

The City of Dunn Chapter 4. Buildings and Building Regulations, Article II. Regulatory Codes is hereby amended by Revising the following section:

Section 4-31. Minimum Housing Code

ARTICLE II. REGULATORY CODES

Charter references: Regulatory codes, § 12.2.

State law references: Municipal authority to adopt building codes by reference, G.S. 160A-76, 143138(e); state building codes, G.S. 143-138 et seq.

Sec. 4-31. Minimum housing code.

This section shall be known and may be cited as the "Minimum Housing Code of the City of Dunn" and will be hereinafter called "the code."

(1) *Exercise of police power; finding, purpose.*

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

b. In order to protect the health, safety and welfare of the city and its residents as authorized by part 6 article 19, Chapter 160A of the North Carolina General Statutes, it is the purpose of this section to establish minimum standards of the fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by N.C.G.S. § 160A-444, and to provide procedures of fitness, as expressly authorized by N.C.G.S. 160A-443.

(2) *Code remedial.* This code is hereby declared to be remedial, and shall be construed to secure the beneficial interest and purposes thereof, which are public safety, health and general welfare through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwelling, apartment houses, rooming houses or buildings, structures, or premises used as such.

(3) *Scope.*

a. The provisions of this code shall apply to the construction, alteration, repair, equipment, use, occupancy, location, maintenance, removal and demolition of every building, structure or any appurtenances connected to or attached to such buildings or structures.

b. No provision of this code shall be held to deprive any federal or state agency, or any municipal authority having jurisdiction, of any power or authority which it had on the effective date of this section or of any remedy then existing for the enforcement of its order, nor shall it deprive any individual or corporation of its legal rights as provided by law.

c. The provisions of this code shall apply to all mobile homes and trailers used as residential occupancy in excess of thirty (30) days.

(4) *Existing buildings.* The provision of this code shall apply to any dwellings, apartments, apartment house or rooming house irrespective of when said building was constructed, altered, or repaired:

a. If, within any period of twelve (12) months, alterations or repairs are made to an existing building costing in excess of fifty (50) percent of the then physical value of the building, such building shall conform to the requirements of the building, mechanical, electrical, plumbing codes like for a new building.

b. If, any existing building is damaged by fire or otherwise in excess of fifty (50) percent of its then physical value before such damage is repaired it shall conform to the requirements of the building, mechanical, electrical, plumbing codes like for a new building.

c. If the cost of such alterations or repairs, or the amount of such damage, is less than fifty (50) percent of the then physical value of the building, the portions to be altered or repaired shall be made to conform to the requirements of the building, electrical, plumbing, mechanical codes for the building to such an extent as the chief building inspector may determine.

d. Repairs and alterations not covered by the proceeding subdivisions of this section, restoring a building to its condition prior to damage or deterioration, or altering it in conformity with the provisions of the building code in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building was constructed.

e. For the purpose of this section the physical value of a building or structure, as shall be determined by the chief building inspector, and shall use as a guideline, the fair market value of the building exclusive of the land.

f. All repairs and alterations made to any dwelling or dwelling unit must be installed in the manner in which it was intended to be installed; and, all work must exhibit quality workmanship.

(5) *Maintenance of buildings.* All buildings, or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this code in a building when erected or altered shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, and premises to the extent set out in section 4-31 (8). The tenant shall be responsible for the maintenance of the buildings, structures and premises to the extent set out in this section.

(6) *Definitions.* For the purpose of this code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this section; and words used in present tense include the future, words in masculine gender includes the feminine and neuter, words in the feminine include the neuter and the masculine, and singular numbers includes the plural and the plural number includes the singular. Whenever the words "apartment," "apartment house," "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," or "structure," are used in the code they shall be construed as though they were followed by the words 'or any part thereof.'

Alter or alteration. Any change or modification in construction or occupancy.

Apartment. A room or a suite of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one individual, family or household, for housekeeping purposes.

Apartment house. See "multiple dwelling" defined below.

Approved. Approved by the chief building inspector or his authorized agent.

Area. As applied to the dimension of a building, the maximum horizontal projected area of the building at grade, (See "floor area").

Attic story. Any story situated wholly or partly in the roof, so designed, arranged or built as to be used for business, storage or habitation.

Basement. A portion of any building located partly underground, but having more than one-half (1/2) of its clear floor to ceiling height above the average grade of the adjoining grade, and having direct access to light and air from windows located above the level of the adjoining ground.

Building. Any structure built for the support, shelter, or enclosure of persons, which has enclosed walls of fifty (50) percent of its perimeter. The term "building" shall be construed as if it is followed by the words "or part thereof."

Building code. Any edition, together with all adopted amendments and supplements thereto, of the North Carolina Building, Plumbing, Mechanical, Electrical, Energy and Residential maintenance code NFPA 73, or any other building rules or regulations adopted by the city relating to the construction, alterations, repair or removal of various types of buildings and structures.

Cellar. A portion of a building located partly or wholly underground, having more than one-half (1/2) of its clear floor to ceiling height (by cubic measurement) below the average grade of the adjoining ground, and having inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Chief building inspector. Shall mean the person who has been designated, in writing, by the city manager to enforce the provisions of this chapter.

Code enforcement officer. Shall mean the employees of the city inspections department.

Deteriorated. A dwelling which is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this article, at a cost not in excess of fifty (50) percent of its physical value, as determined by the code enforcement officer. Repair at a cost not in excess of fifty (50) percent of the value is hereby deemed reasonable pursuant to N.C.G.S. 160A-443(3).

Dilapidated. A dwelling which is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this article, only at a cost in excess of fifty (50) percent of its physical value, as determined by the code enforcement

officer.

