

## **TITLE XV: LAND USAGE**

### **Chapter**

**150. FLOOD DAMAGE PREVENTION**

**151. BUILDING CODES**

**152. MINIMUM HOUSING STANDARDS**

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## **CHAPTER 150: FLOOD DAMAGE PREVENTION**

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**GENERAL REGULATIONS****§ 150.01 STATUTORY AUTHORIZATION.**

Municipal: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

**§ 150.02 FINDINGS OF FACT.**

(A) The flood hazard areas of the Town of Littleton are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**§ 150.03 STATEMENT OF PURPOSE.**

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(D) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **§ 150.04 OBJECTIVES.**

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

(F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(G) To insure that potential home buyers are notified that property is in a flood area.

#### **§ 150.05 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY STRUCTURE.** structures which are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as **ACCESSORY STRUCTURES** on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

**ADDITION (TO AN EXISTING BUILDING).** an extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior

to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

**APPEAL.** A request for a review of the administrator's interpretation of any provision of this chapter.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year.

**BASEMENT.** For floodplain management purposes, any area of the building having its floor subgrade (below ground level) on all sides.

**BUILDING.** Any structure built for support, shelter, or enclosure for any occupancy or storage.

**DEVELOPMENT.** For floodplain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**ELEVATED BUILDING.** For floodplain management purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

**EXISTING CONSTRUCTION.** For the purposes of determining rates, structures for which the **START OF CONSTRUCTION** commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 1, 2002.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

**FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD HAZARD BOUNDARY MAP (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The engineering study performed by the Federal Emergency Management Agency to identify flood hazard areas, flood insurance risk zones, and other flood data in a community. The study includes Flood Boundary and Floodway Maps (FBFMs), Flood Hazard Boundary Maps (FHBMs), and/or Flood Insurance Rate Map (FIRMs).

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**FLOOR.** The top surface of an enclosed area in a building (including basement), such as top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**HISTORIC STRUCTURE.** Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a State inventory of historic places;

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified

(a) By an approved state program as determined by the Secretary of Interior, or

(b) Directly by the Secretary of Interior in states without approved programs.

**LOWEST FLOOR.** For floodplain management and flood insurance purposes, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE**.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL.** For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are referenced.

**NEW CONSTRUCTION.** For floodplain management purposes, structures for which the **START OF CONSTRUCTION** commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after July 1, 2002.

**NONCONFORMING BUILDING OR USE.** Any legally existing building or use which fails to comply with the provisions of the chapter.



**RECREATIONAL VEHICLE.** A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REMEDY A VIOLATION.** To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**START OF CONSTRUCTION.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** For floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of **SUBSTANTIAL IMPROVEMENT**.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure

before the **START OF CONSTRUCTION** of the improvement. This term includes structures which have incurred **SUBSTANTIAL DAMAGE**, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

**VARIANCE.** A grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§ 150.40 *et seq.* and §§ 150.55 *et seq.* is presumed to be in violation until such time as that documentation is provided.

## **GENERAL PROVISIONS**

### **§ 150.20 LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Littleton.

### **§ 150.21 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

(A) The Areas of Special Flood Hazard are those identified by the Federal Emergency Management Agency (FEMA) in its Flood Hazard Boundary Map or Flood Insurance Study and Flood Insurance Rate Map(s), Halifax County, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this

chapter. The areas of special flood hazard also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes detailed flood information generated as a requirement of § 150.42(J).

(B) Municipal: In addition, upon annexation to the Town of Littleton, or inclusion in the Extra-territorial Jurisdiction, the Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Hazard Boundary Map or Flood Insurance Study and Flood Insurance Rate Map(s) for Unincorporated Halifax County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

#### **§ 150.22 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

A Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

#### **§ 150.23 COMPLIANCE.**

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

#### **§ 150.24 ABROGATION AND GREATER RESTRICTIONS.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **§ 150.25 INTERPRETATION.**

In the interpretation and application of this chapter all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

**§ 150.26 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Littleton or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**§ 150.27 PENALTIES FOR VIOLATION.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Littleton from taking such other lawful action as is necessary to prevent or remedy any violation.

**ADMINISTRATION.****§ 150.40 DESIGNATION OF ADMINISTRATOR.**

The Halifax County Building Inspector, hereinafter referred to as the "administrator", is hereby appointed to administer and implement the provisions of this chapter.

**§ 150.41 DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.**

(A) Application for a Development Permit shall be made to the administrator on forms furnished by the administrator prior to any development activities. The Development Permit shall include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities.

(B) Specifically, the following information is required:

(1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or

appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either § 150.42(J) or § 150.57 and § 150.58. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2) The plot plan required by division(B)(1) above must show the floodway as identified by the Federal Emergency Management Agency or pursuant to either § 150.42(J) or § 150.57, or the setback required for streams without designated floodways as required by § 150.57(B).

