



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 11 – HOUSING

Section 1.0 MINIMUM HOUSING STANDARDS

1.1 Finding

The Board of Commissioners of the Town of Farmville hereby finds and declares that there now exists in the Town of Farmville and that there may reasonably be expected to exist in the future housing which is unfit for human habitation because of dilapidation; defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, lack of ventilation, light or sanitary facilities; or because of conditions rendering such housing unsafe or unsanitary, or dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the Town of Farmville; and that a public necessity exists to exercise the police powers of the Town pursuant to Article 19 of Chapter 160A of the General Statutes of North Carolina and other applicable law, as now or hereafter amended, to cause the repair and rehabilitation, closing or demolishing of such housing in the manner herein provided; and pursuant to the exercise of the said police power, the Board of Commissioners finds as facts and so declares that the ensuing sections of this chapter are necessary to the implementation of its purposes hereinabove declared in this chapter and that, specifically but without limitation, the minimum standards of fitness for dwelling and dwelling units, as enacted in this chapter herein below, are reasonable and necessary for this community and are, all and sundry of them, reasonable and necessary criteria for determining whether dwellings and dwelling units in this Town are fit for human habitation.

1.2 Definitions

The following terms, whenever used or referred to in this code, shall have the following respective meanings for the purpose of this chapter, unless a different meaning clearly appears from the context:

- 1.2.1 Accessory building or outhouse shall mean a building or structure the use of which is incidental to that of the main building or structure and which is located on the same lot or on a contiguous lot.
- 1.2.2 Basement shall mean a portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

- 1.2.3 Cellar shall mean a portion of a dwelling which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- 1.2.4 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 ordinance at a cost not in excess of fifty percent (50%) of its value, as determined by finding of the Inspector.
- 1.2.5 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 ordinance except at a cost in excess of fifty percent (50%) of its value, as determined by finding of the Inspector.
- 1.2.6 Dwelling shall mean any building, structure, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses, and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.
- 1.2.7 Dwelling unit shall mean 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.
- 1.2.8 Exit shall mean a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.
- 1.2.9 Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.
- 1.2.10 Family shall mean one (1) or more persons living together and having common housekeeping facilities.
- 1.2.11 Garbage shall mean, except for human excretes, the animal or vegetable waste resulting from the handling, preparation, cooking,

and consumption of food.

- 1.2.12 Habitable space or habitable room shall mean any room or enclosed floor space in a building or structure used or intended for use in living, sleeping, cooking or eating, including kitchens, but excluding bathrooms, toilets, halls, corridors, pantries, storage space, closets, laundries and other spaces not used frequently or during extended periods.
- 1.2.13 Housing shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, including any accessory buildings and appurtenances belonging thereto or usually enjoyed herewith.
- 1.2.14 Housing unit shall mean a habitable space or spaces in any structure occupied or intended for occupancy by not more than one (1) family and forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating.
- 1.2.15 Infestation shall mean the presence within or around housing of any insects, rodents, or other pests in such numbers as to constitute a threat or deterioration to the housing or a hazard to the health or physical well-being of the occupants.
- 1.2.16 Inspector shall mean the codes Enforcement Officer of the Town or any authorized agent of the Inspector.
- 1.2.17 Multi-family housing shall mean a building or structure occupied or intended for occupancy as the home or residence of more than two (2) families, living independently of each other, and doing their own cooking within their respective housing units.
- 1.2.18 Occupant shall mean any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of dwelling, dwelling unit or rooming unit.
- 1.2.19 Owner shall mean a holder of the legal title and every mortgagee of record, or every cestui que trust under a deed of trust.
- 1.2.20 Parties in interest shall mean all individuals, associations and corporations who have interest or record in a dwelling, and any who are in possession thereof.
- 1.2.21 Party wall means a wall which is used or adapted for joint service between two (2) building units and in which the owner or

occupant of each dwelling unit has a common interest.