Dwelling. Any building or structure, or portion thereof, which is used, or designed or intended to be used for human habitation including living, sleeping, cooking, and eating or a combination thereof and includes accessory structures intended for human habitation.

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

Extermination. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the chief code enforcement officer.

Floor area. The area included within surrounded walls of a building exclusive of vent shafts and courts.

Garbage. The animal and vegetable waste resulting from handling, preparations, cooking, and consumption of food. See "rubbish."

Habitable room. A room used or intended to be used by one or more persons for living, eating or sleeping purposes, excluding bathrooms, water closet compartments, laundries, serving and storage pantries, corridors, cellars.

Heating. The definitions following under this subdivision shall apply to heating installations.

a. *Central heating boilers and furnaces.* Heating furnaces and boilers shall include warm air furnaces, floor-mounted, direct-fired unit heaters, hot water boilers, and steam boilers operating not in excess of fifteen (15) pounds of gauge pressure, used for heating of buildings or structures.

b. *Chimney.* A vertical shaft of masonry, reinforced concrete, or other approved noncombustible, heat resisting material, enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gas fuel.

c. *Flue.* A vertical passageway for products of combustion.

d. *Vent Pipe.* As applied to heating, means a pipe for removing products of combustion from gas appliances.

e. *Water Heater.* A device for the heating and storage of water to be used for other than heating or industrial purposes.

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

Multiple dwelling. Any dwelling containing more than one (1) dwelling unit.

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

Openable area. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

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

Ordinary minimum winter conditions. The temperature twenty (20) degrees Fahrenheit above the lowest recorded temperature for the previous fifteen (15) year period.

Owner. Any person who jointly or severally:

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a. Has title or any interest in or to any dwelling or dwelling unit, without regard to actual possession; or

b. Has charge, care or control of any dwelling or dwelling unit, as owner or representative of the owner, or as a fiduciary of the estate of the owner. It is specifically noted that any person meeting the definition of "owner" under this subsection shall be bound to comply with the provisions of the code to the same extent as though he were an "owner" under the above definition in subsection a., above.

Person. A natural person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, or other legal entity, its or their successors or assigns, or the agent of any of the aforesaid.

Plumbing. 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 the public or private water supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of storm water, liquid waste, or sewage, and water supply systems of any premises to their connections with any point of public disposal or other acceptable terminal.

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

Rooming-unit. Any room or group of rooms forming a single habitable unit or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.

Substandard dwelling or structure. A dwelling, dwelling unit, multiple dwelling, apartment, apartment house or any other space used or intended to be used as a habitable

living space in any building or structure which does not meet the basic minimum requirements of this code for such use.

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

Unfit for human habitation. Conditions that exist in a dwelling which violate or do not comply with the minimum standards of fitness or one or more of the provisions established by this code.

Walls.

a. *Bearing wall.* A wall, which supports any vertical load in addition to its own weights.

b. *Exterior wall.* A wall, bearing or nonbearing, which is used as an enclosing wall for a building, but which is not necessarily suitable for use as a party wall or firewall.

c. *Foundation wall.* A wall below the first floor extending below the adjacent ground level and serving as support for a wall, pier, column or other structural part of a building.

(7) Administration.

a. *Chief building inspector; duties; powers.* Pursuant to N.C.G.S. § 160A-443, the chief building inspector is hereby designated the public officer to exercise the duties and powers prescribed by this code.

1. Duties. It shall be the duty of the chief building inspector:

(a) To investigate and to inspect all buildings, dwelling units and rooming units located in the city in order to determine which buildings, dwelling units, rooming houses and rooming units are unfit for human habitation as well as to carry out the general spirit and purpose of this code;

(b) To enforce the provisions of this code and to take such action, alone or together with other appropriated departments and agencies, public or private, as may be necessary to carry out the general spirit and purpose of this code;

(c) To keep adequate records of all activity conducted pursuant to this code, including but not limited to, an inventory of those buildings, dwelling units, rooming houses and rooming units that do not meet the minimum standards of fitness prescribed by this code;

(d) To report at least annually to the city manager concerning the work of his division, and specifically to the housing section, during the preceding year; and

(e) To perform each and every duty necessary and incidental to the fulfillment of the general spirit and purpose of this code.

2. *Powers.* Pursuant to N.C.G.S. § 160A-448, the chief building inspector is hereby authorized to exercise any powers necessary or convenient to carry out and effectuate the general spirit, purpose and provisions of this code, including specifically, but not limited to, the following:

(a) To investigate the dwelling and dwellings conditions in the city in order to determine which buildings are unfit for human habitation;

(b) To administer oaths, affirmations, examine witness and receive evidence;

(c) To enter with permission upon premises for the purpose of making examinations and inspections in a manner that will do the least possible inconvenience to the persons in possession, and to secure administrative search warrants for such purpose when such permission is denied;

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(d) To appoint and fix the duties of officers, agents and employees necessary to carry out the purposes of this code; and

(e) To delegate any of his functions and powers under this code to other officers and other agents.

b. *Housing section constituted.* There is hereby created and established a division within the inspections department, under the direction of the chief building inspector, to be known as the code enforcement division, which shall be composed of the chief building inspector and such officers and employees as shall be authorized by the city council and appointed by the city manager.

c. *Records.* The chief building inspector shall keep, or cause to be kept, a record of the business of the code enforcement division. The records of the chief building inspector shall be open to the public inspection.

d. *No utility service.* The city shall not provide nor permit another to provide (either public or private) utility services such as water, gas, electricity, sewer, etc., to any substandard building or dwelling unit which becomes vacant until such building or dwelling unit has been inspected, brought into compliance with this code and the building code, and a valid certificate of compliance, as required, has been issued. This requirement shall not preclude the temporary use of such utility as may be deemed necessary during construction, repair or alteration. The chief building inspector shall be responsible for making the determination as to when such "temporary services" may be necessary.

e. *No permit.* No building, plumbing, electrical, gas or other permit as may be required for an addition, alteration or repair of an existing substandard building or dwelling unit shall be issued until such time as an inspection of the property has been made to determine the feasibility of rehabilitation of such building or dwelling unit. If the determination is made that rehabilitation of such building or dwelling unit is feasible, any

permits issued will in no way affect time limitations dictated by this code.

