50 YEARS
Western Piedmont
Council of Governments
Creative Regional Solutions Since 1968

NOTICE OF VIOLATION

TOWN OF SAWMILLS
WPCOG CODE ENFORCEMENT SERVICES

Residential Minimum Housing

This is to certify that the following location **4330 Joplin Rd** is in violation of ORDINANCE 25-01 of the Code of the Town of Sawmills. For more information, go to: ://www.wpcog.org/ce-sawmills

Residential Minimum Housing - Minimum standards for occupancy of a residential house/home as follows, but not limited to:

- ☐ **Space Use** (minimum square footage, measurements, and uses)
- ☐ **Lighting and ventilation** (operable windows, doors, screens, foundation vents & access etc...)
- ☐ **Exits** (two means on ingress/egress, porches, stairs and handrail to code)
- ☐ **Plumbing** (septic or sewer, indoor water supply, hot water heater, insulated pipes, etc...)
- ☐ **Heating** (required to maintain 68 degrees 3 feet off the floor during winter conditions, no unvented combustible space heaters can be used)
- ☑ **Electricity** (required to be wired and no broken fixtures, no exposed wires, outlets, switches and over-loaded circuits, etc...)
- ☑ **Structural requirements** (all maintained in sound working order)
  - Foundation (foundation vents, crawlspace door, structural issues)
  - Floors (rotted, missing, termites, water damage, structural issues)
  - Walls (exterior, interior, water damage, missing wall covering, structural issues)
  - Ceilings (water damage, cracking, falling, structural issues)
  - Roofs (leaking, water damage, missing shingles, fascia, soffit, drip edge, flashing structural issues)
  - Stairs and steps (hand rails/railing, rotted treads, structural issues)
  - Porches and appurtenances (structural issues, damaged surface, rotted wood, water damage)
  - Accessory structures (sheds, shops, pump houses, dog houses that are dilapidated or damaged)
  - Supplied facilities
- ☑ **Property maintenance** (all keep orderly and clean)
  - Building and structures (replace rotted wood, roofing, paint, etc.)
  - Public areas
  - Rubbish and garbage (junk, trash or debris on property needs to be cleaned up)
  - Premises (grass needs to be mowed weekly, overgrowth needs to be kept cut back, nothing in right-of-way)
  - Infestation (fleas, rats, snakes, roaches, other insects or bugs, etc.)
  - Cleanliness (must be cosmetically clean in appearance at all time as not to affect the neighborhood/town)
  - Supplied plumbing fixtures (no leaks, correctly installed, allowed materials by building code, etc.)
  - Care of facilities, equipment and structure (must be properly maintained at all times)

A hearing will be held with the Code Enforcement Officer at the Sawmills Town Hall on **25FEB26** at **10AM**. This will be your opportunity to present facts and evidence as to why the structure should not be found failing to meet the Minimum Standards for Residential Buildings. You may bring anyone you wish to this hearing to present evidence. This hearing is not judicial in nature, but simply provides the property owner an opportunity to present their facts to the Code Enforcement Officer. The Code Enforcement Officer will then make a decision to:

1. Revoke the Notice of Violation,
2. Order the property repaired within a certain time frame, or
3. Order the building demolished.

