

## **CHAPTER 5. BUILDINGS AND BUILDING REGULATIONS\***

### **ARTICLE I. GENERAL PROVISIONS**

#### **Sec. 5-101. Building code adopted.**

The current edition of the North Carolina State Building Code, as adopted and periodically amended by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth in this section as the building code of the town and its extraterritorial jurisdiction.

(Code 1976, § 8.2)

#### **Sec. 5-102. Compliance with codes.**

All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, maintained, used, occupied, removed, demolished or moved shall conform to the requirements, minimum standards and other provisions of the North Carolina State Building Code.

(Code 1976, § 8.8)

#### **Sec. 5-103. Copies of codes filled with the county building inspector.**

An official copy of the North Carolina State Building Code, and all amendments thereto, shall be kept on file in the office of the county building inspector. Should the town elect to conduct building inspections instead of contracting with the county for such services, then a copy of the North Carolina State Building Code shall be kept on file on the office of the town building inspector instead. Such copy shall be the official copy of the North Carolina State Building Code.

(Code 1976, § 8.9)

#### **Sec. 5-104. Inspection services.**

(a) The town may contract with the county for building inspection services and enforcement of the town's building code.

(b) If the town contracts with the county as provided in subsection (a), then for the purposes of this chapter the county building inspection department shall be deemed the building inspection department of the town.

**Cross reference**-Permit fees, § 5-209.

#### **Secs. 5-105 - 5-199. Reserved.**

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\* **Cross references**-Adoption of technical codes, § 2-211; fire protection and prevention, Ch. 10; fire limits, § 10-401; debris from new construction, § 11-110; fair housing, § 13-201 et seq.; construction except between the hours of 7:00 a.m. and 6:00 p.m. on weekdays prohibited, § 14-202; planning, zoning and subdivision control, Ch. 17; house moving, § 19-206; construction near sidewalk, § 19-304; utilities, Ch. 21.

**State law reference**-North Carolina State Building Code, G.S. § 143-138, 160A-411 through 160A-439.

## ARTICLE II. BUILDING PERMITS AND INSPECTIONS\*

### Sec. 5-201. Required.

(a) *Building permit.* No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal or demolition of any building or other structure, or any part thereof, without first securing from the building inspector any and all permits required by the North Carolina State Building Code and any other State or local laws applicable to the work.

(b) *Exceptions.*

(1) No building permit shall be required under the North Carolina State Building Code for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm building unless the work involves: the addition, repair, or replacement of load bearing structures; the addition (excluding replacement of same capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, fixtures (excluding repair or replacement of electrical lighting devices and fixtures of the same type), appliances (excluding replacement of water heaters, provided that the energy use rate or thermal input is not greater than that of the water heater which is being replaced, and there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping), or equipment, the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade or fire resistance) of roofing. The exclusions from building permit requirements set forth in this paragraph for electrical lighting devices and fixtures and water heaters shall apply only to work performed on a one- or two-family dwelling. In addition, exclusions for electrical lighting devices and fixtures and electric water heaters shall apply only to work performed by a person licensed under G.S. § 87-43 and exclusions for water heaters, generally, to work performed by a person licensed under G.S. § 87-21.

(2) In any one- or two-family dwelling unit, a permit shall not be required for the connection of a water heater that is being replaced, provided that the work is performed by a person licensed under G.S. § 87-21, who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and provided the energy use rate or thermal input is not greater than that of the water heater which is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the North Carolina State Building Code.

(3) In any one- or two-family dwelling unit, a permit shall not be required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced, provided that all of the following requirements are met:

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\* **Cross reference-**Planning, zoning and subdivision control, Ch. 17.  
**State Law reference-** Permits, G.S. § 160A-417.

- a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original;
- b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage;
- c. The work is performed by a person licensed under G.S. § 87-83; and
- d. The repair or replacement installation meets the current edition of the North Carolina State Building Code, including the State Electrical Code.

