

ARTICLE III. HOUSING CODE

DIVISION 1. GENERALLY

Sec. 14-61. Purpose and scope.

(a) Purpose. The purpose of the housing code is to ensure safe, sanitary and decent housing within the town by prescribing minimum standards relative to living conditions in all structures within the town used for purposes of dwelling or human habitation.

(b) Scope. In order to attain the objectives of establishing and continually ensuring safe, sanitary, decent housing and living conditions within the town, this housing code shall apply to all structures now or hereafter used for human habitation by providing for the following:

- (1) Establishment of minimum standards for basic equipment and facilities, space and occupancy requirements, light and ventilation, sanitary facilities, heating, electrical facilities, structural elements, sanitary conditions, and other such conditions, factors and characteristics which may adversely affect or become a menace to the public safety, health, welfare and physical and social well-being and which lead to the continuation, extension or aggravation of urban blight;
- (2) Fixing the powers, duties and responsibilities of owners, operators, lessees and occupants of structures used for human habitation, as well as the powers and duties of the town with respect to such structures and conditions therein;
- (3) Administration and enforcement of the provisions of this housing code by the town;
- (4) Establishing modes of discovering and remedying conditions determined to be substandard, unsafe, unsanitary or unfit for human habitation within the criteria established by this housing code, and prescribing penalties for violations of the provisions of this housing code.

(Code 1967, § 5A-1)

Sec. 14-62. Definitions.

(a) Terms defined in building code. Where terms are not defined in this section and are defined in the

building code, they shall have the meanings ascribed to them as in the building code.

(b) Terms not defined. Where terms are not defined under the provisions of this housing code or under the provisions of the building code, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply.

(c) Terms defined. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved as applied to a material, device, or method of construction, means acceptable by any authority designated by law having jurisdiction in the matter in question.

Basement means a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Boardinghouse; lodging house; tourist house. See "Dwelling."

Building official means the official designated by the municipality to enforce building, zoning or similar laws, or his duly authorized representative.

Cellar means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Chimney means a vertical masonry of reinforced concrete enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

Director of health means the legally designated health authority of the town or his duly authorized representative.

Dormitory means a building arranged or used for lodging six but not more than 20 individuals and having common toilet and bathroom facilities.

Dwelling means any building which is used or intended to be used in whole or in part for living or sleeping by human occupants including, but not limited to, a boardinghouse, rooming house, lodging house, tourist hours or hotel; provided

that temporary housing as hereinafter defined shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a dwelling for use by a family or family unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Exterior property areas means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the state department of environmental protection.

Family or family unit means one or more persons related by blood, adoption, marriage, legal guardianship or authority by the child protective agency of the state welfare department or any similar or successor agency, living, sleeping, cooking and eating on the same premises as a single housekeeping unit under one head, exclusive of household servants. A number of persons, but not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family unit.

Fire marshal means the legally designated fire marshal of the town, or of any of the fire districts within the town.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Gross floor area means the total area of all habitable space in a building or structure.

Habitable room means 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, pantries, foyers or hallways, closets, recreation room (but not excluding "living rooms"), private workshops or hobby rooms and storage spaces.

Hotel means a building arranged or used for sheltering, sleeping or feeding, for compensation,

of more than 20 individuals, including, but not limited to, a motel. (See also "Dwelling.")

Infestation means the presence, within or around a dwelling, of any insects, rodents or other pests.

Lead-base paint means any paint containing more than the level established by the U.S. Consumer Product Safety Commission as being the safe level of lead in residential paint and paint products.

Motel means a hotel, as defined in this section.

Multifamily dwelling means a building containing more than two dwelling units.

Occupant means any person (including owner or operator) living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

One-family dwelling means a building containing one dwelling unit.

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

Operator means any person who has charge, care or control of a building, including a rooming house, or part thereof, in which dwelling units or rooming units are let or offered for occupancy.

Owner means any person who, alone or jointly or severally with others: Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or shall be owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, lessee or other person in control of a building; or their duly authorized agents; or shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Person means any individual, firm, corporation, association, partnership, cooperative or governmental agency.

Plumbing or plumbing fixtures means all of the following (supplied) facilities and equipment: Gas pipes, gas-burning equipment, chimney, water pipes, garbage disposal units, waste 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.

Premises means a lot, plot or parcel of land including the buildings or structures thereon.