Curt Willis

Curt Willis, Code Enforcement Officer
(828) 485-4263; curt.willis@wpcog.org

04FEB26

Date

V2- 02072020

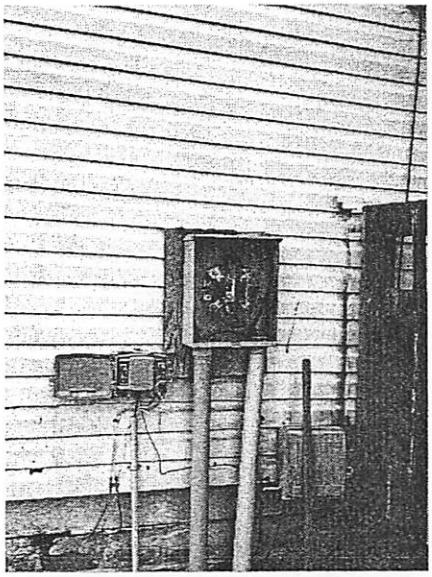
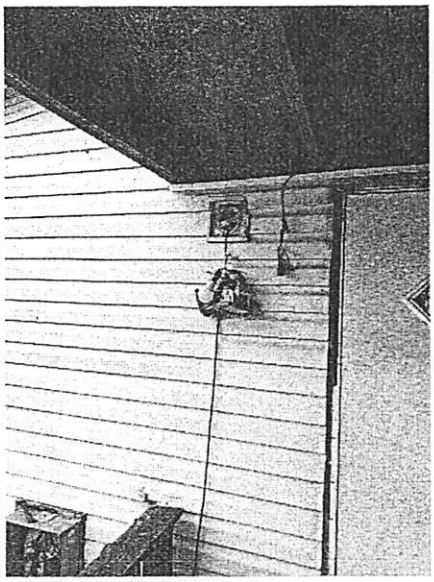
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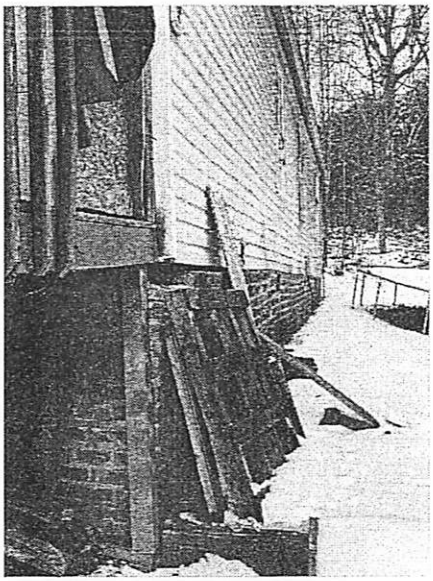
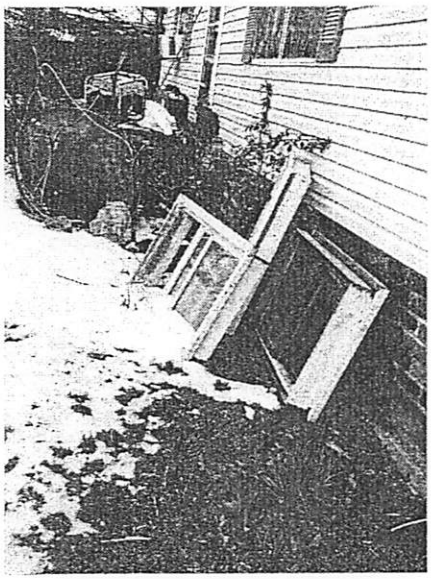
NOTICE OF VIOLATION

TOWN OF SAWMILLS
WPCOG CODE ENFORCEMENT SERVICES

ADDRESS: 4330 Joplin Rd

Photos and notes collected on this date: 01/11/2023

WPCOG Code Enforcement Nuisance Inspection Checklist

Sawmills Town Code Chapter 154 Minimum Housing

Pursuant to G.S. § 160A-441, it is hereby found and declared that there exist in the town's corporate limits dwellins which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, and dangerous and detrimental to the safety and morals and otherwise inimical to the welfare of the residents of the town.

Section 154.36. - Space use.

The minimum standards for space use are as follows:

☐ (1) A principal area shall not have less than one hundred fifty (150) square feet.

☐ (2) A kitchen-dining room combination, if any, shall have not less than one hundred (100) square feet.

☐ (3) A first bedroom, if any, shall have not less than one hundred (100) square feet.

☐ (4) A second bedroom, if any, shall have not less than seventy (70) square feet.

