

MINIMUM HOUSING CODE  
FOR THE TOWN OF RURAL HALL

THE TOWN COUNCIL OF THE TOWN OF RURAL HALL DOETH ORDAIN:

THAT PURSUANT TO NORTH CAROLINA GENERAL STATUTES CHAPTER 160A, ARTICLE 19, PART 6, ARTICLE 25 OF CHAPTER 6 OF THE 1961 EDITION OF THE CODE OF THE TOWN OF RURAL HALL ENTITLED "MINIMUM HOUSING CODE" IN ITS ENTIRETY BE AND THE SAME IS HEREBY AMENDED TO READ AS FOLLOWS:

DIVISION 1. GENERALLY

1-1 PREAMBLE.

PURSUANT TO NORTH CAROLINA GENERAL STATUES SECTION 160A-441, IT IS HEREBY FOUND AND DECLARED THAT THERE EXISTS IN THE TOWN OF RURAL HALL DWELLINGS WHICH ARE UNFIT FOR HUMAN HABITATION AND/OR INIMICAL TO THE WELFARE, AND DANGEROUS AND INJURIOUS TO THE HEALTH, SAFETY, AND MORALS OF THE PEOPLE OF THE TOWN OF RURAL HALL DUE TO DILAPIDATION, DEFECTS INCREASING HAZARDS OF FIRE, ACCIDENTS OR OTHER CALAMITIES, LACK OF VENTILATION, LIGHT OR SANITARY FACILITIES, AND DUE TO OTHER CONDITIONS RENDERING SUCH DWELLINGS UNSAFE OR UNSANITARY, OR DANGEROUS OR DETRIMENTAL TO THE HEALTH, SAFETY OR MORALS, OR OTHERWISE INIMICAL TO THE WELFARE OF THE TOWN OF RURAL HALL.

1-2 SCOPE.

THIS CODE IS HEREBY DECLARED TO 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 THE 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 AS SUCH.

THE PROVISION OF THIS CODE SHALL APPLY TO ALL EXISTING HOUSING AND TO ALL HOUSING HEREAFTER CONSTRUCTED WITHIN THE TOWN OF RURAL HALL. PORTABLE, MOBILE OR DEMOUNTABLE BUILDINGS OR STRUCTURES, INCLUDING TRAILERS, WHEN USED OR INTENDED FOR USE FOR HOUSING WITHIN THE TOWN, SHALL BE SUBJECT TO THE APPLICABLE PROVISIONS OF THIS CODE. THIS ARTICLE 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 ARTICLE.

1-3 DEFINITION.

THE FOLLOWING DEFINITIONS SHALL APPLY IN THE INTERPRETATION AND ENFORCEMENT OF THIS ARTICLE:

(1) ALTER OR ALTERATION MEANS ANY CHANGE OR MODIFICATION IN CONSTRUCTION OR OCCUPANCY.

(2) APPROVED SHALL MEAN APPROVED BY CODE ADMINISTRATOR.

(3) BASEMENT SHALL MEAN 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.

(4) BUILDING SHALL MEAN ANY STRUCTURE BUILT FOR THE SUPPORT, SHELTER, OR ENCLOSURE OF PERSONS, ANIMALS, CHATTELS, OR PROPERTY OF ANY KIND. THE TERM "BUILDING" SHALL BE CONSTRUED AS IF FOLLOWED BY THE WORDS "OR PART THEREOF".

(5) CELLAR SHALL MEAN A PORTION OF A BUILDING LOCATED PARTLY OR WHOLLY UNDERGROUND HAVING AN INADEQUATE ACCESS TO LIGHT AIR FROM WINDOWS LOCATED PARTLY OR WHOLLY BELOW LEVEL OF THE ADJOINING GROUND.

(6) CODE ADMINISTRATOR OR HOUSING INSPECTOR SHALL MEAN A BUILDING INSPECTOR OF THE TOWN OR OTHER PERSON CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE OR HIS DULY AUTHORIZED REPRESENTATIVE.

(7) DETERIORATED SHALL MEAN THAT A DWELLING IS UNFIT FOR HUMAN HABITATION AND CAN BE REPAIRED, ALTERED, OR IMPROVED TO COMPLY WITH ALL THE MINIMUM STANDARDS ESTABLISHED BY THIS ORDINANCE.

(8) DILAPIDATED SHALL MEAN THAT A DWELLING IS UNFIT FOR HUMAN HABITATION AND CANNOT BE REPAIRED, ALTERED, OR IMPROVED TO COMPLY WITH ALL THE MINIMUM STANDARDS ESTABLISHED BY THIS ORDINANCE.

(9) DWELLING SHALL MEAN ANY BUILDING WHICH IS WHOLLY OR PARTLY USED OR INTENDED TO BE USED FOR LIVING OR SLEEPING BY HUMAN OCCUPANTS WHETHER OR NOT SUCH BUILDING IS OCCUPIED OR VACANT; PROVIDED THAT TEMPORARY HOUSING AS HEREINAFTER DEFINED SHALL NOT BE REGARDED AS A DWELLING.

(10) DWELLING UNITS SHALL MEAN 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 WHETHER OR NOT SUCH UNIT IS OCCUPIED OR VACANT.

(11) EXTERMINATION SHALL MEAN THE CONTROL AND ELIMINATION OF INSECTS, RODENTS, OR OTHER PESTS BY ELIMINATING THEIR HARBORING PLACES; BY REMOVING OR MAKING INACCESSIBLE MATERIALS THAT MAY SERVE AS THEIR FOOD, BY POISONING, SPRAYING, FUMIGATING, TRAPPING

OR BY OTHER RECOGNIZED AND LEGAL PEST ELIMINATION METHODS APPROVED BY THE CODE ADMINISTRATOR.

(12) FAMILY MEANS ONE OR MORE PERSONS LIVING TOGETHER, WHO ARE RELATED BY BLOOD, MARRIAGE OR ADOPTION, AND HAVING COMMON HOUSEKEEPING FACILITIES.

(13) HABITABLE ROOM SHALL MEAN 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.

(14) INFESTATION SHALL MEAN THE PRESENCE, WITHIN OR AROUND A DWELLING, OF ANY INSECTS, RODENTS OR OTHER PESTS IN SUCH NUMBERS AS TO CONSTITUTE A MENACE TO THE HEALTH, SAFETY, OR WELFARE OF THE OCCUPANTS OR TO THE PUBLIC.

(15) MULTIPLE DWELLING SHALL MEAN ANY BUILDING OR PORTION THEREOF, WHICH IS DESIGNED, BUILT, RENTED, LEASED, LET OR HIRED OUT TO BE OCCUPIED, OR WHICH IS OCCUPIED AS THE HOME FOR RESIDENCE OF MORE THAN TWO (2) FAMILIES LIVING INDEPENDENTLY OF EACH OTHER AND DOING THEIR OWN COOKING IN THE SAID BUILDING AND SHALL INCLUDE FLATS AND APARTMENTS.

(16) OCCUPANT SHALL MEAN ANY PERSON LIVING, SLEEPING, COOKING OR EATING IN, OR HAVING ACTUAL POSSESSION OF A DWELLING UNIT OR ROOMING UNIT.

