

HEALTH SANITATION

ARTICLE I. IN GENERAL

Sec. 42-1. Definitions.

The following definitions shall apply to the interpretation of the enforcement of this article:

Garbage means all putrescible solid waste, including vegetable matter, animal offal, carcasses of small animals and industrial products, but excluding human waste and animal manure. Used milk cartons or other food containers that are not dry or clean shall be included in this definition.

Health director means the director of the Columbus County Health Department or his authorized representative.

Refuse means garbage or rubbish.

Rubbish means nonputrescible solid waste.

Sec. 42-2. Trespassing on sanitary landfill.

No person, other than Town and county employees, in the regular performance of their duties, shall enter upon or trespass upon any property used by the Town as a dump or sanitary landfill.

Sec. 42-3. Throwing garbage, trash, leaving junked vehicles in street.

No person shall place or leave or cause to be placed or left, temporarily or permanently, any trash, refuse, garbage or other litter, including scrapped automobiles or trucks, or parts thereof, on the right-of-way of any park, square, street or public alley of the Town or within sight of any person traveling or being on any street of the Town; provided, however, nothing herein shall apply to domestic trash or garbage placed for removal in proper containers otherwise defined in this chapter.

Sec. 42-4. Throwing sharp objects in streets.

No person shall throw, place or deposit any glass or other sharp or cutting substance or any injurious obstruction in or upon any of the streets, sidewalks, alleys or other public places maintained or serviced by the Town.

(Code 1976, § 11-2; Code 1993, § 10-4)

State law reference - Similar provisions, G.S. 136-91, 160A-303.1.

Sec. 42-5. Garbage disposal regulated.

No person shall throw, place or deposit any garbage in any street, alley, public place or on private property within the Town limits, except in garbage cans or garbage vehicles as provided in this chapter.

Sec. 42-6. Garbage to be promptly removed.

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall

be allowed to remain in any dwelling, house, hotel, boardinghouse, cafe, restaurant, lunch-stand, fruit stand, meat market, store or other building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the same in cans as provided in this chapter.

Sec. 42-7. Hauling garbage.

No person shall haul through the streets of the Town any noxious or offensive matter or matter which might or does attract flies, bugs or insects, such as, but not limited to, dead animals, garbage, animal fats, decayed meat, discarded meat or bones or similar or other like matter unless same shall be hauled in a covered container reasonably restricting the emission of noxious fumes or odors and which shall be impermeable to insects.

Sec. 42-8. Dropping loads.

No person shall haul coal, dirt, sand, gravel, crushed stone, litter, paper or waste matter of any kind, whether in the foregoing enumeration or not, along or over any street in the Town except in wagons, carts or other vehicles with bodies or receptacles for holding such materials so constructed and arranged as to prevent same from wasting or dropping upon the street.

State law reference — Trash and harmful objects on streets, G.S. 136-91, 160A-303.1.

Sec. 42-9. Tampering with containers.

(a) No person shall open or scavenge in garbage or trash

containers. The provisions of this section shall not apply to persons loading the containers and Town employees dumping containers.

(b) No person shall overturn, remove or tamper with any container used for trash and garbage.

Sec. 42-10. Removal of dead animals.

The owner or keeper of any dead animal shall at his own expense remove such dead animal from the Town within six hours of the death of such animal; provided, however, if such animal shall die between the hours of 4:00 p.m. and the following 6:00 am., such animal must be removed by 12:00 noon; provided further, any such animal dying on the streets of the Town shall immediately be removed by the owner or keeper thereof. The removal of such animals shall be at the expense of the owner or keeper.

Sec. 42-11. Trash containers in business district.

No person shall deposit any trash in any container inside of any building in the primary fire district in the Town unless the container in which such trash is deposited shall be made of metal or fire-resisting metal.

Sec. 42-12. Accumulation of rubbish.

No person shall permit any accumulation of wastepaper, weeds, litter or combustible or flammable waste or rubbish of any kind to remain upon any roof or in any court,

yard, vacant lot or other open space. Every owner or occupant of property shall cut down and remove there from all weeds, grass, vines and other growth, which endangers the same or any other property, or which is likely to be fired.

Sec. 42-13. Removal of certain waste material.

No person making, using, storing or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter or combustible trash or waste, shall fail, neglect or refuse at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in noncombustible containers; provided that this section shall not apply to sawmills, planning mills or similar business establishments, where the usual litter or refuse is reasonably cared for and disposed of.

Secs. 42-14—42-44. Reserved.

ARTICLE II. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES*

Sec. 42-45. Administration.

(a) The Town manager of the Town shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the Town, and on property owned by the Town. The

inspections department shall be responsible for administering the removal and disposition of "abandoned," "nuisance," or "junked" motor vehicles located on private property.

(b) The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this article and applicable state laws.

***State law reference** — Removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303.

(c) Nothing in this article shall be construed to limit the legal authority or powers of officers or employees of the Town in enforcing other laws or in otherwise carrying out their duties.

Sec. 42-46. Definitions.

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

Abandoned vehicle means a motor vehicle, as authorized and defined in G.S. 160A-303, and one that:

(1) Is left upon the right-of-way of a public street or highway in violation of a law or ordinance prohibiting parking;

(2) Is left on the right-of-way of a public street or highway for longer than seven days;

(3) Is left on property owned or operated by the Town for longer than 24 hours; or

(4) Is left on private property without the written consent of the owner/occupant or lessee thereof, for longer than two hours.

Junked motor vehicles mean a vehicle that does not display a current license plate lawfully upon that vehicle, as authorized and defined in G.S. 160A-303.2, and that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

(3) Is more than five years old and appears to be worth less than \$300.00.

Nuisance vehicle means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;

(2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

(3) A point of collection of pools or ponds of water;

(4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;

(5) A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces of metal, glass or other rigid materials;

(6) So situated or located that there is a danger of it falling or turning over;

(7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrefied matter of any kind;

(8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or

(9) Any other vehicle specifically declared a health and safety hazard by the Town council.