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

☐ (6) At least one hundred fifty (150) square feet of floor space in habitable rooms shall be provided for the first occupant in each dwelling unit; at least one hundred (100) square feet of additional floor space shall be provided for each of the next three (3) occupants; and at least seventy-five (75) square feet of additional floor space shall be provided for each additional occupant over the number of four (4) (children one (1) year of age and under shall not be counted).

☐ (7) At least seventy (70) square feet of bedroom floor space shall be provided for the first occupant; at least twenty (20) square feet of additional bedroom floor space shall be provided for the second occupant; and at least thirty (30) square feet of additional bedroom floor space shall be provided for each occupant over the number of two (2) (children one (1) year of age and under shall not be counted).

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

(9) No basement space shall be used as a habitable room or dwelling unit unless:

☐ (a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

☐ (b) The total of window area in each room is equal to at least the window area sizes prescribed in the following section for habitable rooms.

☐ (c) The total of functionally opening window area in each room is equal to at least the room area prescribed in the following section for habitable rooms, except where there is supplied some other device affording adequate ventilation approved by the director of inspections.

☐ (10) Toilet and bathing facilities shall be structurally enclosed and shall be located so as not to require passage through an openable area.

☐ (11) Bathroom walls, toilet room walls and bedroom walls shall have no holes or excessive cracks.

☐ (12) Access shall be provided to all rooms within a dwelling unit without passing through a public space or another dwelling unit.

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

(14) Each living unit shall have a specific kitchen space, which contains a sink with counter workspace and has hot and cold running water and adequate space for storing cooking utensils.

☐ (15) Electric, water and sewer must be in working order.

Section 154.35. - Light and ventilation.

The minimum standards for light and ventilation are as follows:

☑ (1) Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area measured between stops for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, they 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 such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

☐ (2) Every room in a dwelling unit and means of egress shall be sufficiently illuminated so as to provide safe and satisfactory uses.

☐ (3) Year-round mechanically ventilating systems may be substituted for windows, as required herein, but must be approved by the code enforcement officer, in rooms other than rooms used for sleeping purposes.

☑ (4) All outside windows and doors used for ventilation shall be screened.

☐ (5) All windows and doors shall be made weather tight.

☐ (6) Windows and doors shall have no broken glass and shall have adequate operable locks and hardware.

☐ (7) Openable window area in each toilet room shall be at least two (2) square feet, unless served by mechanical ventilation.

☐ (8) Natural ventilation of spaces such as attics and enclosed non-basement space shall be provided by openings of sufficient size to overcome dampness and to minimize the effect of conditions conducive to decay and deterioration of the structure, and to prevent excessive heat in attics.

☐ (9) Utility spaces containing heat-producing, air-conditioning and other equipment shall be ventilated according to manufacturer's requirements.

☐ (10) Mechanical ventilation shall be of sufficient size to eliminate dampness and odors of the area it is serving.

Section 154.31 - Exits.

☑ (a) Two (2) main exits, each at least thirty (30) inches wide and six (6) feet eight (8) inches high, easily accessible to the occupants of each housing unit, shall be provided, unless a single exit is permitted as an exception by provisions of the state building code, as from time to time amended. All exit doors shall be easily operable.

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

Section 154.32. - Plumbing.

The minimum plumbing standards are as follows:

☐ (1) The plumbing systems shall be connected to the Town sanitary sewer system, where available; otherwise, the plumbing system shall be connected onto an approved septic tank.

☐ (2) 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.

☐ (3) There shall be provided a hot water heater (minimum thirty-gallon capacity) furnishing hot water to each tub or shower, lavatory and kitchen sink.

☐ (4) Installed water supply inside the building shall be provided for each housing unit.

☐ (5) Installed water closet, tub or shower, lavatory and sink shall be provided for each dwelling unit.

☐ (6) Separate toilet facilities shall be provided for each dwelling unit.

☐ (7) Toilet and bathing facilities shall be structurally protected from the weather.

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

☐ (9) At least one (1) main vent of a minimum diameter of two (2) inches shall be properly installed for each building.

