

CHAPTER 6. BUILDING REGULATIONS

ARTICLE I. BUILDING REGULATIONS ON REPAIR, CLOSING, OR DEMOLITION OF UNSAFE AND/OR ABANDONED DWELLINGS AND/OR STRUCTURES

Section 6.1 Findings

It is hereby found and declared if there exists in the Town of Holly Ridge and its ETJ, dwelling or un-safe building which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary and dangerous and detrimental to the health, safety and morals and otherwise inimical to the welfare of the Town. Therefore, pursuant to the authority granted by N.C.G.S. 160D-1119 and 160D-1201 through 1212, it is the intent of this ordinance to provide for the repair, closing or demolition of such structures in accordance with the same provisions and procedures as set forth by law.

Section 6.2 Definitions

The following terms shall have the meanings whenever used or referred to as indicated when used in this ordinance unless a different meaning clearly appears from the context.

- (a) “**Town**” means Town of Holly Ridge.
- (b) “**Dwelling**” means any building, structure, manufactured home, or mobile home, or apart thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose.
- (c) “**Building Code Enforcement Administrator**” or his/her authorized agents, is hereby authorized, and it shall be his/her duty, to enforce the provisions of this Ordinance. This official shall have the right to enter upon the premises at any reasonable time necessary to carry out his/her duties. It is the intention of this Ordinance that all questions arising in connection with its enforcement and interpretation shall be presented first to the Code Enforcement Administrator. Appeal from his/her decision shall be made to the North Carolina Building Code Council.
- (d) “**ETJ**” means the Exterritorial Jurisdiction limits of the Town.
- (e) “**Building Code Enforcement Officer**” means the officer or officers who are authorized by this ordinance adopted hereunder to exercise the powers prescribed by the ordinance.
- (f) “**Governing Body**” means the Town Council
- (g) “**Manufactured home or mobile home**” means a structure as defined in N.C.G.S. 143-145(7)
- (h) “**Owner**” means the holder of the title in fee simple and every mortgagee of record.

(i) “**Parties of Interest**” means all individuals, associations and corporations who have interests of record in a dwelling, or building and any who are in possession thereof.

(j) “**Public Authority**” means any housing authority or any officer who is in charge of any department or branch of the government of the Town, County or state relating to health, fire, building regulations, or other activities concerning dwellings in the Town.

(k) “**Public Officer**” means the officer or officers who are authorized by this ordinance adopted hereunder to exercise the powers prescribed by the ordinance.

(l) “**Special Inspection**” is the monitoring of certain critical structural materials, complex design, or installation method requiring the supervision of the building code official. A registered design professional may also be required if deemed necessary by the building code official. Examples of special inspection include steel construction, concrete construction, firewall construction, and fireproofing.

(m) “**Unsafe Building**” is any structure whether habitable or used for other purposes, which due to the bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of ingress and egress and which constitutes a danger to the health and safety of any occupant.

Section 6.3 Duties of the building officer

The Town Manager is hereby designated as the Town Building Officer and shall designate the Building Code Enforcement Administrator and his designee to enforce the provisions of this ordinance.

- (a) To locate abandoned structures within the Town and ETJ to determine which structures are in violation of this ordinance;
- (b) To take such action pursuant to this ordinance as may be necessary to provide for the repair, closing or demolition of such structures;
- (c) To keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this ordinance; and
- (d) To perform such other duties as may be prescribed herein or assigned to him/her by the Town Council.

Section 6.4 Powers of the town building officer and the building code enforcement administrator

Town Building Officer and the Building Code Enforcement Administrator or his designee are authorized to exercise such powers as maybe necessary to carry out the intent and the provisions of this ordinance, including the following powers in addition to others herein granted:

- (a) To investigate the condition of buildings within the Town and its ETJ in order to determine which structures are abandoned and/or in violation of this ordinance.
- (b) To enter upon premises for the purpose of making inspection;
- (c) To administer oaths and affirmations, examine witnesses, and receive evidence; and
- (d) To designate such other officers, agents and employees of the Town as he/she deems necessary to carry out the provision of this ordinance.

