

# **TOWN of AHOSKIE HOUSING CODE**

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# Town of Ahoskie Housing Code

## Section 1. Finding; Purpose.

Pursuant to G. S. 160A-441, it is hereby found and declared that there exist in the Town of Ahoskie, 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 or due to other conditions rendering the dwellings unsafe or unsanitary, or dangerous and detrimental to the health, safety, morals and otherwise inimical to the welfare of the residents of the Town.

And it is further found by the Town Council that there exist in the Town, abandoned structures which constitute a health and safety hazard as a result of the attraction of insects and rodents or which results in a condition creating a fire hazard or which bring about dangerous conditions constituting a threat to children or which bring about frequent use by vagrants as living quarters in the absence of sanitary facilities.

In order to protect the health, safety and welfare of the residents of the Town as authorized by part 6 of Article 19, Chapter 160A of the General Statutes, it is the purpose of this ordinance to establish minimum standards of fitness for the initial and continued occupancy of all dwellings used for habitation and for the continued existence of abandoned structures as expressly authorized by G.S. 160A-444.

## Section 2 Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

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.

Dwelling shall mean any building 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. The word Dwelling wherever used herein shall also be construed to mean any structure which has not been occupied by the owner or the owners tenant for a period of 90 consecutive days.

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.

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 Inspector.

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

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, heater rooms, foyers or communicating corridors, closets and storage spaces.

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupant or to the public.

Inspector shall mean the Code Enforcement Officer or any agent of the Code Enforcement Officer who is authorized by the Code Enforcement Officer.

Multiple dwelling shall mean any dwelling containing more than two dwelling units.

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

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.

Owner shall mean any person who alone or jointly, or severally with others:

- 1) Shall have title to any dwelling unit, with or without accompanying actual possession thereof, or
- 2) Shall have charge, care or control of any dwelling or dwelling unit as owner or agent of the owner, or as executor, executrix, 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 ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Plumbing shall mean all water service, drain waste and vent, and gas supply systems, together with all connections to water, sewer or gas lines.

Public Authority means any housing authority or any officer who is in charge of any department or branch of the government of the city, county, or State relating to health, fire, building regulations, or other activities concerning dwellings in the city.

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.

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

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 trimmings, tin cans, metals, mineral matter, glass crockery, and dust.

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

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 consecutive days.

Unfit for human habitation shall mean that conditions exist in a dwelling which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this ordinance.

Meaning of certain words. Whenever the words, "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof".

### Section 3. Minimum Standards of Fitness for Dwellings and Dwelling Units.

Every dwelling and dwelling unit used as human habitation, 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 Section 4, 5, 6, 7, 8, and 9 of this ordinance. No person 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, 5, 6, 7, 8, and 9 of this ordinance.

### Section 4. Minimum Standards for Structural Condition.

- a) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
- b) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purposed used.
- c) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- d) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fall or collapse.
- e) Adequate facilities for egress in case of fire or panic shall be provided.
- f) Interior walls and ceilings of all rooms, closets, and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- g) The roof, flashings, exterior walls, basement walls, floor, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.
- h) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- i) There shall be no use of the ground for floors, or wood floors on the ground.

### Section 5. 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 or other approved sewage disposal system.

- 2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- 3) All plumbing fixtures shall be maintained in a state of good repair and in good working order.
- 4) All required plumbing fixtures 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 and dwelling unit shall have facilities providing heat in accordance with either (1) or (2) below:

- 1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity so as to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty eight (68) degrees Fahrenheit measured at a point three feet (3') above the floor during ordinary winter conditions.
- 2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplace, chimneys, flues or gas vents whereby heating appliances may be connected so as to heat all habitable rooms with a minimum temperature of sixty eight (68) degrees Fahrenheit measured three feet (3') above the floor during ordinary winter conditions.

c) Electrical System

1. All enclosed areas, other than kitchens, basements, garages, hallways, closets, laundry areas and bathrooms shall have a minimum of two duplex receptacle outlets.
2. Kitchen areas shall have a minimum of two duplex receptacle outlets or equivalent and one switch-controlled lighting outlet. At least one of the required duplex receptacles shall be provided to serve counter space.
3. Laundry areas shall have a minimum of one duplex receptacle outlet or equivalent located near the laundry equipment and installed on an independent circuit.
4. At least one switch controlled lighting outlet shall be provided in every bathroom, hallway, stairway, attached garage, detached garage with electric power, and to illuminate outdoor entrances and exits.

5. At least one switch controlled lighting outlet shall be provided in utility rooms and basements where these spaces are used for storage or contain equipment requiring service.
6. Electrical service equipment (overcurrent devices) shall be located where they will not be subject to physical damage and shall not be located in the vicinity of easily ignitable material.
7. All 125 volt, single-phase, 15- and 20- ampere receptacles in bathrooms, kitchen counter space, garages, outdoors and in locations specified by the Code Enforcement Officer, shall have ground-fault circuit protection for personnel.
- 8) 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.
- 9) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used.

#### Section 6. Minimum Standards for Light and Ventilation.

- a) General. Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight percent (8%) of the floor area of such room. Whenever the only window in a room is a skylighted-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.
- b) Habitable rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.
- c) 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 7. 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 herein.