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

Section 154.33. - Heating.

The minimum heating standards are as follows:

(1) Reserved.

☑ (2) Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working condition and are capable of safely and adequately heating all habitable rooms and bathrooms in every dwelling unit located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance three (3) feet above floor level, under ordinary minimum winter conditions.

☐ (3) All gas-heating and oil-heating equipment installed on the premises shall be of a type approved by Underwriters' Laboratories or by the American Gas Association and shall be installed in accordance with the provisions of the state building code.

☐ (4) Liquid fuel stored on the premises shall be stored in accordance with the provisions of the National Fire Prevention Association standards.

☐ (5) Chimneys and fireplaces shall have no loose bricks.

☐ (6) Flues shall have no holes.

☐ (7) There shall be no hanging masonry chimneys.

☐ (8) Thimbles shall be grouted in tight.

☐ (9) Thimbles shall be installed high enough for stovepipe to rise one-fourth inch per foot minimum.

☐ (10) Hearths shall be at least twenty (20) inches deep and seven (7) inches beyond each side of the fireplace opening.

☐ (11) No combustible materials shall be within seven (7) inches beyond each side of the fireplace opening.

☐ (12) If the fireplace opening is closed because of hazardous conditions, the closure shall be of masonry or other approved material as determined by the code enforcement officer.

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

☐ (14) Stovepipes and vents shall comply with volume 3 of the state building code.

☐ (15) No unvented combustible space heaters shall be used.

State Law reference - G.S. §136-443.1

Section 154.34. - Electricity.

The minimum electrical standards are as follows:

☐ (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles, which shall be connected in such manner as determined by the *National Electric Code,* as adopted by the Town.

☑ (2) No receptacles, ceiling fixtures or other fixtures shall be broken or hanging loose.

☐ (3) All toggle switches and fixtures shall be safely operable.

☐ (4) At least two (2) duplex convenience outlets, as remote from each other as practicable, shall be provided per habitable room.

☐ (5) At least one (1) light outlet in each bathroom, hall, kitchen and porch, and over exterior steps to the second floor shall be provided.

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

☐ (7) Flexible cords shall not be used as a substitute for the fixed wiring of a structure, nor shall flexible cords be run through holes in walls, ceilings or floors, through doorways, windows, or similar openings, or be attached to building surfaces or concealed behind building walls, ceilings or floors.

☐ (8) No branch circuits shall be overloaded.

☐ (9) A minimum of three (3) branch circuits, plus separate circuits for each fixed appliance, shall be provided in each dwelling unit.

☐ (10) There shall be provided service equipment and a lighting panel of adequate capacity and size (minimum of sixty-ampere capacity) to accommodate the existing or the required number of branch circuits, and the equipment shall be properly grounded.

☐ (11) Outlets in kitchens and bathrooms shall be ground-fault interrupter device protected.

☐ (12) All residences shall have a smoke detector on each livable floor. The property owner shall be responsible for installing a fresh battery with change in tenants; the tenant shall be responsible for maintaining the unit and shall not commit any act that shall render the unit inactive.

☐ (13) All rental dwelling units having a fossil fuel burning heater or appliance or fireplace shall provide a minimum of one operable carbon monoxide detector per unit per level. A carbon monoxide detector is also required for an attached garage. The landlord shall install, replace or repair the carbon monoxide monitor(s) unless the landlord and tenant have a written agreement to the contrary.

Section 154.31. - Structural requirements.

The minimum structural standards shall be as follows:

(1) *Foundation:*

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

☐ b. The foundation shall be on firm, reasonably dry ground, and there shall be no water standing or running under the building.

☐ c. Footings shall be sound and have adequate bearing capacity.

☐ d. Piers shall be sound.

☐ e. No wood stiff knees or other improper piers shall be allowed.

☑ f. All structures shall be underpinned or enclosed in an approved manner, such as aluminum, galvanized, asbestos or masonry.