Section 6.5 Standards for enforcement

- (a) Every building or dwelling within the Town and its ETJ shall be deemed in violation of this ordinance whenever such structure constitutes a hazard to the health, safety or welfare or the Town Citizens as a result of:
 - 1. The attention of insects or rodents;
 - 2. Conditions creating a fire hazard;
 - 3. Dangerous conditions constituting a threat to children;
 - 4. Frequent use vagrants as living quarters in the absence of sanitary facilities; or
 - 5. A hazard to health and safety of occupants because of bad condition of walls, overloaded floors, defective construction, decay unsafe wiring or heating systems and/or inadequate means of ingress and egress.
- (b) In making the preliminary determination of whether or not an abandoned structure is in violation of this ordinance, the Building Code Enforcement Administrator or his designee may, by way of illustration and not limitation, consider the presence or absence of the following conditions and those in accordance with G.S.160D-1203(6):
 - 1. Holes or cracks in the structure's floors, walls, ceiling, or roof which might attract or admit rodents, and insects or become breeding places for rodents and insects;
 - 2. The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;

3. Violations of the State Building Code, the State Electrical Code, the Fire Prevention Code, which constitutes a Fire hazard in such structure;
4. The collection of garbage, rubbish or combustible material which constitute a fire hazard in such structure;
5. The use of such structure or nearby grounds of facilities by children as a play area;
6. Violations of the State Building Code which might result in danger to children using the structure or nearby ground or facilities as a play area; and
7. Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking or eating.

Section 6.6 Procedure for enforcement

(a) PRELIMINARY INVESTIGATION; NOTICE; HEARING

Whenever a petition is filed with the Building Code Enforcement Administrator or his designee by at least five (5) residents of the Town charging that any structure exists in violation of this ordinance or whenever it appears to the Building Code Enforcement Administrator or his designee upon inspection, that any structure exists in violation of this ordinance or whenever it appears to the Building Code Enforcement Administrator or his designee upon inspection, that any structure exists in violation hereof, he/she shall, if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of the property and parties in interest in such structure a complaint stating the charges and containing a notice that a hearing will be held before the Building Code Enforcement Administrator or his designee at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to all persons signing a petition relating to such structure. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Building Code Enforcement Administrator or his designee.

(b) PROCEDURE AFTER HEARING

After such notice and hearing, the Building Code Enforcement Administrator or his designee shall state in writing his/her determination whether such structure violates this ordinance.

If the Building Code Enforcement Administrator or his designee determines that the structure is in violation he/she shall state in writing his/her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such structure or else remove or demolish the same within a specified period of time not to exceed ninety (90) days.

(c) FAILURE TO COMPLY WITH ORDER:

1. IN PERSON REMEDY. If the owner of any structure shall fail to comply with an order of the Building Code Enforcement Administrator or his designee within the time specified therein, the Building Code Enforcement Administrator or his designee may submit to the Town Council at its next regular meeting a resolution directing the Town Attorney to petition the District or Superior Court for an order directing such owner to comply with the order of the Building Code Enforcement Administrator or his designee, as authorized N.C.G.S.160D-1208.

2. IN REM REMEDY. After failure of an owner of a structure to comply with an order of the Building Code Enforcement Administrator or his designee within the item specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph 1., the Building Code Enforcement Administrator or his designee shall submit to the Town Council an ordinance ordering the Building Code Enforcement Administrator or his designee to cause such structure to be removed or demolished, as provided in the original order of the Building Code Enforcement Administrator or his designee and pending such removal or demolition, to placard such dwelling as provided by N.C.G.S. 160D-1203.

3. EJECTMENT: If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of Town to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejection and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling. The clerk of Superior Court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date, and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in N.C.G.S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejection entered under N.C.G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in N.C.G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejection proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejection proceeding that the governing body has ordered the public officer to proceed to exercise his duties to vacate and close or remove and demolish the dwelling.

(d) PETITION TO SUPERIOR COURT BY OWNER: Any person aggrieved by an order issued by the Building Code Enforcement Administrator or his designee shall have the right,

within thirty (30) days after issuance of the order, to petition the Superior Court for a temporary injunction restraining the Building Officer from carrying out said order pending a final disposition of the cause, as provided by N.C.G.S. 160D-1208.