(17) OPENABLE AREA SHALL MEAN THAT A PART OF WINDOW OR DOOR WHICH IS AVAILABLE FOR UNOBSTRUCTED VENTILATION AND WHICH OPENS DIRECTLY TO THE OUTDOORS.

(18) OPERATOR SHALL MEAN ANY PERSON WHO HAS CHARGE, CARE OR CONTROL OF A BUILDING, OR PART THEREOF, IN WHICH DWELLING UNITS OR ROOMING UNITS ARE LET.

(19) OWNER SHALL MEAN THE HOLDER OF THE TITLE IN FEE, SIMPLE AND EVERY MORTGAGE OR RECORD

(20) PARTIES IN INTEREST SHALL MEAN ALL INDIVIDUALS, ASSOCIATIONS AND CORPORATIONS WHO HAVE INTERESTS OR RECORD IN A DWELLING OR ANY WHO ARE IN POSSESSION THEREOF; OR SHALL HAVE CHARGE, CARE OR CONTROL OF ANY DWELLING OR DWELLING UNIT, AS OWNER OR AGENT OF THE OWNER, OR AS EXECUTOR, EXECUTRIX, ADMINISTRATOR, ADMINISTRATRIX, TRUSTEE OR GUARDIAN OR 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 THEREOF, TO THE SAME EXTENT AS IF HE WERE THE OWNER.

(21) PERSON SHALL MEAN AND INCLUDE ANY INDIVIDUAL, FIRM, CORPORATION, ASSOCIATION OR PARTNERSHIP.

(22) PLUMBING SHALL MEAN THE PRACTICE, MATERIALS, AND FIXTURES USED IN THE INSTALLATION, MAINTENANCE, EXTENSION, AND ALTERATION OF ALL PIPING, FIXTURES, APPLIANCES, AND APPURTENANCES IN CONNECTION WITH ANY OF THE FOLLOWING: SANITARY DRAINAGE OR STORM DRAINAGE FACILITIES, THE VENTING SYSTEM AND PUBLIC OR PRIVATE WATER SUPPLY SYSTEMS OF ANY PREMISES TO THEIR CONNECTION WITH ANY POINT OF PUBLIC DISPOSAL.

(23) PREMISES SHALL MEAN A LOT, PLOT, OR PARCEL OF LAND INCLUDING THE BUILDINGS OR STRUCTURES THEREON.

(24) PUBLIC AREA AS USED IN THIS CODE, MEANS AN UNOCCUPIED OPEN SPACE ADJOINING A BUILDING AND ON THE SAME PROPERTY, THAT IS PERMANENTLY MAINTAINED ACCESSIBLE TO THE FIRE DEPARTMENT AND FREE OF ALL ENCUMBRANCE THAT MIGHT INTERFERE WITH ITS USE BY THE FIRE DEPARTMENT.

(25) REQUIRED MEANS REQUIRED BY SOME PROVISION IN THIS CODE.

(26) RESIDENTIAL OCCUPANCY SHALL MEAN BUILDINGS IN WHICH FAMILIES OR HOUSEHOLDS LIVE OR IN WHICH SLEEPING ACCOMMODATIONS ARE PROVIDED. SUCH BUILDINGS INCLUDE, AMONG OTHERS, THE FOLLOWING: DWELLINGS, MULTIPLE DWELLINGS, AND LODGING HOUSES, AND ALL DORMITORIES.

(27) GARBAGE SHALL MEAN THE ANIMAL AND VEGETABLE WASTE RESULTING FROM THE HANDLING, PREPARATION, COOKING AND CONSUMPTION OF FOOD.

(28) RUBBISH SHALL MEAN COMBUSTIBLE AND NON-COMBUSTIBLE WASTE MATERIAL EXCEPT GARBAGE, AND THE TERM SHALL INCLUDE ASHES, PAPER, RAGS, CARTONS, BOXES, WOOD, EXCELSIOR, RUBBER, LEATHER, TREE, BRANCHES, YARD TRIMMINGS, TIN CANS, METALS, MINERAL MATTER, GLASS, CROCKERY, AND DUST.

(29) STAIRWAY MEANS ONE OR MORE FLIGHTS OF STAIRS AND THE NECESSARY LANDINGS AND PLATFORMS CONNECTING THEM, TO FORM A CONTINUOUS AND UNINTERRUPTED PASSAGE FROM ONE STORY TO ANOTHER IN A BUILDING OR STRUCTURE.

(30) STORY SHALL MEAN THAT PORTION OF A BUILDING INCLUDED BETWEEN THE UPPER SURFACE OF THE FLOOR NEXT ABOVE, EXCEPT THAT THE TOPMOST STORY SHALL BE THAT PORTION OF A BUILDING INCLUDED BETWEEN THE UPPER SURFACE OF THE TOPMOST FLOOR AND THE CEILING OR ROOF ABOVE.

(31) STRUCTURE SHALL MEAN THAT WHICH IS BUILT OR CONSTRUCTED, AN EDIFICE OR BUILDING OF ANY KIND, OR ANY PIECE OF WORK ARTIFICIALLY BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER IN SOME DEFINITE MANNER. THE TERM "STRUCTURE" SHALL BE CONSTRUED AS IF FOLLOWED BY THE WORDS "OR PART THEREOF".

(32) SUPPLIED SHALL MEAN PAID FOR, FURNISHED, OR PROVIDED BY, OR UNDER CONTROL OF THE OWNER OR OPERATOR.

(33) TEMPORARY HOUSING SHALL MEAN 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 UTILITIES SYSTEM ON THE SAME PREMISES FOR MORE THAN THIRTY (30) CONSECUTIVE DAYS.

(34) UNFIT FOR HUMAN HABITATION IS DEFINED BY SECTION 6-79, HEREIN.

(35) VENTILATION MEANS THE PROCESS OF SUPPLYING AND REMOVING AIR BY NATURAL OR MECHANICAL MEANS TO OR FROM ANY SPACE.

(36) LOT MEANS AN OPEN UNOCCUPIED SPACE ON THE SAME LOT WITH A BUILDING EXTENDING ALONG THE ENTIRE LENGTH OF A STREET, OR REAR, OF INTERIOR LOT LINE.

(37) MEANING OF CERTAIN WORDS WHEN THE WORDS "DWELLING", "DWELLING UNIT", 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".

## DIVISION 2. MINIMUM STANDARD -- FOR BASE EQUIPMENT FACILITIES.

NO PERSON SHALL OCCUPY AS OWNER--OCCUPIED OR LET SUBLET TO ANOTHER FOR OCCUPANCY ANY DWELLING OR DWELLING UNIT DESIGNED OR INTENDED TO BE USED FOR THE PURPOSE OF LIVING, SLEEPING, COOKING, OR EATING THEREIN, NOR SHALL ANY VACANT DWELLING BE PERMITTED TO EXIST WHICH DOES NOT COMPLY WITH THE FOLLOWING REQUIREMENTS:

(1) SANITARY FACILITIES REQUIRED. EVERY DWELLING UNIT SHALL CONTAIN NOT LESS THAN A KITCHEN SINK, LAVATORY, TUB OR SHOWER, AND A WATER CLOSET, ALL IN GOOD WORKING CONDITION AND PROPERLY CONNECTED TO AN APPROVED WATER AND SEWER SYSTEM. EVERY PLUMBING FIXTURE AND WATER AND WASTE PIPE SHALL BE PROPERLY INSTALLED AND MAINTAINED IN GOOD SANITARY WORKING CONDITION, FREE FROM DEFECTS, LEAKS AND OBSTRUCTIONS.