(2) *Floors:*

☐ a. No rotted or termite-damaged sills shall be allowed.

☐ b. No broken, overloaded or sagging sills shall be allowed.

☐ c. Sills shall be reasonably level.

☐ d. Sills shall be properly and sufficiently supported.

☐ e. Sills shall clear the ground by at least eighteen (18) inches.

☐ f. No rotted or termite-damaged joists shall be allowed.

☐ g. No broken or sagging joists shall be allowed.

☐ h. Flooring shall be weather tight without holes or cracks which permit air to excessively penetrate rooms.

☐ I. Flooring shall be reasonably smooth, not rotten or worn through.

☐ j. No loose flooring shall be allowed.

☐ k. Floors shall be reasonably level.

(3) *Walls, exterior:*

☐ a. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

☐ b. No studs which are rotted or termite-damaged shall be allowed.

☐ c. No broken or cracked structural members shall be allowed.

☐ d. No loose siding shall be allowed.

☐ e. Walls used as partitions shall not lean or buckle.

☐ f. No deteriorated siding or covering shall be allowed.

(4) *Walls, interior:*

☐ a. The interior finish shall be free of holes and cracks, which permit air to excessively penetrate rooms.

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

☐ c. There shall be no cardboard, newspaper or other highly combustible material allowed as a wall finish.

☐ d. No studs shall be rotted or termite-damaged.

☐ e. No broken or cracked studs or other broken or cracked structural members shall be allowed.

(5) *Ceilings:*

☐ a. No joists shall be rotted, broken or sagging or have improperly supported ends.

☐ b. There shall be allowed no holes or cracks, which permit air to excessively penetrate rooms.

☐ c. No loose plaster, loose boards, loose sheetrock or other loose ceiling finish shall be allowed.

☐ d. There shall be allowed as ceiling finishes no cardboard or other highly combustible material.

(6) *Roofs:*

☐ a. Rafters shall not be rotted, broken or sagging or have improperly supported ends.

☐ b. No rafters seriously fire-damaged shall be allowed.

☐ c. Attics shall be properly vented.

☐ d. No rotted, loose or sagging sheathing shall be allowed.

☐ e. No loose roof covering shall be allowed nor shall there be allowed any holes or leaks, which could cause damage to the structure or rooms.

☐ f. Walls and chimneys shall have proper flashing.

(7) *Stairs and steps:*

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

☐ b. Stairwells and flights of stairs more than four (4) risers or having risers more than thirty (30) inches high shall have rails not less than two (2) feet six (6) inches measured vertically from the nose of the treads to the top of the rail.

☐ c. Every rail shall be firmly fastened and maintained in good condition.

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

☐ e. No rotting, sagging or deteriorated supports shall be allowed.

(8) *Porches and appurtenances:*

☑ a. Every outside and inside porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be kept in sound condition and good repair.

☐ b. Protective railings shall be required on any unenclosed structure over three (3) feet from the ground level.

☐ (9) *Accessory structures:* All accessory buildings and structures, including detached garages, shall be maintained structurally sound and in good repair or shall be raised to grade level and the debris therefrom removed from the premises.

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

Section 154.37. - Property maintenance.

The minimum property maintenance standards are as follows:

(1) *Buildings and structures:*

☐ a. Exterior wood surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative, with sufficient frequency to prevent deterioration.

☐ b. Floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.

☐ (2) *Public areas:* Every owner of a structure containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the structure and premises thereof.

☑ (3) *Rubbish and garbage:* Every person who occupies and controls a dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in proper storage facilities.

(4) *Premises:*

☐ a. Fences and other minor structures shall be maintained in safe and substantial condition.

☑ b. Yards and courts shall be kept clean and free of physical hazards, rubbish, trash and garbage.

☐ c. No heavy undergrowth or accumulations of plant growth which are noxious or detrimental to health shall be allowed.

☐ d. Every premises shall be provided with all-weather vehicular access to and from the premises at all times by an abutting public or private street.