Open places means areas of properties or portions thereof that are open to the exterior, including building openings, such as carports, or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards.

Sec. 42-47. Abandoned vehicles unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or persons entitled to possession of a vehicle to cause or allow such vehicle to be abandoned.

(b) Upon investigation, properly authorized officials of the Town may determine that a vehicle is abandoned and order the vehicle removed.

Sec. 42-48. Nuisance vehicle unlawful; removal authorized.

(a) It shall be unlawful for the registered owner or persons entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

(b) Upon investigation, the Town manager or designee may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Sec. 42-49. Junked motor vehicles regulated; removal authorized.

(a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

(b) Upon investigation, the Town manager or designee may order the removal of a junked motor vehicle as defined in this article after finding in writing that the aesthetic benefits of removing the vehicle outweigh the financial burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance. The following among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

Sec. 42-50. Pre-towing notice requirements for removal of abandoned, nuisance or junked motor vehicles.

(a) Except as set forth in section 42-51, an abandoned, nuisance or junked vehicle that is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. Notice shall be given by affixing a

notice on the windshield or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the Town on a specified date, no sooner than 15 days after the notice is affixed or mailed, unless the vehicle is moved by the owner or legal possessor prior to that time. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notice shall retain a written record to show the name and address to which mailed and the date mailed.

(b) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the board of zoning adjustments in writing prior to the applicable date of abatement and heard at the earliest regularly scheduled meeting of the board of zoning adjustments. Any further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Sec. 42-51. Exception to prior notice requirement.

The requirement that notice be given prior to removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstruction or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

(1) *Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, the Town council hereby determines that immediate removal of such vehicles may be warranted when they are:

- a. Obstructing traffic;
- b. Parked in violation of an ordinance prohibiting or restricting parking;
- c. Parked in a no-stopping or standing zone;
- d. Parked in bus zones; or
- e. Parked in violation of temporary parking restrictions imposed under Code sections.

(2) *Other abandoned or nuisance vehicles.* With respect to

abandoned or nuisance vehicles left on Town-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Sec. 42-52. Removal of vehicles post-towing notice requirements.

(a) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the Town, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. Whenever such a vehicle is removed, the authorizing Town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;

(3) The violation with which the owner is charged, if any;

(4) The procedure the owner must follow to redeem the vehicle; and

(5) The procedure the owner must follow to request a probable cause hearing on the removal.

(b) The Town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (a)(1)—(a)(5) of this section, shall also be mailed to the registered owner's last known address, unless this notice is waived in writing by the vehicle owner or his agent.

(c) If the vehicle is registered in this state, notice shall be given within 24 hours. If the vehicle is not registered in this state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(d) Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing Town official shall make reasonable efforts, including checking the vehicle identification number to determine the last known registered owner of the vehicle and to notify the owner of the information set forth in subsections (a)(1)—(a)(5) of this section.

Sec. 42-53. Owners' responsible for cost.

If an abandoned, nuisance or junked motor vehicle is removed by or at the direction of the authorizing official, the owner shall pay all reasonable costs incident to the removal and storage of such vehicle and incident to locating the owner thereof.

Sec. 42-54. Right to probable cause hearing before sale or final disposition of vehicle.

After the removal of an abandoned vehicle, nuisance vehicle or junked vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing within 30 days of the post-towing notification. Such request for hearing must be filed with the Town's inspections department and county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222, as amended.

Sec. 42-55. Redemption of vehicle during proceedings.

(a) At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges and administrative fees, or by posting a bond for double the amount of such fees and charges

due as a result of the abatement. Upon regaining possession of a vehicle, the owner or person entitled to the possession of a vehicle shall not allow or engage in further violations of this article.

(b) In the event that the vehicle has been declared a violation of section 42-47 or 42-48, the owner of the vehicle or person entitled to possession, prior to regaining possession, shall submit in writing his plan to insure the violation is not repeated and obtain the approval of the appropriate official of the Town, who shall examine the plan for compliance with this article.

Sec. 42-56. Sale and disposition of unclaimed vehicle.

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession within 30 days of official post-towing notification will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the Town and in accordance with G.S. Ch. 44A, art. 1.

Sec. 42-57. Conditions on removal of vehicles from private property.

As a general policy, the Town will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the Town from private property

without a written request of the owner, occupant or lessee, except in those cases where a vehicle is a nuisance vehicle or is a junked vehicle which has been ordered removed by the Town manager or designee. The Town may require any persons requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale.

Sec. 42-58. Protection against criminal or civil liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle, for disposing of such vehicle as provided in this article.

Sec. 42-59. Exceptions.

Nothing in this article shall apply to any vehicle which:

(1) Is located in a bona fide "automobile graveyard" or "junkyard" as defined in G.S. 136.143, in accordance with the "Junkyard Control Act," G.S. 136-1141 et seq.;

(2) Is in an enclosed building;

(3) Is on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or

(4) Is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

Sec. 42-60. Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any vehicle which has been impounded pursuant to the provisions of this article unless and until all towing, impoundment fees and administrative fees which are due have been paid, or bond in lieu of such fees, has been posted.

Sec. 42-61. Right of entry.

For the purpose of enforcing the provisions of this article, the Town manager or his designee may at all times during regular business hours, Sundays and legal holidays excepted, enter upon any premises within the Town's jurisdiction, other than within any building actually occupied for a residence, for the purpose of determining whether or not the provisions of this article are being violated for the purpose of determining whether or not any notice by the Town requiring the abatement of the nuisance has been complied with.

Sec. 42-62. Article cumulative.

Procedures set forth in this article shall be in addition to any other remedies that may exist under law or ordinances to the abatement of public nuisances.

Secs. 42-63—42-82. Reserved.

**ARTICLE III. PUBLIC HEALTH
NUISANCES**

Sec. 42-83. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context indicates a different meaning. *Junk* means any item which is usually and customarily referred to or known as junk or which in the future shall be known as or referred to as junk and of a nature similar to the items described in this article, including but not limited to the following discarded items; automobiles, farm equipment, household furniture, kitchen appliance, clothing, paper, wooden or paper boxes, chinaware, building materials, machinery, fixtures or equipment.