(8) Minimum standards of fitness.

a. All buildings, dwelling units, rooming houses, and rooming units shall provide for a healthy environment with living facilities arranged and equipped to assure such a condition. Under this section appears the fundamental requirement of this code, which shall be observed in determining the fitness of a building for human habitation.

b. *Certificate of occupancy.* No person shall occupy or allow another to occupy, or hold out for intended use or allow another to hold out for intended use for human habitation any building, dwelling unit, rooming house, rooming unit designed or intended to be used for the purpose of human habitation which does not comply with the standards of this code and for which a valid certificate of occupancy has not been issued.

c. *Plumbing systems and equipment.* Minimum standards for plumbing systems and equipment shall be and Every building and dwelling unit shall contain (and where applicable, rooming houses and rooming units) not less than the following:

1. A connection to a potable water supply and to the public sewer or other approved sewage disposal system at all times while occupied.
2. A kitchen sink, lavatory, tub or shower and a water closet, all in good working condition and installed in accordance with the adopted plumbing code and located within the dwelling unit and accessible to the occupants, the water closet and tub or shower shall be located in a room or rooms affording privacy to the user. Minimum door size for all interior doorways shall be twenty-four (24) inch doors.
3. Plumbing, all of which meets the standards of the adopted North Carolina Code and plumbing code and which are in a state of good repair and in good working order.
4. Connections to the kitchen sink, lavatory and tub or shower of an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply. All water piping shall be protected from freezing by being properly installed in protected spaces.
5. Installations of all water heating appliances according to the plumbing code, residential building code and electrical code adopted by the city, and capable of supplying a continuous source of hot water, on demand, to all required fixtures at a temperature of not more than one hundred twenty (120) degrees Fahrenheit and not less than one hundred (100) degrees Fahrenheit.

d. *Ventilation.* Minimum standards for ventilation shall be and every building, dwelling unit, rooming house and rooming unit shall contain not less than the following:

1. Windows, etc. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstructing structures are located less than five (5) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

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

3. Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

4. Year-round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window-type air conditioning units are not included in this exception.

5. All attic and crawl spaces shall be ventilated according to the North Carolina Residential Building Code.

e. *Electrical systems.* Minimum standard for electrical systems shall be and every building, dwelling unit, rooming house and rooming unit shall contain not less than the following:

1. Every building, dwelling unit with rooming house and rooming unit shall be wired for electric lights convenient receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles, connected in such manner as determined by the electric code adopted by the city. In every kitchen, at least one (1) convenient receptacle must be installed for use of kitchen appliances; this receptacle must be protected by a (GFCI) receptacle. All receptacles located on counter tops (either fixed or mobile) must be protected by a (GFCI) receptacle. There shall be installed in every bathroom a convenience wall-type, ground fault circuit interrupt protected (GFCI) receptacle, according to the national electric code adopted by the city. There shall be installed in every bathroom, water closet room, laundry room and furnace

room at least one (1) supplied ceiling or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three (3) floor or wall-type electric convenience receptacles.

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

3. Smoke detectors. A minimum of one approved listed smoke detector shall be installed, on each floor and habitable basement, in accordance with manufacturer's recommendation and listing and maintained in working condition.

4. All fixtures, receptacles, equipment and wiring should be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the electric code adopted by the city.

5. The minimum capacity of the service supply and the main disconnect switch shall be sufficient to carry adequately the total load as required by the electrical code adopted by the city, and in no case shall the service be less than one-hundred (100) amps per dwelling unit.

f. *Heating.* Minimum standards for heating shall be and every building, dwelling unit, rooming house and rooming unit shall have facilities for providing heat in accordance with either subsection 1. or 2. hereof, as well as complying with subsection 3:

1. *Central and electrical systems.* Every central or electrical heating system shall be of sufficient capacity so as to heat each dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measure at a point three (3) feet above the floor during ordinary minimum winter conditions.

2. *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling unit shall have adequate heating appliances installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments so as to furnish a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary minimum winter conditions. Under no circumstances will portable heating devices be permitted as a primary source for heating. In addition, each dwelling unit shall be provided with sufficient chimney, flues, gas vents and/or fireplaces in accordance with the provisions of the North Carolina State Building Code, North Carolina Residential Code and North Carolina Mechanical Code.

3. *Installation and maintenance.* Heating appliances and facilities shall be listed by an Underwriters Laboratory or another approved listing agency and installed in accordance with the building code, North Carolina Residential Code, North Carolina Mechanical Code and National Electric

Code, and shall be maintained in safe and good working condition. Fireplaces used for heating ventilation shall be maintained according to the following criteria:

- (a) Fireplaces shall be closed with masonry when the chimney is in use and has a flue for a stove;
- (b) A stove shall be within six (6) feet of a thimble serving it;
- (c) No combustible material shall be within twelve (12) inches of a stovepipe unless the stovepipe is listed by an approved listing agency and installed in accordance with the manufacturer's guidelines;
- (d) No stovepipe shall pass through combustible walls unless the stovepipe is listed by an approved listing agency and installed in accordance with the manufacturer's guidelines; and
- (e) Fireplaces may be used for supplementary heat only and not as main or primary source of heating for the structure.

g. *Space, use and location.* Minimum standards for space, use and location shall be and Every building, dwelling unit, rooming house and rooming unit shall not contain less than the following:

1. *Dwelling unit.* Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, and at least one hundred (100) square feet of additional habitable floor area for each additional occupant.

