upon his or her investigation of a written complaint filed by an adult occupant of a specific dwelling that any dwelling is unfit for human habitation, the public officer shall, if his or her preliminary investigation discloses a basis for charges, issue and cause to be served upon the owner of

and parties in interest in dwellings a complaint and a notice that a hearing will be held before the public officer or his or her designated agent not less than ten days nor more than 30 days after serving of the complaint.

(B) *Procedure after hearing on dwelling or dwelling unit.* After notice and hearing on the dwelling or dwelling unit, the Inspector shall state in writing his or her determination whether the dwelling unit is unfit for human habitation; and if so, whether it is deteriorated or dilapidated.

CAN BE REPAIRED - 50%
OF VALUE

(1) If the Inspector 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 thereof 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 subchapter 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 repairs, alterations and improvements have been made.

CANNOT BE REPAIRED
50% OF ITS VALUE

(2) If the Inspector 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 thereof 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 subchapter, or else vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(C) *Procedure after hearing on abandoned structure.* After notice and hearing, the Inspector shall state in writing his or her determination whether the structure is an abandoned structure. If the Inspector determines that the structure is an abandoned structure, 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 thereof an order directing and requiring the owner to either repair, alter and improve the structure to correct those conditions which constitute a hazard to health or safety, or else remove or demolish the same within a specified period of time not to exceed 90 days.

(D) *Failure to comply with order.* After failure of an owner of an abandoned structure, or a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, the Inspector shall submit to the Board of Commissioners an ordinance ordering the Inspector to cause the dwelling, dwelling unit or abandoned structure to be repaired, altered, improved or vacated and closed and moved or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to placard the dwelling or abandoned structure as provided by G.S. §§ 160A-443 and 14-76.

(E) *Mandatory compliance procedures.* All property owners shall be given every consideration in their efforts to comply with the order of findings of the Inspector. In all cases where a property and structure are under an order of finding, the property owner shall diligently pursue the steps necessary to comply with the order of finding within the time limit set forth in the order.

(F) *Appeals from orders of Inspector.*

(1) An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector 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 Inspector and with the Housing Appeals Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby 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 Inspector requiring the person aggrieved to do any act the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him 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 could 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 day's written notice to the Inspector, by the Board or by a court of record upon petition made pursuant to G.S. § 160A-446(f) and division (E) above.

(2) The Housing Appeals Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make a decision and order as in its opinion ought to be made in the matter, and to that end it shall have all powers of the Inspector, but the concurring vote of three members of the Board shall be necessary to reverse or modify any decision or order of the Inspector.

(3) The Housing Appeals Board shall have the power also in passing upon appeals, in any case when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the order, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(G) *Petition to superior court by owner.* Any person aggrieved by an order issued by the Inspector or a decision rendered by the Housing Appeals 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 Inspector pending a final disposition of the cause, as provided by G.S. § 160A-446(f). (1993 Code, § 14-74)

§ 152.07 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

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

(B) No person without written consent of the Inspector shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of this code. Any person violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor.

(1993 Code, § 14-75) Penalty, see § 152.99

§ 152.08 IN REM ACTION BY INSPECTOR.

(A) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling or abandoned structure, the public officer may cause the dwelling or abandoned structure to be repaired, altered or improved or to be vacated and closed; the Inspector may cause to be posted on the main entrance of any dwelling or abandoned structure 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." Occupation of a building so posted shall constitute a misdemeanor.

(B) If the owner fails to comply with an order to remove or demolish the dwelling or abandoned structure, the Inspector may cause the dwelling to be removed or demolished. The duties of the Inspector set forth in division (A) above and this division shall not be exercised until the Board of Commissioners has by ordinance ordered the Inspector to proceed to effectuate the purpose of this section with respect to the particular property or properties which the Inspector shall have found unfit for human habitation or found to be a health or safety hazard and which property shall be described in the ordinance. No ordinance shall be adopted to require demolition of a dwelling or abandoned structure until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code or to correct the conditions which constitute a health or safety hazard. The ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

(C) Dwellings or abandoned structures ordered vacated by the Inspector 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 written approval is secured from the Inspector.

(1993 Code, § 14-76)

§ 152.09 COSTS DECLARED LIEN ON PREMISES.

The amount of the cost of proceedings under this subchapter, including attorney's fees and the cost of any repairs, alterations or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to this section shall be a lien against the real property upon which cost was incurred. A lien shall be filed, have the same priority, and be enforced and the costs be collected as provided by G.S. §§ 105-375 *et seq.*

(1993 Code, § 14-77)

§ 152.10 DISPOSITION OF ABANDONED PERSONAL PROPERTY FOUND IN HOUSING ORDERED DEMOLISHED.