(4) A permit shall not be required for any other work or project exempted from permitting requirements by the North Carolina State Building Code.

(c) *Demolition bond.* In all cases of removal or demolition of a building or structure a good and sufficient bond in the sum of one thousand dollars (\$1,000.00) shall be posted by the property owner or by his contractor at the time of application for a permit, to ensure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his contractor to completely demolish, remove and clear the premises, after thirty (30) days' notice by the building inspector, shall be cause for forfeiture of such bond.  
(Code 1976, § 8.19)

**Cross references-**Inspection services, § 5-104; water system, § 21-201 et seq.; sewer system, § 21-301 et seq.; electric power system, § 21-401 et seq.

**Sec. 5-202. Application.**

(a) Application for a building permit shall be made to the county building inspections department.

(b) Any individual or business seeking a building permit shall secure all necessary zoning and subdivision approvals from the town before applying for a building permit. Any individual or business seeking a building permit shall demonstrate compliance with section 21-315, "Grease traps/interceptors," before or at the time application is made for a building permit.

**Cross reference-** zoning and subdivision regulations, chapter 17.

(c) The building inspector shall not accept any application for a building permit until he or she is satisfied that all zoning and subdivision requirements have been met and that building or structure for a building permit is sought complies with section 21-315.

(d) Written application shall be made for all permits required by this article, and shall be made on forms provided by the inspection department. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative, and, in addition to such other information as may be required by the appropriate inspector to enable him to determine whether the permit applied for should be issued, shall show the following:

(1) Name, residence and business address of owner;

(2) Name, residence and business of authorized representative or agent, if any;

(3) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which such application is made.

(Code 1976, § 8.20)

**Sec. 5-203. Plans and specifications.**

Nothing in this article shall require the town to review and approve residential building plans submitted to the town pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the town may review and approve such residential building plans as it deems necessary. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes, the North Carolina State Building Code or any ordinance requires that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes, the North Carolina State Building Code or any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor. (Code 1976, § 8.21)

**State law reference**-Certain buildings involving public funds to be designed by architect or engineer, G.S. § 133-1.1.

**Sec. 5-204. Limitations on issuance of permits.**

(a) No building permit shall be issued for any building or structure the estimated total cost of which is more than thirty thousand dollars (\$30,000.00) unless the work is to be performed by a licensed general contractor.

(b) Where detailed plans and specifications are required under this article, no building permit shall be issued unless such plans and specifications have been provided.

(c) Pursuant to G.S. 83A-13, nothing in this article shall be construed to require plans sealed by an architect where the building or structure to be permitted meets one of the following exceptions:

(1) A family residence, up to eight units attached with grade level exit, which is not a part of or physically connected with any other buildings or residential units;

(2) A building upon any farm for the use of any farmer, unless the building is of such nature and intended for such use as to substantially involve the health or safety of the public;

(3) An institutional or commercial building if it does not have a total value exceeding ninety thousand dollars (\$90,000.00);

(4) An institutional or commercial building if the total building area does not exceed 2,500 square feet in gross floor area;

(5) Alteration, remodeling, or renovation of an existing building that is exempt under this subsection, or alteration, remodeling, or renovation of an existing building or building site that does not alter or affect the structural system of the building; change the building's access or exit pattern; or change the live or dead load on the building's structural system; or

(6) The preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions utilized to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements or exemptions of this G.S. Chpt. 83A.

(Code 1976, § 8.22)

**Sec. 5-205. Issuance of permit.**

When proper application for a permit has been made and the building inspector is satisfied that the application and the proposed work comply with the provisions of this article and the North Carolina State Building Code, he/she shall issue such permit upon payment of the proper fee or fees as provided in section 5-209.

(Code 1976, § 8.23)

**Sec. 5-206. Stop work orders and revocation of permits.**

(a) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner; in substantial violation of any State or local building law, including the zoning provisions of this code; or in a manner that endangers life or property, the building inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. Stop work orders may be appealed to the North Carolina Commissioner of Insurance or the town board of adjustment, as appropriate, in accordance with G.S. 160A-421.