2. *Room sizes.*

(a) Every dwelling unit, rooming house and rooming unit shall contain at least the minimum room size in each habitable room as required by the North Carolina State Building Code and the North Carolina Residential Code; and

(b) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.

3. *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more

than ten (10) percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half (4 1/2) feet shall not be considered as part of the floor area in computing the total floor area of the room to determine maximum permissible occupancy.

4. *Occupant.* For the purpose of this subsection, a person under one year of age shall not be counted as an occupant.

5. *Ceiling height.* At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet.

6. *Cellar.* No cellar shall be used for living purposes.

7. *Basement.* No basement shall be used for living purposes unless (i) the floor and walls are substantially watertight, (ii) the total window area, total operable window area and ceiling height are equal to those required for habitable rooms and (iii) the required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or access way.

h. *Safe and sanitary maintenance.* Minimum standards for safe and sanitary maintenance shall be and Every building, dwelling unit, rooming house and rooming unit shall comply at least with the following:

1. *Exterior foundation wall and roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight, watertight, and rodent-proof; shall be capable of affording privacy; adhere to all ventilation requirements in section 4-31 (8)d.; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon. Exterior surfaces not inherently resistant to deterioration shall be treated with a protective coating or covering and maintained in good repair to prevent deterioration.

2. *Insulation.* Every dwelling unit shall have a minimum of R-30 insulation in the attic and the approved types include blown insulation, batt insulation, or other insulation equivalent to a total of R-30 insulation value as approved by the North Carolina Residential Code and the North Carolina Energy Code. A minimum clear opening into each attic space of twenty-two (22) inches by twenty-four (24) inches shall be provided to allow for access, inspection and repair. The chief building inspector or designee can grant a waiver of this requirement in the event that this requirement would necessitate major alterations of the structure, or would produce harmful accumulation of heat or moisture that cannot be removed by ventilation.

3. *Interior floors, walls and ceilings.* Every floor, interior wall and

ceiling shall be substantially weather-tight, watertight and rodent-proof; and 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. Every tub or shower shall have a wall surface constructed and maintained so as to be substantially impervious to water and shall be maintained in a clean and sanitary condition.

4. *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. Doors shall be provided at all doorways leading to bedrooms, toilet rooms, and bathrooms and all rooms adjoining a public space. All doors leading to the exterior must have an apparatus for opening and closing the door on both sides, a locking mechanism, and shall be kept in sound working condition and good repair.

5. *Stairs, porches and appurtenances.* Every inside and outside stair, porch, and any appurtenance there to shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Handrails and guardrails must be installed per the guidelines of the North Carolina Residential Code as adopted by the city.

6. *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

7. *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under this code shall be so constructed and installed that it will function safely and effectively, and shall be maintained in sound working condition.

8. *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage, to prevent the accumulation of stagnant water and to allow positive drainage around the foundation of the dwelling unit, rooming house or rooming unit.

9. *Egress.* Every dwelling shall have a means of egress as required by the North Carolina Residential Code adopted by the city.

i. *Insects, rodents and infestations.* Minimum standards for control of insects, rodent and infestations shall be and every building, dwelling unit, rooming house and rooming unit shall at least comply with the following:

1. *Screens.* For protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor

space not furnished by an air conditioning system shall have screens installed with a self-closing device; and every window or other device with opening to outdoor space, used or intended to be used for ventilation and not furnished with a central air conditioning system, shall likewise be supplied with screens installed so as to not be permanently affixed to the window frame, sash or structural members of the dwelling unit; and maintained in good condition without rips or tears.

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

3. *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises only after one attempt by the owner to exterminate; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subdivision, whenever infestation is caused by failure of the actual owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the actual owner, as apposed to the tenant/occupant. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the share or public parts of any dwelling unit, extermination thereof shall be the responsibility of the owner, and not the tenant.

4. *Rubbish.* Every dwelling unit shall be supplied with the adequate rubbish storage facilities.

5. *Garbage.* Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

j. *Structural condition.* Minimum standards for structural conditions shall be and every building, dwelling unit and rooming unit shall at least comply with the following:

1. Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.

2. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used. Roof coverings shall be maintained in good condition; no more than two (2) roof coverings on any roof (if more than two (2) roof coverings, the roof coverings will not have to be removed until the current

roof covering has deteriorated). All new roofs must be installed in accordance with the North Carolina Residential Code.

3. Foundations, foundation walls, (load bearing or non-load bearing), piers or other foundation supports shall not be deteriorated or damaged.

4. Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that will not fail or collapse, or pose a danger to the occupants or the public. Handrails and guardrails must be installed per the guidelines of the North Carolina Residential Code as adopted by the city.

5. Adequate facilities for egress in case of fire or panic shall be provided as per guidelines of the North Carolina Residential Code as adopted by the city.

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

7. The roof, flashing, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather-tight, watertight, and rodent-proof.

8. There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

9. There shall be no use of the ground for floors, or wood floors on ground.

(9) Rooming house minimum standards. All of the provisions of this section, and all of the minimum standard requirements of this article, 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 house, except as provided in the following subdivisions:

a. *Water closets, hand lavatory and bath facilities.* At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in the cellar.