(1) For the purpose hereof, any worn-out, deteriorated or inoperable household furniture and/or kitchen appliances placed in open places shall be presumed to be discarded.

(2) For the purpose hereof, an item shall be considered as discarded when not stored, kept or maintained so as to protect and preserve it from the elements or from persons or animals.

Open places means areas of properties or portions thereof that are open to the exterior, including building openings such as carports or porches, and any other exterior portions ordinarily exposed to the

outside and/or public view, including front, side and rear yards.

Sec. 42-84. Community appearance and safety standards.

(a) Legislative finding. It is hereby found and determined that there exists within the area subject to the zoning jurisdiction of the Town premises that, because of the existence of the conditions herein determined to be unlawful, constitute a visual blight and detriment upon the surrounding neighborhood and create substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises in the neighborhood, or such conditions inhibit property values, deter tourism, interfere with the public health and safety, or otherwise discourage the comfort, happiness and emotional stability and general welfare of all citizens.

(b) No person shall store or place, or cause to be stored or placed, junk upon the streets or sidewalks of the Town or upon his own property or the property of others and permit same to remain for a period exceeding 24 hours, except when it is placed in an enclosed area with a roof thereon.

(c) A violation of this article shall be a misdemeanor and punishable as provided by law. Also, if the Town manager or his designee shall notify the offending person to remove said junk and such notice is served upon such offending person, then each and every day that said junk is permitted to remain shall be considered a separate and distinct

misdemeanor and punishable as such.

Sec. 42-85. Threats to public health and safety.

The existence of any of the following conditions on any lot or parcel of land within the zoning jurisdiction of the Town is hereby declared to be unlawful and a violation of the provisions of this article, unless it is a permitted use in accordance with this Code.

(1) *Weeds, grass and other debris.* The uncontrolled growth of noxious weeds, grass, bushes, hedges or any growing material in excess of 18 inches, causing or threatening to cause a hazard detrimental to the public health and safety.

(2) *Corner visibility.* On corner lots, no obstructions of any kind or nature to the visibility of vehicles on streets at intersections shall be erected, maintained or allowed to exist. This area, corner triangle, of visibility shall not be more than three feet higher than the street or curb level and not less than ten feet from the property corner.

Note — This also applies to any shrub, bush, hedge and/or vine within the "corner triangle" on a person's property that violates said requirement. In addition, any tree and/or tree branches that encroach with a "corner triangle" shall have its branches trimmed to a height no less than eight feet above ground level.

(3) *Dead trees and/or limbs.* The lack of removal of dead trees and/or

limbs that are causing or threatening to cause a hazard detrimental to the public health and safety. Removal herein means the cutting down of a dead tree to a stump sufficiently short as not to pose a falling hazard and the cutting/removal of a dead limb from an otherwise live tree.

(4) *Placement, storage or accumulation of any junked and/or abandoned vehicle.* For the purposes hereof, any automobile which is partially dismantled or wrecked; or cannot be self-propelled or moved in the manner in which it was originally intended to move, or is more than five years old or does not display a current license plate shall be considered junk, as authorized and defined in G.S. 60A-303.2.

It shall be unlawful for any person to store or place, or cause to be stored or placed, a junked vehicle on the streets, sidewalks or on any other property either public or private, except in an enclosed structure with a roof thereon.

(5) *Detached or accessory building.* Any deteriorated and/or dilapidated detached accessory building.

(6) *Fence or retaining wall.* Any fence, retaining wall or similar landscape features that are not firmly anchored to the ground, maintained in good structural condition and appearance, or free of deterioration. Wooden or other fence features subject to deterioration or weathering shall be properly maintained to retard deterioration or provide protection from the weather.

Deteriorated features shall be replaced or repaired, or completely removed.

(7) *Firewood storage.* Firewood that is stored, stacked and/or placed in excess of a total area of 100 square feet and/or stored, placed, or stacked to a height more than six feet above ground level.

(8) *Storage of building materials.* Building materials shall be stored in a completely enclosed building when stored on a lot where construction has stopped or never commenced for a period of one year and there is not a current, valid, outstanding building permit issued for construction on the same lot.

(9) *The placement and/or storage of construction fill materials.* Unless such materials are:

a. Stored in a level, safe manner;

b. Placed in gently sloped mounds for a period of time not to exceed one year;

c. Approved by the zoning administrator or his designee as a reasonable landscape feature evidenced by a comprehensive landscape plan showing such features for legitimate landscape purposes as part of the total development of the lot.

(10) *Vacant buildings.* All vacant buildings shall be contained/secured, so as to discourage unlawful entry and/or vagrancy. Securing/boarding up of exterior windows and/or doors

of vacant buildings from the outside shall not exceed one year. Property owners shall be notified a minimum of 30 days prior to charging a property with this violation.

(11) *Animal, vegetable accumulations.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitancy therein of rats, mice, snakes or vermin or any kind which is or may be dangerous or prejudicial to the public health.

(12) *Fire hazard, stagnant water, and rodent infestation.* Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(13) *Obstructing drainage ditch.* Any natural growth or manmade obstruction of or impediment of the natural flow of water in any drainage ditch within the Town with dirt, trash, debris or any other matter or substance or by undersize culvert or other construction serving the purpose of a culvert.

(14) *Draining offensive fluid.* Any drainage into any stream or watercourse, carrying off water or fluid from any kitchen sink, bathtub, washing machine or like household or commercial appliance, carrying off and draining into said stream or watercourse any fluid of an

offensive, noxious or dangerous nature regardless of the source or origin thereof, or the drainage or depositing of any substance in a stream or watercourse which may in any way poison or contaminate the water therein.

(15) *Visible address.* All buildings that are habitable and/or generally open to the public shall have the applicable address numbers/letters placed on the building so as to be visible from the street. Accessory use buildings on the same property are exempt from this requirement.

(16) *Obscene materials and graffiti.* Obscene materials and/or graffiti visible in open places.

