

**TITLE XV: LAND USAGE**

Chapter

**150.BUILDINGS**





## **CHAPTER 150: BUILDINGS**

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### **GENERAL PROVISIONS**

#### **§ 150.001 CODES ADOPTED.**

The latest edition of the North Carolina State Building Code, Volume I, General Construction, and any amendments thereto; and the latest edition of the North Carolina State Building Code, Volume I-B, Residential, and any amendments thereto; the latest edition of the North Carolina State Building Code, Volume II, Plumbing, and any amendments thereto; the latest edition of the North Carolina State Building Code, Volume III, Heating, Air Conditioning, Refrigeration and Ventilation, and any amendments thereto; the latest edition of the North Carolina State Building Code, Volume IV, Electrical, and any amendments thereto; all and as each may be amended, are hereby adopted by the Board of Aldermen as fully as if set forth herein and the same are hereby adopted by reference.  
(1989 Code, § 4-1)

#### **§ 150.002 DEFINITIONS.**

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

**BASEMENT.** A portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

**CELLAR.** A portion of a building located partly or wholly underground having an adequate 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 finding 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 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 shall include any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it shall not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.

**DWELLING, DWELLING UNIT, ROOMINGHOUSE, ROOMING UNIT or PREMISES.** Shall be construed as though they were followed by the words “or any part thereof.”

**DWELLING UNIT.** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**EXTERMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, 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.** A Building Inspector of the town or any agent of the Inspector who is authorized by the Inspector.

**MOBILE HOME or MANUFACTURED HOME.** A structure, transportable in 1 or more sections, which in the traveling mode is 8 body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. The terms include any structure that meets all of the requirements of this chapter except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Federal Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401, *et seq.*

**MULTIPLE DWELLING.** Any building containing more than 2 dwelling units.

**OCCUPANT.** Any person over 1 year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.

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

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

(1) Shall have title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; and

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

**PLUMBING.** All of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders) waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

**PUBLIC AUTHORITY.** The town's housing authority or any officer who is in charge of any department or branch of the government of the town, the county or the state relating to health, fire, building regulations or other activities concerning dwellings in the town.

**ROOMINGHOUSE.** Any dwelling, or that part of any dwelling containing 1 or more rooming units, in which space is let by the owner or operator to 3 or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or operator.

**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.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage and ashes; the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

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

**UNFIT FOR HUMAN HABITATION.** Conditions existing in a dwelling which violate or do not comply with 1 or more of the minimum standards of fitness or 1 or more of the requirements established by this chapter.  
(1989 Code, § 4-26)

## **MINIMUM HOUSING STANDARDS**

### **§ 150.015 FINDINGS; PURPOSE OF CHAPTER.**

(A) Pursuant to G.S. § 160A-441, it is hereby found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering the dwellings unsafe or insanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. Chapter 160A, Article 19, Pt. 6, 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, as expressly authorized by G.S. § 160A-444.  
(1989 Code, § 4-27)

### **§ 150.016 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

(A) *Public areas.* Every owner of a dwelling containing 2 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 or she occupies and controls.

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

(D) *Supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures 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.

(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.

(1989 Code, § 4-28) Penalty, see § 10.99

### **§ 150.017 CONFLICT WITH OTHER ORDINANCES.**

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

(1989 Code, § 4-29)

### **§ 150.018 COSTS CONSTITUTE LIEN ON PROPERTY.**

(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 removal or demolition, caused to be made or done by the Inspector pursuant to § 150.056, shall be a lien against the real property upon which the cost was incurred.

(B) The lien shall be filed, have the same priority, and be enforced and the costs collected as provided by G.S. Chapter 160A, Article 10.

(1989 Code, § 4-30)

### **§ 150.019 ALTERNATIVE REMEDIES.**

Neither this chapter 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 chapter by criminal process as authorized by G.S. § 14-4 and § 150.017 of this chapter, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided in this chapter or in other ordinances or laws.