(b) The building inspector may revoke and require the return of any permit by notifying the permit holder in writing, stating the reason for such revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with proper orders of the inspector; for refusal or failure to comply with requirements of this article or the North Carolina State Building Code; or for false statements or misrepresentations made in securing such permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(Code 1976, § 8.24)

**State law reference**-Similar provisions, G.S. § 160A-422.

**Sec. 5-207. Time limitations on validity of permits.**

All permits issued under this article shall expire by limitation six (6) months after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit has been secured.

(Code 1976, § 8.25)

**State law reference**-Similar provisions, G.S. § 160A-418.

**Sec. 5-208. Changes in work.**

After a permit has been issued, no changes or deviations from the terms of the application, plans or specifications, or the permit, except where changes or deviations are clearly permissible under the North Carolina State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the inspection department.

(Code 1976, § 8.26)

**State law reference**-Similar provisions, G.S. § 160A-419.

**Sec. 5-209. Permit fees.**

Fees for permits shall be based upon the current Catawba County fee schedule at the time the application is received. The current schedule of fees is located in the office of the county building inspector.

(Code 1976, § 8.27)

**Sec. 5-210. Enforcement.**

(a) Every building that shall appear to the inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

**State law reference**- enforcement, G.S. 160A-426.

(b) If the owner of a building or structure that has been condemned as unsafe pursuant to subsection 5-210(a) and G.S. 160A-426 shall fail to take prompt corrective action, the inspector shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service,

(1) That the building or structure is in a condition that appears to meet one or more of the following conditions:

- (i) Constitutes a fire or safety hazard,
- (ii) Is dangerous to life, health, or other property;
- (iii) Is likely to cause or contribute to blight, disease, vagrancy, or danger to children; or
- (iv) Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

(2) That a hearing will be held before the inspector at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) That following the hearing, the inspector may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least (ten) 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the city at least once not later than one week prior to the hearing.

**State law reference-** enforcement, G.S. 160A-428.

(c) If, upon a hearing held pursuant to the notice prescribed in section 5-210(b) and G.S. § 160A-428, the inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he or she shall make an order in writing, directed to the owner of such building or structure, requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps, within such period, not less than sixty (60) days, as the inspector may prescribe; provided, that where the inspector finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

**State law reference-** enforcement, G.S. 160A-429.

(d) Whenever any violation is denominated a misdemeanor under the provisions of G.S. 160A-427 and 160A-431, the town, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

**Cross reference-**misdemeanors, section 5-210(f) and (g).  
**State law reference-enforcement, G.S. 160A-432(a).**

(e) Removal and Demolition.

- (1) In the case of a building or structure declared unsafe under section 5-210(a) and G.S. § 160A-426 or an ordinance adopted pursuant to 5-210(a) and G.S. § 160A-426, the town may, in lieu of taking action under subsection 5-210(d), cause the building or structure to be removed or demolished.
- (2) Lien. The amounts incurred by the town in connection with the removal or demolition shall be a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as liens for special assessments provided in G.S. Chpt. 160A, Art. 10.
- (3) If the building or structure is removed or demolished by the town, the town shall sell the usable materials of the building and any personal property, fixtures, or appurtenances found in or attached to the building. The town shall credit the proceeds of the sale against the cost of the removal or demolition. Any balance remaining from the sale shall be deposited with the clerk of superior court of the county where the property is located and shall be disbursed by the court to the person found to be entitled thereto by final order or decree of the court.
- (4) Additional Lien. The amounts incurred by the town in connection with the removal or demolition shall also be a lien against any other real property owned by the owner of the building or structure and located within the town limits or within one (1) mile of the town limits, except for the owner's primary residence. The provisions of subsection 5-210(e)(2) and (3) apply to this additional lien, except that this additional lien is inferior to all prior liens and shall be collected as a money judgment.