- 1.2.22 Person shall mean any individual, corporation, firm, partnership, association, organization or other legal entity.
- 1.2.23 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 grinders), sewage disposal pipes, water closets sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- 1.2.24 Premises shall mean a lot, plot or parcel of land, including the building or structure thereon or any part thereof, except land occupied by streets, alleys or public thoroughfares.
- 1.2.25 Public authority shall mean the Town Housing Authority or any officer who is in charge of any department or branch of the government of the Town or of Pitt County or the state of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the Town.
- 1.2.26 Public space shall mean that space within any multifamily housing, which is open to common use by occupants of and visitors to the premises.
- 1.2.27 Removal shall mean the demolition and removal of the entire building, leaving the premises free and clear of any debris; any excavation properly filled in and with no holes or pockets, which may retain water.
- 1.2.28 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 none of whom is husband, wife, son, daughter, mother, father, sister or brother (or in a “step” or “in-law” kinship, with respect to the six (6) last-named relationships) of the owner or operator.
- 1.2.29 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.
- 1.2.30 Rubbish shall mean combustible or noncombustible waste materials, except garbage; and the term shall include the residue

form the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust, and discarded appliances.

- 1.2.31 Shall as used in this ordinance is mandatory and may or should is permissible.
- 1.2.32 Story shall mean the part of a building comprised between a floor and the floor or roof next above.
- 1.2.33 Structure shall mean that which is built or constructed, an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner. The term structure shall be construed as if followed by the words “or part thereof.”
- 1.2.34 Substandard shall mean any condition existing in any housing or structure, which does not meet the standards of fitness in this code.
- 1.2.35 Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.
- 1.2.36 Temporary housing shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty (30) consecutive days.
- 1.2.37 Unfit for human habitation shall mean a residential building which contains any of the following conditions, which conditions the Board of Commissioners hereby finds renders any building dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the Town:
- (1) Interior walls or vertical studs which seriously list, lean or buckle to such an extent as to render the building unsafe.
 - (2) Supporting member or members which show thirty-three percent (33%) or more damage or deterioration, or non-supporting, enclosing or outside wall or covering which shows fifty percent (50%) or more of damage or deterioration.
 - (3) Floor or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

- (4) Such damage by fire, wind or other causes as to render the building unsafe.
- (5) Dilapidation, decay, unsanitary conditions or disrepair, which is dangerous to the health, safety or morals of the occupants or other people in the Town. (Amended - 07/07/92)
- (6) Inadequate facilities for egress in case of fire, accident or other calamities.
- (7) Defects significantly increasing hazards of fire, accident or other calamities.
- (8) Lack of adequate ventilation, light, heating or sanitary facilities to such an extent as to endanger the health, safety, morals or general welfare of the occupants or other residents of the Town.
- (9) Lack of proper electrical heating (or) plumbing facilities required by this ordinance, which constitute a health or definite safety hazard.
- (10) Lack of adequate weatherization as required by this ordinance.
- (11) Any combination of other substandard items under this ordinance which in the judgment of the Codes Enforcement Officer renders any building dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the Town.

1.2.38 Ventilation shall mean the insufflations and the exsufflation of air by natural or mechanical means, to and from housing.

1.2.39 Ventilation, mechanical shall mean ventilation by power-driven devices.

1.2.40 Ventilation, natural shall mean ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind-driven devices.

1.2.41 Words having certain meaning. Whenever the words “dwelling, dwelling unit, rooming house, rooming unit, premises” are used in this ordinance, they shall be construed as though they were followed by the words “or any part thereof.”

1.3 Scope

The provisions of this ordinance shall apply to all existing housing and to all housing constructed within the Town of Farmville. Portable, mobile or demountable buildings

or structures, including trailers, when used or intended for use as housing within the town shall be subject to the applicable provisions of this ordinance.