Privacy means the existence of conditions which will permit an individual or individuals to carry out an activity without undue interruption or interference.

Properly connected means connected in accordance with all applicable codes and ordinances of the town as from time to time enacted provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

Rooming unit means 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.

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

Rubbish means combustible and noncombustible waste materials, except garbage; and shall include the residue from the burning of wood, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, plastic and dust or other items as specified by the director of health.

State's attorney means an attorney who has been appointed by the criminal justice commission of the division of criminal justice within the state executive department.

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

Temporary housing means any tent, camp trailer or similar structure which is 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 30 consecutive days.

Toxic substance means any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

Two-family dwelling means a building containing two dwelling units.

Variance means a difference between that which is required or specified and that which is permitted by the housing code appeals board.

Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Mechanical --Ventilation by power-driven devices.

Natural --Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

(d) *Usage in connection with certain terms.* Whenever the words "dwelling," "multifamily dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," are used in this housing code, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1967, § 5A-2)

Sec. 14-63. Applicability.

(a) *Structures encompassed.* Every building, including the premises upon which such building is located, or any portion thereof used or intended to be used for residential purposes shall comply with the provisions of this housing code, irrespective of when such building shall have been constructed, altered or repaired, except as hereinafter otherwise provided. Hotels serving transient guests only, rest homes, nursing homes and convalescent homes shall be excepted from the provisions of this housing code except for those provisions expressly relating thereto or generally to all buildings or portions thereof used for human habitation.

(1) *Application of building code.* Any alterations to buildings or changes of use therein, which may be caused directly or indirectly by the enforcement of this housing code shall be done in accordance with applicable sections of the building code of the municipality.

(2) *Application of zoning regulations.* Nothing in this housing code shall permit the establishment or conversion of a multifamily dwelling in any zone except where permitted by the zoning regulations in appendix B; nor the continuation of such nonconforming use in any zone except as provided therein.

(b) *Effect of conflicting provisions.* In any case where a provision of this housing code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the town existing on the effective date of the ordinance from which this section derives, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(c) *Existing remedies.* Nothing in this housing code shall be deemed to abolish, impair or preclude recourse to existing remedies or enforcement devices of the municipality or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe or unsanitary or relating to the correction of conditions found to be substandard under the provisions of this housing code. Such other existing remedies or enforcement devices shall continue to exist as alternatives in addition to those provided under this housing code.

(Code 1967, § 5A-3(a), (b), (d))

Sec. 14-64. Code enforcement.

(a) *Enforcement officer.* The building official of the town shall have the duty and responsibility of enforcing the provisions of the housing code as herein provided. Such officer is authorized to inspect and order inspections of dwelling structures and to order any repairs or additional facilities necessary to meet code standards. He is authorized to condemn dwellings that are unfit for human habitation, and, in that situation, the owner of the condemned building must comply with the minimum standards or cease using said building for dwelling purposes. An appeal from a decision of the building official may be taken to the housing code appeals board.

(b) *Coordination of enforcement.* Inspection of premises and the issuing of orders in connection

therewith under the provisions of this housing code shall be the responsibility of the building official. Wherever, in the opinion of the building official, it is necessary or desirable to have inspections of any condition by any other department or official, he shall arrange for this to be done, but in such manner that the owners or occupants of buildings shall not be subjected to visits by numerous officials nor to multiple or conflicting orders. No order for correction of any violation under this housing code shall be issued without the approval of the building official and it shall be the responsibility of that official before issuing any such order to determine that it has the concurrence of any other department or official of the town concerned with any matter involved on the case in question. It shall be the duty of any other department, division, agency head or officer of the town to report to the building official any condition which has come to his attention during the course of his unit's activities which may constitute a violation or which may call for remedial action under this housing code. It shall then be the duty of the building official to make or order to be made an inspection of the matter in question.

(c) *Inspections.* The building official shall make or cause to be made inspections to determine the conditions of dwellings, multifamily dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the safety and welfare of the public under the provisions of this housing code. The building official is authorized to enter any dwelling, dwelling unit, multifamily dwelling, rooming house, or premises at any reasonable time for the purpose of performing his duties under this housing code. For the purposes of making such inspections or investigations, he is authorized to employ the assistance of employees or officials from other town departments or agencies when he deems it appropriate or necessary to effectively carry out the investigation. The owner, operator, or occupant of every dwelling, multifamily dwelling, dwelling unit, rooming unit, or the person in charge thereof, shall give the building official free access thereto and to all parts thereof and to the premises on which it is located at all reasonable times for the purpose of such inspections, examination and survey. It shall be unlawful for any person to refuse entrance or impede an official or officer authorized under this housing code in the performance of his duties and every such inspector or officer shall have the right to enter, examine, and survey all premises, grounds, structures, dwellings, and multifamily dwellings and every part thereof at all reasonable times upon display of proper identification.

