Chapter 10 BUILDINGS AND BUILDING REGULATIONS[1]

ARTICLE I. IN GENERAL

Sec. 10-1. State building code.

The minimum standards, provisions and requirements for safe and stable design, methods of construction and usage of materials in buildings and structures enlarged, altered, repaired, moved, converted to other uses or demolished, and the equipment, maintenance, use and occupancy of all buildings in the unincorporated parts of the county to which the state building code applies shall be regulated in accordance with the terms of the latest edition of the state building code, which is hereby adopted and incorporated in this chapter by reference as though fully set forth herein, and a certified copy of such code shall be on file in the county offices.

(Code 1993, § 10-1)

Sec. 10-2. Elimination of ridge law requirement.

The county eliminates the 3,000-foot elevation requirement of G.S. 113A-205 et seq., as provided for in G.S. 113A-209 within the jurisdiction of the county, and thereby applies the state prohibition of tall buildings and structures to mountains and ridges that rise 500 feet or more above an adjacent valley floor.

(Code 1993, § 10-2; Res. of 1-6-1984)

State law reference(s)—Mountain Ridge Protection Act of 1983, G.S. 113A-205 et seq.

Secs. 10-3—10-25. Reserved.

ARTICLE II. HOUSING CODE[2]

DIVISION 1. GENERALLY

[1]**Federal law reference—**Compliance of federal buildings with local building codes and zoning laws, consideration of local laws and cooperation with local officials required, 40 USC 3312.

State law reference(s)—Building code council and building code, G.S. 143-136 et seq.; authority of county to levy taxes for building inspection, G.S. 153A-149(c)(26).

[2]State law reference(s)—Authority to provide for minimum housing standards, G.S. 160A-441 et seq.; building inspection, G.S. 153A-350 et seq.

Sec. 10-26. Findings; purpose.

(a) Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the county and towns which use the services of the county building inspection department, 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 such dwellings unsafe or unsanitary, dangerous and detrimental to the health and otherwise inimical to the welfare of the residents of the county.

(b) In order to protect the health, safety and welfare of the residents of the county and towns as authorized by G.S. 160A-441 et seq., it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444.

(Code 1993, § 10-26; Ord. of 4-2-1991(2), § 1)

Sec. 10-27. Definitions.

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

Basement means 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 means 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 means that a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50 percent of its value, as determined by findings of the building code administrator.

Dilapidated means that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50 percent of its value, as determined by findings of the building code administrator based on the tax value recorded.

Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. The term "dwelling unit" includes mobile home units.

Extermination means the control and elimination of insects, rodents or other pests by eliminating their harborage places, removing or making inaccessible materials that may serve as their food, poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the building code administrator.

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

Gas piping means piping, fittings, regulators, devices and gas appliances installed.

Habitable room means 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, communicating corridors, closets and storage spaces.

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

Inspector means the building code administrator of the county.

Multiple dwelling means any dwelling containing more than two dwelling units.

Occupant means 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 means any person who has charge, care or control of a building or part thereof in which dwelling units or rooming units are let.

Owner means any person who alone, jointly or severally with others:

(1) Has fee simple title to any dwelling or dwelling unit, and every mortgagee, and owner and holder of a deed of trust and the trustee therein of record, with or without accompanying actual possession of such dwelling or dwelling unit; or

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

Parties in interest means all individuals, associations and corporations who have interests of record in a dwelling and any who are in possession thereof.

Plumbing means and includes all of the following supplied facilities and equipment: water service piping and fittings, water distribution piping and fittings, soil and waste drains and vents, building drains, building sewers, mechanical garbage disposal units (mechanical sink grinder), water closets, sinks, dishwashers, lavatories, water heaters, bathtubs, hot tubs, showers, clothes washing machines, stormwater piping, catchbasins, manholes, and any other similar supplied fixtures, together with connections to water or sewer.

Public authority means the board of commissioners or any officer who is in charge of any department or branch of the government of the county or the state, the towns, cities, councils or boards relating to health, fire, building regulations or other activities concerning dwellings in the county.

Rooming unit means 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 means 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 and wife, son, daughter, mother, father, sister or brother of the owner or operator.

Rubbish means combustible and noncombustible waste materials, except garbage and ashes, and includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Supplied means paid for, furnished, or provided by, or under the control of the owner or operator.

Temporary housing means 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's system on the same premises for more than 30 consecutive days.

Unfit for human habitation means that conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this article.

(b) Whenever the words "dwelling," "dwelling unit," "roominghouse," "rooming unit" or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1993, § 10-27; Ord. of 4-2-1991(2), § 2)

Sec. 10-28. Violations; penalty.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve such dwelling or dwelling unit, or to vacate and close and remove or demolish such dwelling or dwelling unit, upon order of the building code administrator duly made and served as provided in this article, within the time specified in such order. Each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.