1.4 Substandard and Unfit Housing

- 1.4.1 Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, which does not comply with all the requirements of this ordinance shall be deemed substandard.
- 1.4.2. Unless otherwise provided in this ordinance, all requirements relating to housing shall be the responsibility of the owner.
- 1.4.3. No person shall occupy as owner-occupant, or let to another or others for occupancy or use, or cause to be used as a human habitation, any dwelling or dwelling unit, which exhibits any of the conditions, described contained in Section 1.2.37 “Unfit for human habitation”.
- 1.4.4. The inspector shall determine that a residential building is unfit for human habitation if he finds that any of the conditions contained in Section 1.2.37 “Unfit for human habitation,” exist in such building.
- 1.4.5. A vacant residential dwelling unit that has been inspected and found to be unfit for human habitation may not be occupied until its owner receives a certificate of occupancy from the Town.

1.5 Minimum Dwelling Space Requirements

No person shall occupy as owner-occupant any dwelling designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- 1.5.1 Required Space in Dwelling Unit
Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor for the next three occupants and at least 75 square feet of additional habitable floor area for each additional occupant.
- 1.5.2 Required Space in Sleeping Rooms
In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at

least 50 square feet of floor space for each additional occupant thereof.

1.5.3 Floor Area

At least one-half of the floor area of every habitable room, foyer, hall or corridor shall have a ceiling height of at least seven feet (7'); and the floor area of that part of any room where the ceiling height is less than seven feet (7') shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

1.5.4 Occupancy of Dwelling Unit Below Grade

No basement or cellar space shall be used as a habitable room or dwelling unit unless:

- (a) The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness;
- (b) There is at least one window above grade.

1.5.5 Location of Sanitary Facilities

All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of thirty (30) square feet.

1.5.6 Bathroom walls, toilet room walls and bedroom walls shall have no holes or excessive cracks.

1.5.7 Access

Shall be provided to all rooms within a dwelling unit without passing through other dwelling units.

1.5.8 Doors

Shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms and at all rooms adjoining a public space.

1.5.9 Kitchen Facilities

Each living unit shall have a specific kitchen space, which contains a sink with counter work space and having hot and cold running water, and adequate space for food preparation and storing food and cooking utensils.

1.6 Light and Ventilation Standards

1.6.1 No person shall occupy as owner-occupant any dwelling or

dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- 1.6.2 Every habitable room shall have at least one window or skylight facing directly to the outdoors.
- 1.6.3 Year around mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window type air-conditioning units are not included in this exception.
- 1.6.4 Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal to at least forty-five (45) per cent of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation.
- 1.6.5 Every bathroom shall comply with the light and ventilation requirement for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.

1.7 Exit Standards

- 1.7.1 Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of seven feet (7') leading to a safe and open space at ground level.
- 1.7.2 Every inside and outside stair, step, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.
- 1.7.3 Protective railings shall be required on any unenclosed structure over five (5) feet from the ground level or on any steps containing four (4) risers or more.
- 1.7.4 Where protective handrails are required above five (5) feet, they shall be constructed with intermediate rails or ornamental patters, such that a 6-inch diameter sphere cannot pass through any opening.
- 1.7.5 Smoke detectors shall be installed as required in Section 903.2 of the North

Carolina State Building Code.

1.8 Plumbing Standards

- 1.8.1 Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstruction.
- 1.8.2 Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- 1.8.3 Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120° F. Such water heating facilities shall be capable of meeting the requirements of this sub-section when the dwelling or dwelling unit heating facilities required under the provisions of this ordinance are not in operation. The minimum storage capacity of the water heater shall be 30 gallons.
- 1.8.4 All water piping shall be protected from freezing by proper installation in protected space.
- 1.8.5 Every water closet compartment floor surface and every bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and as to permit such floor to be readily kept in a clean and sanitary condition.

1.9 Heating Standards

- 1.9.1 Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms, and bathrooms in every dwelling unit located therein to a temperature of at least 70°F at a distance three (3) feet above floor level, under ordinary minimum winter condition.
- 1.9.2 Where a gas or electric central heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents whereby heating appliances may be connected so as to furnish a minimum

temperature of 70°F measured at a point three (3) feet above the floor during ordinary minimum winter conditions.