Section 6.7 Methods of service of complaints and orders

Complaints or orders issued by the Building Code Enforcement Administrator or his designee shall be served upon person either personally or by certified mail, return receipt requested, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the Building Officer in the exercise of reasonable diligence, the Building Officer shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publication in a newspaper having general circulation in the Town and County at least once, no later than the time at which person served is required under Section 6.6 of this ordinance. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Section 6.8 In rem action the building code enforcement administrator or his designee: placarding

After failure of an owner of a structure to comply with an order of the Building Code Enforcement Administrator or his designee issued pursuant to the provisions of this ordinance, and upon adoption by the Town Council, of an ordinance authorizing and directing to do so, as provided by N.C.G.S. 160D-1203 and section 6 (c) of this ordinance the Building Code Enforcement Administrator or his designee shall proceed to cause such structure to be removed or demolished, as directed by the ordinance of the Town Council and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor and punishable pursuant to N.C.G.S. 14-4 as amended.

Each such ordinance shall be recorded in the office of the Register of Deeds of Onslow County, and shall be indexed in the name of the property owner in the grantor index, as provided by N.C.G.S. 160D-1203.

Section 6.9 Costs, a lien on premise

As provided by N.C.G.S. 160D-1208, the amount of the cost of any removal or demolition caused to be made or done by the Building Code Enforcement Administrator or his designee pursuant to this ordinance shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be enforced and the costs collected as provided by N.C.G.S. 160A-216 et seq.

Section 6.10 Alternative remedies

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this ordinance by criminal process, and the enforcement of any

other ordinances or laws.

ARTICLE II. REGULATIONS ON COMMERCIAL AND RESIDENTIAL BUILDINGS

Section 6.11 Policy

It is the policy of the Town Council of the Town of Holly Ridge that parties developing new residential or commercial areas within the Town of Holly Ridge or within its extraterritorial jurisdiction shall have and bear the responsibility of providing adequate facilities to protect such developments from fire.

Section 6.12 Application

The provisions of the chapter shall apply to all developments upon which construction beyond the state of land clearing and grading begins after the date of passage of this amendment.

Section 6.13. Water main requirements in new developments: certificate of compliance

(a) No zoning certificate may be issued to any person, firm, or corporation, until such person, firm, or corporation has provided a plot plan or plat which shows clearly the location of water mains, laterals, and fire hydrants to be installed upon the property and until such plan has been reviewed by the Code Enforcement Department, the Fire Chief of the Town of Holly Ridge and the Onslow Water and Sewer Authority (ONWASA) or other water and sewer utility providing service has issued a certificate that such plan complies in all respects with the requirements of this chapter of the code of Ordinances, Town of Holly Ridge. A copy of this certificate shall then be forwarded to the Fire Chief.

(b) The developer of all residential or commercial developments, construction of which, begins after the effective date of this ordinance, shall place or cause to be placed at intervals along the water mains supplying such development, fire hydrants of a type standard, and quality as approved by the Town of Holly Ridge Planning Department, Onslow Water and Sewer Authority (ONWASA) or other water and sewer utility providing service at the time of recording in the office of the Register of Deeds of Onslow County the subdivision plat or development plat. In areas zoned for business and industrial uses, fire hydrants shall be at intervals of no more than 300 feet. In residential districts, one hydrant shall be placed at each intersection with intermediate hydrants between intersections so located, that spacing does not exceed 500 feet. Hydrants shall be located adjacent to roadways suitable for fire apparatus. Where new water mains are installed along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1000 ft. to provide for transportation hazards. All hydrants shall be installed in a safe and proper manner and in conformity with the minimum standards for the trade and as required by the Town of Holly Ridge, Onslow Water and Sewer Authority (ONWASA) or other water and sewer utility

providing service. The above distant requirement is advised by I.F.S.T.A. (International Fire Service Training Association) manual #205.