(d) *Access by owner or operator.* Every occupant of a dwelling unit or rooming unit, shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit, or its premises, at reasonable times for the purpose of making such inspections, maintenance, repairs or alterations as are necessary to comply with the provisions of this housing code.

(e) *Refusal of entrance.* Upon refusal of entrance by either an owner or occupant to any person authorized to enter the premises under the provisions of this section, the building official shall notify the town attorney or state's attorney, who shall institute the appropriate action to compel compliance, or shall proceed with the enforcement of the penalty provisions of this housing code.

(Code 1967, § 5A-4)

Sec. 14-65. Condemnation.

(a) The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements. Any dwelling or dwelling units which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the building official:

- (1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public;
- (2) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this housing code;
- (3) One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

(b) Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the building official, shall be vacated within a reasonable time as ordered by the building official.

(c) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such

placard is removed by the building official. The building official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based has been eliminated.

(d) No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in subsection (c) of this section.

(e) Any person aggrieved by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request in writing and shall be granted a hearing on the matter before the housing code appeals board under the procedure provided by section 14-66.

(Code 1967, § 5A-5)

Sec. 14-66. Violations; appeals; penalties.

(a) *Notice of violation.* Whenever the building official determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reason why it is being issued;
- (3) Allow a reasonable time, as determined by the building official for the performance of any act it requires;
- (4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any, other method authorized or required under the laws of this state;
- (5) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with rules and regulations adopted pursuant thereto;

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(6) Contain an outline of the appeal procedure, as provided in this section.

(b) *Right of appeal.* Any person aggrieved by any notice which has been issued in connection with the enforcement of any provision of this housing code may request and shall be granted a hearing on the matter before the housing code appeals board, provided such person shall file in the office of the town manager a written petition requesting such hearing and setting forth a statement of the grounds for such appeal within five business days after the notice was served. Upon receipt of such petition, the town manager shall set a time and place for such hearing and shall give the petitioner at least five business days written notice thereof; provided, that: Whenever the building official finds that an emergency exists which requires immediate action to protect the public health, he may, without requirement of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of the section, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the town manager shall be afforded a hearing as soon as possible. After such hearing, depending upon the finding as to whether the provisions of this housing code have been complied with, the building official shall continue such order in effect, or modify it, or revoke it.

(c) *Noncompliance with orders; remedies.* In case any order is not promptly complied with, the building official shall proceed in accordance with either of the following procedures unless the order has been appealed.

(1) The building official may request the town attorney or state's attorney to institute an appropriate action or proceeding at law or in equity against the person or persons responsible for the violation, ordering him to:

- a. Restrain, correct or remove the violation or refrain from any further execution of work;
- b. Restrain or correct the erection, installation, or alteration of such building;
- c. Require the removal of work in violation;
- d. Prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed or altered in violation of, or not in compliance with the provisions

of this housing code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

(2) The building official may, in appropriate cases where the severity of the situation requires more immediate and definitive remedial action, request that the town do the required work, or employ the necessary services and/or materials to do such work, as may be called for to correct the violation. All expenses (including overhead) incurred by the town in making such corrections shall be charged against the person or persons responsible for the violation. If such person shall fail to pay such expenses and overhead, within 30 days after being billed by the town, all such sums shall constitute a lien upon the property involved. Such lien may be satisfied out of said property as may be authorized by state law.

(3) The building official may proceed with the enforcement of the penalty provisions of this housing code.

(d) *Penalty for violations.* Every person who shall violate any provision of this housing code or shall fail to comply with any of the requirements thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 1-13. Each day that a violation continues after due notice has been served in accordance with the terms and provisions hereof, shall be deemed a separate offense. The imposition of the penalty herein prescribed shall not preclude recourse to the preceding provisions of this section prescribing procedures for the abatement or correction of violations of this housing code.

(Code 1967, § 5A-6)

Sec. 14-67. Housing code appeals board.