- 1.9.3 All gas and oil burning equipment installed on the premises shall be of a type approved by Underwriters' Laboratories, Inc., or by American gas Association and shall be installed in accordance with the provisions of the North Carolina State Building Code.
- 1.9.4 Liquid fuel stored on the premises shall be stored in accordance with the provisions of the fire prevention code.
- 1.9.5 There shall be no hanging masonry chimneys.
- 1.9.6 If the fireplace opening is closed, the closure shall be of masonry.
- 1.9.7 Fireplaces shall be used only for supplemental heat and not for basic heating.

1.10 Electrical Standards

- 1.10.1 Every dwelling shall be wired for electric lights and convenience receptacles. Every habitable room of such dwelling shall contain at least (2) separate floor or wall-type electric convenience outlets; and every kitchen, bathroom, bedroom, laundry room, furnace room, corridors or hallways, and porches shall contain at least one supplied ceiling or wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- 1.10.2 Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- 1.10.3 No person shall occupy as owner-occupy any dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electric power.

1.10.3.1 Where the determination is made, upon examination of the existing electrical service supply, that such electrical service supply is obsolete or is being used in such manner as would constitute a hazard to the occupants or would otherwise constitute a hazard to life and property, the following shall be used for determining the adequacy of such service supply and main disconnect switch:

| <u>Electrical Outlets Only</u> | Capacity of Main Service Supply & Main Disconnect <u>Switch</u> |
|--------------------------------|--|
| 0 – 50 | 100 amp service |

1.10.3.2 The maximum capacity of the service supply and the main disconnect switch shall be sufficient to adequately carry the total load.

1.11 Structural Standards

1.11.1 Foundation:

1. The building foundation walls, piers, or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.
2. The foundation shall be on firm, reasonable dry ground, and there shall be no water standing or running under the building.
3. There shall be no isolated masonry piers exceeding in height ten (10) times the least horizontal dimension of the pier.
4. The space between the ground and the first floor of every dwelling shall be enclosed with masonry or other permanent material, except where underpinning is not consistent with the architecture of the dwelling, and where an enclosure would cause excessive related water damage as determined by the inspector. Where wood is used as underpinning, such wood, in addition to the conditions set out above, shall be weather-treated and permanently affixed. Where no underpinning is required, the ground level floor shall be substantially weather tight and insulated to R-19 value.

1.11.2 Floors:

1. Every floor shall be maintained structurally rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

1.11.3 Walls, exterior:

The exterior walls and materials shall be reasonably plumb, substantially weather tight, watertight and shall be made impervious to the adverse effects of weather and be maintained in sound condition and good repair.

No deterioration due to the elements because of lack of preventive maintenance consisting of painting, waterproofing and repair shall be allowed.

1.11.4 Walls, interior:

Every interior wall shall be maintained structurally rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

1.11.5 Ceilings

Every ceiling shall be maintained structurally rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

1.11.6 Roof

1. Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

2. The roof covering shall be at least class C, as defined by the North Carolina State Building Code.

1.11.7 Porches

Every porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

1.11.8 Stairs and Steps

Every inside and outside stair, step and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

1.11.9 Accessory Buildings

All accessory buildings and structures, including detached garages, shall be maintained structurally sound and in good

repair.

1.11.10 Fire-resistance rating

a.) Where applicable because of the number of dwelling units in a structure, the fire resistance rating requirements if the North Carolina State Building Code shall apply to party walls and ceilings.

1.12 Property Maintenance

1.12.1 Buildings and structures

1. Exterior wood surfaces not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative with sufficient frequency to prevent deterioration.
2. Floors, walls, ceilings and fixtures shall be maintained in clean and sanitary condition.
3. Every window, exterior door and basement or cellar door and hatchway shall be substantially weather-tight, watertight and rodent proof; and shall be kept in sound working condition and good repair.
4. Window panes or an approved substitute shall be maintained without cracks or holes.
5. Window sash shall be properly fitted and weather-tight within the window frame.
6. Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.
7. Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building and shall be provided with proper hardware and maintained in good condition.
8. Every door opening directly from a dwelling unit to outdoor space shall have screens' and every window or other device with opening to outdoor space, used or intended to be used for ventilation, shall likewise have screens. Dwelling building containing central heating furnaces and air-conditioning equipment for mechanically ventilating the building year around are not required to have screens on door or window openings. Window type air-conditioning units are not included in this exception.
9. Floor covering, where provided, shall be maintained in a safe,

sanitary, and serviceable manner.