(b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 10-36(b), to occupy or permit the occupancy of the dwelling or dwelling unit after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

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

(d) In addition to the remedy specified in this and in other sections of this article, the provisions of this article may also be enforced by the county by injunction and order or abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in G.S. 153A-123(d) and (e).

(Code 1993, § 10-28; Ord. of 4-2-1991(2), § 22)

Sec. 10-29. Alternative remedies.

Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 10-30 of this section. The enforcement of any remedy provided in this section shall not prevent the enforcement of any other remedy provided in this article or in other ordinances or laws.

(Code 1993, § 10-29; Ord. of 4-2-1991(2), § 19)

Sec. 10-30. Conflict with other provisions.

If any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the county, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the county shall prevail.

(Code 1993, § 10-30; Ord. of 4-2-1991(2), § 21)

Sec. 10-31. Housing appeals board.

There is hereby created a housing appeals board to which appeals may be taken from decisions or orders of the building code administrator as provided by section 10-37. The board shall consist of five members to serve for three-year staggered terms. The board shall have the power to elect its own officers, to fix the times 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 board shall perform the duties prescribed by section 10-37 and shall keep an accurate record of all its proceedings. Appointment of board members shall be made by the board of commissioners.

(Code 1993, § 10-31; Ord. of 4-2-1991(2), § 20)

Sec. 10-32. Responsibilities of owners and occupants.

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

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

(c) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

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

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

(Code 1993, § 10-32; Ord. of 4-2-1991(2), § 11)

Sec. 10-33. Duties of building code administrator.

The building code administrator of the county building inspection department is hereby designated as the officer to enforce the provisions of this article and to exercise the duties and powers prescribed in this article. It shall be the duty of this officer or his agents to:

(1) Investigate the dwelling conditions and to inspect dwellings and dwelling units located in the county 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 article with respect to such dwellings or dwelling units.

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

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

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

(Code 1993, § 10-33; Ord. of 4-2-1991(2), § 12)

Sec. 10-34. Powers of building code administrator.

The building code administrator is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others granted in this article:

(1) Investigate, according to section 10-36, the dwelling conditions in the county in order to determine which dwellings therein are unfit for human habitation.

(2) Administer oaths and affirmations, examine witnesses and receive evidence.

(3) Enter upon premises for the purpose of making examinations and inspections, provided such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession.

(4) Appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article.

(Code 1993, § 10-34; Ord. of 4-2-1991(2), § 13)

Sec. 10-35. Inspections; duty of owners and occupants.

For the purpose of making inspections, the building code administrator is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the building code administrator free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times and with one week notice for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

(Code 1993, § 10-35; Ord. of 4-2-1991(2), § 14)

Sec. 10-36. Procedure for enforcement; notice; hearing.

(a) *Preliminary investigation; notice, hearing.* Whenever a petition is filed with the building code administrator by a public authority or by at least five residents of the county, or upon request of a realtor licensed within the state to engage in the sale of real property, or in the opinion of the building code administrator of the county building inspection department (G.S. 153A-366), if any dwelling or dwelling unit is unfit for human habitation, after a preliminary investigation discloses a basis for such charges issued and a cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit, a complaint stating the charges and containing a notice that a hearing will be held before the building code administrator at a place therein, the building code administrator shall post a sign stating that such property is under investigation by the county building inspection department, not less than ten days nor more than 30 days after the serving of such complaint. The owner and any party in interest shall have the right to file and 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 of the persons signing the petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building code administrator.

(b) *Procedure after hearing.* After notice and hearing, if the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

(1) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall

state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under this section; or

(2) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish such dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the historic district commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).

(c) *Failure to comply with order.*

(1) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the public officer set forth in this subsection shall not be exercised until the board of commissioners shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this article with respect to the particular property which the public officer shall have found to be unfit for human habitation and which property shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located and shall be indexed in the name of the property owner in the grantor index.

(2) If the owner fails to comply with an order to remove or demolish the dwelling, the public officer may cause such dwelling to be removed or demolished. The duties of the public officer set forth in this subsection shall not be exercised until the board of commissioners shall have by ordinance ordered the public officer to proceed to effectuate the purpose of this article with respect to the particular property which the public officer shall have found to be unfit for human habitation and which property shall be described in the ordinance. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing code. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located and shall be indexed in the name of the property owner in the grantor index.

(d) *Failure of occupant to vacate a dwelling.*

(1) If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the board of commissioners authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. 7A-228, and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature

of a summary ejectment proceeding pursuant to this subsection unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding that the board of commissioners has ordered the public officer to proceed to exercise his duties under this section to vacate and close or remove and demolish the dwelling.

