



## MINIMUM HOUSING STANDARDS ORDINANCE

### FINDINGS AND AUTHORITY.

Pursuant to G. S. 160-A-441, it is hereby declared that there exist in the planning jurisdiction of the Town of Pine Level, 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 other conditions rendering such dwellings unsafe or unsanitary, dangerous, and detrimental to the health, safety and otherwise inimical to the welfare of the residents of the county. This article shall be effective throughout the Town's planning jurisdiction.

### PURPOSE.

In order to protect the health, safety and general welfare of the residents of the Town of Pine Level as authorized by G. S. Article 19 Chapter 160A, it is the purpose of this article to establish minimum standards of habitation and property. Fitness for the initial and continued occupancy of all buildings uses for human habitation and occupancy.

### DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Basement** means a portion of a dwelling that is located partly underground, having direct access to light and air from windows or doors located above the level of the adjoining ground.

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

**Deteriorated** means when a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this article at a cost not in excess of 50 percent of its tax value.

**Dilapidated** means when a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all the minimum standards established by this article except at a cost of 50 percent of its tax value.

**Dwelling** means any building, structure or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, except those structures legally permitted for temporary or short-term use.

For the purpose of this article, the term "dwelling" shall include any room or group of rooms located within a structure forming a single habitable unit; usually referred to as a dwelling unit.

**Extermination** means 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.

**Habitable room** means a room or enclosed floor space used or intended to be used for living, including, but not limited to cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets or storage spaces.

**Infestation** means 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 general welfare of the occupants or the public.

**Inspector** means the county building inspector or designated code official.

**Multiple dwelling** means any dwelling containing more than two dwelling units. Occupant means any person living or sleeping in a dwelling or dwelling unit.

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

**Owner** means any person or persons who is listed in the county tax records, or who shall have title to any dwelling, or dwelling unit shall be presumed to be the owner of a subject property.

**Unfit for human habitation** means that conditions which exist in a dwelling which violate or do not comply with one or more of the minimum standards for fitness or one or more of the requirements established by this article.

## **DWELLINGS.**

Every dwelling used for human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation.

No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling that does not comply with all of the minimum standards of fitness for human habitation.

## **STRUCTURAL CONDITION.**

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

- (1) Walls or partitions or supporting members, stilts, 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 with 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 (1) 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) There shall be no chimneys or parts thereof which are so defective or deteriorated as to present a danger by falling, or as a fire hazard or unsafe to use.
- (7) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between spaces.
- (8) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to weather shall be constructed and maintained so as to be weather and watertight.

## **BASIC PLUMBING, HEATING AND ELECTRICAL EQUIPMENT FACILITIES**

The following standards shall constitute the minimum standards for basic plumbing, heating, and electrical equipment of a dwelling:

## **(1) Plumbing System**

- a.** Each dwelling shall be connected to a potable water supply and to an approved sewage disposal system.
- b.** Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- c.** All plumbing fixtures shall meet the standards of the state plumbing code and shall be maintained in a state of good repair and in good working order.
- d.** All required plumbing shall be located within the dwelling unit and be accessible to the occupants of the unit. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

## **(2) Heating System.**

Every dwelling shall have facilities for providing heat in accordance with the following:

- a.** Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms per state building code.
- b.** Other heating facilities. Where a central or electric heating system is not provided, the dwelling 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 per state building code.

## **(3) Electrical System.**

Every dwelling shall be wired for electrical lights and at least two floor or wall type convenient receptacles per room. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed in accordance with the state electrical code.

## **VENTILATION OF DWELLING**

The following standards shall constitute the minimum standards for ventilation of a dwelling.

### **(1) General.**

Every habitable room shall have at least one window facing directly to the outdoors.

**(2) Habitable rooms.**

Every habitable room shall have at least one window, skylight or door which can be easily opened, or such other device as will adequately ventilate the room.

**(3) Bathroom and/or water closet rooms.**

Every bathroom and water closet compartment shall comply with the light and ventilation requirements of subsections (1) and (2) of this section except that no window or skylight shall be required in adequately ventilated bathrooms or water closet compartments equipped with an approved ventilation system of 50 cfm's.