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

c. *Sanitary facilities.* Every water closet, flush urinal, lavatory, basin and bathtub or shower required by subsection (1) shall be located within the rooming house and within a room or rooms to afford privacy and are separate from the habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

(10) *Responsibility of owner and occupants.*

a. *Safety.* In order to protect the health and safety of occupants of a building the owner shall:

1. Within forty-eight (48) hours after being notified in writing, repair any broken, burst, frozen or inoperable plumbing pipe or fixtures.
2. Within forty-eight (48) hours after being notified in writing, repair any exposed or unsafe wiring.
3. 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.
4. Within forty-eight (48) hours after being notified in writing, repair or replace fuel storage tanks and/or leaking, improperly supported or dangerous.
5. Within forty-eight (48) hours after being notified in writing, repair, replace or install a heating appliance as required by this code in section 4-31 (8)f.1., 2. and 3.
6. Within forty-eight (48) hours after being notified in writing, not place within any structure for use there in any oil or gas fired portable or nonvented cook stove or heater.
7. Within forty-eight (48) hours after being notified in writing, not place on the premises for the use thereon any heating or cooking unit, which constitutes a serious fire hazard.
8. Within forty-eight (48) hours after being notified in writing have all utilities (i.e. electric, water, sewer and gas), either public or private, connected or installed within the dwelling unit.

(a) Upon discovering a violation of subsection a., the chief building inspector shall have the power to order the corrections within forty-eight (48) hours from the date of notice thereof. The order shall be delivered to owner/occupant in person or by certified mail. In the event that the owner/occupant fails to make such corrections, then the code enforcement official shall issue a civil citation of one hundred dollars (\$100.00) per violation and order a hearing pursuant to the procedures of section 4-31 (11) a. and, thereafter may again order the correction of any such violation and order the correction of any such violations within forty-eight (48) hours from the date of service of the order upon the owner/occupant. In the event that the occupant/owner continues to fail to make such corrections, then the chief building inspector may order the building to be vacated within a reasonable time period. The chief building inspector may pursue any other civil or criminal action as he deems reasonable necessary in order to effectuate the purposes of this chapter.

b. *Cleanliness.*

1. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and the premises thereof.

2. Every occupant of a building, dwelling unit, rooming house or rooming unit shall be responsible for the following as applied to that unit which he occupies or controls:

(a) To keep the occupied area and all facilities in a clean and sanitary condition. A clean and sanitary condition shall include but is not limited to the following:

(i) Floors, floor coverings and other walking surfaces shall be kept clean and free of dirt, filth, garbage, fecal matter, litter, refuse and other unsanitary matter;

(ii) Walls, ceilings, windows and doors shall be kept clean and free of dirt, greasy films, soot and any other unsanitary matter;

(iii) Plumbing fixtures shall be kept in a clean, sanitary and operable condition. No materials shall be deposited in any such fixture which may result in the obstruction of such fixture or any lines connected thereto;

(iv) Cook-stove, refrigerator, cabinets and other furnishings shall be kept clean, free of dirt, film, soot and any other unsanitary condition; and

(v) No occupant shall obstruct in any manner any means of egress/ingress to or from any portion of the premises.

c. *Rubbish and garbage.*

1. Except as stated below in subsection 2., every owner of a building, dwelling unit, rooming house and rooming unit shall be responsible for the availability of rubbish and garbage storage facilities.

2. Every occupant of a building, dwelling unit, rooming house and rooming unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facility. Occupants of buildings containing one (1) or two (2) dwelling units shall be responsible for the availability of rubbish and garbage facilities.

d. *Supplied plumbing fixtures.*

1. Every owner of a building, dwelling unit, rooming house and rooming unit shall supply such plumbing and plumbing fixtures as are required by this code.

2. Every occupant of a building, dwelling unit, rooming house and rooming unit shall keep all supplied plumbing and plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

e. *Care of facilities, equipment and structure.* No occupant shall willfully destroy, deface or impair any of the facilities or equipment of any part of the structure of a building, dwelling unit, rooming house or rooming unit which he occupies.

f. *Extermination.* For the responsibilities of occupants concerning extermination, see section 4-31 (8)i.3. of this code.

g. *Care of premises.* It shall be unlawful for the owner or occupant of a building, dwelling unit, rooming house or rooming unit to utilize the premises of such property for the open storage of any abandoned motor vehicle, icebox, refrigerator, stove, glass, building materials, building rubbish or any other similar items. It shall be the duty and responsibility of every such owner and occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to, weeds, dead trees, trash, garbage, etc. It is hereby noted that for the purposes of this subsection an abandoned motor vehicle is one that is in a state of disrepair and incapable of being moved under its own power.

h. *Inspections and examinations.*

1. Every owner of a building, dwelling unit, rooming house or rooming unit shall be requested to afford, the chief building inspector or his designee reasonable access to such property at all reasonable times for the purpose of any inspection, examination or survey being conducted by the chief building inspector or his designee, Inspections conducted pursuant

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to this authority shall be reasonably tailored to support the health, safety and welfare objectives of this Code and to identify compliance deficiencies with the Code's requirements. If any such owner refuses to permit the chief building inspector reasonable access, the chief building inspector shall have the right to enforce the terms of this Ordinance in any lawful manner, including the right to obtain an administrative search warrant pursuant to N.C.G.S. § 15-27.2.b. Such warrants must be obtained in compliance with all statutory requirements, including the making of necessary showings to the issuing officer and other conditions mandated by statute for valid issuance.