(17) *Other conditions detrimental to public health.* Any condition detrimental to the public health that violates the rules and regulations of the county health department.

Editor's note — There is no time frame for securing/boarding up said areas of a vacant building from the inside where the use of interior curtains, blinds and/or shades will obscure same from exterior visibility and all window and/or door glass is intact.

Sec. 42-86. Investigations.

The Town manager or his designee, upon his own action or upon receiving any complaint or notice from any person regarding the existence of any conditions described in section 42-47, shall investigate such conditions as may be necessary to determine whether, in fact, such conditions constitute a violation of this article.

Sec. 42-87. Abatement.

Upon a finding that a condition constitutes a violation of this article, notice shall be given by mailing a certified letter to the property owner and/or any other person in possession of or any other person in control of or any person responsible for such condition, as and in the manner listed in the county tax supervisor's office, advising him that a threat to the public health and safety exists. He shall be given 48 hours, excluding Sundays, to remedy the situation, with the exception of junk vehicles for which the remedy deadline shall be seven days. If the situation is not completely remedied in total within the applicable period, the Town shall initiate action on its own to clean, remove or otherwise correct and minimize recurrence of such violation. This action may be, but is not limited to, cleaning, clearing, spraying, grubbing, bulldozing, hauling or any other treatment that the Town manager or his designee believes is necessary and advisable.

Sec. 42-88. Cost of abatement.

(a) The actual cost incurred by the Town in remedying the threat or potential violation of this article shall be charged to the property owner as and in the manner listed in the county tax supervisor's office. In addition, the Town shall include a fee of administration, investigation, researching, travel and monitoring of the cleanup in an amount as set from time to time by the Town council

which shall also be paid by the property owner.

(b) If charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges, such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. 160A-193.

(c) Each day such threat or potential violation of this article exists after notification to the property owner and/or any other person in possession of or any other person in control of or any person responsible for such condition upon such property shall constitute a separate and distinct misdemeanor punishable by law. This remedy shall be in addition to any abatement action taken by the Town.

Sec. 42-89. Remedy not exclusive.

The procedure set forth in this article shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances.

Sec. 1-8. Penalties for violation of this Code.

(a) Whenever in this Code or in any ordinance of the Town, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do such act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or other ordinance shall be punished by a fine or by imprisonment as allowed by the general statutes.

(b) If any violation is designated as a nuisance, such nuisance may be summarily abated by the Town in addition to the imposition of a fine or imprisonment.

(c) The imposition of a penalty under the provisions of this Code shall not prevent the revocation of any permit, license or franchise granted pursuant to any Town ordinance.

(d) Any violation of a Town ordinance by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.

(e) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be

subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of a Town ordinance, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

(f) Each day that any violation of this Code or of any ordinance shall continue shall constitute a separate offense. Nothing contained in this section or this Code shall relieve any offender of any fine, imprisonment or penalty for repeated violations on any one day.

(g) The provisions of this Code or any other Town ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by this section.

State law references—Violation of ordinance is misdemeanor, G.S. 14-4; authority to enforce ordinances, G.S. 160A-174 et seq.; authority to abate public health nuisance, G.S. 160A-193.

Secs. 10-88—10-117. Reserved.

ARTICLE III. RENTAL HOUSING CODE

Sec. 10-118. Purpose.

The purpose of this article is to establish minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the use, occupancy, and maintenance of all residential dwellings and structures or portions thereof within the incorporated limits of the Town that are income/producing residential properties or properties or portions thereof for which payment of any kind is received for the use or occupancy of the property or portion thereof.

Sec. 10-119. Scope.

(a) The provisions of this article shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation, except owner occupied dwellings. For purposes of this article, "owner" shall include the record titleholder of the property in question or his child, parent, grandchild, heirs, successors, assigns, or any spouse of those individuals.

(b) Dwellings, dwelling units, rooming houses and rooming units shall comply with all the requirements of this article.

(c) This article is designed to apply in situations where an owner, as defined in section 10-120, receives some financial benefit of one kind or another as a result of his allowing

another individual to use or occupy real property, or a portion of that real property, for residential purposes.

Sec. 10-120. Definitions.

For the purpose of this article, certain terms, phrases, words and their derivatives shall be construed as specified in either this section or as specified in the building code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Whenever the terms "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises," are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Approved means acceptable to the authority having jurisdiction (AHJ).

Building code means the applicable North Carolina State Building Code, or the Chadbourn Minimum Housing and/or Rental Housing Code, as the same may be amended from time to time.

Building official means the official or other designated authority charged with the administration and enforcement of the Chadbourn Minimum Housing Code or Rental Housing Code, or that official's designee.

Dwelling means any building, which is wholly or partly used or intended to be used for living or sleeping by human occupants that is not occupied by the owner thereof. This term shall include dwelling units,

rooming houses, and rooming units, as defined herein.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, which are used, or intended to be used for living, sleeping, cooking and eating. *Hot water* means hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

Occupant means any person, with permission from the landlord, who is living, sleeping, cooking, or eating in, or having actual possession of, a dwelling, dwelling unit or rooming unit, or a legal dependent of that person.

Owner means any individual, person, firm, corporation or legal entity, who jointly or severally along with others, shall be in actual possession of, or have charge, care and control of any structure or dwelling unit or premises within the Town as owner, employee, or agent of the owner, or as trustee, guardian, or fiduciary of the estate or person of the titleholder.

Person means any individual, firm, corporation, association, legal entity or partnership.

Plumbing means and includes all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, 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, gas or fuel lines.

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 a dwelling containing one or more rooming units in which space is let by the owner and/or owner-occupant to any person who is not the husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, or a person who is married to one of those individuals.

Tenant means one who rents or leases from a landlord.

Sec. 10-121. Violations and penalty.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter or improve the same, or fail to vacate and close and remove or demolish the same, upon order of the Town manager or his designee duly made and served as herein provided, within the time specified in such order, and each day that such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling unit, with respect to which an order has been

issued pursuant to this article, to occupy or permit the occupancy of same after the time prescribed in such order for its repair, alteration, or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(b) It shall be unlawful for an owner of any dwelling unit, dwelling, or rooming unit leased for consideration to fail to obtain a license as required in this article.

