

## **Ordinance 96**

**Town of Oakboro, North Carolina**

**AN ORDINANCE ESTABLISHING PROVISION FOR THE MAINTENANCE OF RESIDENTIAL BUILDINGS AND PREMISES IN THE TOWN OF OAKBORO, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF; MADE IN ACCORDANCE WITH THE PROVISION OF THE STATE OF NORTH CAROLINA GENERAL STATUTES 160A-441 AS AMENDED.**

**BE IT ORDAINED** By the Town Commissioners of the Town of Oakboro, North Carolina.

**Part 1. That a Residential Minimum Housing Maintenance Standard Ordinance is hereby established as follows:**

# **Minimum Housing Ordinance**

## **1. How Article Known and Cited**

This article shall be known as the "Minimum Housing Ordinance," may be cited as such and will be referred to herein as "this Article."

## **2. Exercise of Police Powers: Authority**

The Town Commissioners hereby finds and declares that there exists within the town limits, the ETJ and its environs, residential buildings and accessory structures which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities and other conditions rendering such buildings unsafe or unsanitary, or dangerous, or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents within the town and its environs, and that public necessity exists to exercise the police powers of the Town to cause the repair and rehabilitation, closing or demolishing of such buildings and structures, in the manner herein provided, as provided by North Carolina State General Statute.

## **3. Purpose**

---

The purpose of this Article is to arrest, remedy and prevent the decay and deterioration of places of habitation and to eliminate for places of habitation for the protection of the life, health, welfare, safety and property of the general public and the owners and occupants of places of habitation.

## **4. Jurisdiction**

The provisions of this Article are applicable to all residential buildings and accessory structures within the town limits and its extraterritorial jurisdiction (ETJ), as hereafter extended or amended. Demountable buildings or structures, when used or intended for the use of human habitation, shall be subject to the applicable provisions of this Article.

## 5. Definitions

Certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Terms, words, phrases and their derivatives used but not specifically defined in this Article shall have the meaning specifically defined in the building code.

a) Apartment house: is 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 or residence of three (3) or more families living independently of each other in dwelling units.

b) 1) Area as applied to the dimensions of building, shall mean the maximum horizontal proposed area of the building at grade.

2) Area as applied to the dimensions of a room, shall mean the total square footage of floor area between furnished walls.

---

c) Basement: shall mean a story with fifty percent (50) or more of its cubical contents below finished yard grade.

d) Building: 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 "building" shall be construed as if followed by the words "or part thereof."

e) Ceiling height: shall be the clear vertical distance from the finished floor to the finished ceiling.

f) Common areas: shall mean all areas which were conveyed to a homeowners' association in a townhouse development, condominium, cooperatives or planned unit development.

g) Demolish: shall mean the demolition and removal of the entire building leaving the property free and clear of any debris and without holes or pockets which may retain water.

h) Dwelling: shall mean any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation including living, sleeping, cooking, eating or any combination thereof and shall include accessory structures intended for human habitation.

i) Dwelling unit: shall mean any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

j) Exit: shall mean a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

k) Extermination: shall mean the control and elimination of insects, rodents or other pests, 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.

l) Family: shall mean any number of individuals living together as a single housekeeping unit, and doing their cooking on the premises.

m) Fire damage: shall mean an action caused by a fire other than smoke damage.

n) Garbage: shall mean the animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incidental thereto.

o) Habitable: room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathroom, water closet compartments, laundries, pantries, foyers, communicating corridors, closets or storage spaces.

p) Household: shall mean all persons who occupy a dwelling unit, including a person living alone or any group of persons sharing a dwelling unit.

q) Housing: shall mean any building, or structure, or part thereof, used and occupied for human habitation or intended to be used, including any outhouses and appurtenances belonging thereto or usually associated therewith.

r) Infestation: shall mean the presence, within or around a dwelling, or any harmful insects, rodents or other pests.

---

s) Inspection office: shall mean the office of the Inspector as defined in subparagraph (t) below.

t) Inspector: shall mean any individual or employee of the Town who is specifically designated by the Town Commissioners to enforce the provisions of this code.

u) Multi-family house (building/structure): means a building or portion thereof containing three or more dwelling units, including tenement house, apartment house or flat.

v) Occupant: shall mean any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling or rooming unit.

w) Owner: is deemed to mean and include a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

x) Parties in interest: shall mean all individuals, associations, partnerships, corporations and others who have monetary interest in a dwelling and any who are in possession or control thereof either as agent of the owner, as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

y) Pier: shall mean a masonry support of at least eight (8) inches by twelve (12) inches of solid masonry extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the North Carolina Residential Building Code and as may be amended.

z) Plumbing: shall mean the water supply system, the sanitary and storm drainage system, the vent system, the fixtures and traps and shall include their respective connections, devices, appliances and appurtenances within the property lines of the premises.

aa) Public authority: shall mean any public authority for housing or any officer who is in charge of any department or branch of the government of the Town of Oakboro, Stanly County, or State of North Carolina relating to

health, fire, building regulations or other activities concerning dwellings or buildings in the Town.

bb) Public space: shall mean that space within any multifamily housing which is open to common use by the occupants and others visiting the premises.

cc) Residential building: shall mean any building or structure, or portion thereof, which is used or designed or intended to be for human habitation including living, sleeping, cooking or eating or any combination thereof.

dd) Sagging: shall mean the amount of deflection occurring over a span between two (2) supporters.

ee) Seriously: shall mean that the amount of damage occurring shall be sufficient to decrease the designed strength of the structural member.

ff) Rooming house or board house: Any dwelling in which the owner's agent or lessee shall rent or offer for rent accommodation for living and sleeping purposes to three or more persons, provided that the capacity (total number of roomers or boarders) shall not exceed one person per seventy five (75) square feet of permissible area for said incidental home occupation.