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2. Every occupant of a building, dwelling unit, rooming house or rooming unit shall give the owner thereof access to any part of such building, dwelling unit, rooming house or rooming unit at all reasonable times for the purpose of the owner making such repairs or alterations as are necessary to effect compliance with the provisions of this code, or with any lawful order issued pursuant to the provisions of this code. Additionally, every occupant of a building, dwelling unit, rooming house or rooming unit shall be requested to afford the chief building inspector or his designee reasonable access to such building, dwelling unit, rooming house or rooming unit at all reasonable times for the purpose of any such inspection, examination, or survey conducted pursuant to this code. If any such occupant refuses to permit the chief building inspector reasonable access, the chief building inspector shall have the right to enforce the terms of this Ordinance in any lawful manner, including the right to obtain an administrative search warrant pursuant to N.C.G.S. § 15-27.2.b. Such warrants must be obtained in compliance with all statutory requirements, including the making of necessary showings to the issuing officer and other conditions mandated by statute for valid issuance.

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(11) Procedure for enforcement.

a. *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the chief building inspector by a public authority or by at least five (5) residents of the city charging that any building, dwelling unit, rooming house or rooming unit is unfit for human habitation, or whenever it appears to the chief building inspector, upon inspection, that any building, dwelling unit, rooming house or rooming unit (hereinafter collectively called "unsafe building") is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, as defined in section 4-31(6), of such unsafe building a complaint, stating the charges and containing a notice that a hearing will be held before the chief building inspector at a place and time therein fixed, not less than ten (10) nor more than thirty (30) days after serving of said complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. If applicable, notice of such hearing shall also be given to at least one (1) of the persons signing a petition relating to such unsafe building. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the chief building inspector.

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At the hearing, the chief building inspector may determine pursuant to N.C.G.S. § 160A-444 that an unsafe building is unfit for human habitation if he finds that conditions exist in the unsafe building that render it dangerous or injurious to the health or safety of the occupants of the building, the occupants of the neighboring buildings, or other residents of the city. Such conditions may include, but are not limited to, the following: defects therein increasing the hazards of fire, accidents, or other calamities; failure in any way to conform to the minimum standards set forth in the code; or especially dangerous to life because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or hearing system, or inadequate means of egress.

b. *Procedure after hearing.* After such notice and hearing, the chief building inspector shall state in writing his determination whether such unsafe building is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.

1. If the chief building inspector determines that the unsafe building is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve such unsafe building to comply with the minimum standards of fitness established by this code within a specified period of time, not to exceed ninety (90) days. Such order may also direct and require the owner to vacate and close such unsafe building until such repairs, alterations and improvements have been made. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subsection 11(c) of this section. Upon application by the owner within the specified period of time, the chief building inspector may grant an extension of up to ninety (90) days if the dwelling is occupied by the owner, for substantial progress made.

2. If the chief building inspector determines that the unsafe building is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to vacate, close and remove or demolish the same within a specified period of time not to exceed ninety (90) days, unless the owner elects to proceed under the provision set forth below, or unless application for an extension of up to ninety (90) days is applied for by the owner within the time provided for compliance and granted by the chief building inspector for substantial progress made.

3. Within ten (10) days from the date of the order determining that the building is dilapidated, the owner may notify the chief building inspector in

writing of his intent to make such repairs or alterations to said dwelling so as to comply with the minimum standard of fitness. Upon receipt of an owner's written intent to repair said dwelling, within said time provided herein, the chief building inspector shall issue a supplemental order directing the owner to commence and complete the repairs and alterations necessary to comply with the minimum standard of fitness. The chief building inspector shall allow a reasonable period of time for the owner to make such repairs or alterations, but in no event shall the period be less than thirty (30) days or more than ninety (90) days, unless an extension is granted by the chief building inspector for substantial progress made. Upon application by the owner within the specified period of time, the chief building inspector may grant an extension of up to ninety (90) days if the dwelling is occupied by its owner, for substantial progress made.

4. Extension and appeal. In order to be considered for any extension of time for compliance with an order issued pursuant to this article, the owner must have made a good-faith effort to comply with the order and all dangerous conditions must have been repaired. The chief building inspector shall have sole authority to grant extensions. The city council shall not have to hear or act upon extension requests.

5. If the owner fails to give notice of either his intent to repair as herein provided or notice of an appeal of the decision of the chief building inspector to the city clerk or the city manager within the time specified for such an appeal, the chief building inspector shall proceed in accordance with the provisions of subsection c.1. or c.2. of this section.

c. Failure to comply with order.

1. In personam remedy. If the owner of any deteriorated unsafe building shall fail to comply with an order of the chief building inspector to repair, alter or improve the same within the time specified therein, or the owner of a dilapidated unsafe building shall fail to comply with an order of the chief building inspector to vacate, close, and remove or demolish the same within the time specified therein, the chief building inspector may submit to the council at its next regular meeting a resolution directing the city attorney to institute in the general court of justice an appropriate action to seek an order of the court directing such owner to comply with the order of the chief building inspector as authorized by N.C.G.S § 160A-446(g);

2. In rem remedy. If the owner of any deteriorated unsafe building shall fail to comply with an order of the chief building inspector within the time fixed in the order to repair, alter or improve the same within the time specified therein; or if the owner of a dilapidated unsafe building shall fail to comply with an order of the chief building inspector to vacate, close and remove or demolish the same within the time specified therein; or if judicial relief has not been sought or has not been granted as provided in the proceeding section c.1.; then in any of these events and pursuant to N.C.G.S. § 160A-443(4) and (5) the chief building inspector shall request

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the council order him by ordinance specifically describing the subject property to do one of the following:

(a) To cause such unsafe building to be repaired, altered and improved to comply with the minimum standards of fitness established by this code, or

(b) To cause such unsafe building to be vacated, closed, and removed or demolished.