(a) *Organization.* There is hereby created a housing code appeals board to consist of five regular members and two alternates. Such members and alternates are to be appointed by the town manager with the approval of the town council. The regular members shall serve for five year overlapping terms. Each member shall serve until his successor is appointed and has qualified, and any vacancy shall be filled in like manner for the unexpired term. Such board shall be chosen from among the following persons:

- (1) A fire chief or fire marshal from one of the town's fire districts;

- (2) A licensed architect or a licensed civil engineer;
- (3) A building, plumbing or electrical contractor;
- (4) A licensed physician or a registered nurse;
- (5) A professional psychologist, psychiatrist or social worker.

The two alternates may be chosen from any of the above categories of persons and shall serve for five years.

(b) *Hearings before appeals board.*

- (1) At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified, extended or withdrawn or a variance granted.
- (2) The hearing shall be commenced not later than 15 business days after the day on which the petition was filed, except for hearings involving proceeding under section 14-66(b).
- (3) The hearing shall be had before at least a majority membership (three members) of the housing code appeals board. Such board, by at least three votes, shall sustain, modify or withdraw the notice, or grant an extension or variance in unique cases where unnecessary hardship would result from an application of the strict letter of the provisions of this housing code and such extension or variance is in harmony with the general purpose and intent of this housing code. The housing code appeals board shall adopt rules of procedure governing the granting of extensions or variances, and the conduct of the hearings before the board.
- (4) The housing code appeals board shall render its decision not later than ten business days after the close of the hearing.

(c) *Decisions of board; orders.*

- (1) If the notice is sustained, modified or extended, it shall become an order as so sustained, modified or extended; provided; that any notice served pursuant to section 14-66(a) shall automatically become an order if a written petition for a hearing is not filed with the town manager within five business days, as provided in section 14-66(b) after the notice is served.

- (2) The proceedings at such hearings, including the findings and decisions of the housing code appeals board, shall be reduced to writing and entered as a matter of public record in the office of the town clerk and open to public inspection at all reasonable times. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by a decision of the housing code appeals board may seek relief there from in any court of competent jurisdiction, within 15 days from the date of the sending of notice of the decision of the housing code appeal board, in accordance with the provisions of the General Statutes of the state as they relate to the taking of appeals from municipal administrative bodies.

(Code 1967, § 5A-7)
State law references: Administrative appeals, G.S. § 51-197b. Secs. 14-68--14-90. Reserved.

DIVISION 2. MINIMUM STANDARDS AND REQUIREMENTS

Sec. 14-91. Maintenance of structural elements.

No person shall occupy as owner-occupant, or let to another for occupancy, any dwelling or multifamily dwelling, dwelling unit, rooming house, rooming unit, or portion thereof for the purpose of living therein, which does not comply with the following requirements:

- (1) *Accessory structure.* All accessory structures including detached garages shall be maintained structurally sound and in good repair.
- (2) *Foundations, walls, floors and ceilings.* Every foundation, floor, ceiling, wall, chimney and all exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to be reasonably weather tight, watertight and rodent proof; and shall be capable of affording privacy.
- (3) *Foundation support.* The foundation elements shall be maintained so as to adequately support the building at all points.
- (4) *Roofs.* The roof shall be structurally sound, tight, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the building.

(5) *Windows and doors.* Every window, exterior door and basement hatchway shall be reasonably weather tight and rodent proof and shall be kept in sound working condition and good repair.

(6) *Stairs and porches.* Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(7) *Door and window hardware.* Every exterior door and every window shall be supplied with an interior lock and shall be maintained in good condition.

(8) *Exit doors.* Every door available as an exit shall be capable of being opened from the inside, easily and without use of key.

(9) *Screening.* Guards and screens shall be supplied for protection against rodents and insects in accordance with the following requirements:

a. *Guards for basement windows.* 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 or other pests, shall be supplied with a screen or such other device as will effectively prevent their entrance.

b. *Insect screens.* From June first to October fifteenth of each year, every door opening directly from any dwelling to the outside, and every window or other outside opening used or intended to be used for ventilation, and any other opening which might provide an entry for insects or other pests, shall be supplied with a screen or such other devices as will effectively prevent their entrance. All screen doors shall have a self-closing device maintained in good working condition.

(10) *Bathroom floors.* Every toilet, kitchen and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(11) *Pipes and plumbing facilities.* Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good

sanitary working condition, free from defects, leaks and obstructions.