1.12.2 Public areas:

Every owner of a structure, containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the structure and premises thereof.

1.12.3 Rubbish and garbage:

Every person who occupies and controls a dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in proper storage facilities. In the case of single-family and two-family dwellings, the persons who occupy and control the dwellings shall be responsible for providing the receptacles for disposing of garbage and rubbish. In the case of multi-family housing, the owner shall be responsible for providing the receptacles for the storage of garbage and rubbish. In all cases the receptacles shall meet, the specifications set out in the Town of Farmville Code of Ordinances.

1.12.4 Interior cleanliness:

Every occupant of a dwelling unit shall be responsible for maintaining the dwelling in a safe and sanitary condition.

1.12.5 Premises

The owner or occupants of a residential building, structure or property shall not utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc.

1.12.6 Infestation

- a. Premises, buildings and structures shall, by generally accepted methods of extermination, be maintained free of vermin and rodent harborage and infestation.
- b. Every basement or cellar which might provide an entry for rodents shall be supplied with screens installed or with such other approved devices as will effectively prevent entrances by rodents. (Amended Section 1.5 – 1.12.6 © 07/07/92)

1.12.7 Insulation

Ceiling insulation rated at least R-19, or a minimum thickness of four (4) inches of insulation, when approved by the inspector, and consisting of rock wool (glass) or fiber glass, or other materials

exhibiting fire-resistant capabilities equal to or greater than rock wool or fiber glass, shall be required in the ceilings of all dwellings within sixty (60) months of July 1, 1992.

1.12.8 Rooming Houses, Additional Requirements

1. No person shall operate or cause to be operated any rooming house, unless there is provided:
 - a. Lavatory facilities consisting of one (1) flush water closet, one (1) washbasin and one (1) bathtub or shower for every six (6) persons residing in said rooming house.
 - b. Access within the rooming house to lavatory facilities without entering another rooming unit.
 - c. Walls, floors and ceilings maintained in a sanitary condition.
 - d. Prompt and sanitary disposal of all garbage.
 - e. A furnace room enclosed with material having at least one-hour protection rating.
2. No person shall operate or cause to be operated any rooming house that permits that heating or cooking of food within a rooming unit.

1.13 Town's Right of Entry For Inspection; Duty of Owner and Occupants

For the purpose of making inspection and otherwise performing their duties under this ordinance, the Inspector and his duly appointed agents are hereby authorized, upon presentation of proper credentials, 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, upon being presented with proper credentials, 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 chapter or with any lawful order issued pursuant to the provisions of the Town of Farmville Code of Ordinances. If the owner or occupant refuses admission for this purpose, admission may be obtained through the provisions of Article 4A of Chapter 15 of the General Statutes of North Carolina.

1.14 Non-liability of Town Personnel

No officer, agent or employee of the town shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of the duties under this ordinance shall be defended by the Town attorney until the final determination of the proceedings therein.

1.15 Refusal to Permit Entry Upon Premises; Misdemeanor

It shall be unlawful for any owner or persons in possession of premises on which housing is located in the Town to refuse, after being presented with a warrant as issued under General Statute 15-27.2, to permit the Inspector or his duly appointed agents to enter upon the said premises for the purpose of making examinations as authorized by the ordinance. Violations of this section shall constitute a misdemeanor.

1.16 Procedure for Repairing, Closing or Demolishing Certain Abandoned Structures

In addition to the exercise of police power authorized herein with respect to dwellings, the town shall cause to be repaired, closed or demolished any abandoned structure which the Board of Commissioners finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of such structures shall be pursuant to the same provisions as included in this ordinance for dwellings found to be unfit for human habitation.