The council, in ordering one of the foresaid alternatives, shall order the specific action that will best effectuate the purpose of the code. Once the ordinance is adopted by the council a true copy of such ordinance shall be recorded in the office of the register of Deeds of Harnett Co. and the Register shall index the name of the property in the "grantor index" as provided by N.C.G.S. § 160A-443(5). Once such ordinance is adopted by the council the chief building inspector shall forthwith cause such repair, alterations and improvement or closing, vacating and removal or demolition to be carried out by any public authority or private concern. Pursuant to N.C.G.S. § 160A-443(6) the amount of all costs, repairs, alterations and improvements, or vacating, closing and removal or demolition shall be a lien upon the real property in which it was incurred. Such lien shall be filed, and have the same priority and be collected as the lien for special assessment provided in Article 10 Chapter 160A of the North Carolina General Statutes.

3. If any occupant fails to comply with an order to vacate a dwelling, the chief building inspector may file a civil action in the name of the city to remove such occupant(s). Such action shall be filed and conducted in accordance with the provisions of N.C.G.S. § 160A-443(7).

4. None of the provisions of this code shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise; or to enforce this code by criminal process pursuant to N.C.G.S. § 14-4; and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in any ordinance of the city, or any statute of the state.

5. Placarding. After there has been a failure of the owner to comply with an order of the chief building inspector to repair, alter and improve, or to vacate, close and remove or demolish the unsafe building, then the chief building inspector shall cause to be posted on the main entrance of any such unsafe building a placard with the following words: this building is unfit for human habitation; the use or occupation of this building for habitation is prohibited and unlawful." Occupation or use of a building so posted is a violation of this code and shall constitute a misdemeanor pursuant to N.C.G.S. § 14-4.

d. Appeals from the order of chief building inspector. An appeal from any decision or order of the chief building inspector may be taken by any person aggrieved thereby. Any appeal from the chief

building inspector shall be taken within ten (10) days from the rendering of the decision, or if the owner or his attorney was not present when the decision was rendered, then within ten (10) days of service of such order. Such an appeal shall be taken by filing with the chief building inspector and the city council. The notice of appeal shall specify the ground in which the appeal is based. Upon filing of any notice of appeal, the chief building inspector shall forthwith transmit to the council all the papers constituting the record upon which the decision appealed from was made. When an appeal is from the decision of the chief building inspector refusing to allow the persons aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the chief building inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the city council, unless the chief building inspector certifies to the board after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (copy of which shall be furnished to the appellant), a suspension of his requirement shall not be suspended except by a restraining order, which may be granted for due cause upon not less than one day written notice to the chief building inspector by the city council, or by a court of record upon petition made pursuant to N.C.G.S. § 160A-446(f) and subsection e. of this section.

The city council shall affix a reasonable time for the hearing of all appeals, shall give due notice to all parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The city council may reverse or affirm wholly or partly, or may modify the decision or order appealed from, and make such decision and order as in its opinion ought to be made in the matter and to the end it shall have all powers of the chief building inspector, but the concurring vote of two-thirds (2/3) of the members of the city council shall be necessary to reverse or modify any decision or order of the chief building inspector. The city council shall have all powers also in passing upon appeals, in any case where there are practical differences or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adopt 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.

e. *Petition to superior court by owner.* Any person aggrieved by an order issued by the chief building inspector or a decision rendered by the city council shall have the right, within thirty (30) days after the issuance of the order of a decision, to petition the superior court for a temporary injunction, restraining the chief building inspector pending a final disposition of the cause, as provided by N.C.G.S. § 160A-446(f).

(12) *Methods of service of complaints and orders.* Complaints and all orders issued by the chief building inspector 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 chief building inspector in the exercise of reasonable diligence, the chief building inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same pursuant to N.C.G.S. 1A-1, Rule 4(j1). Where service is made by publication, a copy of the complaint or order; in the case of the complaint, it must be posted at least ten (10) days prior to the hearing. When service of a complaint or order is accomplished personally or by registered or certified mail, such service is hereby deemed to be completed on the date of delivery to or receipt by the person served. When service of a complaint or order is accomplished by publication as aforesaid, such service is hereby deemed to be complete thirty (30) days after the first day of publication.

(13) *Conflict with other provisions.* In the event any provisions, standard, or requirement of this code is found to be in conflict with any provisions of any other ordinance or code of the city, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health, safety of the residents of the city shall prevail.

(14) *Violations; penalty.*

a. It shall be unlawful for the owner of any unsafe building to fail, neglect, or refuse to repair, alter, and improve the same; or to fail to vacate, close, and remove or demolish the same, upon order of the chief building inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any unsafe building with respect to which an order has been issued pursuant to section 16-132 of the code, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration and improvement or its vacation, closing and removal or demolition, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

b. Any owner of dwelling who fails to comply with any order described in subsection a., or who allows occupancy of the building subject to such order after the compliance period in the order has expired, shall be subject to a civil penalty of two-hundred fifty dollars (\$250.00) for each day that noncompliance continues following the expiration of the compliance period specified in the order of compliance. If a person fails to pay the civil penalty within ten (10) days of receipt of the citation, the city may seek to collect it in a civil action in the nature of a debt.

c. Each day that a violation continues after notification that such

violations exists shall constitute a separate and distinct offense for purposes of the penalties and remedies set forth in this section.

d. This article may be enforced by any appropriate equitable action.

e. This article may be enforced by anyone, all, or any combination of the remedies set forth in this section.