---

gg) Rooming unit: shall mean any room for let within a rooming house.

hh) Rubbish: shall mean combustible and noncombustible waste materials except garbage, including but not limited to ashes, wood, coal, coke and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, leaves, chemical matter, tin cans, metals, mineral matter, glass, crockery, dust and dirt.

ii) Story: shall mean that part of a building comprised between a floor and the floor or roof next above.

jj) 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."

kk) Substandard residential building: shall mean any building, including any dwelling unit, guest room or suite of rooms or the premises on which the same is located, or portion thereof, which does not meet the minimum requirements of this chapter.

ll) Tenant: shall mean any person who alone or jointly or severally with others occupies a residential building under a lease or holds a legal tenancy in a building.

mm) Town of Oakboro Housing Appeal Board(aka, "Appeal Board"): shall mean the five (5) members Town of Oakboro Housing Appeal Board as established by the Town Commissioners of the Town of Oakboro.

## 6. Enforcement Agency

The inspector is hereby designated the officer to exercise, by and through his duly appointed agents, the powers prescribed by this Article.

## 7. Consulting Agency

The inspector shall have authority to request advice and assistance of the Oakboro Police Department, Oakboro Public Works, Stanly County Housing inspector, Housing Authority, Oakboro Fire Department, Stanly County Fire Marshall, Stanly County Sheriff's Department, Stanly County Health



Department, or any other public authority he may deem appropriate, in exercising the powers of this Article.

## 8. Powers

The inspector shall determine that residential buildings and accessory structures are substandard and unfit for human habitation and if he finds, on the basis of the standards and requirements of fitness set forth in this Article, that conditions exist in the buildings or accessory structures which are dangerous or injurious to the health, safety or morals of the occupants of the buildings, the occupants of neighboring buildings or other residents of the Town and environs and to take such actions as are directed by this Article. These conditions include, (without limiting the generality of the foregoing), defects increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanness.

## 9. Administrative Liability

Except as may otherwise be provided by statute or local law or ordinance, no officer, inspector or employee of the municipality charged with the enforcement of this Article shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Article. No person who institutes or assists in the prosecution of a civil or criminal proceeding under this Article shall be liable to damages hereunder unless he acted with malice and without reasonable grounds for believing that the person accused was guilty of any unlawful act or omission.

## 10. Minimum Standards

The following shall constitute the minimum standards and requirements for residential buildings and shall be pertinent in determining fitness for human habitation:

a) Minimum Services and Facilities

1) Each building site shall be one that can be used and maintained individually without trespass upon adjoining properties.

2) Utilities and other facilities shall be independent for each building site. An exception may be permitted for common gas and water service to two adjacent properties where:

a. the location of the common service line does not adversely affect the future use of the lot, and

b. the common service line is protected by a permanent easement agreement to assure continued maintenance, and

c. individual shut-off valves are provided so that independent service is assured, and

d. ownership of the common portion of the service line remains with the serving utility.

---

3) Each dwelling unit shall contain provisions for each of the following:

a. A continuing supply of safe and potable water.

b. Sanitary facilities and a safe method of sewage disposal.

c. Heating facilities adequate for healthful and comfortable living conditions.

d. Domestic hot water.

e. Electricity for lighting and for equipment used in the dwelling.

b) Access

1) Access to Building Site

a. Each building site shall be provided with vehicular access to the building suite by an abutting public or private street. Private streets shall be protected by a permanent easement for ingress and egress.

b. The width and construction of the required street and provisions for its continued maintenance shall provide safe and suitable vehicular access to and from the building site at all times.

2) Access of the Rear Yard

a. Each dwelling unit shall be provided with a means of access to the rear yard.

---

b. For a row dwelling, the access shall be by means of an alley, easement, open passage through the dwelling or other acceptable means.

c) Minimum Standards

1) General

a. Each dwelling unit shall have at least two (2) habitable rooms of which one shall be a bedroom. In addition, a bathroom shall be provided within. Dwelling units designed as efficiency apartments may have one habitable room, with a bathroom if the minimum space requirement is met.

## 2) Minimum Standards Objective

a. Each dwelling shall be provided with space necessary to assure suitable living, sleeping, cooking and dining accommodations, adequate storage, sanitary facilities.

b. The area occupied by a stair or closets shall not be included in the determination of required room sizes.

## 3) Minimum Space Requirements

a. Living or principal room shall not be less than one hundred fifty (150) square feet.

b. The first bedroom not less than one hundred (100) square feet.

c. All other bedrooms not less than seventy (70) square feet.

d. Kitchen and dining room combination shall be not less than one hundred (100) square feet.

e. Efficiency apartment shall not be less than 200 square feet.