(2) LOCATION OF SANITARY FACILITIES. ALL REQUIRED SANITARY FACILITIES SHALL BE LOCATED WITHIN THE DWELLING UNIT AND BE ACCESSIBLE TO THE OCCUPANTS OF SAME. THE WATER CLOSET, TUB, OR SHOWER AND LAVATORY IN AT LEAST ONE BATHROOM SHALL BE LOCATED IN A ROOM AFFORDING PRIVACY TO THE USER.

(3) HOT AND COLD WATER SUPPLY. EVERY DWELLING UNIT SHALL HAVE CONNECTED TO THE KITCHEN SINK, LAVATORY, AND TUB OR SHOWER AN ADEQUATE SUPPLY OF BOTH COLD WATER AND HOT WATER. ALL WATER SHALL BE SUPPLIED THROUGH AN APPROVED PIPE DISTRIBUTION SYSTEM CONNECTED TO A SUITABLE WATER SUPPLY.

(4) HEATING FACILITIES.

A. EVERY DWELLING UNIT SHALL HAVE HEATING FACILITIES WHICH SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROPRIATE BUILDING

GAS, OR ELECTRICAL CODE AND SHALL BE CAPABLE OF SAFELY AND ADEQUATELY HEATING ALL HABITABLE ROOMS, BATHROOMS AND WATER CLOSET COMPARTMENTS IN EVERY DWELLING UNIT THEREIN TO A TEMPERATURE OF AT LEAST 68F. AT A DISTANCE THREE (3) FEET ABOVE THE FLOOR DURING ORDINARY MINIMUM WINTER CONDITIONS.

B. WHERE A GAS OR ELECTRIC CENTRAL HEATING SYSTEM IS NOT PROVIDED, EACH DWELLING UNIT SHALL BE PROVIDED WITH SUFFICIENT FIREPLACES, CHIMNEYS, FLUES OR GAS VENTS, WHEREBY HEATING APPLIANCES MAY BE CONNECTED SO AS TO FURNISH A MINIMUM TEMPERATURE OF 68F. MEASURED AT A POINT THREE (3) FEET ABOVE THE FLOOR DURING ORDINARY MINIMUM WINTER CONDITIONS, AND IN SAFE AND PROPER WORKING ORDER.

(5) COOKING AND HEATING EQUIPMENT. ALL COOKING AND HEATING EQUIPMENT AND FACILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE APPROPRIATE BUILDING, GAS, OR ELECTRICAL CODE AND SHALL BE MAINTAINED IN A SAFE AND GOOD WORKING CONDITION.

(6) SMOKE DETECTOR SYSTEMS. EVERY DWELLING UNIT SHALL HAVE AN APPROVED LISTED OPERABLE SMOKE DETECTOR INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND LISTING, A SMOKE DETECTOR WHEN ACTIVATED SHALL PROVIDE AN AUDIBLE ALARM. THE OCCUPANT SHALL BE RESPONSIBLE FOR ANY BATTERY REPLACEMENT AND TO NOTIFY THE OWNER OF MALFUNCTION OF ANY SMOKE DETECTOR.

(7) FIRE PROTECTION. A PERSON SHALL NOT OCCUPY AS OWNER-OCCUPIED OR LET TO ANOTHER FOR OCCUPANCY, ANY BUILDING OR STRUCTURE WHICH DOES NOT COMPLY WITH THE FIRE PREVENTION CODE OF THE STATE OF NORTH CAROLINA.

## 2-2 MINIMUM REQUIREMENTS FOR LIGHT AND VENTILATION

NO PERSON SHALL OCCUPY AS OWNER--OCCUPANT OR LET OR SUBLET TO ANOTHER FOR OCCUPANCY ANY DWELLING UNIT DESIGNED OR INTENDED TO BE USED FOR THE PURPOSE OF LIVING, SLEEPING, COOKING, AND EATING THEREIN, NOR SHALL ANY VACANT DWELLING BE PERMITTED TO EXIST WHICH DOES NOT COMPLY WITH THE FOLLOWING REQUIREMENTS:

(1) HABITABLE ROOMS. EVERY HABITABLE ROOM SHALL HAVE AT LEAST ONE WINDOW OR SKYLIGHT FACING DIRECTLY TO THE OUTDOORS WHICH CAN SAFELY BE OPENED, OR SUCH OTHER DEVICE AS WILL ADEQUATELY VENTILATE THE ROOM.

(2) BASEMENT OR ATTIC. WHERE THERE IS NO WINDOW OR SKYLIGHT THE ROOM SHALL BE ADEQUATELY VENTILATED WITH SOME TYPE OF APPROVED VENTILATION SYSTEM.

(3) BATHROOM. EVERY BATHROOM SHALL BE REQUIRED TO HAVE AN APPROVED VENTILATION SYSTEM.

(4) ELECTRIC LIGHTS AND OUTLETS REQUIRED. EVERY DWELLING SHALL BE ADEQUATELY AND SAFELY WIRED FOR ELECTRIC LIGHTS AND

CONVENIENCE RECEPTACLES. EVERY HABITABLE ROOM AND HALLWAY SHALL HAVE PROVISION FOR ADEQUATE LIGHTING AND OTHER NECESSARY ELECTRICAL SERVICE.

(5) LIGHTS IN PUBLIC HALLS AND STAIRWAYS. EVERY PUBLIC HALL AND STAIRWAY IN EVERY MULTIPLE DWELLING CONTAINING FIVE (5) OR MORE DWELLING UNITS SHALL BE ADEQUATELY LIGHTED AT ALL TIMES. EVERY PUBLIC HALL AND STAIRWAY IN STRUCTURES DEVOTED SOLELY TO DWELLING OCCUPANCY AND CONTAINING NOT MORE THAN FOUR DWELLING UNITS MAY BE SUPPLIED WITH CONVENIENTLY LOCATED LIGHT SWITCHES, CONTROLLING AND ADEQUATE LIGHTING SYSTEM WHICH MAY BE TURNED ON WHEN NEEDED, INSTEAD OF FULL-TIME LIGHTING.

## 2-3 MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS

NO PERSON SHALL OCCUPY AS OWNER-OCCUPANT OR LET OR SUBLET TO ANOTHER FOR OCCUPANCY ANY DWELLING OR DWELLING UNIT DESIGNED OR INTENDED TO BE USED FOR THE PURPOSE OF LIVING, SLEEPING, COOKING, OR EATING THEREIN, NOR SHALL ANY VACANT DWELLING BE PERMITTED TO EXIST WHICH DOES NOT COMPLY WITH THE FOLLOWING REQUIREMENTS:

A. ALL FIXTURES, RECEPTACLES, EQUIPMENT, AND WIRING SHALL BE MAINTAINED IN A STATE OF GOOD REPAIR, SAFE, CAPABLE OF BEING USED AND INSTALLED AND CONNECTED TO THE SOURCE OF ELECTRICAL POWER IN ACCORDANCE WITH THE ADOPTED ELECTRICAL CODE OF THE STATE OF NORTH CAROLINA.