(1989 Code, § 4-31)

**§ 150.020 RENTAL OR OCCUPANCY WITHOUT CORRECTION OF DEFECTS.**

The receiving of any rentals or the offering for rent of the dwellings or the continued occupancy by an owner of the dwellings after the expiration of the 90 days set by the Building Inspector in the written order for the correction of defects shall be deemed a misdemeanor. (1989 Code, § 4-32) Penalty, see § 10.99

**§ 150.021 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.**

All appeals which may be taken from decisions or orders of the Inspector pursuant to § 150.053 shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Board shall have power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by § 150.053 and shall keep an accurate journal of all its proceedings. (1989 Code, § 4-33)

***BUILDING INSPECTOR***

**§ 150.035 DUTIES.**

(A) The Town Building Inspector along with the Rowan County Inspection Department is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers prescribed by this subchapter.

(B) The Building Inspectors shall:

(1) Investigate the dwelling conditions, and 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 chapter with respect to the dwellings and dwelling units;

(2) Take 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 chapter and an inventory of those dwellings that do not meet the minimum standards of fitness prescribed by this chapter; and

(4) Perform other duties as may be prescribed by this chapter. (1989 Code, § 4-51)

**§ 150.036 POWERS.**

The Building Inspector is authorized to exercise the powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(A) To investigate the dwelling conditions in the town in order to determine which dwellings therein are unfit for human habitation;

(B) To administer oaths and affirmations, examine witnesses and receive evidence;

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

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

(1989 Code, § 4-52)

**§ 150.037 INSPECTIONS.**

(A) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises.

(B) The Inspector shall obtain an administrative search or inspection warrant pursuant to G.S. § 15-27.2 if the owner or occupant denies entry without a warrant.

(C) The owner or occupant of every dwelling, dwelling unit or rooming unit, or the person in charge thereof, shall give the Inspector free access to the dwelling, dwelling unit or rooming unit, and its premises at all reasonable times for the purposes of the inspection, examination and survey.

(D) Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of the dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making the repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

(1989 Code, § 4-53)

**§ 150.038 CONDITIONS PERMITTING DECLARATION OF UNFITNESS GENERALLY.**

(A) The public officer may determine that a dwelling is unfit for human habitation if he or she finds that conditions exist in the dwelling which are dangerous or injurious to the health or safety of the occupants of the dwelling, the occupants of neighboring dwellings or other residents of the town.

(B) These conditions may include, without limiting the generality of the foregoing, defects therein increasing the hazards of fire, accident or other calamities, lack of adequate ventilation, light or sanitary facilities, dilapidation, disrepair, uncleanliness or structural defects.

(1989 Code, § 4-54)

***ENFORCEMENT PROCEDURE***

**§ 150.050 PRELIMINARY INVESTIGATION; NOTICE; HEARING.**

Whenever a petition is filed with the Inspector by a public authority or by at least 5 residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for the charges, issue and cause to be served upon the owner of and parties in interest in the dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than 10 nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least 1 of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(1989 Code, § 4-71)

**§ 150.051 PROCEDURE AFTER HEARING.**

(A) After notice and hearing as provided in § 150.050, the Inspector shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(B) (1) If the Inspector determines that the dwelling or dwelling unit is deteriorated or dilapidated, 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 chapter within a specified period of time, not to exceed 90 days.

(2) The order may also direct and require the owner to vacate and close the dwelling or dwelling unit until the repairs, alterations and improvements have been made.  
(1989 Code, § 4-72)

### **§ 150.052 FAILURE TO COMPLY WITH ORDER.**

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

(B) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (A) above, the Inspector shall submit to the Town Board an ordinance ordering the Inspector to cause the dwelling or dwelling unit to be repaired, altered, improved or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending the removal or demolition, to placard the dwelling as provided by G.S. § 160A-443 and this code.  
(1989 Code, § 4-73)

### **§ 150.053 APPEALS FROM ORDERS OF INSPECTOR.**

(A) 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 10 days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the 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 an 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 suspension of his or her requirement would cause imminent peril to life or property. When the certificate is so filed, the requirement shall not be suspended except by a restraining order, which may be granted for due cause

shown upon not less than 1-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 § 150.052. A copy of the certificate shall be furnished to the appellant.

(B) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reserve or affirm, wholly or partly, or may modify the decision or order appealed from, and may make the 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 Inspector, but the concurring vote of 4 members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the chapter, to adapt the application of the chapter to the necessities of the case to the end that the spirit of the chapter shall be observed, public safety and welfare secured and substantial justice done.