## 4) Minimum Space Requirements for Occupancy

- a. At least one hundred fifty (150) square feet of habitable floor space for the first occupant.
- b. At least one hundred (100) square feet for each of the next three (3) occupants.
- c. At least fifty (50) square feet for each additional occupant.
- d. Note: Children under four (4) years of age shall not be counted.

d) Habitable Rooms

- 1) Every habitable room shall be not less than seven (7) feet wide in any part and shall contain not less than seventy (70) square feet of net floor area.
- 2) Habitable rooms shall have a clear height of not less than seven (7) feet six (6) inches for at least fifty percent (50) of the net floor area.
- 3) That portion of any room where the ceiling height is less than five (5) feet shall not be considered as required floor area.
- 4) A basement may be used as a habitable room or housing unit if it meets the following criteria:
  - a. Finished rooms in basements or below grade intended for year round occupancy are considered habitable rooms and shall comply with the same standards as are rooms above grade.
  - b. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness and condensation.

c. The total window area in each room is equal to at least the window area sizes prescribed herein for habitable rooms (see Section (e) "Light and Ventilation Requirements.").

d. The total of openable window area in each room is equal to at least the area prescribed herein for habitable rooms (see subsection (e) "Light and Ventilation Requirements"), except where there is supplied some other device affording adequate ventilation and approved by the inspector. Habitable rooms used primarily for the purpose of sleeping that do not meet the requirements for openable window and which have adequate approved ventilation shall have two (2) exit doors located as remotely as possible from each other.

5) Toilet and bathing facilities shall be enclosed.

6) Access shall be provided to require toilet rooms without going outside building or habitable space.

7) Access shall be provided to all rooms within a dwelling unit without passing through a public space. Rooming houses are exempt from this requirement.

8) Doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms and all rooms adjoining a public area.

9) All exterior doors shall be weathertight.

#### e) Light and Ventilation Requirements

1) Natural lighting when required, shall be provided by means of windows, glazed doors, skylights, transparent or translucent panels, or by any combination thereof. Area of glazing material shall be

sufficient to transmit an amount of light equal to that transmitted by the required area of clear glass.

2) All outside windows and doors opening to the outside, used for ventilation purposes shall be adequately screened. All residential buildings where approved permanent air conditioning is provided, shall be excluded from this requirement.

a. Screens shall not be permanently fixed to sash, frames or jamb.

b. All screen frames shall be removable for repair.

c. Screens shall provide insect proof ventilation.

3) All moveable sash windows shall be lockable.

4) An alcove opening off a habitable room may be included as part of that room in determining the window area required provided that a portion of the common wall between the habitable room and the alcove is open and unobstructed.

5) For the purpose of determining light and ventilation requirements, any room may be counted with an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed.

---

6) Windows shall be weathertight; there shall be no broken glass.

7) A toilet room which contains more than one flush unit shall have an operable window unless served by an approved ventilation system.

8) Every public hall and inside stairway in every dwelling or multifamily dwelling shall be adequately lighted at all times to permit safe passage.

f) Exit Requirements

- 1) Each dwelling unit shall have two (2) exits located as remotely as possible.
- 2) At least one (1) exit shall be side hinged.
- 3) One (1) exit door shall be at least thirty (30) inches wide and six (6) feet, six (6) inches high.
- 4) All exit doors shall be easily operable.
- 5) There shall be a safe, continuous and unobstructed exit from the interior of building to the exterior at street or grade level.
- 6) Those buildings meeting the requirements of the North Carolina Building Code Volume I exempting two exits shall be exempted from the requirements of this section.

---

g) Plumbing Requirements

- 1) All new plumbing shall be installed in accordance with Volume II of the North Carolina State Plumbing Code, titled "Plumbing." Any repair or replacement of existing plumbing shall be done in accordance with said plumbing code when, in the opinion of the chief plumbing inspector, it is practical or otherwise vital to the interest of health and sanitation.



2) All plumbing shall be connected to the Town of Oakboro Water System and Town sanitary sewer system where necessary as determined by the Town of Oakboro or the Department of Health. Existing wells and septic systems may be allowed where either public water or public sewer is not available.

3) All fixtures shall be operable.

4) There shall be no broken water closet bowls.

5) Water closet shall not be loose or leaking.

6) No leaks shall be in shower stall floor.

7) There shall be running water installed inside each residential building for each dwelling unit.

8) There shall be adequate separate facilities for furnishing running hot and cold water to each tub or shower, lavatory or kitchen sink.

9) There shall be installed a water closet, tub or shower, lavatory and sink for each dwelling unit.

10) There shall be separate toilet facilities for each dwelling unit.

11) All water piping shall be protected from freezing by proper insulation.

12) Sewer and water lines shall be properly supported and no lines shall be broken or leaking.

13) Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably

impervious to water and so maintained to permit such floor to be readily kept in a clean and sanitary condition.

#### h) Heating Requirements

1) All new heating, ventilation and air conditioning shall be installed in accordance with Volume III of the North Carolina State Building Code, titled "H.V.A.C." Any repair or replacement of existing H.V.A.C. shall be done in accordance with said H.V.A.C. code when, in the opinion of the chief H.V.A.C. inspector, it is practical or otherwise vital to the interest of dangerous and hazardous conditions.

2) Every building and every dwelling unit shall be weatherproof and capable of being adequately heated. The heating equipment in every dwelling or dwelling unit shall be maintained in a safe workable condition.

3) A heating system shall be provided by either the owner or occupant. In an occupied building the heating system shall be properly installed and maintained in a safe working condition and capable of safety and adequately heating all habitable rooms, bathrooms and water closet compartments to a temperature of at least sixty eight (68) degrees Fahrenheit at a distance of at least three (3) feet above floor level with an outside temperature of twenty (20) degrees Fahrenheit. For unoccupied buildings no Certificate of Compliance shall be issued until issuance of a permit for a heating system, and said system has been inspected and found to be properly installed.