☐ e. Walks and steps, constructed so as to provide safety, reasonable durability and economy of maintenance, should be provided for convenient all-weather access to the structure.

☐ f. Access to the rear yard from each dwelling unit shall be required. Such access is not, however, acceptable where it is dependent upon passage through another dwelling unit. Each building shall be provided with access to the rear yard. This access for a detached dwelling shall be directly from a street.

☐ g. Any nonresidential use of the premises shall be subordinate to its residential use and character.

(5) *Infestation:*

☐ a. Premises, buildings and structures shall, by generally accepted methods of extermination, be maintained free of vermination and rodent harborage and infestation.

☐ b. Every basement or cellar window used or intended to be used for ventilation and every other opening to a basement or cellar, which might provide an entry for rodents, shall be supplied with screens installed or with such other approved devices as will effectively prevent entrance by rodents.

☐ c. Every head-of-household occupant of a structure 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 head-of-household occupant of a dwelling unit in a structure containing more than one (1) dwelling unit shall be responsible for such extermination whenever the dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a structure in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any structure or in the shared or public parts of any structure containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

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

☐ (7) *Supplied plumbing fixtures:* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

☐ (8) *Care of facilities, equipment and structure:* No occupant shall willfully destroy, deface or impair any of the facilities or equipment of any part of the structure of a dwelling or dwelling unit.

☐ (9) Lead Paint per North Carolina G.S. 130A-131.7 All property owners shall comply with lead paint provisions and abatement. Property owner assumes all costs of abatement and repairs. All homes constructed before the year 1978 will be subject to lead paint testing.

Code Enforcement - Minimum Housing Procedure

Step 1. Preliminary Findings

Whenever a petition is filed with the Code Enforcement Officer (CEO), by a public authority or by at least (5) residents of the city, charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the CEO that any dwelling or dwelling unit is unfit for human habitation, the CEO shall conduct an investigation to confirm or deny the complaint.

Step 2. Code Enforcement Officer Issues Notice of Violation/Hearing

If the CEO confirms there are violations of the town ordinance present, the officer shall give notice (NOV- Notice of Violation) to the owner, lessee or other person in possession of the premises in writing (By either Regular Mail, Certified Mail, or In-Person Delivery) setting forth his findings and describing the appropriate corrective action. Complaint will state the charges and contain a notice that a hearing will be held before the CEO not less than 10 days and no more than 30 days from mailing the complaint.

Step 3. Code Enforcement Officer Holds Hearing

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 such hearing shall also be given to at least one (1) of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. If after such notice and hearing the official determines that the dwelling under consideration is unfit for human habitation, the Code Enforcement Officer shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owners an Order as follows:

Step 4. Decision

If the repairs estimated cost is less than 50% of building value, CEO orders Repairs.

If the repairs estimated cost is more than 50% of building value, CEO orders building demolished.

Owner Options for Injunction/Appeal

Step 5. Owner Action/Inaction

Building Repaired by Owner

Building Owner does not comply with Order within Reasonable time allotted

Building Demolished by Owner

Building Owner does not comply with Order within Reasonable time

Owner Petition

Any person aggrieved by an order issued by the official may petition the superior court for an injunction restraining the official from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the official pending a final disposition of the case. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. **If denied, time-period is resumed.**

Owner Appeal

An appeal from any decision or order of the code enforcement officer may be taken by any person who is the subject of the decision or order. Any appeal from the official shall be taken within ten days from the rendering of the decision or notice of the order, and shall be taken by filing a Notice of Appeal with the planning department, which shall specify the grounds upon which the appeal is based. The Board of Adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the official, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the official.

Step 6. Town Action

City Council Adopts an Ordinance that States the Building will be Repaired or Demolished within 90 Days.

Council Adopts an Ordinance to Order Code Enforcement Officer to Demolish the Building.

Building is repaired or demolished by the Town and a Lien placed against the Real Property.