(Code 1967, § 5A-8)

Sec. 14-92. Sanitary facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe working condition.

(1) *Bathroom.* Every dwelling unit shall contain within its walls a separate room which affords privacy to any person within said room and which is equipped with the following required facilities:

a. *Flush water closet.* Such room shall be equipped with a flush water closet in good working condition and properly connected to an approved water and sewer system.

b. *Lavatory basin.* Such room shall be equipped with a lavatory in good working condition and properly connected to an approved water and sewer system.

(2) *Bathtub or shower.* Every dwelling unit shall contain within its walls a room which affords privacy to any person in such room and which is equipped with a bathtub or shower which is in good working condition and which is properly connected to an approved water and sewer system as herein provided. Such bathtub or shower may be provided within the bathroom required in the immediately preceding subsection.

(3) *Kitchen.* Every dwelling unit shall contain a separate room or area for the storage, preparation, cooking and eating of food. Such room or space shall be provided within the following minimum facilities:

a. *Kitchen sink.* Such room or space shall contain a kitchen sink, in addition to the lavatory required by this section, which is in good working condition and properly connected to an approved water and sewer system.

b. *Stove space.* Such room or area shall contain adequate space for the installation of a stove or other authorized cooking facilities in such a manner that the stove or facilities may be easily accessible yet not located so as to endanger persons utilizing the other kitchen facilities.

c. *Food storage space.* Such room or area shall contain adequate space for dry food storage and, in addition, adequate space for refrigerated food storage facilities.

(4) *Eating space.* Every dwelling unit shall include adequate space for a dining table of ample size to accommodate as many persons as are authorized to occupy the dwelling unit.

(5) *Hot water.* Every kitchen sink, lavatory basin, shower or bathtub required under the provisions of this section and any laundry facility installed in any dwelling unit, shall be provided with both hot and cold running water under pressure. The required flush water closet, however, need only be provided with cold water under pressure.

(6) *Water heating facilities.* Every dwelling unit shall be supplied with water heating facilities which are installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with hot water under this section. Water heating facilities shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facility or other similar units, at a temperature of not less than 110 degrees Fahrenheit at any time needed.

(7) *Rubbish and garbage facilities.* Every dwelling and dwelling unit shall be provided with facilities for the safe and sanitary storage of rubbish and garbage and with facilities and services for the regular removal or disposal of such refuse.

(8) *Insect and rodent harborage.* Buildings used for human habitation shall be kept free from insect and rodent infestation, and where insects or rodents are found they shall be promptly exterminated by acceptable processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(9) *Safe storage for drugs and household poisons.* Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.

(10) *Heating and electrical facilities.* Every dwelling or dwelling unit shall be provided with

heat and electricity in accordance with the following requirements:

a. *Heating facilities.* Every dwelling and multifamily dwelling shall be supplied with heating facilities that shall be properly installed, safely maintained and in good working condition, and that are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located herein, to a temperature of at least 65 degrees Fahrenheit.

b. *Electrical facilities.* Every dwelling unit and all public and common areas shall be supplied with an approved electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition and shall be connected to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the town:

1. Every habitable room of a dwelling or multifamily dwelling shall contain at least two separate and remote outlets, one of which may be a ceiling or wall-type electric light fixture.
2. In kitchens, three separate and remote wall-type electric convenience outlets or two such convenience outlets and one ceiling or wall-type electric light fixture shall be provided.
3. Every public hall, water closet compartment, bathroom, laundry room or furnace room, shall contain at least one electric light fixture.
4. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

(11) *Installation and maintenance.* All supplied equipment and facilities shall be constructed, installed, and maintained in accordance with the following provisions:

a. *Plumbing systems and fixtures.* In buildings and structures used for human habitation, water lines, plumbing fixtures, chimneys, flues, stacks, waste and sewer lines, vents and drains shall be properly installed, connected, and maintained in working order and shall be kept free from

obstructions, leaks and defects and capable of performing the function for which they are designed. All repairs and installations shall be made in accordance with the provisions of the building code.

b. *Heating equipment.* Every heating, cooking, and water heating device located in a dwelling or multifamily dwelling shall be properly installed, connected, and maintained, and shall be capable of performing the function for which it was designed in accordance with the provisions of the building code.

c. *Correction of defective system.* Where it is found, in the opinion of the building official, that the electrical system in a building constitutes a hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, he shall require the defects to be corrected to eliminate the hazard.

d. *Other facilities and equipment.* All other equipment and all building space and parts in every dwelling and multifamily dwelling shall be constructed and maintained so as to properly and safely perform their intended function in accordance with the provisions of the building code.