(2) Whenever a determination is made pursuant to this section that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of 45 days from the mailing of such notice shall be given before removal or demolition by action of the public officer to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The public officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait 45 days before causing removal or demolition.

(Code 1993, §§ 10-36, 10-37; Ord. of 4-2-1991(2), § 15(a))

Sec. 10-37. Appeals from orders of building code administrator.

(a) An appeal from any decision or order of the building code administrator may be taken by any person aggrieved thereby. Any appeal from the building code administrator 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 building code administrator 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 building code administrator shall forthwith transmit to the housing appeals board all the paper constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the building code administrator refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the building code administrator requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the housing appeals board unless the building code administrator certifies to the housing appeals board, after the notice of appeal is filed with him, that, because of facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property. In that 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 building code administrator, by the housing appeals board, or by a court of record upon petition made pursuant to subsection (e) of this section.

(b) The hearing 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.

(c) The hearing appeals 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 the powers of the building code administrator, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the building code administrator.

(d) In passing upon appeals in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this article, the housing appeals board shall have the power to adapt the

application of this article to the necessities of the case to the end that the spirit of this article shall be observed, public safety and welfare shall be secured and substantial justice shall be done.

(e) Every decision of the housing appeals board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the housing appeals board, not otherwise, as provided in G.S. 160A-446(e). In addition, any person aggrieved by an order issued by the building code administrator or a decision rendered by the housing appeals board shall also 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 building code administrator pending a final disposition of the cause, as provided by G.S. 160A-446(f).

(Code 1993, § 10-40; Ord. of 4-2-1991(2), § 15(d))

Sec. 10-38. Methods of service of complaints and orders.

Complaints or orders issued by the building code administrator under this article shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and cannot be ascertained by the building code administrator in the exercise of reasonable diligence, and the building code administrator makes an affidavit to that effect, the serving of the complaint or order upon such persons may be made by publishing such complaint or order once each week for two successive weeks in a newspaper of general circulation in the county. The second publication shall be not less than ten days nor more than 30 days prior to the date of the hearing.

(Code 1993, § 10-41; Ord. of 4-2-1991(2), § 16)

Sec. 10-39. Costs to be lien on premises.

(a) As provided by G.S. 160A-443(6), the amount of the cost of any repairs, alterations or improvements, or vacating and closing, or demolition or removal caused to be made or done by the building code administrator shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority and be enforced, and the costs collected as the lien for special assessments provided by G.S. ch. 160A.

(b) If the dwelling is removed or demolished by the public officer, he shall sell the materials of the dwelling, and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

(Code 1993, § 10-43; Ord. of 4-2-1991(2), § 18)

Secs. 10-40—10-55. Reserved.

DIVISION 2. MINIMUM STANDARDS

Sec. 10-56. Fitness for dwellings, dwelling units.

Every dwelling and dwelling unit intended for use as a human habitation, occupancy or use, or held out for use as human habitation, shall comply with all the minimum standards of fitness for human habitation in accordance with the applicable state building codes. No person shall let to another for occupancy, or use as a place for human habitation, any dwelling or dwelling unit which does not comply with all the minimum standards of fitness for human habitation and all of the requirements of this division for which a valid certificate of compliance has been issued. Unoccupied structures shall not be deteriorated as to become a health or safety hazard. The provisions of this Code shall apply to all manufactured housing and modular-housing units used as residential housing in excess of 30 days. Recreational vehicles (RVs) shall not be occupied for residential housing.

(Code 1993, § 10-56; Ord. of 4-2-1991(2), § 3; Ord. of 6-6-2000(1))

Sec. 10-57. Structural condition.

(a) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not excessively 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 and roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(c) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged so as to dangerously reduce their intended load-bearing characteristics.

(d) Steps, stairs, landings, porches, or other parts of appurtenances shall be maintained in such condition that they will not fall or collapse.

(e) Adequate egress in case of fire or panic shall be provided as per specifications of the North Carolina State Residential Building Code, Volume 7.

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

(g) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weathertight, and rodentproof. Roof coverings shall be maintained in good condition. All new roofs must be installed in accordance with the North Carolina State Residential Building Code, Volume 7.

(h) There shall be no chimneys or parts thereof which are in danger of falling or in such 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.

(Code 1993, § 10-57; Ord. of 4-2-1991(2), § 4; Ord. of 6-6-2000(1))

Sec. 10-58. Basic equipment and facilities.

(a) *Plumbing system.* The plumbing system of each dwelling or dwelling unit shall conform to the following:

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

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and an adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. All water piping shall be protected from freezing by being properly installed in protected spaces. Installations of all water heating appliances shall be capable of supplying a continuous source of water, on demand, to all the required fixtures at a temperature of not more than 120 degrees Fahrenheit and not less than 100 degrees Fahrenheit.