(1) The developer shall install or cause to be installed, a cutoff valve for each fire hydrant. In locations where the water main supplying a hydrant is under a street (where such street is a public or private street) such cutoff valve shall be located in the street or as near there as reasonably possible. Where such mains do not run under a street as described herein, the cutoff valve shall be located within a 6 foot radius of the base of the fire hydrant. In addition, the developer shall install or cause to be installed, a master cutoff valve in each lateral line as near as practicable to the intersection of each lateral line with the main serving that lateral line. No water supply system as herein described may be covered until such time as the Onslow Water and Sewer Authority (ONWASA) or other utility providing service has inspected such system and issued a certificate indicating that such system is in compliance. No Certificate of Occupancy may be issued for any building within the development until all inspections as required by this chapter have been completed and all Certificates of Compliance have been issued.

Section 6.14 Fire lanes, hydrant access upon commercial property

Any builder, developer, person, firm, or corporation which erects, constructs, or occupies any building for commercial use shall provide and at all times keep clear and free of obstruction, a fire lane of at least 10 feet in width from the nearest public highway to such building, and further, such builders, developers, persons, firms, or corporation shall restrict parking within 30 feet of the fire hydrants by appropriate signs, pavement markings, or other appropriate notice to operators of motor vehicles.

Section 6.15 Fire chief /appointee, ex officio member of planning and zoning board

The duly selected Chief of the Fire Department or his duly appointed designee shall serve as an ex officio, nonvoting member of the Planning and Zoning Board.

ARTICLE III. MINIMUM HOUSING STANDARDS

Section 6.16 Finding purpose

(a) Pursuant to G.S. 160D-1201, it is hereby found and declared if there exists in the Town of Holly Ridge dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary and dangerous and detrimental to the health, safety and morals and otherwise inimical to the welfare of the Town.

(b) In order to protect the health, safety and welfare of the residents of Holly Ridge as authorized by Article 12, Chapter 160D of the General Statutes, it is the purpose of the Article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160D-1205.

Section 6.17 Definitions

(a) Basement shall mean a portion of a dwelling located at least fifty percent (50%) underground, having direct access to light and air from windows located above the level of the adjoining ground.

(b) Cellar shall mean a portion of a building located partly or wholly underground, have inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

(c) Deteriorated shall mean that a dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this article, at a cost not in excess of fifty percent (50%) of its value, as determined by the findings of the housing inspector.

(d) Dilapidated shall mean that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this article at a cost of fifty percent (50%) of its value, as determined by findings of the housing inspector.

(e) Dwelling shall mean any building, structure, manufactured, modular or mobile home which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing, as hereinafter defined, shall not be regarded as a dwelling.

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

(g) Egress shall mean exits, exit doors and the way to an exit. This is the means by which a person may leave a building/dwelling.

(h) Extermination shall mean 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 housing inspectors.

(I) Garbage shall mean the animal and vegetable waste resulting from the handling preparation, cooking and consumption of food.

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

(k) Held out shall mean not ready to be occupied until a future date for not more than one (1) year.

(l) Infestations shall mean the presence within or around dwelling of any insect, rodent or other

pest in such a number as to constitute a menace to health, safety, or welfare of the occupants or the public.

(m) Inspector shall mean a housing inspector of the Town of Holly Ridge who is certified to do building inspections.

(n) Multiple Dwelling shall mean any building containing more than two (2) dwelling units.

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

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

(q) Owner shall mean any person who alone, jointly or severally with others;

(1) Shall have the title to any dwelling or dwelling unit, with or without accompanying actual possession thereof or;

(2) Shall have charge, care or control of any dwelling unit, as owner or agent 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 article, and rules and regulations adopted pursuant thereto, to the same extent as if they were the owner.

(r) Plumbing shall mean and include all of the following supplied facilities and equipment, gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinder), installed dishwashers, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(s) Public Authority shall mean the Holly Ridge Town Council or their designee or any officer who is in charge of any department or branch of the government of Holly Ridge or in the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings.

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

(u) Rooming House shall mean any dwelling, or that part of any dwelling, containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband and wife, son or daughter, mother or father or sister or brother of the owner or the operator.

(v) Rubbish shall mean combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimming, tin cans, metals, mineral matter and glass crockery.