B. THE MINIMUM CAPACITY OF THE SERVICE SUPPLY AND THE MAIN DISCONNECT SWITCH SHALL BE SUFFICIENT TO ADEQUATELY CARRY THE TOTAL LOAD REQUIRED IN ACCORDANCE WITH THE ELECTRICAL CODE OF THE STATE OF NORTH CAROLINA.

## 2-4 GENERAL REQUIREMENTS FOR EXTERIOR AND INTERIOR STRUCTURES.

NO PERSON SHALL OCCUPY AS OWNER-OCCUPANT OR LET OR SUBLET TO ANOTHER FOR OCCUPANCY ANY DWELLING OR DWELLING UNIT DESIGNED OR INTENDED TO BE USED FOR THE PURPOSE OF LIVING, SLEEPING, COOKING, OR EATING THEREIN, NOR SHALL ANY VACANT DWELLING BUILDING BE PERMITTED TO EXIST WHICH DOES NOT COMPLY WITH THE FOLLOWING REQUIREMENTS:

(1) FOUNDATION. THE BUILDING FOUNDATION WALLS, PIERS, OR OTHER ELEMENTS SHALL BE MAINTAINED IN A SAFE MANNER AND CAPABLE OF SUPPORTING THE LOAD WHICH NORMAL USE MAY CAUSE TO BE PLACED THEREON.

(2) EXTERIOR WALLS. THE EXTERIOR WALLS SHALL BE SUBSTANTIALLY WEATHER TIGHT, WATERTIGHT, AND SHALL BE MADE IMPERVIOUS TO THE ADVERSE EFFECTS OF WEATHER AND BE MAINTAINED IN SOUND CONDITION AND GOOD REPAIR.

(3) ROOFS. ROOFS SHALL BE MAINTAINED IN A SAFE MANNER AND HAVE NO DEFECTS WHICH MIGHT ADMIT RAIN OR CAUSE DAMPNES IN THE WALLS OR INTERIOR PORTION OF THE BUILDING.

(4) MEANS OF EGRESS. EVERY DWELLING UNIT SHALL HAVE TWO SAFE, UNOBSTRUCTED MEANS OF EGRESS WITH MINIMUM CEILING HEIGHT OF SEVEN (7) FEET LEADING TO A SAFE AND OPEN SPACE AT THE GROUND LEVEL. EXCEPTIONS. STRUCTURES WHERE ONE EXIT IS ALLOWED BY THE BUILDING OR FIRE CODES OF THE STATE OF NORTH CAROLINA.

(5) STAIRS. EVERY INSIDE AND OUTSIDE STAIR 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.

(6) PORCHES AND APPURTENANCES. EVERY OUTSIDE 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.

(7) WINDOWS AND DOORS. EVERY WINDOW, EXTERIOR DOOR AND BASEMENT OR CELLAR DOOR AND HATCHWAY SHALL BE SUBSTANTIALLY WEATHER TIGHT, WATERTIGHT, AND RODENT PROOF; AND SHALL BE KEPT IN SOUND WORKING CONDITION AND GOOD REPAIR.

(8) WINDOWS TO BE GLAZED. WINDOW PANES OR AN APPROVED SUBSTITUTE SHALL BE MAINTAINED WITHOUT CRACKS OR HOLES WHICH ALLOW PASSAGE OF AIR.

(9) WINDOW SASH. WINDOW SASH SHALL BE PROPERLY FITTED AND WEATHER TIGHT WITHIN THE WINDOW FRAME.

(10) HARDWARE. EVERY EXTERIOR DOOR SHALL BE PROVIDED WITH PROPER HARDWARE AND MAINTAINED IN GOOD CONDITION.

(11) DOOR FRAMES. EVERY EXTERIOR DOOR SHALL FIT REASONABLY WELL WITHIN ITS FRAME SO AS TO SUBSTANTIALLY EXCLUDE RAIN AND WIND FROM ENTERING THE DWELLING BUILDING.

(12) SCREENS. EVERY WINDOW OR OTHER DEVICE WITH OPENING TO OUTDOOR SPACE, USED OR INTENDED TO BE USED FOR VENTILATION, SHALL LIKEWISE HAVE SCREENS; TIGHT FITTING, FREE OF HOLES, AND NOT NAILED TO WINDOW FRAME OR SASH. EXCEPTIONS. DWELLINGS CONTAINING CENTRAL HEATING FURNACES AND ADEQUATE COOLING EQUIPMENT FOR MECHANICALLY VENTILATING THE BUILDING YEAR ROUND ARE NOT REQUIRED TO HAVE SCREENS ON DOORS OR WINDOW OPENINGS.

(13) ACCESSORY STRUCTURES. GARAGES, STORAGE BUILDINGS AND OTHER ACCESSORY STRUCTURES SHALL BE MAINTAINED AND KEPT IN GOOD REPAIR AND SOUND STRUCTURAL CONDITION.

(14) INTERIOR FLOORS, WALLS AND PARTITIONS. EVERY FLOOR, WALL, OR PARTITION 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.

(15) CEILINGS. EVERY INTERIOR 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.

(16) STRUCTURAL SUPPORTS. EVERY STRUCTURAL ELEMENT OF THE DWELLING UNIT SHALL BE STRUCTURALLY SOUND AND SHOW NO EVIDENCE OF DETERIORATION WHICH WOULD RENDER IT INCAPABLE OF CARRYING LOADS WHICH NORMAL USE MAY CAUSE TO BE PLACED THEREON.

## 2-5 MINIMUM SPACE AND USE REQUIREMENTS.

NO PERSON SHALL OCCUPY AS OWNER-OCCUPANT OR LET OR SUBLET TO ANOTHER FOR OCCUPANCY ANY DWELLING OR DWELLING UNIT DESIGNED OR INTENDED TO BE USED FOR THE PURPOSE OF LIVING, SLEEPING, COOKING, OR EATING THEREIN, NOR SHALL ANY VACANT DWELLING BUILDING BE PERMITTED TO EXIST WHICH DOES NOT COMPLY WITH THE FOLLOWING REQUIREMENTS:

(1) REQUIRED SPACE IN DWELLING UNIT. EVERY DWELLING UNIT SHALL CONTAIN AT LEAST 150 SQUARE FEET OF FLOOR SPACE FOR THE FIRST OCCUPANT THEREOF AND AT LEAST 100 ADDITIONAL SQUARE FEET OF FLOOR AREA PER EACH ADDITIONAL OCCUPANT.

(2) MINIMUM CEILING HEIGHT. AT LEAST ONE-HALF OF THE FLOOR AREA OF EVERY HABITABLE ROOM, FOYER, HALL OR CORRIDOR SHALL HAVE A CEILING HEIGHT OF AT LEAST SEVEN (7) FEET AND THE FLOOR AREA OF THAT PART OF ANY ROOM WHERE THE CEILING HEIGHT IS LESS THAN SEVEN (7) FEET SHALL NOT BE CONSIDERED AS PART OF THE FLOOR AREA IN COMPUTING THE TOTAL FLOOR AREA OF THE ROOM FOR THE PURPOSES OF DETERMINING THE MAXIMUM PERMISSIBLE OCCUPANCY THEREOF.