(3) All plumbing fixtures shall be maintained in a good state of repair and condition and meet the standards of the North Carolina State Residential Building Code, Volume 7.

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

(b) *Heating system.* Every dwelling unit shall have facilities for providing heat in accordance with either subsection (b)(1) or (2) of this section as follows:

(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 68 degrees Fahrenheit measured at a point 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 68 degrees Fahrenheit measured three feet above the floor during ordinary winter conditions.

(c) *Electrical system.* The electrical system of each dwelling or dwelling unit shall conform to the following:

(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 installed in compliance with the North Carolina State Residential Building Code, Volume 7. 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 in good working order. If wall or ceiling light fixtures are not provided in any habitable room, then each habitable room shall contain at least three floor- or wall-type electric convenience receptacles.

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

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used without hazard to property or persons.

(Code 1993, § 10-58; Ord. of 4-2-1991(2), § 5; Ord. of 6-6-2000(1))

Sec. 10-59. Ventilation.

(a) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors for adequate ventilation. At least one window in every habitable room shall be of such size and location to allow egress by an average adult in the event of fire or other emergency. The minimum window area, measured between stops, shall be eight percent of the floor area of such room. 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 15 percent of the total floor area of such room. Exception: Less than eight percent of the total floor area is acceptable, provided there is mechanical ventilation.

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

(c) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements as in 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.

(d) *Smoke detectors.* Smoke detectors shall be required outside of each sleeping area in the immediate vicinity of the bedrooms.

(Code 1993, § 10-59; Ord. of 4-2-1991(2), § 6; Ord. of 6-6-2000(1))

Sec. 10-60. Space, use and location.

(a) *Room sizes.* Every dwelling shall contain at least the minimum room size in each habitable room as required by the state residential building code.

(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. 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 one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet, six inches, measured from the finished floor to the finished ceiling.

(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 ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than 4.5 feet shall not be considered as part of the floor area in 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 standards, total openable window area and ceiling height are equal to those required for habitable rooms.

(3) The required minimum window standards of every habitable room are entirely above the grade adjoining such window area, except where the window faces a stairwell, window well or accessway.

(4) Every sleeping room shall have at least one window for emergency egress, which complies with the state residential building code in effect at the time of construction.

(Code 1993, § 10-60; Ord. of 4-2-1991(2), § 7; Ord. of 6-6-2000(1))

Sec. 10-61. 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 floors, 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, rodentproof, and shall be kept in sound working condition and good repair. Minimum size for all interior doorways shall be 30 inches for all occupied rooms, including living room, dining room, kitchen, etc., but not including closets, bathrooms, etc. Doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms, and all rooms adjoining a public space. All doors leading to the exterior must have an apparatus for opening and closing the door on both sides, a locking mechanism and shall be kept in sound working condition and good repair.

(d) *Stairs, porches and appurtenances.* Every outside and inside stair, porch and any appurtenances 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. Handrails and guardrails must be installed per the guidelines of the North Carolina State Residential Building Code, Volume 7.

(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 such 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 article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory condition.

(g) *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage of surface water to prevent accumulation of stagnant water and to allow positive drainage around the foundation of the dwelling unit.

(h) *Noxious weeds.* Every yard and all exterior property 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 by the code in force at the time of construction.

(Code 1993, § 10-61; Ord. of 4-2-1991(2), § 8; Ord. of 6-6-2000(1))

Sec. 10-62. Control of insects, rodents and infestations.

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

(b) *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 such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure

of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more rooms of the dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(c) *Rubbish storage and garbage disposal.* Every dwelling unit shall be supplied with adequate rubbish storage facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

(d) *Screens.* For protection against mosquitoes, flies and other insects, every door intended for ventilation and opening directly from a dwelling unit to outdoor space shall have installed screens and a self-closing device. Windows designed to open shall likewise be supplied with screens installed so as to not be permanently affixed to the window frame, sash, or structural members of the dwelling unit, and shall be maintained in good condition without rips or tears.

(Code 1993, § 10-62; Ord. of 4-2-1991(2), § 9; Ord. of 6-6-2000(1))

Sec. 10-63. Roominghouses.

All provisions of this article shall be applicable to roominghouses and bed and breakfast establishments, and to every person who operates a roominghouse or a bed and breakfast establishment or who operates or lets to another for occupancy any rooming unit in any roominghouse or bed and breakfast establishment, except as provided in the following subsections:

(1) *Water closet, hand lavatory and 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 such facilities are shared. All such 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 such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar or uninhabitable basement.

(2) *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. 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.

(3) *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. He shall further be 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.

(4) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (1) of this section 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 and without going outside the roominghouse or through any other room herein.

(Code 1993, § 10-63; Ord. of 4-2-1991(2), § 10; Ord. of 6-6-2000(1))