**State law reference-enforcement, G.S. 160A-432(b) and (b1).**

(f) If the owner of a building or structure fails to comply with an order issued pursuant to section 5-210(c) and G.S. § 160A-429 from which no appeal has been taken, or fails to comply with an order of the town council following an appeal, he or she shall be guilty of a Class 1 misdemeanor in accordance with G.S. 160A-431.

**Cross reference-appeals, Section 5-211; equitable actions, section 5-210(d).**  
**State law reference-enforcement, G.S. § 160A-431.**

(g) If any person shall remove any notice that has been affixed to any building or structure by the inspector that states the dangerous character of the building or structure, he or she shall be guilty of a Class 1 misdemeanor.

**Cross reference-equitable actions, section 5-210(d).**  
**State law reference-enforcement, G.S. § 160A-427.**

### **Sec. 5-211. Appeals.**

(a) Any owner who has received an order under section 5-210(c) and G.S. § 160A-429 may appeal from the order to the town council by giving notice of appeal in writing to the inspector and to the Town of Maiden clerk within ten (10) days following issuance of the order. In the



absence of an appeal, the order of the inspector shall be final. The town council shall hear and render a decision in an appeal within a reasonable time. The town council may affirm, modify and affirm, or revoke the order.

**State law reference-** appeals, G.S. § 160A-430.

(b) Unless otherwise provided by law, appeals from any order, decision, or determination by a member of the inspection department pertaining to the North Carolina State Building Code or other State building laws shall be taken to the Commissioner of Insurance or his or her designee or other official specified in G.S. § 143-139, by filing a written notice with him or her and with the inspection department within a period of ten (10) days after the order, decision, or determination. The inspector shall forward a copy of any such appeals to the town clerk. Further appeals may be taken to the North Carolina State Building Code Council or to the courts as provided by law.

**State law reference-** appeals in general, G.S. § 160A-434.

**Secs. 5-212 - 5-299. Reserved.**

**ARTICLE III. ENERGY CONSERVATION STANDARDS\***

**[Repealed.]**

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\* **State law reference**-Building code insulation and energy utilization standards, G.S. § 143-151.26 et seq.  
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**ARTICLE IV. MINIMUM HOUSING STANDARDS\***

**Sec. 5-401. Finding; purpose.**

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

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

(Code 1976, § 8.61; Ord. No. 22-80, 10-27-80)

**Sec. 5-402. Definitions.**

(a) For the purpose of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Basement* shall mean a portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

*Cellar* shall mean a portion of a dwelling which is located partly or wholly underground and having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

*Deteriorated* shall mean a dwelling which is unfit for human habitation and can be required, 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 value, as determined by finding of the building inspector.

*Dilapidated* shall mean a dwelling which is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article except at a cost in excess of fifty (50) percent of its value, as determined by finding of the building inspector.

*Dwelling* shall mean any building, structure, manufactured home or mobile home or part thereof, used and occupied for human habitation or intended to be so used and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as defined in this section, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as defined in this section.

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\* State law reference-Minimum housing standards, G.S. § 160A-441 et seq.

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

*Extermination* shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the inspector.

*Garbage* shall mean the organic waste resulting from the handling, preparation, cooking and consumption of food.

*Habitable room* shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets and storage spaces.

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

*Inspector* shall mean the town manager, or any authorized agent of the town manager.

*Multiple dwelling* shall mean any dwelling containing more than two (2) dwelling units.

*Occupant* shall mean any person over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

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

*Owner* shall mean any person who alone, jointly or severally with others shall:

- (1) Have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof;
- (2) Be a mortgagee or record for any dwelling, dwelling unit or rooming unit;
- (3) Have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual Owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

*Party or parties in interest* shall mean all persons who have interest of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

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

*Public authority* shall mean the town housing authority or any officer who is in charge of any department or branch of the government of the town, of the county or the state relating to health, fire, building regulations or other activities concerning dwellings in the town.

*Rooming house* shall mean 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, wife, son, daughter, mother, father, sister or brother of the owner or operator.