(C) 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.  
(1989 Code, § 4-74)

#### **§ 150.054 PETITION TO SUPERIOR COURT BY OWNER.**

Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160A-446(f).  
(1989 Code, § 4-75)

#### **§ 150.055 SERVICE OF COMPLAINTS AND ORDERS.**

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of the persons are unknown and the same cannot be ascertained by the Inspector shall make an affidavit to that effect, and the serving of the complaint or order upon the person may be made by publishing the same once each week for 2 successive weeks in a newspaper printed and published in the town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.  
(1989 Code, § 4-76)

**§ 150.056 IN REM ACTION BY INSPECTOR; PLACARDING OF BUILDINGS.**

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Board of Aldermen of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.052 of this subchapter, the Inspector shall proceed to cause the dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Aldermen, and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words:

“This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.”

(B) Each ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index as provided by G.S. § 160A-443(5).  
(1989 Code, § 4-77)

**§ 150.057 COMPLIANCE WITH ORDERS; VIOLATIONS OF SUBCHAPTER.**

(A) No owner of any dwelling or dwelling unit shall fail, neglect, or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as provided in this division, 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. No owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 150.051, shall occupy or permit the occupancy of the same after the time prescribed in order for its repair, alteration or improvement or its vacation and closing, and each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(B) The violation of any provision of this subchapter shall constitute a misdemeanor, as provided by G.S. § 14-4.  
(1989 Code, § 4-78)

## *MINIMUM STANDARDS*

### **§ 150.070 FITNESS FOR DWELLING 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 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.

(1989 Code, § 4-96)

### **§ 150.071 STRUCTURAL CONDITIONS.**

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

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

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

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

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

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

(G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be 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.  
(1989 Code, § 4-97)

**§ 150.072 PLUMBING SYSTEM.**

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

(B) (1) 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.

(2) All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(C) All plumbing fixtures shall meet the standards of the town's plumbing code and shall be maintained in a state of good repair and in good working order.

(D) (1) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same.

(2) The water closet and tub or shower shall be located in a room affording privacy to the user.

(1989 Code, § 4-98)

**§ 150.073 HEATING SYSTEM.**

Every dwelling and dwelling unit shall have facilities for providing heat in accordance with either of the following:

(A) *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 at a point 3 feet above the floor during ordinary winter conditions.

(B) *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 3 feet above the floor during ordinary winter conditions.

(1989 Code, § 4-99)

**§ 150.074 ELECTRICAL SYSTEM.**

(A) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least 2 floor- or wall-type electric convenience receptacles, connected in a manner as determined by the town's electrical code. There shall be installed in every

bathroom, water closet room, laundry room and furnace room at least 1 supplied ceiling, or wall-type electric light fixture. If wall or ceiling light fixtures are not provided in any habitable room, then each habitable room shall contain at least 3 floor- or wall-type electric convenience receptacles.

(B) 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.

(C) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the town's electrical code.

(1989 Code, § 4-100)

### **§ 150.075 VENTILATION.**

(A) Every habitable room shall have at least 1 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 that room. Whenever walls or other portions of structures face a window of any room and the light-obstructing structures are located less than 5 feet from the window and extend to a level above that of the ceiling of the room, that 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) Every habitable room shall have at least 1 window or skylight which can be easily opened or other 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) 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.

(1989 Code, § 4-101)

### **§ 150.076 ROOM SIZES.**

(A) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the town's residential building code.

(B) 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 3

occupants and at least 75 square feet of additional habitable floor area for each additional occupant.

(C) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by 1 occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than 1 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.  
(1989 Code, § 4-102)

**§ 150.077 CEILING HEIGHT.**

At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than 7 feet and 6 inches.  
(1989 Code, § 4-103)

**§ 150.078 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.  
(1989 Code, § 4-104)

**§ 150.079 BASEMENTS; CELLARS.**

(A) No cellar shall be used for living purposes.

(B) No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

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

(3) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well or accessway.  
(1989 Code, § 4-105)

**§ 150.080 SAFE AND SANITARY MAINTENANCE.**

(A) *Exterior foundation, walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and 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 rodent proof, shall be kept in sound condition and good repair, and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(C) *Windows and doors.* Every window, exterior door, basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent proof, 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.