## 2-6 SANITATION REQUIREMENTS.

NO PERSONS SHALL OCCUPY AS OWNER-OCCUPANT OR LET OR SUBLET TO ANOTHER FOR OCCUPANCY ANY DWELLING OR DWELLING UNIT DESIGNED OR INTENDED TO BE USED FOR THE PURPOSE OF LIVING, SLEEPING, COOKING, OR EATING THEREIN, NOR SHALL ANY VACANT DWELLING BUILDING BE PERMITTED TO EXIST WHICH DOES NOT COMPLY WITH THE FOLLOWING REQUIREMENTS:

(1) SANITATION. 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.

(2) CLEANLINESS. EVERY OWNER OR OCCUPANT OF A DWELLING UNIT SHALL KEEP IN A CLEAN AND SANITARY CONDITION THAT PART OF THE DWELLING, DWELLING UNIT AND PREMISES THEREOF WHICH HE OCCUPIES OR

CONTROLS OR WHICH IS PROVIDED FOR HIS PARTICULAR USE.

(3) GARBAGE DISPOSAL. EVERY OCCUPANT OF A DWELLING OR DWELLING UNIT SHALL DISPOSE OF ALL HIS GARBAGE AND ANY OTHER ORGANIC WASTE WHICH MIGHT PROVIDE FOOD FOR RODENTS AND ALL RUBBISH IN A CLEAN AND SANITARY MANNER BY PLACING IT IN THE GARBAGE DISPOSAL FACILITIES OR GARBAGE STORAGE CONTAINERS.

(4) EXTERMINATION. EVERY OCCUPANT OF A SINGLE DWELLING AND EVERY OWNER OF A BUILDING CONTAINING TWO OR MORE DWELLING UNITS SHALL BE RESPONSIBLE FOR THE EXTERMINATION OF ANY INSECTS, RODENTS, OR OTHER PESTS WITHIN THE BUILDING OR PREMISES.

(5) USE AND OPERATION OF SUPPLIED PLUMBING FIXTURES. EVERY OCCUPANT OF A DWELLING UNIT SHALL KEEP ALL PLUMBING FIXTURES THEREIN IN A CLEAN AND SANITARY CONDITION AND SHALL BE RESPONSIBLE FOR THE EXERCISE OF REASONABLE CARE IN THE PROPER USE AND OPERATION THEREOF.

## 2-7 APPLICATION OF NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE.

THE NORTH CAROLINA UNIFORM RESIDENTIAL BUILDING CODE, 1968 EDITION AND AMENDMENTS, SHALL GOVERN ALL REPAIRS, ALTERATIONS AND/OR ADDITIONS TO ANY EXISTING STRUCTURE WHERE NOT SPECIFIED IN THE SECTIONS 6-50, 6-51, 6-52, 6-53, AND 6-54.

## DIVISION 3. CODE ADMINISTRATOR OR HOUSING INSPECTOR GENERALLY.

### 3-1 CREATION OF OFFICE.

THE CODE ADMINISTRATOR OR HOUSING INSPECTOR SHALL HAVE SUCH POWERS AS MAY BE NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE THE PURPOSES AND PROVISIONS OF THIS ARTICLE, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, IN ADDITION TO OTHERS HEREIN GRANTED, THE FOLLOWING POWERS IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTES 160A-424, 160A-441, 160A-442, 160A-443, 160A-445, 160A-446 AND 160A-448.

(1) INVESTIGATIONS. TO INVESTIGATE DWELLING AND BUILDING CONDITIONS IN THE TOWN IN ORDER TO DETERMINE WHICH DWELLINGS THEREIN ARE UNFIT FOR HUMAN HABITATION, AND WHICH BUILDINGS ARE DANGEROUS, BEING GUIDED IN SUCH EXAMINATION OF DWELLINGS AND BUILDINGS BY THE REQUIREMENTS SET FORTH IN THIS ARTICLE.

(2) OATHS, WITNESSES, ETC. TO ADMINISTER OATHS, AFFIRMATIONS, AND TO EXAMINE WITNESSES AND RECEIVE EVIDENCE.

(3) RIGHT TO ENTRY. TO ENTER UPON AND WITHIN PREMISES, DWELLINGS AND BUILDINGS FOR THE PURPOSE OF MAKING EXAMINATIONS AND INVESTIGATIONS; PROVIDED, THAT SUCH ENTRIES SHALL BE MADE IN SUCH A MANNER AS TO CAUSE THE LEAST POSSIBLE INCONVENIENCE TO THE PERSONS IN POSSESSION.

(4) DELEGATION OF FUNCTIONS, ETC. TO DELEGATE ANY OF HIS FUNCTIONS AND POWERS UNDER THIS ARTICLE TO SUCH OFFICERS AND AGENTS AS HE MAY DESIGNATE.

### 3.3 INSPECTIONS.

THE CODE ADMINISTRATOR IS HEREBY AUTHORIZED AND DIRECTED TO MAKE INSPECTIONS IN COMPLIANCE WITH A PLAN APPROVED BY THE TOWN COUNCIL, TO DETERMINE THE CONDITION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES LOCATED WITHIN THE TOWN IN ORDER THAT HE MAY PERFORM HIS DUTY OF SAFEGUARDING THE HEALTH AND SAFETY OF THE OCCUPANT OF DWELLINGS AND OF THE GENERAL PUBLIC. FOR THE PURPOSE OF MAKING SUCH INSPECTIONS, THE CODE ADMINISTRATOR AFTER HAVING PROBABLE CAUSE IS HEREBY AUTHORIZED TO ENTER, EXAMINE, AND SURVEY AT ANY REASONABLE TIME 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 INSPECTOR FREE ACCESS TO SUCH DWELLING, DWELLING UNIT, OR ROOMING UNIT AND ITS PREMISES AT ALL REASONABLE TIMES FOR THE PURPOSE OF MAKING SUCH REPAIRS OR ALTERATIONS AS ARE NECESSARY TO EFFECT COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE OR WITH ANY LAWFUL ORDER ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

### 3-4 ABATEMENT-HEARING ON CHARGES; FILING; PETITION AND CHARGES; INVESTIGATIONS; TIME AND CONDUCT OF HEARING.

WHENEVER A PETITION IS FILED WITH THE CODE ADMINISTRATOR BY AT LEAST FIVE (5) RESIDENTS OF THE MUNICIPALITY CHARGING THAT ANY DWELLING IS UNFIT FOR HUMAN HABITATION OR WHENEVER IT APPEARS TO THE CODE ADMINISTRATOR (ON HIS OWN MOTION) THAT ANY DWELLING IS UNFIT FOR HUMAN HABITATION, THE CODE ADMINISTRATOR MAY, IF HIS PRELIMINARY INVESTIGATION DISCLOSES A BASIS FOR SUCH CHARGES, ISSUE AND CAUSE TO BE SERVED UPON THE OWNER OF AND PARTIES HAVING AN INTEREST IN SUCH DWELLING, INCLUDING LIEN HOLDERS AND TENANTS, IF ANY, AS SHOWN BY THE RECORDS OF THE REGISTER OF DEEDS OF FORSYTH COUNTY, A COMPLAINT STATING THE CHARGES IN THAT RESPECT AND CONTAINING A NOTICE THAT A HEARING WILL BE HELD BEFORE THE CODE ADMINISTRATOR (OR HIS DESIGNATED AGENT) AT A PLACE WITHIN THE COUNTY IN WHICH THE PROPERTY IS LOCATED THEREIN FIXED NOT LESS THAN TEN (10) DAYS NOR MORE THAN THIRTY (30) DAYS AFTER THE SERVING OF SUCH COMPLAINT; THAT THE OWNER AND PARTIES IN INTEREST SHALL BE GIVEN A RIGHT TO FILE AN ANSWER TO THE COMPLAINT AND TO APPEAR IN PERSON, OR OTHERWISE GIVE TESTIMONY AT THE PLACE AND TIME FIXED IN THE COMPLAINT; AND THAT RULES OF EVIDENCE PREVAILING IN COURTS OF LAW OR EQUITY SHALL NOT BE CONTROLLING IN HEARINGS BEFORE THE CODE ADMINISTRATOR.