(w) Supplies shall mean paid for, furnished or provided by, or under the control of the owner or operator.

(x) Temporary Housing shall mean temporary labor camps and migrant labor housing.

(y) Transportable Housing shall mean a tent, trailer or other structure used for human shelter which is designed to be a transportable and which is not attached to the ground, to another structure or to any utility systems on the same premises for more than thirty (30) consecutive days.

(z) Unfit for Human Habitation shall mean that conditions exist in a dwelling which violate or do not comply with one (1) or more of the minimum standards of fitness or one (1) or more of the requirements established by this article or shall mean that conditions exist that constitutes life hazards and that do not comply with minimum standards of fitness or the requirements established by this ordinance.

(aa) Meaning of Certain Words Whenever the words “dwelling, dwelling unit, 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”

Section 6.18 Minimum standards for fitness for dwellings and dwelling units

Every dwelling and dwelling unit used or intended for human habitation, except transportable and temporary housing or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 6.19 to 6.22 of this chapter. No owner shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit, which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 4 to 8.

Section 6.19 Minimum standards for structural condition

(a) Walls, floors, ceilings and roofs shall not have rotted, deteriorated or damaged supporting members to a point where the structural integrity would not be reasonably safe for the purpose used.

(b) Foundation, foundation walls, piers or other foundation supports shall not be deteriorated or damaged to a point where the supporting strength would not be safe for the purpose used.

(c) Stairs, porches and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon.

(d) Every dwelling unit shall be proved with adequate means of egress as required by the State Residential Building Code by which the house was constructed.

(e) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be reasonably weatherproof and airtight.

(f) There shall be no chimney or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

(g) There shall be no use of exposed ground as a floor and wood floors shall not be placed directly on the exposed ground.

Section 6.20 Minimum standards for basic equipment and facilities

(a) Plumbing System

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

(2) Each dwelling unit shall contain the following, as required by the State Plumbing Codes to which the house was constructed: a kitchen sink, lavatory, tub or shower, water closet and adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the State Plumbing Code to which the house was constructed and shall be maintained in an operable condition.

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

(b) Heating System

Every dwelling unit shall have facilities for providing heat in accordance with either one (1) or two (2) below:

(1) Central and electrical heating systems. Every dwelling should have facilities provided to heat the dwelling to a temperature or sixty-eight (68) degrees Fahrenheit three (3) feet above the floor during ordinary winter conditions.

(2) Other heating facilities. Where central or electrical heat is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues or gas vents whereby heat appliances may be connected where approved by the North Carolina Building Codes to which the house was constructed and shall be maintained in an operable condition so as to heat all habitable rooms with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured three (3)

feet above the floor during ordinary winter conditions.

(c) Electrical System

- (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles, connected in such manner as determined by the National Electric Code. There shall be installed in every bathroom, water closet room, and laundry room at least one (1) supplied ceiling or wall type electric light fixture.
- (2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.
- (3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair and safe. All repairs, replacements and additions shall be installed in accordance with the National Electric Code.
- (4) The landlord shall comply with Section 2, NCGS 42-42 (a) and the tenant shall comply with Section 3, NCGS 42-42 (a) relating to the smoke detector state code.

Section 6.20 Minimum standards for ventilation

- (a) General. Except when provided with mechanical ventilation, every habitable room shall have an operable window, the size of which shall not be less than eight percent (8%) of the floor area of such room. Every room used for sleeping, cooking, living, etc. shall have a permanent means of providing air circulation or air exchange.
- (b) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Section 6.21 Minimum standards for space, use and location

- (a) Room Sizes. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Code, Volume VII of the 1996 State Building Code (except mobile homes prior to 1974) as stated below:
 - (1) Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area. Other habitable rooms shall have an area of no less than seventy (70) square feet.
 - (2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor area. Every kitchen shall have no less than fifty (50) square feet of floor area. Habitable room, except kitchens, shall not be less than seven (7) feet in any horizontal

dimension.

(b) Ceiling Height. At least one half ($\frac{1}{2}$) of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet.