(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 chapter shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

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

(H) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of 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 town's building code.  
(1989 Code, § 4-106)

**§ 150.081 SCREENS.**

In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall have supplied and installed screens and a self-closing device; every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed.  
(1989 Code, § 4-107)

**§ 150.082 RODENT CONTROL.**

Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or other approved device as will effectively prevent their entrance.  
(1989 Code, § 4-108)

**§ 150.083 INFESTATION AND EXTERMINATION OF PESTS.**

(A) 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 1 dwelling unit shall be responsible for the extermination whenever his or her dwelling unit is the only 1 infested.

(B) Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner.

(C) Whenever infestation exists in 2 or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing 2 or more dwelling units, extermination shall be the responsibility of the owner.  
(1989 Code, § 4-109)

**§ 150.084 RUBBISH AND GARBAGE STORAGE AND DISPOSAL.**

(A) Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of the dwelling or dwelling unit shall be responsible for the removal of rubbish.

(B) Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit, meaning a mechanical sink grinder, in each dwelling unit or an incinerator unit, to be approved by the Inspector, in the structure for the use of the occupants of each dwelling unit, or an approved outside garbage can as required by town ordinances.  
(1989 Code, § 4-110)

### **§ 150.085 ROOMING HOUSES; EXCEPTIONS.**

(A) *Standards.* All of the provisions of this chapter, and all of the minimum standards and requirements of this subchapter, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any room unit in any rooming house, except as provided in this section.

(B) *Water closet, hand lavatory and bath facilities.* At least 1 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 4 rooms within a rooming house wherever the facilities are shared. All the 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 1 story removed from any of the persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. The required facilities shall not be located in a cellar.

(C) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by 1 occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than 1 occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(D) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(E) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by this section shall be located within the rooming house 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 rooming house or through any other room therein.  
(1989 Code, § 4-111)

### **AMENDING CHAPTER 150, BUILDINGS**

### **AN ORDINANCE PROVIDING MINIMUM HOUSING STANDARDS OF FITNESS; THE CODE OF ORDINANCES OF THE TOWN OF ROCKWELL**

**BE IT ORDAINED by the Board of Aldermen of the Town of Rockwell, North Carolina:**

**Part 1.** That Chapter 150, Sections 150.001 through 150.002, Buildings, of the Code of Ordinances, Town of Rockwell, North Carolina, is hereby amended as follows:

**"CHAPTER 150; MINIMUM HOUSING STANDARDS**

**Section 150.001. Findings; Purpose; Authority.**

Pursuant to Section 160A-441, of the General Statutes of North Carolina, it is hereby found and declared that there exist in the ~~Town and its area of extraterritorial jurisdiction~~ Incorporated limits of the Town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe and unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the Town.

In order to protect the health, safety and welfare of the residents of the Town, as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes of North Carolina, it is the purpose of this Chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by Section 160A-444 of the General Statutes of North Carolina.

In addition, it is hereby found and declared, under the authority of North Carolina General Statutes 160A-174, that there exist in the ~~Town and its area of extraterritorial jurisdiction~~ Incorporated limits of the Town dwellings which, although not meeting the classification as unfit for human habitation, fail to fully comply with all the minimum standards for housing fitness as established herein and therefore have present one or more conditions which are inimical to the public health, safety and general welfare. Such conditions, if not corrected can lead to deterioration and dilapidation of dwellings which render them unfit for human habitation.

**Section 150.002. Scope.**

- (a) This Chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, apartment houses, rooming houses or buildings, structures or premises used or intended for use as such.
- (b) The provisions of this Chapter shall apply to all existing housing and to all housing hereafter constructed within the Town's Incorporated Jurisdiction. ~~and Extraterritorial Jurisdictions~~. Portable, mobile or demountable buildings or structures, including trailers,

manufactured homes and mobile homes when used or intended for use for housing within the jurisdiction, shall be subject to the applicable provisions of this Chapter. This Chapter establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities except as provided in this Chapter.

- (c) The provisions of this Chapter shall also apply to abandoned structures which are found by the Board of Aldermen to be 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 conditions."

**Part 2.** All ordinances in conflict with the provisions of this Chapter are hereby repealed to the extent of such conflict.

This Ordinance shall become effective upon its adoption by the Board of Aldermen of the Town of Rockwell, North Carolina.

Adopted this \_\_\_\_13th\_\_ day of \_\_\_\_\_December\_\_\_\_\_, 2017.

Beauford N. Taylor, Mayor

ATTEST:

Approved as to form:

Marlene Dunn,  
Town Clerk

Malcolm Blankenship, Town Attorney