1.17 Procedure Generally for Correction of Dwellings Unfit for Human Habitation

- a.) Whenever a petition is filed with the Inspector by a public authority, or by at least five (5) residents of the Town, charging that any housing is unfit for human habitation or whenever it appears to the Inspector (on his own motion) that any housing is unfit for human habitation, the Inspector shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such housing a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Inspector at a place within the Town of Farmville at a time fixed not less than ten (10) days no more than thirty (30) days after serving of the said complaint. The owner and parties in interest shall have the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearing before the Inspector. The owner and parties in interest shall also have the right to file with the Inspector a written statement agreeing that the housing referred to in the complaint is unfit for human habitation, that the same should be demolished, and agreeing that the

Town may have said housing demolished, and agreeing that the cost of demolition shall be a lien in the nature of a special assessment upon the property. In such cases, the Inspector may proceed with the demolition without complying with the additional provision of this section.

- b.) If, after such notice and hearing, the Inspector determines that the housing under consideration is unfit for human habitation, 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, requiring the owner, within the time specified in the order, to repair, alter or improve such housing to render it fit for human habitation or to vacate and close the housing as a human habitation:
 1. If the repair, alteration or improvement of said housing can be made at a reasonable cost in relation to the value of the housing, not to exceed sixty-five (65) percent of the value; or
 2. If the repair, alteration or improvement of said housing cannot be made at a reasonable cost in relation to the value of the housing, not to exceed sixty-five (65) percent of the value, requiring the owner, within the time specified in the order, to remove or demolish such housing.

The Inspector's order shall also provide that the housing to which it applies shall not be occupied if it is vacant as of the date of the order or becomes vacant before the required repair, alteration or improvements have been made, unless the owner obtains from the Inspector a certificate of fitness for occupancy which shall be issued upon a finding by the Inspector that the housing subject to said order is not unfit for human habitation.

- c.) The Inspector is hereby authorized to fix the reasonable value of any housing for the purpose of this section and such value shall be binding, unless the owner protests such value in writing to the Inspector within ten (10) days after receipt of an order. Upon such protests, the Inspector shall nominate one (1) competent and disinterested person; the protesting party shall nominate one (1) competent and disinterested person; and the two (2) persons so nominated shall nominate a third competent and disinterested person; and the three (3) persons so nominated shall serve as commissioners of appraisal. The said commissioners shall make their appraisal of the value of the housing under consideration, shall return the appraisal to the Inspector and the protesting party within ten (10) days after their appointment, and said appraisal shall be binding and conclusive for the purpose of this section. The costs of any such appraisal shall be paid by the protesting party to the Inspector at the time of filing written request.
- d. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the housing, the Inspector, subject to the provisions of subsection (e) below, may cause such housing to be repaired, altered or improved or to be vacated and closed, and may cause to be posted on the main entrance of any housing so closed a placard with the following words: "This building is unfit for human habitation; the use or occupancy of this building for human habitation is

prohibited and unlawful.”

- e. If the owner fails to comply with an order to remove or demolish the housing, the Inspector may cause such housing to be removed or demolished; provided, however, that the powers of the Inspector set forth in subsections (d) and (e) of this section shall not be exercised until the Board of Commissioners shall have, by ordinance, ordered the Inspector to proceed to effectuate the purpose of this ordinance with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation and which shall be described in the ordinance. Said ordinances shall be recorded in the office of the Register of Deeds in Pitt County, and shall be indexed in the name of the property owner in the grantor index.
- f. Whenever the Board of Commissioners has adopted an ordinance ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this section, and the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one (1) year pursuant to the order, the Board of Commissioners shall find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the Town in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state; then in such circumstances, after the expiration of such one-year period, the Board of Commissioners may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:
 - 1) Repair or demolish and remove the dwelling within ninety (90) days, if the repair necessary to render the dwelling fit for human habitation would cost less than fifty (50) percent of the present value of the dwelling; or
 - 2) Demolish and remove the dwelling with ninety (90) days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of fifty (50) percent of the present value of the dwelling.