(b) Floor Area. Floor area calculation shall be as required by the State Residential Building Code, Volume VII, and as stated below. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may not count for more than ten percent (10%) of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.

(d) Dwelling Unit. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code. Every dwelling unit shall contain at least one hundred fifty (150) square feet of habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable floor area for the first occupant, at least one hundred (100) square feet of additional habitable area for each of the next three (3) occupants, and at least seventy five (75) square feet of additional habitable floor area for each additional occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty five (35) square feet of floor area for each occupant under twelve (12) years of age.

Section 6.22 Minimum standards for control of insects, rodents and infestations

(a) Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor, space shall have supplied and installed screens and a self-closing device, and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens installed. If central heating and air conditioning is provided, then no screens are required.

(b) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Wherever infestation is caused by failure of the occupant to maintain a dwelling in a reasonable rodent and insect proof condition, extermination shall be the responsibility of the occupant.

Extermination shall be the responsibility of the owner whenever infestation exists in one of the following circumstances:

- (1) Two (2) or more dwelling units used in any dwelling
- (2) In the shared or public parts of any dwelling

(3) In the shared or public parts of any dwelling containing two (2) or more dwelling units.

(c) Every dwelling unit shall have a container with a lid in which garbage can be stored on a temporary basis.

Section 6.23 Responsibilities of owner or occupants

(a) Every owner of a dwelling unit and every occupant thereof shall be responsible for maintaining it in a clean and sanitary condition.

(b) No occupant shall willfully destroy, deface or impair any of the facilities of equipment, or any part of the structure of a dwelling or dwelling unit, provided, however, the owner is ultimately responsible for the care of facilities, equipment and structure.

(c) Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In addition, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

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

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

Section 6.24 Duties of the housing inspector/code enforcement officer

The Housing Inspector duties shall be designated to the Code Enforcement Administrator or his designee and is hereby designated as the officer/officers to enforce the provisions of this Article and to exercise the duties and powers herein prescribed.

(a) Upon a documented request as specified in Section 6.27(a) below, the Code Enforcement Administrator or his designee shall investigate the dwelling and dwelling conditions in order to determine if the dwelling unit is unfit for human habitation.

(b) To take such action, together with the other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing, which is deteriorated.

(c) To keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed, and

(d) To perform such other duties as may be herein prescribed.

Section 6.25 Powers of the code enforcement administrator

The Code Enforcement Administrator or his designee is authorized to exercise such power as provided by the North Carolina General Statutes.

Section 6.26 Inspection: Duty of owners or occupants

For the purpose of making inspections, the Code Enforcement Administrator or his designee 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 inspector free access to such dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purpose 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. If the tenant refuses the inspector admittance, then the inspector must obtain an administrative inspection warrant.

Section 6.27 Procedure for enforcement

(a) Preliminary Investigation; Notice Hearing. Whenever a documented request is filed with the housing inspector, by a public authority or at least five (5) residents of the Town of Holly Ridge charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Code Enforcement Administrator or his designee, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner a complaint stating the charges and containing a notice that a hearing will be held before the Code Enforcement Administrator or his designee at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of the complaint. The owner shall have the right to file an answer to the complaint and appear in person or otherwise, and give testimony at the place and time fixed in the complaint.

(b) Notice of Such Hearing shall also be given to the party or parties initiating the complaint relating to such dwelling. Any person caring to do so, may attend such hearing and be given evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing inspector.

(c) Procedures after Hearing. After such notice and hearing, the Code Enforcement Administrator or his designee shall state in writing his determination whether such dwelling unit is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.

(1) If the Code Enforcement Administrator or his designee determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing

and requiring the owner to repair, alter and improve such dwelling or dwelling unit to comply within the minimum standards of fitness established by this Article within a specified period of time not to exceed ninety (90) days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs or alterations and improvements have been made.

(2) If the Code Enforcement Administrator or his designee determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to vacate and remove and demolish the same within a specified period of time not to exceed ninety (90) days.