**SAFE AND SANITARY MAINTENANCE OF DWELLING.**

The following standards shall constitute the minimum standards for safe and sanitary maintenance of a dwelling:

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

- a. Substantially weather tight and rodent proof.
- b. Kept in sound condition and good repair.
- c. Capable of according privacy; and
- d. Safe to use and capable of supporting the load which normal use would cause to be placed thereon.

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

- a. Substantially rodent proof.
- b. Kept in sound condition and good repair.
- c. Safe to use and capable of supporting the load which normal use would cause to be placed thereon; and
- d. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet.

**(3) Windows and doors.** Every window, exterior door, basement or cellar door, and hatchway shall be substantially weather tight and rodent proof and be kept in sound condition and good repair. Screening shall be installed on windows when there is no air conditioning system.

**(4) Stairs, porches and appurtenances.** Every outside stairs, porches and appurtenances shall be kept in sound condition and good repair and be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

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

**(6) Egress.** Every dwelling shall be provided with adequate means of egress as required by the state residential building code.

**(7) Exterior grounds.** All property shall be in compliance with the provisions of the county solid waste ordinance.

## **CONTROL OF INSECTS, RODENTS AND INFESTATIONS OF DWELLING**

The following standards shall constitute the minimum standards for control of insects, rodents and infestations of a dwelling:

**(1) 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 other such approved devices, kept in such a condition as to effectively prevent entrance by rodents.

**(2) Infestation.** Every occupant of a dwelling, or an individual dwelling unit, shall be responsible for the extermination of any insects, rodents, or other pest in such dwelling or dwelling unit or on the premises.

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

## **RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

The following shall constitute the minimum standards of responsibility of owners and occupants:

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

**(2) Cleanliness.** Every occupant of a dwelling shall keep in a clean and sanitary condition that part of the dwelling and premises thereof, which they occupy and control.

## **ADMINISTRATION.**

The Town of Pine Level through a memo of understanding will use the Johnston County Planning and Inspection Department Division of Property Maintenance to administer the ordinance of the Town.

**(a) Division of property maintenance.** The division of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.

**(b) Duties and powers of the code official.**

**(1) General.** The code official shall enforce the provisions of the article.

**(2) Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals.

**(3) Right of entry.** If a potential violation of this article is presented to the code official, the code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

**(c) Violations.** It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this article.

**(1) Notice of violation.** The code official shall serve a written notice of violation.

**(2) Prosecution o of violation.** If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this article or of the order or direction made pursuant thereof

**(3) Violation; penalties.** Any person who shall violate a provision of this article, or fail to comply therewith or with any of the requirements thereof shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**(4) Violation; recovery of inspection cost.** Any person who shall violate a provision of this article, or fail to comply therewith, or with any of the requirements thereof may be assessed the cost of the inspection, calculated by the county up to and including the date of the violation.

**MEANS OF APPEAL.**

**(a) Application for appeal.** Any person directly affected by a decision of the code official or a notice issued under this section shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the notice was served. An application for appeal shall be based on a claim that the true intent of this section or the

rules legally adopted under this section have been incorrectly interpreted, the provisions of this section do not fully apply, or the requirements of this section are adequately satisfied by other means.

**(b) Appeals board.** A property maintenance appeals board is hereby established consisting of the Town Board of Commissioners; until such time as the board of commissioners appoints a separate board to carry out the appeals process. All hearings before the board shall be open to the public.

**(c) Powers of the board.** The board shall have the following powers and duties:

**(1)** To hear testimony by the appellant, the appellant's representative, the code official and any person whose interests are affected.

**(2)** To modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.

**(3)** To direct the code official to take immediate action in accordance with the decision of the board.

**(d) Appeal of decision.** A decision of the property maintenance appeals board may be appealed to the superior court by the nature of a writ of certiorari and must be filed within 30 days of the filing of the decision in the office of inspections or the delivery of the notice of decision of the board.

## **ADOPTION**

**Duly adopted this 9th day of December 2003.**