4) Hand-fired equipment shall have a check damper and turn damper installed in the smoke pipe unless it is included as an integral part of the heating unit. The turn damper shall have not less than twenty percent (20) free opening when in closed position.

5) All applicable heating equipment installed on the premises shall be listed by a National testing Laboratory accepted by the State of North Carolina labeled and installed in accordance with the provisions of Volume III of the North Carolina State Building Code, titled "Heating."

6) Liquid fuel stored on the premises shall be stored in accordance with the provisions of Volume III of the State Building Code.

7) There shall be no loose bricks in chimneys.

8) There shall be no holes in flues.

9) There shall be no hanging masonry chimneys.

10) Thimbles shall be grouted in tightly.

11) Thimbles shall not be broken.

12) Thimbles shall be high enough for stovepipe to rise one quarter (1/4) inch per foot minimum.

13) Hearth, where required, shall be at least sixteen (16) inches deep (measured to face material) and six (6) inches beyond each side of fireplace opening.

14) If fireplace opening is closed, it shall be a masonry closure.

15) Stove shall be within six (6) feet of thimble serving it.

16) No combustible material shall be within eighteen (18) inches of stovepipe.

17) Solid fuel burning stove pipe shall be not less than twenty four (24) gauge; joints shall be fastened with three (3) screws.

18) No stovepipe shall be through combustible walls.

19) In apartment buildings with central heat, the furnace room shall be enclosed with material having at least one (1) hour fire protection rating.

20) Solid fuel appliances require an approved-type mat, liquid fuel appliances shall be installed per manufacturer's specification.

i) Electrical Requirements

1) There shall be at least two duplex receptacles installed in each habitable room.

2) There shall be a lighting fixture controlled at the fixture or by wall switch installed in each habitable room, bathroom, laundry and furnace rooms. A third receptacle outlet controlled by a wall switch may be substituted for a fixture.

3) There shall be a wall switch controlled lighting fixture installed at each outside entrance, and in stairways controlled by 3-way switches.

4) If the dwelling unit is wired for an electrical range and also an electrical water heater or an electrical clothes dryer, the electric service shall be a minimum of 100 amps.

5) Fuses shall be properly sized to match the wire sizes to prevent overloading and damaging the wire. Type "S" fuses (Fuse-stats) shall be used.

- 6) All switches, fixtures and receptacles shall be in safe operable condition.
- 7) All new wiring to be installed shall be in accordance with the North Carolina Electrical Code that is in effect at the time the work is done.
- 8) Any repair or replacement of existing wiring shall be done in accordance with said electrical code when, in the opinion of the electrical inspector, it is reasonably practical or otherwise vital to the health and safety in order to eliminate a dangerous and hazardous condition.

j) Structural Requirements

1) Foundation

- a. No footing shall be exposed.
- b. Beneath the building, there shall be firm ground, reasonably dry ground, no soggy ground, no water standing, no water running under building unless designed otherwise.
- c. There shall be sound footings, with adequate bearing.
- d. There shall be sound piers with no loose mortar.
- e. There shall be no piers in which a plumb line from top center falls outside the middle one-third ( $1/3$ ) of the pier base.
- f. There shall be no isolated solid masonry piers exceeding in height ten (10) times the least dimension of the pier.

g. There shall be no wood stiff-knee piers unless pressure treated or equivalent and bearing on solid masonry raised one (1) concrete block above ground level.

h. The space between the ground and the first floor of every dwelling which is enclosed shall be underpinned with masonry to substantially weather proof and rodent proof with adequate access opening of eighteen (18) by twenty four (24) inches with a door. Curtain walls shall have foundation vents installed at a minimum of one (1) square foot for every two hundred fifty (250) square feet of crawl space.

## 2) Floors

a. There shall be no seriously rotted, or termite damaged joists and sills.

b. There shall be no fire damaged charred wood.

c. There shall be no broken, overloaded or sagging girders.

d. There shall be no broken, overloaded or sagging sills.

e. Sills shall be reasonably level.

f. Sills shall be properly and sufficiently supported.

g. There shall not be broken joists.

h. Any floor joists which show signs of weakness or disrepair shall be properly replaced with lumber comparable to at least the same nominal dimension and grade as the original joist.

i. Flooring shall be weather tight without holes or excessive cracks which permit air penetration into rooms.

J. Flooring shall be reasonably smooth and not rotten, fire damaged or worn through.

k. There shall be no loose flooring or floor covering.

l. The floor shall be reasonably level.

m. When any new flooring is to be installed there shall be a minimum of five-eighths (5/8) inch plywood underlayment (or equivalent) or three-quarters (3/4) inch tongue and groove board flooring over the floor joints.

### 3) Walls, Exteriors

a. There shall be no wall in which the plumb line from top center of studs falls outside the bottom plate at any point along the wall unless by design.

b. No studs shall be seriously rotted or termite damaged.

c. There shall be no fire damaged charred wood.

d. There shall be no broken structural members.

e. All siding shall be weathertight, with no holes or excessive cracks, or rotted boards.

f. There shall be no loose siding.