### 3-5 SERVICE OF ORDER, CONTENTS.

IF, AFTER SUCH NOTICE AND HEARING, THE CODE ADMINISTRATOR DETERMINES THAT THE BUILDING UNDER CONSIDERATION IS UNFIT FOR HUMAN HABITATION IN ACCORDANCE WITH THE STANDARDS HEREIN SET

FORTH, HE SHALL STATE IN WRITING HIS FINDING OF FACT IN SUPPORT OF SUCH DETERMINATION, STATING WHETHER SAID BUILDING IS DETERIORATED OR DILAPIDATED, AND SHALL ISSUE AND CAUSE TO BE SERVED UPON THE OWNER THEREOF AN ORDER:

(1) IF THE REPAIR, ALTERATION, OR IMPROVEMENT OF SAID BUILDING, BRINGING IT UP TO THE STANDARDS DESCRIBED HEREIN, CAN BE MADE, THE ORDER SHALL REQUIRE THE OWNER, WITHIN A SPECIFIED PERIOD OF TIME, NOT EXCEEDING NINETY (90) DAYS, TO REPAIR, ALTER, OR IMPROVE SUCH BUILDING SO AS TO RENDER IT SAFE. SUCH ORDER MAY ALSO DIRECT AND REQUIRE THE OWNER TO VACATE AND CLOSE THE BUILDING UNTIL THE REPAIRS, ALTERATIONS AND IMPROVEMENTS HAVE BEEN MADE AND/OR THE UNSAFE AND DANGEROUS CHARACTER OF SUCH BUILDING HAS BEEN CORRECTED.

(2) IF THE REPAIR, ALTERATION, OR IMPROVEMENT OF SAID BUILDING, BRINGING IT UP TO THE STANDARDS DESCRIBED HEREIN, CANNOT BE MADE, THE ORDER SHALL REQUIRE THE OWNER, WITHIN A SPECIFIED PERIOD OF TIME, NOT TO EXCEED NINETY (90) DAYS, TO EITHER REPAIR, ALTER, OR IMPROVE SUCH BUILDING SO AS TO BRING IT UNTO COMPLIANCE WITH THE STANDARDS DESCRIBED HEREIN, OR TO DEMOLISH AND REMOVE SUCH BUILDING.

### 3-6 ENFORCEMENT.

A. IF THE OWNER OF A BUILDING FOUND TO BE DETERIORATED FAILS TO COMPLY WITH AN ORDER TO REPAIR, OR IMPROVE THE BUILDING, UNLESS AN APPEAL IS TAKEN FROM SUCH ORDER IN ACCORDANCE WITH SECTION 5, THE CODE ADMINISTRATOR MAY:

(1) SECURE THE ISSUANCE OF A WARRANT CHARGING SUCH OWNER WITH A VIOLATION OF THE STANDARDS OF FITNESS ESTABLISHED BY THIS CODE.

(2) CAUSE SUCH BUILDING TO BE REPAIRED, ALTERED, OR IMPROVED AND PENDING SUCH REPAIRS, ALTERATIONS, OR IMPROVEMENTS, MAY ORDER SUCH BUILDING VACATED AND CLOSED; AND

(3) CAUSE TO BE POSTED ON THE MAIN ENTRANCE OF ANY BUILDING SO CLOSED, A PLACARD WITH THE FOLLOWING WORDS: "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL".

B. IF THE OWNER OF A BUILDING FOUND TO BE DILAPIDATED FAILS TO COMPLY WITH AN ORDER TO VACATE AND CLOSE, OR FAILS TO REMOVE OR DEMOLISH THE BUILDING, UNLESS AN APPEAL IS TAKEN FROM SUCH ORDER IN ACCORDANCE WITH SECTION 5, THE CODE ADMINISTRATOR MAY:

(1) SECURE THE ISSUANCE OF A WARRANT CHARGING SUCH OWNER WITH VIOLATION OF THE STANDARDS OF FITNESS ESTABLISHED BY THIS CODE.

(2) CAUSE SUCH BUILDING TO BE VACATED AND CLOSED AND REMOVED OR DEMOLISHED; AND

(3) CAUSE TO BE POSTED ON THE MAIN ENTRANCE OF ANY BUILDING 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".

C. THE CODE ADMINISTRATOR SHALL NOT CAUSE THE REPAIR, ALTERATION, IMPROVEMENT, OR DEMOLITION AND REMOVAL OF ANY BUILDING OR PERFORM ANY OTHER DUTIES SET FORTH IN PARAGRAPHS A. AND B. OF THIS SECTION, UNTIL THE TOWN COUNCIL SHALL HAVE BY ORDINANCE ORDERED THE CODE ADMINISTRATOR TO PROCEED TO EFFECTUATE THE PURPOSE OF THIS CODE WITH RESPECT TO THE PARTICULAR PROPERTY OR PROPERTIES WHICH THE CODE ADMINISTRATOR SHALL HAVE FOUND TO BE UNFIT FOR HUMAN HABITATION OR DANGEROUS AND WHICH PROPERTY OR PROPERTIES SHALL BE RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF FORSYTH COUNTY AND SHALL BE INDEXED IN THE NAME OF THE PROPERTY OWNER IN THE GRANTOR INDEX.

D. THE AMOUNT OF THE COST OF SUCH REPAIRS, ALTERATIONS, OR IMPROVEMENTS OR VACATING AND CLOSING, OR DEMOLITION AND REMOVAL BY THE CODE ADMINISTRATOR SHALL BE A LIEN AGAINST THE REAL PROPERTY UPON WHICH SUCH COST WAS INCURRED; WHICH LIEN SHALL BE FILED, HAVE THE SAME PRIORITY AND BE COLLECTED AS PROVIDED BY ARTICLE 10 OF CHAPTER 160A OF THE NORTH CAROLINA GENERAL STATUTES. IF THE BUILDING IS DEMOLISHED AND REMOVED BY THE CODE ADMINISTRATOR, HE SHALL SELL THE MATERIALS OF SUCH BUILDING AND SHALL CREDIT THE PROCEED OF SUCH SALE AGAINST THE COST OF THE DEMOLITION AND REMOVAL AND ANY BALANCE REMAINING SHALL BE DEPOSITED IN THE SUPERIOR COURT BY THE CODE ADMINISTRATOR, SHALL BE SECURED IN SUCH MANNER AS MAY BE DIRECTED BY SUCH COURT, AND ENTITLED THERETO BY FINAL DECREE OF SUCH COURT (IN A SPECIAL PROCEEDING BROUGHT BEFORE THE CLERK OF SUPERIOR COURT FOR SAID PURPOSE).