Such order shall be recorded in the Office of the Register of Deeds in Pitt County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this order within the time fixed by such order, then the Inspector shall cause such dwelling to be repaired or demolished and removed pursuant to said order.

- g. The cost of such repairs, alterations, improvements, vacating and closing, removal, demolition, grading, filling, seeding, or securing and making safe by the Inspector shall be a lien in the nature of a special assessment against the real property upon which such cost was incurred. If the housing is removed or

demolished by the inspector, he shall sell the materials of such housing and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the Inspector, shall be secured in such a manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

- h. Complaints or orders issued by the Inspector pursuant to this code shall be served upon persons either personally or by registered or certified mail; but, if the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, and the Inspector shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same at least once, no less than ten (10) days and no more than thirty (30) days prior to the hearing, in a newspaper printed and published in the Town. A copy of such complaint order shall be posted in a conspicuous place on the premises affected by the complaint or order.
- i.
 - (1) The Zoning Board of Adjustment shall hear and determine appeals from any decision or order of the Inspector. An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby or by any officer, Board of Commissioner of the Town. Any appeal from the Inspector 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 Inspector and with the Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any such notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector 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 of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the Inspector certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), 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 Inspector, by the Board, or by a court of record upon petition made pursuant to subparagraph (4) of this paragraph (i).
 - (2) The Zoning Board of Adjustment 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 Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision or order appealed from, and may make such decision

or order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of four-fifths of the members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have the power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done.

- (3) Every decision of the Board of adjustment shall be subject to review by the superior court by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.
- (4) Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board of Adjustment may petition the superior court for an injunction restraining the Inspector from carrying out the order or decision, and the court may, upon such petition, issue a temporary injunction restraining the Inspector pending a final disposition of the cause; provided, however, that such petition shall be filed within thirty (30) days after issuance of the order or rendering of the decision. Hearings shall be had by the court on any such petition within twenty (20) days and shall be given preference over other matters on the court's calendars. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subparagraph (4).
- (5) In case any housing is erected, constructed, altered, repaired, converted, maintained or used in violation of this ordinance or of any ordinance adopted under authority of the code of ordinances or any valid order or decision of the Inspector or Board of Adjustment made pursuant to this ordinance, the Inspector or Board may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration or use, to restrain, correct or abate such violation or to prevent any illegal act, conduct or use in or about the premises of the housing.

J. The Inspector is hereby further authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the provisions of this ordinance, including the following powers in addition to others herein granted:

- (1) To diligently investigate and examine residential building and accessory structures located in the Town especially in those portions of the Town where the conditions described in this ordinance exist for the purpose of locating and taking action with respect to such buildings and structures as

appear to be unfit for human habitation.

Whenever the owner of property has complied with the minimum standards in this ordinance for each dwelling or dwelling unit in accordance with previous inspections and orders issued by the Inspector, then no further inspections for violations shall be required for a period of two (2) years from the date of final inspection and approval except where, in the opinion of the Inspector, it is necessary in the interest of public health or safety of the residents or such violations constitute a health and safety hazard which is inimical to the general welfare of the citizens in the community. In instances where the owner or tenant who was residing in a dwelling or dwelling unit at the time that the final inspection and approval was made quits the premises, then this subsection which does not require further inspection for a period of two (2) years shall no longer be applicable with respect to such dwelling or dwelling unit.

- (2) To administer oaths and affirmations, examine witnesses and receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, that such entries shall be made at reasonable times and in such manner as to cause the least possible inconvenience to the person in possession;
- (4) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this ordinance; and
- (5) To delegate any of his functions and powers under this code to such officers and agents as he may designate.

1.18 Failure to Comply With Orders; Dwellings Declared Nuisance; Occupancy After Issuance of Order; Penalty

- a. If any order issued and served in accordance with this article is not complied with, within the time specified therein, the housing with respect to which such order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person who has knowledge of the issuance of such order to use or occupy or to permit anyone else to use or occupy such housing or any part thereof as a human habitation. Any person violating any provision of this section or failing to comply therewith shall be guilty of a misdemeanor.
- b. It shall be unlawful for any person to use or to occupy or to permit anyone else to use or occupy as a human habitation any housing on the main entrance of which the Inspector has caused a placard to be posted declaring the building to be unfit for human habitation and stating that the use or occupancy of the building for human habitation is prohibited and unlawful. Any person violating any provision of this section or

failing to comply therewith shall be guilty of a misdemeanor.