#### 4) Walls, Interior

- a. Interior all finish shall be free of holes.
- b. There shall be no wall in which a plumb line from top center of studs falls outside of bottom plate unless by design.
- c. There shall be no loose plaster, loose boards or loose wall materials susceptible to falling.
- d. There shall be no cardboard, newspaper or similar highly combustible wall finish in dwelling units.
- e. There shall be no seriously rotted, termite damaged or broken studs.
- f. There shall be no fire damaged charred wood.

#### 5) Ceilings

- a. There shall be no seriously rotted, broken, sagging or fire damaged joists or improperly supported ends.
- b. Any ceiling joists which show signs of disrepair shall be properly replaced with limber comparable to at least the same nominal dimension and grade as the original joist.
- c. There shall be no holes.
- d. There shall be no loose plaster, boards, sheet rock, or other ceiling finish susceptible to falling.



e. There shall be no cardboard, newspaper or other similar highly combustible finishes in dwelling units.

## 6) Roofs

a. There shall be no seriously rotted, broken rafters or improperly supported ends.

b. There shall be no fire damaged charred wood.

c. Rafters shall be properly braced and tied. Maximum spacing of collar beams shall be five (5) feet on center, or other approved method of bracing roof may be used.

d. Attics shall be ventilated. The net opening shall be at least one/one hundred fiftieth ( $1/150$ ) of the attic floor space. Obstructions caused by screens and louvers must be cut to one/three hundredth ( $1/300$ ) if fifty percent (50) of the ventilation is in the upper portion of the attic. Alternate methods as specified in Volume 1b, Section 25 may be used.

e. There shall be no loose, or seriously rotted sheathing.

~~f. There shall be no fire damaged charred sheathing.~~

g. There shall be no loose roof covering, nor holes nor leaks.

h. There shall be a minimum of Class "C" roof covering; except in the number one' (1) First District, a Class "A" or "B" covering is required.

i. There shall be proper metal flashing at walls or chimney.

## 7) Porches, Exterior Stairs and Steps

- a. Floor, ceiling and roof shall be equal to requirements set forth above, except sills, joists and floors need not be level if providing drainage of floors; floors need not be weathertight; ceiling height may be seven (7) feet; and attic shall be vented.
- b. Posts, railings and guards shall not be seriously rotted or termite damaged and shall be sufficiently anchored.
- c. Every porch, terrace or entrance platform located at least thirty six (36) inches above adjacent finished grade shall be equipped with railings not less than thirty (30) inches high. Pickets shall be installed on railings and hand railings with no more than a six (6) inch spacing. Handrails continuous on all open sides of stairs exceeding thirty six (36) inches in heights leading to a platform, porch or terrace shall be installed at least thirty (30) inches high.
- d. Enclosed stairs exceeding a rise of thirty six (36) inches shall have at least a single handrail.

## 8) Interior Stairs and Steps

- a. Stairs and steps shall be free of holes, grooves and cracks large enough to constitute an accidental hazard.
- b. Interior steps and stairs more than thirty six (36) inches of rise shall have rails not less than thirty (3) inches measured vertically from the nose of the treads to top of the rail.
- c. Every rail shall be firmly fastened and maintained in good condition.

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

e. There shall be no rotting, sagging or deteriorating supports.

f. Every stair riser shall be reasonably uniform and shall not exceed eight and one-quarter (8 1/4) inches in height; treads shall be at least one and one eighth (1 1/8) inch thick and shall be securely fastened in position. Every wood stair riser in excess of thirty six (36) inches in width shall have an additional "stringer", each "stringer" to be spaced not more than thirty (30) inches apart. The minimum depth of treads shall be ten and one quarter (10 1/4) inches, including the "nosing".

## 11. Accessory Structures

a) Fences and other accessory structures shall either be maintained in a safe and substantial condition or demolished and removed.

b) Exterior surfaces, not inherently resistant to deterioration, shall be treated with protective coating, such as paint or other suitable preservative, and with sufficient frequency to prevent deterioration.

c) Any electrical, plumbing, heating or other utilities furnished with an accessory structure shall be installed in accordance with applicable code provisions; and maintained in a safe condition.

d) Every accessory structure shall be properly maintained in a clean and sanitary condition and free from physical hazards and other matter detrimental to the public health.

## 12. Property Maintenance

### a) Building and Structure

1) Exterior surfaces, not inherently resistant to deterioration, shall be treated with a protective coating, such as paint or other suitable preservative, with sufficient frequency to prevent deterioration.

2) Floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.

### b) Open Areas

1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant water.

### c) Infestation

1) Grounds, buildings and structures shall be maintained free of infestation.

---

### d) Garbage and Refuse.

1) There shall be adequate sanitary facilities and methods provided and use for the storage, handling and disposal of garbage and refuse.

## 13. Minimum Standards Applicable to Rooming Houses

All of the provisions of this Article, and all of the Minimum Standards 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 rooming unit in any rooming house.

a) No person shall operate or cause to be operated any rooming house unless there is provided:

1) Lavatory facilities in good working condition consisting of one flush water closet, one washbasin and one bathtub or shower for every six (6) persons residing in rooming house.

2) Access from rooming unit to lavatory facilities without entering another dwelling, rooming unit or non-conditioned area.

3) Washbasin and bathtub or shower properly connected and supplied with hot and cold running water.

4) Lavatory not be located in unfinished basement.

5) Walls, floors and ceilings be maintained in a sanitary condition.