(15) *Severability.* If any provision of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end the provisions of this code are hereby declared to be severable.(16) *Abandoned structures.*

a. Any abandoned structure that is a health or safety hazard as a result of the attraction of insects, rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters the absence of sanitary facilities, shall be repaired, closed, or demolished. It shall be unlawful for the owner of an abandoned structure to allow the same to become or to remain a health or safety hazard as defined in this subsection.

b. The chief building inspector shall have the authority to attempt to accomplish the repair, closing, or demolition of unsafe abandoned structures through the procedure set out in section 4-31 (11), except that if the estimated cost to repair the structure is fifty (50) percent or more of its value, the structure shall be considered dilapidated, and the code enforcement official shall order that it be demolished and removed. Upon the failure of the owner of an unsafe abandoned structure to comply with an order of the code enforcement official to repair, close or demolish such structure, the code enforcement official shall present the matter to city council. If the city council finds that the abandoned structure is unsafe pursuant to subsection a. of this section, it may adopt an ordinance ordering the code enforcement official to cause such abandoned structure to be repaired, closed or demolished, each such ordinance shall be recorded as provided in section 4-31 (11)c.2., and the cost of any repair, closing or demolition cause to be made by the code enforcement official shall be a lien on the premises as provided in section 4-31 (11).

c. For the purposes of subsection a. and b., "abandoned structure" shall mean any structure that has not been occupied or used, by its owner or by some person acting under the authority of its owner, for a continuous period of sixty (60) days or longer.

d. If the city council shall have adopted an ordinance, or the code enforcement official shall have issued an order, ordering a

dwelling to be repaired or vacated and closed, and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of six (6) months pursuant to the ordinance or order, then if the governing body shall find that the owner has abandoned the intent and purpose to repair, alter, or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state, then in such circumstances, the city council may, after the expiration of such six-month period, enact an ordinance and serve such ordinance on the owner, setting for the following:

1. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding fifty (50) percent of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within thirty (30) days; or
2. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding fifty (50) percent of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within thirty (30) days.

(Code 1974, § 4-6; Ord. No. 02002-01, 1-10-02; Ord. No. 02003-04, 5-6-03)

Sec. 4-32. Building code.

The current, and subsequent editions as from time to time amended, of the North Carolina State Building Code, volume I, General Construction, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth in this chapter as the building code of the city, to the extent the code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.
(Code 1974, § 4-7; Ord. No. 02002-01, 1-10-02)

Sec. 4-33. Residential building code.

The current, and subsequent editions as from time to time amended, of the North Carolina Uniform Residential Building Code, as adopted by the North Carolina Building Inspectors Association and as published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth in this chapter as the residential building code for one-and two-family residential buildings in the city.

(Code 1974, § 4-8; Ord. No. 02002-01, 1-10-02)

Sec. 4-34. Electrical code.

The current, and subsequent editions as from time to time amended, of the North Carolina Electrical Code, adopting by reference the 1971 edition of the National Electrical Code, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth in this chapter as the electrical code for the city.

(Code 1974, § 4-9; Ord. No. 02002-01, 1-10-02)

Sec. 4-35. Plumbing code.

The current, and subsequent editions as from time to time amended, of the North Carolina Plumbing Code, North Carolina State Building Code, volume II, Plumbing, as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference as though set forth in this chapter as the plumbing code for the city.

(Code 1974, § 4-10; Ord. No. 02002-01, 1-10-02)

Sec. 4-36. Heating, air conditioning, refrigeration and ventilation code.

The current, and subsequent editions as from time to time amended, of the North Carolina Heating, Air Conditioning, Refrigeration, and Ventilation Code, as adopted and published by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth in this article in its entirety.

(Code 1974, §4-11; Ord. No. 02002-01, 1-10-02)

Sec. 4-37. Gas code.

The current, and subsequent editions as from time to time amended, of the Standards for the Installation of Gas Appliances and Gas Piping, as recommended by the National Fire Protection Association, is hereby adopted by reference as fully as though set forth in this chapter as the gas code for the city.

(Code 1974, § 4-12; Ord. No. 02002-01, 1-10-02)

Sec. 4-38. Compliance required.

(a) All buildings or structures which are constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards and other provisions of either the North Carolina State Building Code, General Construction, volume I, or the North Carolina Uniform Residential Building Code, whichever is applicable, or of both if both are applicable.

(b) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the North Carolina Plumbing Code.

(c) All mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment, and appurtenances shall be installed, erected, altered, repaired, used, and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Heating, Air Conditioning, Refrigeration and Ventilation Code.

(d) All electrical wiring, installations, and appurtenances shall be erected, altered, repaired, used, and maintained in accordance with the minimum standards,

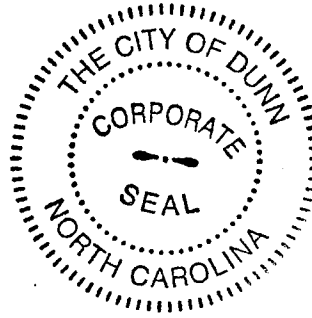
requirements, and other provisions of the North Carolina Electrical Code.

(Code 1974, § 4-13)


EFFECTIVE DATE. The provisions of this ordinance shall become effective upon adoption by the Dunn City Council, in accordance with the laws of the State of North Carolina.

Adopted this, the 10th day of November 2009.


Oscar N. Harris, Mayor



Attest:


Debra G. West, CMC, City Clerk