Any article of personal property found by the Inspector to be abandoned in a house or abandoned structure which the Board of Commissioners has ordered the Inspector to demolish and being found by the Inspector to have an appraised value of \$50 or more shall be disposed of in the following manner:

(A) The Inspector shall first make an effort to communicate with the owner of the articles of personal property and to request that he or she remove the same from the premises.

(B) If the Inspector is unable to communicate with the owner of the articles of personal property promptly or if the owner thereof fails or refuses to remove the property from the premises after being requested to do so, the articles of personal property found on the premises may be removed for safekeeping in a storage facility owned by the town. Written notice of each removal of personal property shall be promptly given to the owner of the articles of personal property to the extent that the identity of the person is known or may be reasonably ascertained. The owner or any other person who may be entitled to possession of any articles of personal property, before obtaining possession thereof, shall pay to the town all reasonable costs incident to the removal, storage and locating the owner of the property or any other person who may be entitled to possession thereof. Should the owner or other person entitled to possession fail or refuse to pay the costs, or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made and after notice to him or her at his or her last known address, the Inspector may, after holding the property for 30 days, dispose of the same by public sale after ten days' public notice published in a local newspaper of general circulation, and the proceeds of the sale shall be forwarded to the Finance Officer of the town. The Finance Officer shall pay, from the proceeds of the sale, costs of removal, storage, investigation as to ownership and sale, the liens, in that order; and the remaining proceeds shall be deposited in the general fund of the town, subject to the following provisions. If the ownership of the property is established satisfactorily to the Finance Officer, the owner shall be paid by the officer so much of the proceeds from the sale of the property as remains after paying the cost of removal, storage, investigation as to ownership and sale and any other liens thereon.

(1993 Code, § 14-78)

§ 152.11 ALTERNATIVE REMEDIES.

Neither this subchapter 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 subchapter by criminal process as authorized by G.S. § 14-4, and the enforcement of any remedy provided in this subchapter shall not prevent the enforcement of any other remedy provided in this code or in other ordinances or laws.

(1993 Code, § 14-79)

§ 152.12 HOUSING APPEALS BOARD.

There is hereby created a Housing Appeals Board to which appeals may be taken from decisions or orders of the Inspector, as provided by § 152.07. The Board shall consist of five members serving for three-year staggered terms. Four members must be present in order to establish a quorum. The Housing Appeals Board shall have the power to elect its own officers, to fix the time and places of its meetings, to adopt necessary rules of procedure and to adopt other rules and regulations for the proper discharge of its duties. The Housing Appeals Board shall perform the duties prescribed by § 152.07 and shall keep an accurate record of all its proceedings.

(1993 Code, § 14-80)

HOUSING CODE; MINIMUM STANDARDS**§ 152.25 COMPLIANCE.**

This subchapter contains the 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 subchapter. 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 subchapter.

(1993 Code, § 14-96) Penalty, see § 152.99

§ 152.26 STRUCTURAL CONDITION.

(A) Walls or partitions, 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. Kitchen and bathroom floors will be easily cleanable and covered with resistant floor covering so as to impede water and spills.

(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, flashing, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weathertight and watertight.

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

(I) There shall be no use of the ground for floors or wood floors on the ground.
(1993 Code, § 14-97) Penalty, see § 152.99

§ 152.27 BASIC EQUIPMENT AND FACILITIES.

(A) *Plumbing system.*

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

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

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

(4) All required plumbing fixtures 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 affording privacy to the user.

(B) *Heating system.* Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either division (1) or (2) below:

(1) *Central and electric heating systems.* 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 70°F measured three feet above the floor during ordinary winter conditions.

(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 or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of 70°F measured three feet above the floor during ordinary winter conditions.

(C) *Electrical system.*

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in a manner as determined by the State 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 one floor or wall-type electric convenience receptacle.

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

(3) There shall be no bare wire, open joints or spliced cables. All switches, outlets, receptacles, ceiling fixtures or other fixtures shall be in good condition and properly installed with appropriate covers. Flexible cords shall not be used as a substitute for the fixed wiring of a dwelling.

(4) All fixtures, receptacles, equipment and wiring shall be maintained in good repair, capable of being safely used in accordance with the State Electrical Code.

(1993 Code, § 14-98) Penalty, see § 152.99

§ 152.28 VENTILATION.

(A) *Generally.* 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 of any room and 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 that can be easily 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) *Bathrooms and water closet rooms.* 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.

(1993 Code § 14-99) Penalty, see § 152.99

§ 152.29 SPACE, USE AND LOCATION.