6) Disposal of all garbage in a prompt and sanitary condition.

7) In rooming houses with fossil fuel heating systems exceeding 250,000 B.T.U., the furnace room shall be enclosed with material having at least a one-hour fire protection rating. Install a smoke detector in every furnace room.

8) In all public hallways within fifteen (15) feet of each rooming unit install a smoke detector. Primary source of power for detectors shall be taken from the house electrical current.

#### 14. Occupant's Responsibilities

Every occupant of a dwelling unit or apartment shall:

- a) Keep the part of a dwelling unit or apartment which he occupies and controls in a clean and sanitary condition.
- b) Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
- c) Be responsible for the extermination of any insects, rodents or other pests whenever said dwelling unit or apartment is the only one in the residential building infested and the owner has provided a reasonably insect-proof and adequate rodent-proof building.
- d) Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
- e) Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such building; not place in storage or on the premises any furniture, auto parts, junk equipment or material which harbors insects, rodents or other pests.
- f) Not occupy any dwelling unit unless running water is provided to the required plumbing fixtures.
- g) Not place within any structure for use therein, any oil, kerosene or gas fired portable heater to be used as the primary source for heating or cooking.

h) Not place on the premises for the use thereon, any heating or cooking unit which constitutes a fire hazard. If the occupant provides heating or cooking equipment, the occupant shall be responsible for its proper installation and maintenance.

i) Not cause such damage to the dwelling unit or apartment let to him as to make the same unfit for human habitation.

j) No occupant of a rooming house shall heat or cook food or permit the heating or cooking of food within his rooming unit.

#### 15. Enforcement Against Occupant

Upon discovering a violation of Section 14, the inspector shall have the power to order the correction of any such violation within forty eight (48) hours from date of notice thereof; in the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of Section 21(c), and thereafter may again order the correction of any such violation within forty eight (48) hours from the date of service of the order upon the occupant or the inspector may order the building to be vacated within a reasonable time. The inspector may pursue any other civil or criminal action as he deems reasonably necessary in order to effectuate the purpose of this Article.

---

#### 16. Owner's Responsibilities

a) Any owner remains liable for violation of duties imposed upon him by this Article even though:

1. An obligation is also imposed on the occupant.

2. The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Article.

b) Whenever the owner of property has complied with the minimum standards of this Article for each dwelling or dwelling unit in accordance with previous inspections and orders issued by the inspector, no further inspections for violations herein shall be required for a period of two (2) years from the date of final inspection and approval except where, in the opinion of the inspector, it is necessary in the interest of public health or safety of the residences or where such violation constitutes a health and safety hazard which is inimical to the general welfare of the citizens in the community. Provided, however, in instances where the owner or tenant who was residing in a dwelling or dwelling unit at the time that final inspection and approval was made quits the premises, then this subsection which does not require further inspection for a period of two (2) years shall no longer be applicable with respect to such dwelling or dwelling unit.

#### 17. Owner's Responsibility for Safety of Occupant(s)

a) In order to protect the health and safety of occupants of a building, the owner shall, within forty eight (48) hours after being notified in writing, repair any broken, burst, frozen or inoperable plumbing pipe or fixtures.

---

b) In order to protect the life and safety of occupants of a building, the owner shall, within forty eight (48) hours after being notified in writing, repair any exposed or unsafe wiring.

c) In order to protect the life and safety of occupants of a building, the owner shall, within forty eight (48) hours after being notified in



writing, repair or replace any unsafe and/or dangerous cooking or heating equipment provided by the owner.

d) In order to protect the life and safety of occupants of a building, the owner shall, within forty eight (48) hours after being notified in writing, repair or replace fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

#### 18. Duty of Inspector

It shall be the duty of the inspector to diligently examine residential buildings and accessory structures located in the Town and its environs where the conditions described in Section 2 exist for the purposes of locating and taking action with respect to such buildings and structures as appear to be unfit for human habitation. The inspector shall conduct all inspections and procedures as provided by this Article.

#### 19. Emergency Cases

a) In emergency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property, unless a dwelling unit unfit for human habitation or a dangerous accessory structure is immediately repaired or demolished, the inspector shall order demolition of said structure and the cost of such repair or demolition of said structure and the cost of such repair or demolition shall be recovered and collected as is provided in Section 21 (e )(7) hereof.

b) In emergency cases as cited above, the inspector shall have the power immediately to cause to be posted on the main entrance of any building or dwelling unit a placard with words which, in effect, provide notice that the building or dwelling unit has been condemned

and that occupancy for human habitation is prohibited, and further setting forth the reasons therefor.

c) The employees of the Oakboro Fire Department, Oakboro Police Department, Town of Oakboro and Stanly County Sheriff's Department shall report to the inspector all buildings or structures which are, or are suspected of being unfit for human habitation or a dangerous accessory structure.

## 20. Residential Buildings Unfit for Human Habitation

a) The inspector shall determine that a residential building is unfit for human habitation if he finds that any of the following conditions exist in the building:

1) Interior walls or vertical studs seriously list, lean or buckle to such extent as to render the building unsafe.

2) Supporting member or members showing thirty three percent (33) or more of damage or deterioration, or non-supporting, enclosing or outside walls or covering showing fifty percent (50) or more of damage or deterioration.