3-7 VIOLATIONS; FAILURE, NEGLIGENCE OR REFUSAL TO REPAIR, ALTER, IMPROVE, VACATE AND CLOSE, REMOVE OR DEMOLISH; RENTING OF UNFIT DWELLING AFTER NOTICE; PENALTY

A. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY BUILDING TO FAIL, NEGLECT OR REFUSE TO REPAIR, ALTER OR IMPROVE THE SAME, OR TO VACATE AND CLOSE AND DEMOLISH AND REMOVE THE SAME UPON ORDER OF THE CODE ADMINISTRATOR DULY MADE AND SERVE AS HEREIN PROVIDED, WITHIN THE TIME SPECIFIED IN SUCH ORDER, AND EACH DAY THAT ANY SUCH FAILURE, NEGLIGENCE, OR REFUSAL TO COMPLY WITH SUCH ORDER CONTINUES SHALL CONSTITUTE A SEPARATE AND DISTINCT OFFENSE.

B. WHEN THE CODE ADMINISTRATOR FINDS THAT A BUILDING IS UNFIT FOR HUMAN HABITATION OR DANGEROUS WITHIN THE MEANING OF THIS ORDINANCE AND HAS NOTIFIED THE OWNER TO SUCH EFFECT AND THE TIME LIMIT SET BY THE CODE ADMINISTRATOR FOR THE CORRECTION OF DEFECTS OR VACATING SAME HAS EXPIRED, NO PERSON SHALL RECEIVE RENTALS, OFFERS FOR RENT, OR OCCUPY SUCH BUILDING UNFIT AS A HUMAN HABITATION, AND EACH DAY SUCH OFFENSE CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE. ANY PERSON VIOLATING THESE PROVISIONS

SHALL BE GUILTY OF A MISDEMEANOR, AND UPON CONVICTION SUCH OFFENDERS SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIFTY (50) DOLLARS FOR EACH SEPARATE OFFENSE.

C. THE VIOLATION OF ANY PROVISION OF THIS CODE SHALL CONSTITUTE A MISDEMEANOR, AS PROVIDED BY NORTH CAROLINA GENERAL STATUTE 14-4.

### 3-8 METHODS OF SERVICE.

A. COMPLAINTS OR ORDERS ISSUED BY A CODE ADMINISTRATOR SHALL BE SERVED UPON PERSONS EITHER PERSONALLY OR BY REGISTERED OR CERTIFIED MAIL; BUT IF THE WHEREABOUTS OF SUCH PERSONS ARE UNKNOWN AND THE SAME CANNOT BE ASCERTAINED BY THE CODE ADMINISTRATOR IN THE EXERCISE OF REASONABLE DILIGENCE AND THE CODE ADMINISTRATOR SHALL MAKE AN AFFIDAVIT TO THAT EFFECT, THEN THE SERVING OF SUCH COMPLAINT OR ORDER UPON SUCH PERSON MAY BE MADE BY PUBLISHING THE SAME ONCE EACH WEEK FOR THREE (3) SUCCESSIVE WEEKS IN A NEWSPAPER PRINTED AND PUBLISHED IN THE COUNTY. A COPY OF SUCH COMPLAINT OR ORDER SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES AFFECTED BY THE COMPLAINT OR ORDER.

B. FAILURE ON THE PART OF ANY OWNER OR PARTY IN INTEREST TO RECEIVE OR HAVE SERVED UPON HIM ANY COMPLAINT, NOTICE, OR ORDER HEREIN PROVIDED FOR SHALL NOT AFFECT OR INVALIDATE THE PROCEEDINGS WITH RESPECT TO ANY OTHER OWNER OR PARTY IN INTEREST OR ANY OTHER PERSON, FIRM, OR CORPORATION.

## SECTION 4. SEPARABILITY AND UNSAFE BUILDINGS.

### 4-1 SEPARABILITY.

IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION OF THIS ARTICLE IS FOR ANY REASON HELD INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, SUCH PORTION SHALL BE DEEMED A SEPARATE, DISTINCT AND INDEPENDENT PROVISION AND SUCH HOLDING SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS HEREOF.

### 4-2 RESIDENTIAL BUILDINGS UNFIT FOR HUMAN HABITATION

A. THE CODE ADMINISTRATOR SHALL DETERMINE THAT A RESIDENT BUILDING IS UNFIT FOR HUMAN HABITATION IF HE FINDS THAT ANY OF THE FOLLOWING CONDITIONS EXIST IN SUCH BUILDING:

(1) INTERIOR WALLS OR VERTICAL STUDS WHICH SERIOUSLY LIST, LEAN, OR BUCKLE TO SUCH EXTENT AS TO RENDER THE BUILDING UNSAFE.

(2) SUPPORTING MEMBERS OR MEMBERS WHICH SHOW THIRTY-THREE PERCENT (33%) OR MORE DAMAGE OR DETERIORATION, OR NON-SUPPORTING, ENCLOSING OR OUTSIDE WALLS OR COVERING WHICH SHOW FIFTY PERCENT (50%) OR MORE OF DAMAGE OR DETERIORATION.

(3) FLOORS OR ROOFS WHICH HAVE IMPROPERLY DISTRIBUTED LOADS WHICH ARE OVERLOADED, OR WHICH HAVE INSUFFICIENT STRENGTH TO BE REASONABLY SAFE FOR THE PURPOSE USED.

(4) SUCH DAMAGE BY FIRE, WIND, OR OTHER CAUSES AS TO RENDER THE BUILDING UNSAFE.

(5) DILAPIDATION, DECAY, UNSANITARY CONDITIONS, OR DISREPAIR WHICH IS DANGEROUS TO THE HEALTH, SAFETY, OR WELFARE OF THE OCCUPANTS OR OTHER PEOPLE IN THE TOWN.

(6) INADEQUATE FACILITIES FOR EGRESS IN CASE OF FIRE OR PANIC OR THE ABSENCE OF A SMOKE DETECTOR.

(7) DEFECTS SIGNIFICANTLY INCREASING THE HAZARDS OF FIRE, ACCIDENT, OR OTHER CALAMITIES.

(8) LACK OF ADEQUATE VENTILATION, LIGHT, HEATING, OR SANITARY FACILITIES TO SUCH EXTENT AS TO ENDANGER THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE OCCUPANTS OR OTHER RESIDENTS OF THE TOWN.

(9) LACK OF PROPER ELECTRICAL, HEATING, OR PLUMBING FACILITIES REQUIRED BY THIS CHAPTER WHICH CONSTITUTES A HEALTH OR A DEFINITE SAFETY HAZARD.

#### 4-3 UNSAFE BUILDINGS.

UNSAFE BUILDINGS AS DEFINED IN CHAPTER 4 OF THE CODE OF THE TOWN OF RURAL HALL SHALL BE REPAIRED, REMOVED, RENOVATED, OR DEMOLISHED AS PROVIDED THEREIN.