(A) *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code or State Plumbing Code. In addition:

(1) 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.

(2) 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 1/2 of the required 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 4-1/2 feet 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 watertight;

(2) The total window area, total open 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 windows face a stairwell, window well or access.
(1993 Code, § 14-100)

§ 152.30 SAFE AND SANITARY MAINTENANCE.

(A) *Exterior foundation, walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weathertight and rodentproof; 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 floor, walls and ceilings.* Every floor, interior wall and ceiling shall be substantially rodentproof; 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 weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair.

(D) *Stairs, porches and appurtenances.* Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Stairwells and flights of stairs more than five risers high shall have rails not less than two feet six inches measured vertically from the nose of the threads at the top of the rail.

(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 this subchapter 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 weeds 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.

(J) *Underpinnings*. The space between the ground and the first floor of every dwelling shall be enclosed with a mason curtain wall which shall be substantially weatherproof and rodentproof. Mobile and manufactured homes shall be enclosed with a curtain wall of masonry.

(K) *Fences and accessory buildings*. Fences and other accessory buildings shall be maintained in safe and substantial condition, or be demolished.

(1993 Code, § 14-101) Penalty, see § 152.99

§ 152.31 CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

(A) *Screens*. Every door, window or other device opening to outdoor space and used or intended to be used for ventilation shall be provided with an approved type screen for protection against mosquitoes, flies and other insects.

(B) *Rodent control*. Every basement or cellar window used for 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 therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for extermination whenever his or her dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in rodentproof or reasonably insectproof 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 occupant 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 approved outside garbage cans required by town ordinances, or approved mechanical garbage disposal units.

(1993 Code, § 14-102)

§ 152.32 APPLICABLE TO ROOMINGHOUSES; EXCEPTIONS.

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

(A) *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 roominghouse wherever 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 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.

(B) *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.

(C) *Sanitary conditions.* The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the roominghouse; 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 roominghouse is contained is leased or occupied by the operator.

(D) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by § 152.27(A) shall be located within the roominghouse and within a room which affords privacy and is separate from the habitable rooms, and which is accessible from a common hall, without having to go outside the roominghouse or through any other room therein.

(1993 Code, § 14-103)

§ 152.33 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) *Public areas.* Every owner of a dwelling containing three or more dwelling units shall be responsible for maintaining in a clean sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Dwelling unit.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(C) *Garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his or her garbage, and any other organic waste which might provide food for rodents, in a clean and sanitary manner, by placing it in the garbage disposal facilities or garbage storage containers. In all cases the occupants shall be responsible for the availability of the garbage storage containers.

(D) *Rubbish.* Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish in a clean and sanitary manner by placing it in the rubbish storage facilities. In all uses the occupant shall be responsible for the availability of the rubbish storage facilities.

(E) *Extermination.* See § 152.31.

(F) *Plumbing fixtures.* Every occupant of a dwelling or dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(G) *Care of facilities, equipment, structure.* No occupant shall willfully destroy, deface or impair any of the facilities, equipment or any part of the structure of a dwelling unit, dwelling, multi-dwelling or apartment.

(H) *Care of premises.*

(1) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of the residential property for the open storage of any icebox, refrigerator, stove, glass, building material, building rubbish or similar items.

(2) It shall be the duty and responsibility of every owner or occupant to keep the premises of the residential property clean and to remove from the premises all abandoned items, as listed above, including but not limited to weeds, dead trees, trash, garbage and the like, upon notice from the Inspector.

(3) Yards and courts shall be kept clean and free of physical hazards, rubbish, trash, garbage, junked vehicles, vehicle parts and other similar material.

(4) Every premises shall be provided with vehicular access to and from the premises at all times by an abutting public and private street.

(5) No occupant shall obstruct in any manner means of egress from any portion of the premises.

(6) No occupant shall place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of a building.

(7) No occupant shall place on the premises for use any oil or gas-fired portable or unvented cook stove or heater.

(1993 Code, § 14-104) Penalty, see § 152.99

§ 152.99 VIOLATIONS; PENALTY.

(A) It shall be unlawful for the owner of any dwelling, dwelling unit or abandoned structure to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, an order of the Inspector duly made and served as provided in this subchapter, 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, dwelling unit or abandoned structure, with respect to which an order has been issued pursuant to § 152.07, to occupy or permit the occupancy of the same after the time prescribed in closing, and each day that occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) The violation of any provision of this subchapter shall constitute a misdemeanor, as provided by G.S. § 14-4.

(1993 Code, § 14-53) Penalty, see § 152.99