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

*Rubbish* shall mean non-organic waste materials. The term shall include, but is not limited to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust.

*Supplied* shall mean paid for, furnished or provided by or under the control of, the owner or operator.

*Temporary housing* shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than thirty (30) consecutive days.

*Unfit for human habitation* shall mean that conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one (1) or more of the minimum standards of fitness or one (1) or more of the requirements established by this article.

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

(Code 1976, § 8.62; Ord. No. 22-80, 10-27-80)

**Cross references**-Definitions and rules of construction generally, § 1-102; town manager, § 2-403.

**Sec. 5-403. Minimum standards of fitness for dwellings and dwelling units.**

(a) Every dwelling and dwelling unit used as a human habitation or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 5-404 through 5-409.

(b) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 5-404 through 5-409.

(Code 1976, § 8.63; Ord. No. 22-80, 10-27-80)

**Sec. 5-404. Minimum standards for structural condition.**

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

- (1) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not:
  - a. List, lean or buckle;
  - b. Be rotted, deteriorated or damaged; or
  - c. 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.
- (3) Foundations, foundation walls, 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 they will not fail or collapse.
- (5) Adequate facilities for egress in case of fire or panic shall be provided.
- (6) Interior walls and ceilings of all rooms, closets and hallways shall be:
  - a. Finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness; and
  - b. Maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (7) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather-tight and watertight.
- (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 the ground.  
(Code 1976, § 8.64; Ord. No. 22-80, 10-27-80)

**Sec. 5-405. Minimum standards for basic plumbing, heating and electrical equipment and facilities.**

(a) *Plumbing system.* Every dwelling or dwelling unit shall have plumbing facilities which comply with the following.

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

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

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

(b) *Heating system.* Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:

(1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three (3) feet above the floor during ordinary winter conditions.

(2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected, to heat all habitable rooms with a minimum temperature of seventy (70) degrees Fahrenheit measured three (3) feet above the floor during ordinary winter conditions.

(c) *Electrical system.* Every dwelling or dwelling unit shall have an electrical system which complies with the following.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles, connected in such manner as determined by the state electrical code. 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) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable or being used, and installed in accordance with the state electrical code.

(Code 1976, § 8.65; Ord. No. 22-80, 10-27-80)

**Cross reference-**Utilities, Ch. 21.

**Sec. 5-406. Minimum standards for ventilation.**

(a) *General.* Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten (10) percent of the floor area of the room. Whenever walls or other portions of structures face a window or any room and the 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 the room, the total window area of the skylight shall equal at least fifteen (15) percent of the total floor area of the room.

(b) *Habitable rooms.* Every habitable room shall have at least one (1) window or skylight which can easily be opened, or some other device that will adequately ventilate the room. The total opened 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.

(c) *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.

(Code 1976, § 8.66; Ord. No. 22-80, 10-27-80)

**Sec. 5-407. Minimum standards for space, use and location.**

(a) *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the North Carolina State Building Code.

(1) Every dwelling unit shall contain at least one hundred and fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) 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.

(b) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet and six (6) inches.

(c) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten (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 ½) feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(d) *Cellar.* No cellar shall be used for living purposes.

(e) *Basements.* No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

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

(3) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well or access-way.

(Code 197.6, §S.67; Ord. No. 22-80, 10-27-80)

**Sec. 5-408. Minimum standards for safe and sanitary maintenance.**

(a) *Exterior foundation walls and roofs.* Every foundation wall, exterior wall and exterior roof shall be:

(1) Substantially weather-tight and rodent-proof;

(2) Maintained in sound condition and good repair;

(3) Capable of affording privacy; and

(4) Safe to use and capable of supporting the load which normal use would cause to be placed thereon.

Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(b) *Interior floors, walls, and ceilings.* Every floor, interior wall and ceiling shall be:

(1) Substantially rodent-proof;

(2) Maintained in sound condition and good repair; and

(3) Safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(c) *Windows and doors.* Every window, exterior door, 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.