(c) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4 and shall subject the violator to a minimum fine of \$250.00 and a maximum fine of \$500.00, or imprisonment for not more than 30 days. The owner/operator of any dwelling unit, dwelling, or rooming unit that is subject to its initial inspection following the adoption of this article who may be in violation of any provision in this article shall not be liable for the fine referenced above for any such violation so long as, within 30 days of notice of violation of this article, he obtains the required license and pays a fee equivalent to twice the otherwise applicable fee for the license. He shall not be subject to additional penalties for failure to obtain the required license. However, if the required license is not obtained before the expiration of this 30 day time period, the owner/operator shall be subject to the other penalties and fines as provided by this article.

(d) The violation of any provision of this article shall also subject the offender to a civil penalty of \$50.00. Each day that any violation continues shall constitute a separate violation and a separate offense for the purposes of imposition of penalties. In addition to the penalties and other remedies provided, the Town manager may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this article.

Sec. 10-122. Refuse.

Every owner of a building containing five or more dwelling units shall supply facilities or refuse containers, dumpsters, as approved by the Town for the sanitary and safe storage or disposal of refuse. In the case of a building with less than five dwelling units, it shall be the responsibility of the tenant and/or occupant to provide an approved trash can, if not already provided by the owner. The Town may require additional trash cans in any instance in which Town officials deems it necessary to do so.

Sec. 10-123. Insects, rodents and vermin.

Exterior windows and doors of a dwelling or rooming unit shall be reasonably weather-tight, lockable, rodent proof and shall be kept in good working condition and good repair. Exterior windows adjoining kitchens, bathrooms and habitable rooms shall be provided with screens. Exterior exit doors shall also be provided with screens. If central air conditioning is provided in

the dwelling unit, then said doors are exempt from the screen requirements.

Sec. 10-124. Sanitary facilities.

(a) *Dwellings.* Dwelling units shall be provided with a kitchen sink, and an interior bathroom or lavatory equipped with facilities consisting of a flush toilet, sink and either a bathtub or shower. Toilets and bathtubs or showers shall be located within a room, which affords privacy by means of a standard doorframe and door.

(b) *Fixtures.* All plumbing drainage fixtures shall be connected to the Town's sanitary sewer or an approved private sewage disposal system, if the Town's sewer was not available at the time of installation. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. Every dwelling shall have supplied water heating facilities which are installed in an approved manner and are maintained and operated in a safe and good working condition and are properly connected with the hot water lines to the kitchen sink, lavatory washbowl or basin, and bathtub or shower. All plumbing fixtures and sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the building code.

Sec. 10-125. Mechanical requirements.

(a) *Heating.* Every dwelling and every dwelling unit shall be provided with primary heating facilities, so that under normal, average weather conditions is capable of maintaining a minimum room temperature of 70 degrees Fahrenheit in all habitable rooms, kitchens and toilet rooms measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall. Unvented fuel-burning heaters and portable heaters are not permitted as the primary heating source. Heating devices, appliances or equipment shall be of an approved type. All chimneys, vents, heating facilities and equipment shall be installed and maintained in a safe working condition and in accordance with the state building code. This would include vented and non-vented heaters that meet all safety requirements and building codes.

(b) *Smoke detectors.* Every dwelling, dwelling unit, rooming house, and rooming unit shall have an Underwriters Laboratory, Inc. (UL) listed smoke detector installed on every habitable floor level and outside each bedroom area. Detectors shall sound an alarm, audible from all sleeping areas. Detectors may be battery operated or may receive their primary source of power from the building's electrical system, with battery back-up, and shall be installed in accordance with the approved manufacturer's installation instructions.

(c) *Carbon monoxide detectors.* Every dwelling, dwelling unit, rooming house, and rooming unit with solid fuel burning heating

facilities, equipment or appliances with an intended source of fuel being natural gas, LP gas, oil or wood shall have an Underwriters Laboratory, Inc. (UL) listed carbon monoxide detector installed. Detectors shall sound an alarm, audible from all sleeping areas. Detectors may be battery operated or may receive their primary source of power from the building's electrical system, with battery back-up, and be installed in accordance with the approved manufacturer's installation instructions.

Sec. 10-126. Sub-standard dwellings.

(a) *General.* Any dwelling, dwelling unit, rooming house, or rooming unit, or the premises on which the same is located, that contains inadequate sanitation, structural hazards, hazardous electrical wiring or equipment, or inadequate heating equipment, all as defined in this section, or that otherwise endangers life, limb, health, property, safety or the welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard dwellings for purposes of this article. In determining whether a dwelling is substandard as provided in this section, references shall be made to other appropriate sections of this article, other ordinances and/or articles in the general building code of the Town.

(b) *Inadequate sanitation.* Dwellings, or portions thereof, shall be deemed substandard when they have inadequate sanitation, including but not limited to the following:

(1) Lack of, or inadequate garbage and rubbish storage and removal facilities, failure to maintain the property in a clean, sanitary condition, and/or any violation of section 10-121;

(2) Infestation of insects, vermin or rodents, and/or any violation of section 10-123;

(3) Lack of, or inadequate bathroom, lavatory, flush toilet, washbowl or basin, bathtub or shower, or kitchen sink, and/or any violation of section 10-124(a);

(4) Lack of, or inadequate plumbing fixtures, or lack of connection to required sewage disposal system, and/or any violation of section 10-124(b);

(c) *Structural hazards.* Dwellings, or portions thereof, shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

(1) Deteriorated or inadequate foundation;

(2) Defective or deteriorated flooring or floor supports;

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety;

(4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective materials or deterioration;

(5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that leak, sag, split or buckle due to defective materials or deterioration;

(7) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(8) Fireplaces or chimneys that list, bulge, leak gases or smoke, or settle due to defective material or deterioration;

(9) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety;

(10) Fireplaces or chimneys that, as a result of inadequate or faulty flashing, permit leaks or seepage.