#### 5.1 ESTABLISHMENT OF HOUSING APPEALS BOARD.

THE TOWN COUNCIL HEREBY ESTABLISHES A "HOUSING APPEALS BOARD" TO WHICH APPEALS MAY BE TAKEN FROM A DECISION OR ORDER OF THE CODE ADMINISTRATOR OR HOUSING INSPECTOR. THIS HOUSING APPEALS BOARD SHALL CONSIST OF THE MAYOR AND THE TOWN COUNCIL, AND ALL OF ITS PROCEEDINGS SHALL BE OPEN TO THE PUBLIC.

#### 5.2 APPEALS PROCEDURE.

AN APPEAL FROM ANY DECISION OR ORDER OF THE CODE ADMINISTRATOR MAY BE TAKEN BY ANY PERSON AGGRIEVED THEREBY OR BY ANY OFFICER OR TOWN COUNCIL MEMBER OF THE TOWN. ANY APPEAL FROM THE CODE ADMINISTRATOR SHALL BE TAKEN WITHIN TEN (10) DAYS FROM THE RENDERING OF THE DECISION OR SERVICE OF THE ORDER BY FILING WITH THE CODE ADMINISTRATOR AND WITH THE HOUSING APPEALS BOARD AT THE TOWN HALL, TOWN OF RURAL HALL, A NOTICE OF APPEAL WHICH MUST SPECIFY THE GROUNDS UPON WHICH THE APPEAL IS BASED. UPON THE FILING OF ANY NOTICE OF APPEAL, THE CODE ADMINISTRATOR SHALL FORTHWITH TRANSMIT TO THE HOUSING APPEALS BOARD ALL THE PAPERS

CONSTITUTING THE RECORD UPON WHICH THE DECISION APPEALED FROM WAS MADE. WHEN AN APPEAL IS FROM A DECISION OF THE CODE ADMINISTRATOR REFUSING TO ALLOW THE PERSON AGGRIEVED THEREBY TO DO ANY ACT, HIS DECISION SHALL REMAIN IN FULL FORCE UNTIL MODIFIED OR REVERSED. WHEN ANY APPEAL IS FROM A DECISION OF THE CODE ADMINISTRATOR'S REQUIRING THE PERSON AGGRIEVED TO DO ANY ACT, THE APPEAL SHALL HAVE THE EFFECT OF SUSPENDING THE REQUIREMENT UNTIL THE HEARING BY THE HOUSING APPEALS BOARD, UNLESS THE CODE ADMINISTRATOR CERTIFIED TO THE HOUSING APPEALS BOARD, AFTER THE NOTICE OF APPEAL IS FILED WITH HIM, THAT BECAUSE OF ACTS STATED IN THE CERTIFICATE (A COPY OF WHICH SHALL BE FURNISHED THE APPELLANT), A SUSPENSION OF THIS 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 (1) DAY'S WRITTEN NOTICE TO THE CODE ADMINISTRATOR, BY THE BOARD, OR BY A COURT OF RECORD UPON PETITION MADE PURSUANT TO PROVISIONS OF THIS SECTION.

THE HOUSING APPEALS BOARD SHALL AFFIX A REASONABLE TIME FOR HEARING APPEALS, SHALL GIVE NOTICE TO THE PARTIES AND SHALL RENDER ITS DECISION WITHIN A REASONABLE TIME. ANY PARTY MAY APPEAR IN PERSON OR BY AGENT OR ATTORNEY. THE BOARD MAY REVERSE OR AFFIRM, WHOLLY OR IN PART, OR MAY MODIFY THE DECISION OR ORDER APPEALED FROM, AND MAY MAKE ANY DECISION AND ORDER THAT IN ITS OPINION, OUGHT TO BE MADE IN THE MATTER AND TO THAT END IT SHALL HAVE ALL THE POWERS OF THE CODE ADMINISTRATOR, BUT THE CONCURRING MAJORITY VOTE OF THE BOARD, A QUORUM BEING PRESENT, SHALL BE NECESSARY TO REVERSE OR MODIFY ANY DECISION OR ORDER OF THE CODE ADMINISTRATOR. THE MAYOR WOULD VOTE ONLY IN CASE OF A TIE. THE BOARD SHALL HAVE POWER ALSO WHEN PASSING UPON APPEALS, WHEN PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS WOULD RESULT FROM CARRYING OUT THE STRICT LETTER OF THE ORDINANCE, TO ADAPT THE APPLICATION OF THE ORDINANCE TO THE NECESSITIES OF THE CASE TO THE END THAT THE SPIRIT OF THE ORDINANCE SHALL BE OBSERVED, PUBLIC SAFETY AND WELFARE SECURED, AND SUBSTANTIAL JUSTICE DONE.

EVERY DECISION OF THE BOARD SHALL BE SUBJECT TO REVIEW BY PROCEEDING IN THE NATURE OF CERTIORARI INSTITUTED WITHIN FIFTEEN (15) DAYS OF THE DECISION OF THE HOUSING APPEALS BOARD, BUT NOT OTHERWISE.

ANY PERSON AGGRIEVED BY AN ORDER ISSUED BY THE CODE ADMINISTRATOR OR A DECISION RENDERED BY THE BOARD MAY PETITION THE SUPERIOR COURT OF FORSYTH COUNTY FOR AN INJUNCTION RESTRAINING THE CODE ADMINISTRATOR OR FROM CARRYING OUT THE ORDER OF DECISION AND THE COURT MAY, UPON SUCH PETITION, ISSUE A TEMPORARY INJUNCTION RESTRAINING THE CODE ADMINISTRATOR OR HOUSING INSPECTOR PENDING A FINAL DISPOSITION OF THE CAUSE. THE PETITION SHALL BE FILED WITHIN THIRTY (30) DAYS AFTER ISSUANCE OF THE ORDER OR RENDERING OF THE DECISION.



SECTION 6.

IF ANY DWELLING IS ERECTED, CONSTRUCTED, ALTERED, REPAIRED, CONVERTED, MAINTAINED, OR USED IN VIOLATION OF THIS ORDINANCE, OR ANY VALID ORDER OR DECISION OF THE CODE ADMINISTRATOR OR THE HOUSING APPEALS BOARD MADE PURSUANT TO THIS ORDINANCE, THE CODE ADMINISTRATOR OR THE HOUSING APPEALS BOARD MAY INSTITUTE AN ACTION OR PROCEEDING IN THE SUPERIOR COURT OF FORSYTH COUNTY TO PREVENT THE UNLAWFUL ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION OR USE TO RESTRAIN, CORRECT OR ABATE THE VIOLATION, TO PREVENT THE OCCUPANCY OF DWELLING OR TO PREVENT ANY ILLEGAL ACT, CONDUCT OR USE IN OR ABOUT THE PREMISES OF THE DWELLING.

ANY ORDINANCE OR PART OF ANY ORDINANCE IN CONFLICT WITH THIS ORDINANCE TO THE EXTENT OF SUCH CONFLICT IS HEREBY REPEALED.

THIS ORDINANCE IS ADOPTED IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE AND SHALL BE IN FORCE AND EFFECT FROM AND AFTER ITS ADOPTION.

ADOPTED THIS THE 14<sup>th</sup> DAY OF June, 1993.

  
LARRY T. WILLIAMS - MAYOR

ATTEST:

  
JOLENE H. MASSIE - TOWN CLERK