Every dwelling unit shall contain at least 200 square feet per occupant.



In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than 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.

- b) Ceiling Height. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven feet (7').
- c) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not 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 four and one-half feet (4'6") shall not be considered as part of the floor area computing the total area of the room to determine maximum permissible occupancy.
- d) Cellar. No cellar shall be used for living purposes.
- e) Basement. No basement shall be used for living purposes unless:
  - 1) The floor and walls are substantially watertight;
  - 2) The total window area, total openable window area and ceiling height are equal to those required for habitable rooms;
  - 3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well, or accessway.

## Section 8. Minimum Standards for Safe and Sanitary Maintenance.

- a) Exterior foundation, walls, and roofs. Every foundation wall, exterior wall, and exterior roof shall be substantially weathertight and rodent proof; shall be kept in sound condition and good repair, shall be capable of affording privacy; shall be safe to use and capable of supporting the load which normal use may cause to be place thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.
- b) Interior floor, walls, and ceilings. Every floor, interior wall, and ceiling shall be substantially 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 place thereon.
- c) Windows and doors. Every window and egress door shall be substantially weathertight, watertight, and rodent proof-, and shall be kept in sound working condition and good repair.
- d) Stairs, porches, and appurtenances. Every inside and outside stair, 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.

- e) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- f) Supplied facilities. Every supplied facility, piece of equipment, or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.
- 9- Drainage. Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water.
- h) Noxious Weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.
- i) Egress. Every dwelling unit shall be provided with adequate means of egress to safely move all possible occupants.

Section 9. Minimum Standards for Control of Insects,  
Rodents, and Infestations.

- a) Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with screens installed or such other approved device as will effectively prevent their entrance.
- 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 unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof conditions, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more dwelling units in a dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

## Section 10. Minimum Standards Applicable to Rooming Houses; Exceptions.

All of the provisions of this ordinance, and all of the minimum standards and requirements of this ordinance, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following subsections:

- a) Water Closet, Hand Lavatory, and Bath Facilities. At least one (1) water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house whenever such facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- b) Minimum Floor Area for Sleeping Purposes. Every room occupied for sleeping purposed by one(1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) 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.
- c) Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- d) Sanitary Facilities. Every water closet, flush urinal, lavatory basin, and bathtub or shower required by subsection (a) of this Section shall be located within the rooming house and within a room or rooms which afford privacy and are separate from habitable rooms, and which are accessible from a common hall and without going outside the rooming house or through any other room therein.

## Section 11. Responsibilities of Owners and Occupants.

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

- b) Cleanliness, Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- c) Rubbish and Garbage,. Every occupant of a dwelling or dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases the owner shall be responsible for the availability of rubbish and garbage storage facilities.
- d) Supplied Plumbing, Fixtures. 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 same.
- e) Care of Facilities equipment and structure. 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 12. Duties of the Code Enforcement Officer.

The Code Enforcement Officer is hereby designated as the officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed. It shall be the duty of the Code Enforcement Officer:

- a) to investigate the dwelling conditions whenever a petition is filed pursuant to section 15(a) of this ordinance;
- b) to take such action, together with 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 ordinance 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 13. Powers of Code Enforcement Officer

The Code Enforcement Officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance, including the following powers in addition to others herein granted:

- a) to investigate the dwelling conditions in the Town in order to determine which dwellings therein are unfit for human habitation;
- b) to administer oaths and affirmations, examine witnesses and receive evidence;
- c) to enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and
- d) to appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of this ordinance.

## Section 14. Inspections; Duty of Owners and Occupants

For the purpose of making inspection, the Inspector 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 unit shall give the owner thereof or his agent or employee, access to any part of such dwelling of dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as necessary to effect compliance with the provisions of this ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

## Section 15. Procedure for Enforcement

Enforcement shall be in accordance with G.S. 160A-443 through 160A-448 currently in effect.

## Section 16 Board of Adjustments to Hear Appeals.

All appeals which may be taken from decisions or orders of the Inspector pursuant to this ordinance shall be heard and determined by the Board of Adjustment. As the appeals body, the Board shall have power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

## Section 17. Conflict with Other Provisions.

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

## Section 18. Violations; Penalty.

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to comply with an order of the Inspector duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit with respect to which an order has been issued pursuant to this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order unless compliance has been achieved, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

The violation of any provision of this ordinance shall constitute a misdemeanor, as provided by G. S. 14-4.

(a) If any person shall violate any provision of this ordinance, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) nor less than fifty dollars (\$50.00); provided, however, that the owner/operator of any dwelling unit or rooming unit subject to its initial inspection following the adoption of this ordinance, who may be in violation of any provision in this ordinance, shall not be liable for the fine referenced above if the property is brought into conformance within the time stated in the notice of violation.

Section 19. Severability.

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end the provisions of this ordinance are hereby declared to be severable.

Adopted on the 12<sup>th</sup> day of August, 2008 by the Ahoskie Town Council.

\_\_\_\_\_, Mayor  
Town of Ahoskie