(d) *Stairs, porches, and appurtenances.* Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.

(e) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit the floor to be easily kept in a clean and sanitary condition.

(f) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under this article shall be so construed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(g) *Drainage.* Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(h) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(i) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the North Carolina State Building Code.

(j) Lead-based paint.

(1) All interior surfaces must be either free of cracking, scaling, peeling, chipping and loose paint or be adequately treated or covered (as discussed in subsection (j)(3) below) to prevent the exposure of the occupants to lead-based paint hazards ..

(2) All exterior surfaces (such as stairs, decks, porches,. railings, windows and doors) which are accessible to children under seven (7) years of age must be free of cracking, scaling, peeling, chipping and loose paint or be adequately treated or covered (as discussed in subsection (j)(3) below) to prevent the exposure of children to lead-based paint hazards.

(3) All surfaces to be treated must be thoroughly washed, sanded and scraped or wire brushed so as to remove all hazards before repainting with at least two (2) coats of suitable nonlead paint. All surfaces to be covered must have had the paint removed or covered with materials such as gypsum wallboard, plywood, drywall, plaster or some

other suitable material. Simply painting over surfaces requiring treatment or covering as an abatement method is not an acceptable means of compliance.

(Code 1976, § 8.68; Ord. No. 22-80, 10-27-80)

**Sec. 5-409. Minimum standards for control of insects, rodents and infestations.**

(a) *Screens.*

(1) In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.

(2) Dwelling buildings containing central heating, furnaces and air-conditioning equipment for mechanically ventilating the building year round are not required to have screens on doors or window openings. However, window-type air-conditioning units are not included in this exception.

(b) *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 equipped with screens or some other approval device that will effectively prevent their entrance.

(c) *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 on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

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

(e) *Garbage storage and disposal.* Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit or an approved outside garbage can as required by this Code or other town ordinances.

(Code 1976, § 8.69; Ord. No. 22-80, 10-27 -80)

**Sec. 5-410. Minimum standards applicable to rooming houses; exceptions.**

All of the provisions of this article, and all of the minimum standards and 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 a rooming unit in any rooming house, except as provided in the following subsections:

(1) *Water closet 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 these facilities are shared. All such facilities shall be located within the residence building served, shall be directly accessible from a common hall or passageway, and shall be not more than one (1) story removed from any of the persons sharing the facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. The required facilities shall not be located in a cellar.

(2) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) 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) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house. He/she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

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

(Code 1976, § 8.70; Ord. No. 22-80, 10-27-80)

**Sec. 5-411. Responsibilities of owners and occupants.**

(a) *Public areas.* Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

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

(c) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his/her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage

facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

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

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

(Code 1976, § 8.71; Ord. No. 22-80,10-27-80)

**State law reference**-Respective responsibilities of landlords and tenants under rental agreements for dwelling units, G.S. Ch. 42, Art. 5.

**Sec. 5-412. Powers and duties of inspector.**

The inspector, as defined in section 5-402, is hereby designated as the officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed. The inspector shall have the following powers and duties:

- (1) To investigate the dwelling conditions and to inspect, at reasonable times, dwellings and dwelling units located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation and for the purpose of carrying out the objectives of this article with respect to the repair, closing or demolition of such dwellings and dwelling units;
- (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;
- (3) To keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;
- (4) To administer oaths and affirmations, examine witnesses, and receive evidence;
- (5) To enter upon premises for the purpose of making examinations and inspections. However, these entries shall be made in accordance with section 5-413 and state law and shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (6) To appoint and fix the duties of such officers, agents and employees as he deems necessary to assist in carrying out the purposes of this article, and to delegate any of his functions and powers to such officers, agents and employees; and
- (7) To perform such other duties as may be prescribed herein or by the town council;

(Code 1976, § 8.72; Ord. No. 22-80, 10-27-80)

**Sec. 5-413. Inspections; duties of owners and occupants.**

(a) The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit, or the person in charge thereof, shall give the inspector free access to the dwelling, dwelling unit, rooming house or rooming unit and its premises at all reasonable times for the purposes of an inspection conducted pursuant to this article.