(12) *Removal or discontinuance.* No owner, operator or occupant shall, for any reason, including nonpayment of rent or breach of any condition or covenant of a lease, cause any service, facility, equipment or utility which is required under this housing code to be removed from or shut off from or discontinued for any occupied dwelling let by him except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the building official, or except when so authorized under the statutes of the state.

(Code 1967, § 5A-9)

Sec. 14-93. Light and ventilation.

(a) *Natural light in habitable rooms.* Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable room shall be ten

percent of the floor area of such room, except in kitchens when artificial light may be provided in accordance with the provisions of the building code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three 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 nor to a court and shall not be included as contributing to the required minimum total window area for the room.

(b) *Light in public halls and stairways.* Every common hall and stairway in every dwelling or multifamily dwelling shall be adequately lighted at all times with an illumination of at least ten foot-candles in the darkest portion of the normally traveled stairs and passageways.

(c) *Adequate ventilation.* Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45 percent of the minimum window area size required, except where mechanical ventilation is provided in accordance with the provisions of the building code.

(d) *Ventilation and light in bathroom and water closet.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms as required by subsections (a) and (c) of this section; except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system.

(Code 1967, § 5A-10)

Sec. 14-94. Use, space, occupancy and location requirements.

(a) *Minimum ceiling heights.* Habitable rooms in existing buildings, shall have a clear ceiling height of not less than 7 1/3 feet; except, that in attics or top half-stories, the ceiling height shall not be less than seven feet in not less than one-third of the area when used for sleeping, study or similar activity. The floor area of that part of any room where the ceiling height is less than the required height under this section shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

(b) *Required space in dwelling units.* Every dwelling unit shall contain a minimum gross floor area of not less than 150 square feet for the first

occupant, and 100 square feet for each additional occupant. The floor area shall be calculated on the basis of the total floor area of all habitable rooms.

(c) *Required space in sleeping rooms.* In every dwelling unit, every room occupied for sleeping purposes shall have a minimum gross floor area of at least 70 square feet per occupant.

(d) *Access limitation of dwelling unit to commercial uses.* No bathroom or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, or similar room used for public purposes.

(e) *Exits.* Every dwelling unit shall have as many safe, unobstructed means of egress leading to safe and open space at ground level as are required by the statutes, ordinances and regulations of the state and town.

(f) *Basement or cellar space.* No basement or cellar space shall be used as a habitable room or dwelling unit unless:

(1) The floor and walls be impervious to leakage of underground and surface runoff water and are insulated against dampness;

(2) The total of window area in each room be equal to at least the minimum window area sizes as required in section 14-93(a), and the electrical facilities as required by section 14-92(j)(2)a are provided;

(3) The total of openable window area in each room be equal to at least the minimum as required under section 14-93(c), except where there is supplied some other device affording adequate ventilation and approved by the building official.

(Code 1967, § 5A-11)

Sec. 14-95. Minimum requirements for safety from fire and toxic substances.

(a) *Generally.* No flammable liquid with a flash point of 110 degrees Fahrenheit or lower shall be stored in or in close proximity of any dwelling or dwelling unit including flammables stored within motorcycles, lawnmowers and other similar type machinery.

(b) *Storage of flammable liquids prohibited.* No dwelling, multifamily dwelling, dwelling unit, or

rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids with a flash point of 110 degrees Fahrenheit or lower.

(c) *Cooking and heating equipment.* The use of portable heating and cooking equipment employing a flame is prohibited within any dwelling or dwelling unit, except as permitted in accordance with the statutes, ordinances and regulations of the state and the town.

(d) *Health hazards.* Every dwelling or dwelling unit shall be free from hazards to health due to the presence of toxic substances, e.g., lead-based paint.

(e) *Accumulations of rubbish, boxes, lumber, etc.* No person shall accumulate rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a harborage for rodents or insects in or about any dwelling or dwelling unit.

(Code 1967, § 5A-12)

Sec. 14-96. Rooming houses.