(d) Failure to Comply With Order

(1) In person Remedy. If the owner of any deteriorated dwelling unit shall fail to comply with an order of the Code Enforcement Administrator or his designee to repair, alter or improve the same within the time specified therein, or if the owner of a dilapidated dwelling unit shall fail to comply with an order of the Code Enforcement Administrator or his designee to vacate and close and remove and demolish the same within the time specified therein, the Housing Code Enforcement Administrator or his designee shall submit to the Holly Ridge Town Council at its next regular meeting a resolution which directs the Town Attorney to petition the Superior Court for an order directing such owner to comply with the order of the Code Enforcement Administrator or his designee as authorized by GS 160D-1203.

(2) In Remedy. After failure of an owner of a deteriorated dwelling or dwelling unit or a dilapidated dwelling or dwelling unit to comply with an order of the Code Enforcement Administrator or his designee within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph one (1), the Code Enforcement Administrator or his designee shall submit to the Holly Ridge Town Council an ordinance ordering the Code Enforcement Administrator or his designee to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed, or demolished, as provided in the original order of the Code Enforcement Administrator or his designee and, pending removal or demolition, to place a placard on such dwelling provided by GS 160D-1203 and Section 6.29 of this Ordinance.

(e) Appeals from Order of Code Enforcement Administrator or his designee. An appeal from any decision or order of the Code Enforcement Administrator or his designee may be taken by any person aggrieved thereby. Any appeal from the Code Enforcement Administrator or his designee shall be taken within ten (10) days from the rendering of the decision or service of the order and shall be taken by filing with the housing inspector and with the Holly Ridge Town Council a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Code Enforcement Administrator or his designee shall forthwith transmit to the Town Council all the papers constituting the record upon which the decision appealed from was made. When appeal is from a decision of the Code Enforcement Administrator or his designee refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision for

the Code Enforcement Administrator or his designee requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Town Council, unless the Code Enforcement Administrator or his designee certifies to the Town Council, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (copy of which shall be furnished by the applicant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the Code Enforcement Administrator or his designee, by the Town Council, or by a court record upon petition made pursuant to GS 160D-1208 and subsection (e) of this section.

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

(2) Every decision of the Town Council shall be subjected to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Town Council, but not otherwise.

(f) Petition to Superior Court by Owner. Any person aggrieved by an order issued by the Code Enforcement Administrator or his designee or a decision rendered by the Town Council shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction, restraining the housing inspector pending a final disposition of the case, as provided by GS 160D-1208.

Section 6.28 Methods of service of complaints and orders

Complaints or orders issued by the Code Enforcement Administrator or his designee shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such person are unknown and the same cannot be ascertained by the Code Enforcement Administrator or his designee in the exercise of reasonable diligence, the Code Enforcement Administrator or his designee shall make an affidavit to that effect, and the serving of such person may be made by publishing the same once each week, for two (2) successive weeks in a newspaper circulating in the Town. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

Section 6.29 In rem action by inspector placarding

(a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Code Enforcement Administrator or his designee issued pursuant to the provision of this Article, and upon adoption by the governing body of an Ordinance authorizing and directing him to do so, as provided by GS 160D-1203 and Section 6.27 (d)(2) of this Ordinance, the Code Enforcement Administrator or his designee shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this Article or to be vacated and closed and removed or demolished, as directed by the Ordinance of the Town of Holly Ridge Town Council, and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words “ This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.” Occupation of a building so posted shall constitute a misdemeanor.

(b) Each such ordinance shall be recorded in the office of the Onslow County Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index as provided by GS 160D-1203.

Section 6.30 Costs, a lien on premises

As provided by GS 160D-1203, the amount of the cost of any repairs, alterations or improvements or vacating and closing or removal or demolition, caused to be made or done by the Code Enforcement Administrator or his designee pursuant to Section 6.29, shall be a lien against the real property upon which cost was incurred. Such lien shall be filed, have the same priority and be enforced and the costs collected as provided in Article 10, Chapter 160A of the General Statutes.

Section 6.31 Alternative remedies

Neither this Article nor any of its provisions shall be constructed to impair or limit in any way the power of the Town of Holly Ridge to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this ordinance by criminal process as authorized in GS 14-4 and Section 6.34, and the endorsement of any remedy provided herein shall not prevent the enforcement of any other remedy provided herein or in other Ordinances or laws.