(b) Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, or his agent or employee, access to any part of the dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued by a court or pursuant to the provisions of this article.  
(Code 1976, § 8.73)

**Note-**When permission to inspect a dwelling or its premises is denied, the inspector must obtain a warrant to inspect. G.S. section 15-27.2 provides for the issuance of warrants for the conduct of inspections authorized by law. The N.C. Court of Appeals, in *In Re Dwelling*, 24 N.C. App. 17 (1974), has held that the consent of the tenant-occupant who was in actual possession and control of the premises was sufficient to authorize an inspection without a warrant, notwithstanding the fact that the owner had objected to the warrantless search. When faced with a situation where permission to inspect is denied, building inspectors are advised to seek the advice of the city or town attorney.

**Sec. 5-414. Procedure for enforcement.**

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

(b) *Procedure after hearing.* After notice and hearing, the inspector shall state in writing his determination of whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) *Issuance of the Order.*

a. *Issuing the order.* If the inspector determines that the dwelling or dwelling unit 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 or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this article within a specified period of time. The order may also direct and require the owner to vacate and close the dwelling or dwelling unit until such repairs, alterations and improvements have been made.

b. *Limitations.* 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 (c)(2).

c. *Notice to affordable housing organizations.* That whenever a determination is made pursuant to subsection (b)(1)(a) that a dwelling must be vacated and closed, or removed or demolished, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the public officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The public officer or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the public officer to wait forty-five (45) days before causing removal or demolition.

(2) If the inspector determines that the dwelling 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 either to repair, alter or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this article, or else to vacate and remove or demolish the same within a specified period of time.

(c) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter or improve, or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the inspector to repair, alter or improve, or to vacate and close and remove or demolish the same within the time specified therein, the inspector may submit to the town council at its next regular meeting

a resolution directing the town attorney to petition the superior court for an order directing the owner to comply with the order of the inspector, as authorized by G.S. § 160A-446(g).

(2) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the inspector within the time specified therein, the inspector may submit to the town council an ordinance ordering the inspector to cause the dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the inspector, and pending removal or demolition, to place a placard on the dwelling with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." The ordinance adopted by town council 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.

(3) *Other remedies.* In addition to the remedies set forth in subsections (c)(1) and (2), the remedies set forth in section 1-111 of this Code may be used to enforce the provisions of this article.

(d) *Abandonment of intent to repair or improve.* If the town council has adopted an ordinance pursuant to subsection (c)(2) or the inspector has issued an order that requires a dwelling be repaired, altered, improved or vacated and closed and if the dwelling has been vacated and closed for a period of one (1) year 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 town council may, after the expiration of such one (1) year period, enact an ordinance and serve such ordinance on the owner, setting forth 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 percent (50%) of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling within ninety (90) 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 percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within (90) days.

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. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

(e) *Action in the nature of summary ejectment.* If any occupant fails to comply with an order to vacate a dwelling, the inspector or the town attorney may file a civil action in the name of the town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in G.S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the inspector or town attorney produces a certified copy of an ordinance adopted by the town council pursuant to subsection (c)(2) authorizing the inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G.S. § 7A-228, and the execution of such judgment may be stayed as provided in G.S. § 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the town council has ordered the inspector to proceed to exercise his duties under subsection (c)(2) to vacate and close or remove and demolish the dwelling.

(f) *Appeals from orders of inspector.* An appeal from any decision or order of the inspector may be taken by any person aggrieved thereby.

(1) Any appeal from the inspector shall be taken within ten (10) days from the rendering of the decision or service of the order and shall be taken by filing with the inspector and with the board of adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the inspector shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the inspector certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order. Such a restraining order may be granted for due cause shown upon not less than one (1) day's written notice to the inspector, by the board or by a court of record upon petition made pursuant to G.S. section 160A-446(f) and subsection (g) below.

