



**AN ORDINANCE AMENDING THE  
MINIMUM HOUSING STANDARDS ORDINANCE  
07-23-24-001**

**FINDINGS AND AUTHORITY.**

Pursuant to G. S. 160D-1201, 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 12 Chapter 160D, 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.

**SCOPE.**

The provisions of this Ordinance shall apply to all housing irrespective of when such housing was constructed, altered, or repaired. Portable, mobile, or demountable buildings or structures, including trailers, along with Accessory Structures, when used or intended for use for housing within the Town's jurisdiction shall also be subject to the provisions of this Ordinance.

**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:

**Accessory structure** means a structure that is a detached building or outbuilding, like a shed or barn, that is on the same lot as the main housing but is used for a different purpose other than a dwelling.

**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 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 exceeding 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.

## **SECTION 1. DWELLINGS.**

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

No owner shall occupy as owner-occupant, or let to another for occupancy or use as a dwelling, any Accessory Structure.

## **SECTION 2. 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.

### **SECTION 3. 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.

#### **SECTION 4. 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.

#### **SECTION 5. 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 stair, 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.

## **SECTION 6. 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.

## **SECTION 7. 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.

**(3) Prohibited uses.** Every owner shall be prohibited from occupying as owner-occupant, or letting to another for occupancy or use as a dwelling, any Accessory Structure, Kitchen, or Cellar.

## **SECTION 8. 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 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.

**(d) Investigation, Complaint and Hearing.** Whenever a petition is filed with the code official by a public authority (as defined in N.C.G.S. 160D-1202(3)) or by at least five (5) residents of the Town charging that any dwelling is unfit for human habitation or when it appears to the code official that any dwelling is unfit for human habitation, the code official shall, if a preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling, including lien holders and tenants, if any, as shown by the records of the register of deeds of the county, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the code official (or the official's designated agent) at a place within the county in which the property is located. The hearing shall be fixed not less than ten (10) days nor more than thirty (30) days after the serving of such complaint. The owner and parties in interest shall be given a right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. The rules of

evidence prevailing in courts of law shall not be controlling in hearings before the hearing officer.

**(1) Service.** Complaints or orders issued by the code official shall be served upon persons either personally or by certified mail. When service is made by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the 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.

**(2) Service on unknown or unascertainable owners.** If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code official in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, and the code official 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 jurisdiction at least once no later than the time at which personal service would be required under the provisions of NCGS 160D Article 12. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

**(e) Orders.** If, after the notice and hearing, the code official determines that the dwelling under consideration is unfit for human habitation, the code official shall state in writing findings of fact in support of that determination whether such dwelling unit is unfit for human habitation and, if so, whether it is deteriorated or dilapidated.

**(1) Deteriorated.** If the code official determines that the dwelling or dwelling unit is deteriorated, the code official shall state in writing 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 dwelling or dwelling unit to comply with the minimum standards to render it fit for human habitation within a specified period

**(2) Dilapidated.** If the code official determines that the dwelling or dwelling unit is dilapidated, the code official shall state in writing 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 either repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards or to remove or demolish the same within a specified period of time.

**(f) Repair, closing, removal, demolition and posting.** If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the dwelling, the code official may cause the dwelling to be repaired, altered, or improved or to be vacated and closed. If the owner fails to comply with an order to remove or demolish the dwelling, the code official may cause such dwelling to be removed or demolished. In connection with the

exercise of the powers set forth in the proceeding sentences, the code official may cause such dwelling to be vacated and closed and may cause to be posted on the main entrance of any dwelling so closed a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. The duties of the code official set forth in this paragraph shall not be exercised until the Town Board of Commissioners shall have by ordinance ordered the code official to proceed to effectuate the purpose of this paragraph with respect to the particular property or properties that the code official shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds of Johnston County and shall be indexed in the name of the property owner in the grantor index.

**(g) Liens.** The amount of the cost of such repairs, alterations, or improvements, or vacating and closing, or demolition or removal shall be a lien against the real property upon which such cost was incurred, which lien shall be filed, have the same priority, and be collected as provided in G.S. § 160A Article 10. If the dwelling is demolished and removed, the town shall, if reasonably possible, sell the materials and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the demolition or removal and any balance remaining shall be deposited in the superior court by the code official, shall be secured in a manner as may be 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 town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one (1) remedy provided herein prevent the enforcement of the other remedies provided herein.

**(h) Civil Action.** If any occupant fails to comply with an order to vacate a dwelling, the code official 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 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 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. If the summons appears to have been duly served and if at the hearing the code official produces a certified copy of an ordinance adopted by the governing board to remove or demolish the dwelling and authorizing the official 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

30 days before the filing of the summary ejectment proceeding that the governing board has ordered the code official to proceed to exercise his duties to vacate and close or remove and demolish the dwelling.

**(i) 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.

**(j) 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.

## **SECTION 9. MEANS OF APPEAL.**

**(a) Appeal.** An appeal from any decision or order of the hearing officer is a quasi-judicial matter as provided by G.S. § 160D-1208 and may be taken by any person with standing aggrieved thereby or by any officer, board or commission of the town. Any appeal from the code official shall be taken within ten (10) days from the rendering of the decision or service of the order by filing with the code official and with the appeals board a notice of appeal, that shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code official shall 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 code official refusing to allow the person aggrieved thereby to do any act, the decision shall remain in force until modified or reversed. When any appeal is from a decision of the code official 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 code official certifies to the board, after the notice of appeal is filed with the code official, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of the requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the by the board, or by a court of record upon petition made pursuant to subsection (e) of this section.

**(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. The board may adopt rules of procedure and all other rules and regulations which may be necessary for the proper discharge of its duties.

(1) The appeals board shall fix a reasonable time for hearing appeals, shall give due notice to the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or

affirm, wholly or 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 hearing officer, but the concurring vote of four (4) members of the board shall be necessary to reverse or modify any decision or order of the housing inspector or the hearing officer. The board shall have the power also in passing upon appeals, when unnecessary hardships would result from carrying out the strict letter of this ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

**(c) Appeal of Decision.** 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.

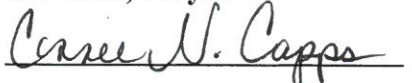
**(d) Injunction.** Any person with standing aggrieved by an order issued by the code official or a decision rendered by the board may petition the superior court for an injunction restraining the code official from carrying out the order or decision and the court may, upon such petition, issue a temporary injunction restraining the code official pending a final disposition of the case. The petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be held by the court on a petition within twenty (20) days, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

**(e) Violation.** If any dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this article or any valid order or decision of the code official or board made pursuant to this article, the code official or board may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate such violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

**DULY ADOPTED THIS 10<sup>TH</sup> DAY OF JULY, 2023**

**AMENDED AUGUST 14, 2023**

  
\_\_\_\_\_  
**Jeff Holt, Mayor**

  
\_\_\_\_\_  
**Connie N. Capps, Town Clerk**

**ATTEST**