(d) *Hazardous electrical wiring or equipment.* Dwellings, or portions thereof, shall be deemed substandard when they contain hazardous electrical wiring or equipment, including any electrical equipment, wiring or appliances that are not installed and/or maintained in good condition or a safe manner in accordance with the building code, and all applicable laws.

(e) *Inadequate mechanical equipment.* Dwellings, or portions thereof, shall be deemed substandard when they have

inadequate mechanical equipment, including any violation of section 10-125.

(f) *Inadequate insulation.* Dwellings, or portions thereof, shall be deemed substandard when they have inadequate insulation, meaning that they have less than R-19 or equivalent insulation in all attic areas above heated or cooled areas.

(g) *Violation.* It shall be unlawful for any person, firm, corporation or other entity to knowingly allow another person to occupy any dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, that is a substandard dwelling as defined by this section. A violation of this section is a misdemeanor and is punishable as set forth herein below.

Sec. 10-127. Enforcement.

(a) *Authority.* The Town manager or his designee is hereby authorized and directed to enforce all of the provisions of this chapter.

(b) *Right of entry.* When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a dwelling a condition which is contrary to or in violation of this Code which makes the dwelling substandard, the building official may enter the dwelling at reasonable times to inspect or to perform the duties imposed by this Code, provided that if said dwelling is occupied that credentials be presented to the occupant if

requested. If said dwelling is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the dwelling and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(c) *Enforcement procedures.* Enforcement procedures under this article shall be as specified in the Town's minimum housing code.

(d) *Responsibilities defined.* Owners remain liable for violations of duties imposed by this Code even though an owner may have, by agreement or otherwise, imposed on the occupant or tenant or any other individual or entity the duty of furnishing required equipment or of complying with this article.

Sec. 10-128. Other remedies unaffected.

Nothing in this article shall be construed to limit or forbid the Town or any other person or entity from pursuing any other remedies available at law or in equity to enforce the provisions of this article.

Sec. 10-129. Inspections; duty of owners and occupants.

For the purpose of making inspections, the Town manager or any of his designees is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling

unit, or rooming unit, or the person in charge thereof, shall give the inspecting person free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article or any related ordinance. If any owner or occupant of any dwelling, or portion thereof, refuses to permit the inspecting person reasonable access, the inspecting person shall have the right to enforce the terms of this article in any lawful manner, including the right to obtain an administrative search warrant pursuant to G.S. 15-27.2.

Sec. 10-130. License required for leased residential properties.

The owner of every dwelling, dwelling unit, or rooming unit leased for consideration shall pay an application fee in accordance with the schedule of fees adopted by the Town council each fiscal year, based on the criteria established in that schedule, to obtain a license to comply with the duties imposed pursuant to this article and other related codes, and each person so licensed shall provide the following information to the Town manager or his appropriate designee:

(1) The identification of the dwelling unit by location;

(2) The name, address, and telephone number where the owner, agent and/or owner/operator who has charge, care or control of a building or part thereof in which the dwelling units are leased for consideration can be contacted; and

(3) An acknowledgment by the licensee that he has complied with the terms of this article and other related codes to the best of their knowledge and belief.

Properties owned by local, state and federal governmental entities shall be exempt from the provisions of this article.

Sec. 10-131. Methods of service of complaints or orders.

Service of complaints and orders shall be made in the manner required by G.S. 160(a)-445 and shall be deemed sufficient when one of the methods allowed by that statute has been followed.

Sec. 10-132. Conflict with other provisions.

In the event any provision, standard, or requirement of this article is found to be in conflict with any provision of any other code of the Town, or with any provision of state or federal law, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

Sec. 10-133. Exemption from provisions of this article.

RENTAL HOUSING CODE

Section 701 - Purpose.

The purpose of this code is to establish minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the use, occupancy, and maintenance of all residential dwellings and structures or portions thereof within the incorporated limits of The Town of Chadbourn that are income/producing residential properties or properties or portions thereof for which payment of any kind is received for the use or occupancy of the property or portion thereof.

Section 702 - Scope.

(a) The provisions of this Ordinance shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation, except owner occupied dwellings. For purposes of this Ordinance, "owner" shall include the record titleholder of the property in question or his/her child, parent, grandchild, heirs, successors, assigns, or any spouse of those individuals.

(b) Dwellings, Dwelling Units, Rooming Houses and Rooming Units shall comply with all the requirements of this Ordinance.

(c) This Ordinance is designed to apply in situations where an owner (as defined in Section 4.80 of the Ordinance) receives some financial benefit of one kind or another as a result of his/her allowing another individual or individuals to use or occupy real property, or a portion of

that real property, for residential purposes.

Section 703 - Definitions.

For the purpose of this Ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in either this section or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words in the masculine gender include the feminine and the feminine the masculine. Whenever the terms "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises," are used in this Ordinance, they shall be construed as though they were followed by the words "or any part thereof."

(a) "Approved" means acceptable to the authority having jurisdiction (AHJ)

(b) "Building Code" means the applicable North Carolina State Building Code, or the Chadbourn Minimum Housing and/or Rental Housing Code, as the same may be amended from time to time.

(c) "Building Official" means the official or other designated authority charged with the administration and enforcement of the Chadbourn Minimum Housing Code or Rental Housing Code, or that official's designee(s).

(d) "Dwelling," means any building, which is wholly, or partly used or intended to be used for living or

sleeping by human occupants that is not occupied by the owner thereof. This term shall include Dwelling Units, Rooming Houses, and Rooming Units, as defined herein.

(e) "Dwelling Unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, which are used, or intended to be used for living, sleeping, cooking and eating.

(f) "Hot Water" means hot water supplied to plumbing fixtures at a temperature of not less than 110 degrees Fahrenheit.

(g) "Occupant" means any person, with permission from the landlord, who is living, sleeping, cooking, or eating in, or having actual possession of, a dwelling, dwelling unit or rooming unit, or a legal dependent of that person.