3) Floors or roofs have improperly distributed loads, overloaded or having 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 dangerous to the health, safety or welfare of the occupants or other people in the Town or its environs.
  - 6) Inadequate facilities for egress in case of fire or panic.
  - 7) Defects significantly increasing the hazards of fire, accident or other calamities.
  - 8) Inadequate ventilation, light, heating or sanitary facilities endangering the health, safety or general welfare of the occupants or other residents of the Town or its environs.
  - 9) Improper electrical, heating or plumbing facilities required by this Article which constitute a health or a safety hazard.
- b) Irrespective of the above, a residential dwelling unit shall be construed by the inspector to be unfit for human habitation, and he shall so find, if such dwelling unit contains more than seven (7) separate types of violations of any of the minimum standards set forth in this Article.

## 21. Procedure for Enforcement

### a) Initiation of Preliminary Investigation

The Inspector shall initiate a preliminary inspection of a dwelling unit or accessory building when a petition is filed by a one (1) public authority (Town Administrator, Fire Marshall, County Health Director, Town Zoning Administrator, Town Police Chief, Chief Building Inspector, or as defined); **or** a letter of complaint is filed by the occupant **or** five (5) residents of five (5) different properties; or

whenever it appears to the inspector a basis of such investigation exists.

b) Notice of Complaint

If his preliminary investigation discloses violation of the minimum standards, he shall issue and cause to be served upon the owner of and parties in interest of the 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 ten (10) nor more than thirty (30) days after service of said complaint.

c) Hearing

The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one person signing a petition relating to such 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.

---

d) Owner Initiated Inspection

Whenever a written request is filed with the inspector by an owner or agent of a dwelling, the inspector shall inspect the dwelling to determine its fitness for human habitation and provide both the owner and the tenant a written report of the results of his inspection. When an owner or agent has caused a warrant to be issued for the arrest of any tenant during whose tenancy the dwelling becomes unfit for human

habitation due to the tenant's willful conduct or culpable negligence, it shall be the duty of the inspector to assist and testify in the matter.

e) Procedure After Hearing

1) After such notice and hearing, the inspector shall in writing determine whether the dwelling or dwelling unit is unfit for human habitation due to deterioration or dilapidation. If the inspector determines that the dwelling or dwelling unit is unfit for human habitation he shall state in writing his findings of fact in support of such determination. In such case the inspector 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 Article within a specified period of time, not to exceed ninety (90) days. Such orders shall further state that if the owner does not make the necessary repairs to correct existing violations as specified in the order, the inspector will submit a request to the Town Commissioners to adopt an ordinance ordering the inspector to require the owner to take one of the following actions:

a. Vacate and close said building if repair, alteration or improvement ordered would cost less than fifty percent (50) of the present value of the building; or

b. Demolish said building, if the repair, alteration or improvement order would cost an amount equal to or in excess of fifty percent (50) of the present value of the building; or

c. This ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property or properties are

located and shall be indexed in the name of the property owner in the grantor index.

2) The inspector shall cause to be posted on the main entrance of the building for which an ordinance has been adopted by the Town Commissioners ordering the owner to vacate and close or demolish said building 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." Occupation of a building so posted shall constitute a misdemeanor.*

3) Provided, however, if within the time fixed by the inspector for repairing, alteration or improvement of such building the inspector finds there has been substantial compliance with the provisions of the order or that the owner has filed with the inspector a copy of a written contract with a contractor to make such repairs, alterations or improvements as ordered, the inspector may extend the time for compliance for an additional period not exceeding sixty (60) days.

4) The inspector shall notify the Water and Sewer authorities that all buildings found unfit for human habitation and, when said buildings become vacant, utility service shall be discontinued until such time as there is compliance with the order.

5) Upon becoming vacant, any dwelling found unfit for human habitation shall be posted by the inspector as described above.

6) If the owner of any building which has been found unfit for human habitation shall fail to comply with an order of the

inspector issued pursuant to this Article, the inspector shall take one or more of the following actions as necessary:

- a) Secure the issuance of a warrant charging such owner with violation of this Article;
  - b) Vacate and close said building, provided that an ordinance ordering the inspector to effectual this action has been approved by the Town Commissioners; or
  - c) Cause such building to be repaired, altered, improved or demolished, provided that an ordinance ordering the inspector to effectuate this action has been approved by the Town Commissioners.
- 7) The amount of the cost of such repair, alterations, improvements, vacating and closing or demolition by the inspector shall be a lien against the real property upon which such cost was incurred; said lien shall be filed, have the same priority and be collected or foreclosed upon in the same manner as it provided for assessments pursuant to Article 10, Chapter 160A, North Carolina General Statutes.
- 8) 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.
- 9) The inspector is hereby authorized to fix reasonable value of any building for the purpose of this Section and such value shall be binding, unless the owner protests such value in writing to the inspector within ten (10) days after receipt of an order. (Typically

the County tax value for the structure, market value, current real estate appraisal or a combination thereof) may be used at the discretion of the inspector)

10) A one hundred dollar (\$100.00) inspection fee shall be charged for any type of courtesy inspection requested for a Certificate of Compliance for the purpose of loan closings.