1.19 Removal of Complaint, Notice or Order

No person, without written consent of the Inspector, shall remove or permit the removal of any complaint, notice or order posted in accordance with the provisions of the ordinance. Any person violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor.

1.20 Renting of Unfit Dwelling After Notice

Any person (landlord or tenant) violating any lawful order of the board of Commissioners to vacate and close, or to demolish, any residence found to be unfit for human habitation shall, upon the expiration of the date for compliance with such order, be guilty of a misdemeanor and each day such offense continues shall be deemed a separate offense. Any person occupying, or permitting re-occupancy, of a vacant house found by the Inspector to be unfit for human habitation, without making the house fit for human habitation and receiving the approval of the Inspector, shall be guilty of a misdemeanor and each day any such offense continues shall be deemed a separate offense. The provisions of this section shall be in addition to any other provisions of this chapter of the Town of Farmville Code of Ordinances, which make violations of the Town Code a misdemeanor.

1.21 Securing Vacated Property; Approval Before Re-occupancy

Dwelling ordered vacated by the Inspector shall have all outer doors firmly locked and basement, cellar and first-story windows barred or boarded to prevent entry, and shall not again be used for human habitation until written approval is secured from the Inspector.

1.22 Conflicts

The provisions of this ordinance shall not be construed to conflict with any other applicable laws, codes or ordinances pertaining to housing but are supplemental thereto, and where the provisions of this ordinance are similar to provisions of other applicable laws, codes or ordinances, the more stringent provisions shall apply.

1.23 Disposition of Abandoned Personal Property, Fixtures and Appurtenances Found in or Attached to Dwellings Ordered Demolished

Any article of personal property, fixtures or appurtenances found or attached to a dwelling, which items have been determined by the Inspector to be abandoned in a house which the Board of Commissioners has ordered the Inspector to demolish, shall be disposed of in the following manner:

1. The Inspector shall send a notice by certified or registered mail to the owner of the personal property, fixtures and other items, if such owner can be reasonably identified, and request that such owners remove the same from the premises within fifteen (15) days of receipt of said notice.
2. If the owner of the personal property, fixtures or other items fails or refuses to remove such property after being requested to do so, said property shall be subject to sale by the Town. The Inspector shall cause a notice of sale of property to be placed in the Pitt County Court House ten (10) days prior to the sale. A sale shall be conducted by a public officer and shall be open to the public. All items will be sold to the highest bidder for cash. If no bids are received, the Inspector shall proceed with the demolition of the property.

1.24 Penalties for Violation of Ordinance

- a. Each violation of any provision of this ordinance shall constitute a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) or imprisonment of not more than thirty (30) days, as provided by North Carolina General Statutes, Section 14-4, as amended.
 - b. An owner who fails to comply with an order to repair or to improve, vacate or close any occupied dwelling determined unfit for human habitation pursuant to the provisions contained in this ordinance, or who permits the re-occupancy of an unfit dwelling in violation of this ordinance shall be subject to a civil penalty of one hundred dollars (\$100.00) for the first day following the expiration of an order to repair or improve, vacate or close any occupied dwelling or following a determination that an unfit dwelling has been reoccupied in violation of this ordinance. In each instance, a penalty of ten dollars (\$10.00) per day shall be imposed for each subsequent day that the unfit unit remains occupied in violation of an order or in violation of this ordinance. If a person fails to pay the civil penalty within ten (10) days after being notified of the amount due, the Town may recover the penalty together with all costs by filing a civil action in the general court of justice in the nature of a suit to collect a debt.
- The provisions of this chapter may also be enforced through any equitable or other remedy deemed appropriate by the Town and permitted by law.