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

(3) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.

(4) Any person aggrieved by an order issued by the inspector or a decision rendered by the board of adjustment shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the inspector pending a final disposition of the cause, as provided by G.S. section 160A-446(f).

(Code 1976, § 8.74; Ord. No. 22-80, 10-27-80)

**Sec. 5-415. Methods of service of complaints and orders.**

(a) Complaints or orders issued by the inspector pursuant to an ordinance adopted under this article shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, and the inspector makes an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the town at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(Code 1976, § 8.75; Ord. No. 22-80, 10-27-80)

**State law reference**-Service of complaint and orders, G.S. § 160A-445.

**Sec. 5-416. In rem action by inspector; placarding.**

[Repealed.]

(Code 1976, § 8.76; Ord. No. 22-80, 10-27-80)

**Sec. 5-417. Costs a lien on premises.**

(a) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the inspector shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. Chpt. 160A, Art. 10.

(b) If the real property upon which the cost was incurred is located within the corporate limits of the town, then the amount of the cost is also a lien on any other real property of the owner located within the town limits or within one mile thereof except for the owner's primary residence. The additional lien provided in this sub-subdivision is inferior to all prior liens and shall be collected as a money judgment.

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

(Code 1976, § 8.77; Ord. No. 22-80, 10-27-80)

**Sec. 5-418. 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, or to enforce this article by criminal process as authorized by G.S. section 14-4 and section 1-111 of this Code. The use of any remedy provided herein shall not prevent the use of any other remedy or remedies provided herein or in other ordinances or laws.

(Code 1976, § 8.78; Ord. No. 22-80, 10-27-80)

**Sec. 5-419. Housing appeals board.**

Repealed.

(Code 1976, § 8.79; Ord. No. 22-80, 10-27-80)

**Sec. 5-420. Conflict with other provisions.**

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

(Code 1976, § 8.80; Ord. No. 22-80, 10-27-80)

**Sec. 5-421. Violations; penalty.**

[Repealed.]

**Secs. 5-422-5-499. Reserved.**

**ARTICLE V. PROPERTY NUMBERING\***

**Sec. 5-501. Numbering system.**

Main Avenue is hereby designated as the north-south axis and Main Street is hereby designated as the east-west axis, and all avenues, streets, and alleys running generally north and south shall be numbered from the east-west axis consecutively. Avenues, streets, or alleys running generally east and west shall be numbered from the north-south axis in the same manner. Wherever, possible, one hundred (100) numbers shall be allowed to each block so that the number of each consecutive block shall commence with consecutive hundreds and one.

One whole number shall be assigned for every twenty-five (25) feet of ground whether improved property or vacant lot on every street within the corporate limits. Odd numbers shall be assigned to the east side of the street on all north-south streets, and even numbers to the west, and odd numbers shall be assigned to the north side of the street and even numbers to the south side.

(Ord. No. 7-87, 6-15-87)

**Sec. 5-502. Property to display number.**

Each property owner of improved property shall, on or before the effective date of this article, be assigned a number in accordance with the property numbering system described in section 5-501 of this article and shall display the assigned number in a conspicuous place on said property. Numbers shall be provided by the town.

(Ord. No. 7-87, 6-15-87)

**Sec. 5-503. Numbers for future buildings.**

All residence and business buildings erected after the adoption of this article shall be assigned a number in accordance with this property numbering system described in section 5-501 of this article and shall display such number as provided in section 5-502 of this article.

(Ord. No. 7-87, 6-15-87)

**Sec. 5-504. Unlawful to deface number.**

It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this article, except for repair or replacement of such number.

(Ord. No. 7-87, 6-15-87)

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\* **Editor's note**-Ord. No. 7-87, adopted June 15, 1987, did not specifically amend the Code, hence inclusion herein as Art. V, §§ 5-501-5-504, was at the discretion of the editor.