(h) "Owner" means any individual, person, firm, corporation or legal entity, who jointly or severally along with others, shall be in actual possession of, or have charge, care and control of any structure or dwelling unit or premises within the Town as owner, employee, or agent of the owner, or as trustee, guardian, or fiduciary of the estate or person of the title holder.

(i) "Person" means any individual, firm, corporation, association, legal entity or partnership.

(j) "Plumbing" means and includes all of the following supplied facilities and equipment: gas or fuel pipes, gas or fuel burning equipment, 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, gas or fuel lines.

(k) "Rooming House" means any dwelling, or that part of a dwelling containing one or more rooming units in which space is let by the owner and/or owner-occupant to any person who is not the husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, or a person who is married to one of those individuals.

(l) "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.

(m) "Tenant" means one who rents or leases from a landlord.

Section 704 - Refuse.

Every owner of a building containing five or more dwelling units shall supply facilities or refuse containers (dumpsters) as approved by the Town for the sanitary and safe storage or disposal of refuse. In the case of a building with less than five dwelling units, it shall be the responsibility of the tenant(s) and/or occupant(s) to provide an approved trash can, if not already provided by the owner. The Town may require additional trashcans in any instance in which Town officials deems it necessary to do so.

Section 705 – Insects, rodents and vermin

Exterior windows and doors of a dwelling or rooming unit shall be reasonably weather-tight, lockable, rodent-proof and shall be kept in good working condition and good repair. Exterior windows adjoining kitchens, bathrooms and habitable rooms shall be provided with screens. Exterior exit doors shall also be provided with screens. If central air conditioning is provided in the dwelling unit, then said doors are exempt from the screen requirements.

Section 706 - Sanitary facilities.

(a) Dwellings. Dwelling units shall be provided with a kitchen sink, and an interior bathroom or lavatory equipped with facilities consisting of a flush toilet, sink and either a bathtub or shower. Toilets and bathtubs or showers shall be located within a room, which affords privacy by means of a standard doorframe and door.

(b) Fixtures. All plumbing drainage fixtures shall be connected to the Town's sanitary sewer or an approved private sewage disposal system, if the Town's sewer was not available at the time of installation. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation. Every dwelling shall have supplied water heating facilities which are installed in an approved manner and are maintained and operated in a safe and good working condition and are properly connected with the hot water lines to the kitchen sink,

lavatory washbowl or basin, and bathtub or shower. All plumbing fixtures and sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Building Code.

Section 707 - Mechanical Requirements.

(a) Heating. Every dwelling and every dwelling unit shall be provided with primary heating facilities, so that under normal, average weather conditions is capable of maintaining a minimum room temperature of 70 degrees Fahrenheit in all habitable rooms, kitchens and toilet rooms measured three feet (3') above the floor near the center of the room and two feet (2') inward from the center of each exterior wall. Unvented fuel-burning heaters and portable heaters are not permitted as the primary heating source. Heating devices, appliances or equipment shall be of an approved type. All chimneys, vents, heating facilities and equipment shall be installed and maintained in a safe working condition and in accordance with the North Carolina State Building Code.

(b) Smoke Detectors. Every dwelling, dwelling unit, rooming house, and rooming unit shall have an Underwriters Laboratory, Inc. (UL) listed smoke detector installed on every habitable floor level and outside each bedroom area. Detectors shall sound an alarm, audible from all sleeping areas. Detectors may be battery operated or may receive their primary source of power from the building electrical system (with battery back-up), and shall be installed in accordance with the approved

manufacturer's installation instructions.

(c) Carbon Monoxide Detectors. Every dwelling, dwelling unit, rooming house, and rooming unit with solid fuel burning heating facilities, equipment or appliances with an intended source of fuel being natural gas, LP gas, oil or wood shall have an Underwriters Laboratory, Inc. (UL) listed carbon monoxide detector installed. Detectors shall sound an alarm, audible from all sleeping areas. Detectors may be battery operated or may receive their primary source of power from the building electrical system (with battery back-up), and be installed in accordance with the approved manufacturer's installation instructions.

Section 708 - Substandard dwellings.

(a) General. Any dwelling, dwelling unit, rooming house, or rooming unit, or the premises on which the same is located, that contains inadequate sanitation, structural hazards, hazardous electrical wiring or equipment, or inadequate heating equipment, all as defined in this section, or that otherwise endangers life, limb, health, property, safety or the welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard dwellings for purposes of this Ordinance. In determining whether a dwelling is substandard as provided in this Section, references shall be made to other appropriate sections of this Ordinance, other Ordinances and/or articles of the

general Building Code of The Town of Chadbourn.

(b) Inadequate Sanitation. Dwellings, or portions thereof, shall be deemed substandard when they have inadequate sanitation, including but not limited to the following:

(1) Lack of, or inadequate garbage and rubbish storage and removal facilities, failure to maintain the property in a clean, sanitary condition, and/or any violation of Section 4.81.

(2) Infestation of insects, vermin or rodents, and/or any violation of Section 4.82.

(3) Lack of, or inadequate bathroom, lavatory, flush toilet, washbowl or basin, bathtub or shower, or kitchen sink, and/or any violation of Section 4.83 (a).

(4) Lack of, or inadequate plumbing fixtures, or lack of connection to required sewage disposal system, and/or any violation of Section 4.83

(c) Structural Hazards. Dwellings, or portions thereof, shall be deemed substandard when they are or contain structural hazards. Structural hazards shall include but not be limited to the following:

~~(1) Deteriorated or inadequate foundation.~~

Deleted:

(2) Defective or deteriorated flooring or floor supports.

(3) Flooring or floor supports of insufficient size to carry imposed loads with safety.

(4) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective materials or deterioration.

(5) Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.

(6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that leak, sag, split or buckle due to defective materials or deterioration.

(7) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.

(8) Fireplaces or chimneys that list, bulge, leak gases or smoke, or settle due to defective material or deterioration.

(9) Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.

(10) Fireplaces or chimneys that, as a result of inadequate or faulty flashing, permit leaks or seepage.