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the following provisions and every other provision of this housing code:

(1) *Water closet, hand lavatory and bath facilities.* At least one 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 rooms within a rooming house. All such facilities shall afford privacy and be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(2) *Minimum floor space for sleeping purposes.* Every room occupied for sleeping purposes shall contain at least 70 square feet of floor space per occupant.

(3) *Bed linen and towels when supplied by operator.* The operator of every rooming house shall change supplies, bed linen and towels therein at least once a week and prior to the letting of any room to any occupant. The operator

shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

(4) *Shades, drapes, etc.* Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices and, the material shall meet fire safety standards which, when properly used, will afford privacy to the occupant of the rooming unit.

(5) *Egress.* Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the statutes, ordinances and regulations of the state and the town.

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

(7) *Hotels.* Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

(Code 1967, § 5A-13)
Secs. 14-97--14-120. Reserved.

DIVISION 3. RESPONSIBILITY OF OWNERS AND OCCUPANTS

Sec. 14-121. Owner's responsibilities.

The responsibilities of owners and occupants contained in this division are in addition to those specified elsewhere throughout this housing code.

(1) An owner shall:

a. Comply with the requirements of G.S. Chs. 368o, 830 and 833a and all applicable building and housing codes materially affecting health and safety of both the state and town;

b. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition, except where the

premises are intentionally rendered unfit or uninhabitable by the occupant, a member of his family or other person on the premises with his consent, in which case such duty shall be the responsibility of the occupant;

c. Keep all common areas of the premises in a clean and safe condition;

d. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating and other facilities and appliances and elevators, supplied or required to be supplied by him;

e. Provide and maintain appropriate receptacles and covers for the removal of ashes, garbage, rubbish and other waste incidental to the occupancy of the dwelling unit and arrange for their removal.

(2) The owner and occupant of a dwelling unit may agree that the occupant is to perform specified repairs, maintenance tasks, alterations or remodeling if:

a. The agreement of the parties is entered into in good faith;

b. The agreement is in writing;

c. The work is not necessary to cure noncompliance with subsections (a)(1) and (a)(2) of this section; and

d. The agreement does not diminish or affect the obligation of the owner to other occupants in the premises.

(3) Compliance by nonconforming rooms, etc. Each habitable room or dwelling unit that does not conform to this housing code and becomes vacated for any reason for a period of 15 days shall conform to this housing code before it is deemed habitable again. The owner of each habitable room or dwelling unit shall be held responsible for compliance to this housing code in any instance where such a habitable or dwelling unit is considered noncomplying. Such work as is necessary to bring each habitable room or dwelling unit that is ruled noncomplying up to the standards as noted in this housing code shall be completed within six months of adoption of this housing code.

(4) Shared or common areas. Every owner of a dwelling containing two or more dwelling units

shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof. The owner and occupant may agree only under terms of a lease executed in writing that the tenant assume responsibility for keeping the common areas of the premises in a clean and safe condition.

(Code 1967, § 5A-14)

Sec. 14-122. Occupant's responsibilities.

(a) *Occupant's duties and responsibilities generally.* An occupant shall:

- (1) Comply with all obligations primarily imposed upon occupants by applicable provisions of any building or fire code materially affecting health and safety;
- (2) Keep such part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;
- (3) Remove from his dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner to the place provided by the owner pursuant to section 14-121(1)e;
- (4) Keep all plumbing fixtures and appliances in the dwelling unit or used by the occupant as clean as the condition of such fixture or appliance permits;
- (5) Use all electrical, plumbing, sanitary, heating, ventilating, air conditioning and other facilities and appliances, including elevators, in the premises in a reasonable manner;
- (6) Not willfully or negligently destroy, deface, damage, impair, or remove any part of the premises or permit any other person to do so.

(b) *Responsibility for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only dwelling unit within that dwelling that is infested.

(Code 1967, § 5A-15)
Secs. 14-123--14-140. Reserved.

DIVISION 4. RULES AND REGULATIONS OF BUILDING OFFICIAL

Sec. 14-141. Adoption.

The building official is hereby authorized to establish such written rules and regulations as may be necessary for the proper enforcement of the provisions of this housing code; provided, that such rules and regulations shall not be in conflict with the provisions of this housing code. The building official shall file a certified copy of all rules and regulations which he may adopt with the town clerk. Such rules and regulations shall have the same force and effect as the provisions of this housing code, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this housing code, as herein provided.

(Code 1967, § 5A-16)
Secs. 14-142--14-170. Reserved.