Section 6.32 Holly Ridge housing board of appeals

The Holly Ridge Town Council will hear appeals taken from decisions of the Code Enforcement Administrator or his designee, as provided by Section 6.27(e). The Town Council shall have the power to elect its own officers, to fix the times and places of its meeting, to adopt necessary rules or procedure and to adopt other rules and regulations for the proper discharge of its duties. The Town Council shall perform the duties prescribed in Section 6.27(e) and shall keep an accurate record of all its proceedings.

Section 6.33 Conflict with other provisions

If any provisions, standard or requirement of this Article is found to be in conflict with any provision of any other Ordinance or Code of the Town of Holly Ridge, the provision which established the higher standard or more stringent for the promotion and protection of the health and safety of the residents of the Town of Holly Ridge shall prevail.

Section 6.34 Violations /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 to vacate and close and remove or demolish the same, upon order of the Code Enforcement Administrator or his designee duly made and served as herein provided, within the time specified in each order. Each day that any such failure, neglect or refusal to comply with such order continues, shall constitute a separate and distinct offense.

(b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 6.27 of this Ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(c) The violation of any provision of this Ordinance shall constitute a misdemeanor, as provided by GS 14-4.

(d) In addition to the penalty established by subsection (c) above, and the remedies provided by other provisions of this Ordinance, this Ordinance may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Section 6.35(a) Technical codes adopted and enforced

(a) The town hereby adopts the latest editions of the North Carolina State Codes and their appendices as adopted by the North Carolina State Code Council and as amended for the enforcement of; Administrative, Building Code (Commercial), Plumbing, Mechanical, Energy, Fire, Fuel Gas, and Electrical; Accessibility with 2002 and 2004 amendments; Residential Building Code, and Existing Building Code. The building codes shall be enforced by the Code Enforcement Administrator and/or his designees.

Section 6.35(b) Commercial and Residential Construction Sites (Container Required)

Permits and required documentation for construction shall be displayed on the construction site in a weatherproof container. Displayed with permanent marking shall be the builder's name, address of the construction site, and permit number visible from the street or access road.

Section 6.36 Special Inspection Requirements

When special inspections are required to insure compliance of the technical codes, the Town of Holly Ridge Building Inspections Department shall require that the project owner or the owner's agent to make arrangements with the building code official and the registered design professional if required to verify that all materials and installation methods used comply with the approved drawings, specifications, and permit documents submitted to the building code official. Depending on the type of work being performed, the special inspections may be continuous or periodic. Special inspections are in addition to other inspections needed to insure compliance of the North Carolina State Building Code.

Permits and required documentation for construction shall be displayed on the construction site in a weatherproof container. Displayed with permanent marking shall be the builder's name, address of the construction site, and permit number visible from the street or access road.

ARTICLE IV. SURVEYS REQUIRED

Section 6.37 Definitions

(a) Principal building means the building in which the principal use of the land is conducted.

Section 6.38 Foundation Survey

(a) A foundation survey, by a licensed land surveyor must be submitted within 14 days after the foundation or the setting of pilings has been completed for new construction of any principal building. This survey shall illustrate the location of all structures under construction as well as existing structures, all property lines, building setback lines, buffers, and easements.

(b) The requirement for a foundation survey shall not apply to the following:

- (1) Accessory structures or structures which do not require a building permit.
- (2) Any structures which are located more than 10 feet from any setback line, property line, buffer, or easement, whichever is greater, as identified on an approved plot plan or site plan.

Section 6.39 Final As-Built Survey

(a) A final as-built survey, by a licensed land surveyor must be submitted prior to the final inspection and issuance of a Certificate of Occupancy for any new construction of a nonresidential principal building. A final as-built survey shall also be required for residential development of principal buildings on lots 15,000 square feet or less that are part of a state approved stormwater system. This survey shall illustrate the finished location of all structures, all

impervious surfaces/total square feet, all property lines, building setback lines, buffers and easements.

(b) The requirement for an as-built survey shall not apply to the following:

(1) Accessory structures or structures which do not require a building permit.