(d) Hazardous Electrical Wiring or Equipment. Dwellings, or portions thereof, shall be deemed substandard when they contain hazardous electrical wiring or equipment, including any electrical equipment, wiring or appliances that are not installed and/or maintained in good condition or a safe manner in accordance with the Building Code, and all applicable laws.

(e) Inadequate Mechanical Equipment. Dwellings, or portions thereof, shall be deemed substandard when they have inadequate mechanical equipment, including any violation of Section 4.84.

(f) Inadequate Insulation. Dwellings, or portions thereof, shall be deemed substandard when they have inadequate insulation, meaning that they have less than R-19 or equivalent insulation in all attic areas above heated or cooled areas.

(g) Violation. It shall be unlawful for any person, firm, corporation or other entity to knowingly allow another person to occupy any dwelling, dwelling unit, rooming house, rooming unit, or portion thereof, that is a substandard dwelling as defined by this section. A violation of this section is a misdemeanor and is punishable as set forth herein below.

Section 709 - Enforcement.

(a) Authority. The Town Manager or his/her designee is hereby authorized and directed to enforce all of the provisions of this Ordinance.

(b) Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a dwelling a condition which is contrary to or in violation of this code which makes the dwelling substandard, the building official may enter the dwelling at reasonable times to inspect or to perform the duties imposed by this code, provided that if said dwelling is occupied that credentials be presented to the occupant if requested. If said

dwelling is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the dwelling and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(c) Enforcement Procedures. Enforcement procedures under this Ordinance shall be as specified in the Town's Minimum Housing Code.

(d) Responsibilities Defined. Owners remain liable for violations of duties imposed by this code even though an owner may have, by agreement or otherwise, imposed on the occupant or tenant or any other individual or entity the duty of furnishing required equipment or of complying with this Ordinance.

Section 710 - Other remedies unaffected.

Nothing in this Ordinance shall be construed to limit or forbid the Town of Chadbourn or any other person or entity from pursuing any other remedies available at law or in equity to enforce the provisions of this Ordinance.

Section 711 - Inspections; duty of owners and occupants.

For the purpose of making inspections, the Town Manager or any of his/her designees is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in

charge thereof, shall give the inspecting person free access to such dwelling, dwelling unit, or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination, and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful order issued pursuant to the provisions of this Ordinance or any related ordinance. If any owner or occupant of any dwelling, or portion thereof, refuses to permit the inspecting person reasonable access, the inspecting person shall have the right to enforce the terms of this Ordinance in any lawful manner, including the right to obtain an administrative search warrant pursuant to N.C.G.S. Section 15-27.2.

Section 712 - License required for Leased Residential Properties.

(a) The owner of every dwelling, dwelling unit, or rooming unit leased for consideration shall pay an application fee in accordance with the schedule of fees adopted by the Town Council for the Town of Chadbourn for each fiscal year, based on the criteria established in that schedule, to obtain a license to comply with the duties imposed pursuant to this Ordinance and other related ordinances, and each person so license shall provide the following information to the Town

Manager or his/her appropriate designee(s):

(1) The identification of the dwelling unit by location;

(2) The name, address, and telephone number where the owner, agent and/or owner/operator who has charge, care or control of a building or part thereof in which the dwelling units are leased for consideration can be contacted;

(3) An acknowledgment by the licensee that he has complied with the terms of this Ordinance and other related ordinances to the best of their knowledge and belief;

Section 713 – Violations and penalty.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter or improve the same, or fail to vacate and close and remove or demolish the same, upon order of the Town Manager or his designee(s) duly made and served as herein provided, within the time specified in such order, and each day that such failure, neglect, or refusal to comply with such order continues and shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling unit, with respect to which an order has been issued pursuant to this Ordinance, to occupy or permit the occupancy of same after the time prescribed in such order for its repair, alteration, or improvement or its vacation and closing, and each day that such occupancy continues after

such prescribed time shall constitute a separate and distinct offense.

(b) It shall be unlawful for an owner of any dwelling unit, dwelling, or rooming unit leased for consideration to fail to obtain a license as required in this Ordinance.

(c) The violation of any provision of this Ordinance shall constitute a misdemeanor, as provided by N.C.G.S. Section 14-4 and shall subject the violator to a minimum fine of two hundred fifty dollars (\$250.00) and a maximum fine of five hundred dollars (\$500.00), or imprisonment for not more than thirty (30) days; provided, however, that the owner/operator of any dwelling unit, dwelling, or rooming unit whose dwelling, dwelling unit, or rooming unit is subject to its initial inspection following the adoption of this Ordinance who may be in violation of any provision in this Ordinance shall not be liable for the fine referenced above for any such violation so long as he or she, within 30 days of notice of violation of this Ordinance, obtains the required license(s) and pays a fee equivalent to twice the otherwise applicable fee for the license(s), and he or she shall not be subject to additional penalties for failure to obtain the required license(s). However, if the required license(s) is/are not obtained before the expiration of this 30 day time period, an owner/operator shall be subject to the other penalties and fines as provided by this Ordinance.

(d) The violation of any provision of this Ordinance shall also subject the offender to a civil penalty of fifty dollars (\$50.00). Each day that any violation continues shall constitute a

separate violation and a separate offense for the purposes of imposition of penalties. In addition to the penalties and other remedies provided, the Town Manager may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this Ordinance.

Section 714 – Methods of service of complaints or orders.

Service of complaints and orders shall be made in the manner required by N.C.G.S. 160(a)-445 and shall be deemed sufficient when one of the methods allowed by that statute has been followed.

Section 715 – Conflict with other provisions.

In the event any provision, standard, or requirement of this Ordinance is found to be in conflict with any provision of any other ordinance or code of the Town, or with any provision of State or federal law, the provision which establishes the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of the Town shall prevail.

Section 716 – Unconstitutionality of part of Ordinance.

Should a court of competent jurisdiction determine that any portion of this Ordinance is unconstitutional; the remaining portions of the Ordinance shall remain in full force and effect and shall be fully enforceable.

Section 717 – Exemption from Ordinance.

Properties owned by local, state and federal governmental entities shall be exempt from the provisions of this ordinance.