## 22. Certificate of Compliance

It shall be unlawful for any owner or the agent of any owner to rent or offer for rent as a dwelling any vacant structure or part thereof upon which an order to repair, alter or improve, or to vacate and close, has been issued without the owner or agent first filing application for and securing a Certificate of Compliance from the Inspector. The inspector shall issue a Certificate of Compliance when, after examination and inspection, it is found that the repairs, alterations and improvements have been made and that the structure conforms with the provisions of this Article. The owner or agent requesting a Certificate of Compliance shall pay no fee for the first two (2) inspections required in which the owner or agent is seeking a Certificate of Compliance; provided, however, the owner or agent shall pay a fee of \$100.00 for each subsequent re-inspection required. Any violation of this Section by the owner or his agent shall subject the violator to a fine of fifty dollars (\$50.00) a day or thirty (30) days imprisonment for each day of occupancy of the dwelling or dwelling unit. The issuance of a second citation for any violation that has not been corrected shall be in the amount of \$200.00 upon the date of issuance, \$500.00 for the third citation and \$500.00 thereafter. Any unpaid citations and delinquency charges shall be cumulative, and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator(s) or, the citation may be mailed, certified return receipt requested. The citations shall direct the violator to make payment at the Town of Oakboro within fifteen (15) days



of the date of the citation or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen (15) days from the date of issuance, a delinquency charge of ten dollars (\$10.00) shall be added to the amount shown on the citation or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen (15) days from the date of the delinquency. Further, the citation shall state that the violation is a continuing violation, and additional citations may be issued. Any owner or rental agent so violating this Section by leasing a dwelling or dwelling unit before obtaining a Certificate of Compliance shall be subject to immediate prosecution in the North Carolina General Court of Justice, District Court, Criminal Division. Accordingly, the inspector shall obtain a warrant for the arrest of anyone in violation of the Certificate of Compliance provisions as set forth herein.

### 23. Appeal

An appeal to the "Town of Oakboro Housing Appeal Board" may be taken from any decision or order of the inspector by any person aggrieved thereby or by any officer of the Town. Any appeal from the inspector to the "Appeal Board" shall be taken within ten (10) days and shall be taken by filing with the inspector and with the Town Clerk a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of notice of appeal, the inspector shall forthwith transmit to the Appeal Board all papers constituting the record upon which the decision appealed from was made.

### 24. Petition to Superior Court

The owner or any other person affected by an order of the inspector shall have the right, within thirty (30) days following service of such order, to petition the Superior Court for a temporary injunction restraining

enforcement of such order and for a hearing and determination of the validity thereof, as provided by N.C. Gen. Stat. 160A-446(f).

#### 25. Service of Complaints, etc.

Complaints, notices or orders issued by the inspector pursuant hereto shall be served upon persons either personally or by registered or certified mail, but, if the whereabouts of any person is unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence, the inspector shall make an affidavit to that effect, then the serving of such complaint, notice or order upon the person may be made by publishing the same once a week for two (2) successive weeks in a daily newspaper published in the Town, service being deemed completed upon the date of the last publication. A copy of any notice, complaint or order served by publication shall be posted in a conspicuous place on the premises affected by the notice, complaint or order on or before the date of the last publication.

#### 26. Further Powers

The inspector shall have such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Article including (without limiting the generality of the foregoing), the following powers in addition to others herein granted:

- a) To investigate residential building conditions in the Town and its environs to determine which buildings therein are unfit for human habitation, being guided in such examinations of buildings by the requirements set forth in this Article;
- b) To administer oaths, affirmations and to examine witnesses and receive evidence;

- c) To enter upon and within premises, dwelling and buildings for the purpose of making examinations and investigations, provided that such entries shall be made in such lawful manner as to cause the least possible inconvenience to the person in possession;
- d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purpose of this Article;
- e) To delegate any of his functions and powers under this Article to such officers and agents as he may designate.
- f) To file civil action in the nature of a summary ejectment to effectuate an order to vacate a dwelling as provided in N.C. Gen. Stat. 160A-443(7).

## 27. Other Unlawful Actions

- a) No person shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of Section 19 and 21 of this Article.
- b) When the inspector finds that a building is unfit for human habitation within the meaning of this chapter, and has notified the owner and the time limit set by the inspector for the correction of defects and vacating the same has expired, no person shall receive rentals, offer for rent or occupy said building for any purpose.
- c) No person shall damage, mutilate or remove, nor shall any person suffer, permit or cause to be damaged, mutilated or removed, any permanent fixtures from any dwelling unit.
- d) It shall be unlawful for the owner of any building upon whom a notice, complaint or order has been served, to sell, transfer, mortgage, lease or

otherwise dispose of said building, until the provisions of the notice, complaint or order have been complied with, or until such owner shall furnish to the transferee, lessee or mortgagee a true copy of any notice, complaint or order issued by the inspector and concurrently give written notice to the inspector of the intent to transfer, lease or mortgage as to whom the transferee, lessee or mortgagee who had received actual constructive notice of the existence of a notice, complaint or order shall be bound by the notice, complaint or order as of date of the transfer, lease or mortgage without service of further notice upon him.

#### 28. Alternative Remedies

Neither this Article 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, and the enforcement of any other remedy or remedies provided herein or in other ordinance or laws.

#### 29. Conflicts With Other Provisions

In the event 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 Town, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the resident of the Town and environs shall prevail.

---

#### 30. Validity

If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Article.

#### 31. Violations, Penalty

a) It shall be unlawful for any owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or fail to vacate and close and remove or demolish the same, upon order of the inspector duly made and served as herein provided, within the time specified in the order, and each day that any such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 21 of this Article, to occupy or permit the occupancy of the same after the time prescribed in the 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 Article shall constitute a misdemeanor, as provided by NC Gen. Stat. 14-4.

---