(3) Where base flood elevation data is provided as set forth in § 150.22, or § 150.42(J), the application for a Development Permit within the flood hazard area shall show:

(a) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(b) If the non-residential structure will be floodproofed in accordance with § 150.56(B), the elevation (in relation to mean sea level) to which the structure will be floodproofed.

(4) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade.

(5) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.

(6) When a structure is floodproofed, the applicant shall provide a Floodproofing Certificate (FEMA Form 81-65) from a registered professional engineer or architect that the non- residential floodproofed structure meets the floodproofing criteria in § 150.56(B).

(7) An Elevation Certificate (FEMA Form 81-31) or a Floodproofing Certificate (FEMA Form 81-65) is required after the lowest floor is completed. Within 21 calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21 day calendar period and prior to submission of the certification shall be at the permit holder's risk. The administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the

permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

#### **§ 150.42 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR.**

Duties of the administrator shall include, but not be limited to:

(A) Review all development permits to assure that the requirements of this chapter have been satisfied.

(B) Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit.

(C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of §§ 150.55 *et seq.* are met.

(F) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 150.41(B)(7).

(G) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with § 150.41(B)(7).

(H) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with § 150.56(B).

(I) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(J) When base flood elevation data or floodway data has not been provided in accordance with § 150.21, obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, including data developed pursuant to § 150.58 in order to administer the provisions of this chapter.

(K) When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the administrator in the permit file.

(L) Make on-site inspections of projects in accordance with Article § 150.43.

(M) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with § 150.43.

(N) Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.

#### **§ 150.43 ADMINISTRATIVE PROCEDURES.**

(A) *Inspections of work in progress.* As the work pursuant to a permit progresses, the administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(B) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(C) *Revocation of permits.* The administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(D) *Periodic inspections.* The administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(E) *Violations to be corrected.* When the administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he owns.

(F) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service,

(1) That the building or property is in violation of the Flood Damage Prevention Ordinance;

(2) That a hearing will be held before the administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,

(3) That following the hearing, the administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(G) (1) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(2) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(H) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.



**§ 150.44 VARIANCE PROCEDURES.**

(A) The Town of Littleton Board of Adjustments as established by the Town of Littleton, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in G.S. Chapter 7A.

(C) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(D) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(E) A written report addressing each of the above factors shall be submitted with the application for a variance.

(F) Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(G) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(H) Conditions for variances:

(1) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship;  
and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

(5) The administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

***PROVISIONS FOR FLOOD HAZARD REDUCTION*****§ 150.55 GENERAL STANDARDS.**

In all areas of special flood hazard the following provisions are required:

(A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(C) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,

(H) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(I) Non-conforming buildings or uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway or stream setback, provided that the bulk of the building or structure below base flood elevation in the floodway or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.

## § 150.56 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in § 150.21 or § 150.42(J), the following provisions are required:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than two feet above the level of the base flood elevation. Structures located in A Zones may be floodproofed to the flood protection level in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 150.41(B)(7).

(C) *Manufactured homes.*

(1) Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or, (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of § 150.56(C)(1) of this chapter must be elevated on reinforced piers or other structural elements so that the lowest floor of the manufactured home is no lower than two feet above the base flood elevation and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

(3) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the *State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition*, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS x143-143.15. Additionally, when the elevation would be met by an

elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the administrator and the local Emergency Management coordinator.

(D) *Recreational vehicles.* A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:

- (1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
- (2) Meet the requirements of §§ 150.41, 150.55 and 150.56(C).

(E) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(b) The bottom of all required openings shall be no higher than one foot above grade; and,

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

(3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(F) *Temporary structures.* Prior to the issuance of a development permit for a temporary structure the following requirements must be met:

(1) All applicants must submit to the administrator prior to the issuance of the development permit a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:

- (a) A specified time period for which the temporary use will be permitted;
- (b) The name, address and phone number of the individual responsible for the removal of the temporary structure;
- (c) The time frame prior to the event at which a structure will be removed (such as minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
- (e) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

(2) The above information shall be submitted in writing to the administrator for review and written approval.

(G) *Accessory structure.* When accessory structures (sheds, detached garages, and the like) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- (2) Accessory structures shall be designed to have low flood damage potential;
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (4) Accessory structures shall be firmly anchored in accordance with § 150.55(A);
- (5) Service facilities such as electrical and heating equipment shall be installed in accordance with § 150.55(D); and
- (6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with § 150.36(E).

(H) *Floodways.* Located within areas of special flood hazard established in § 150.21 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the administrator.

(2) If § 150.56(H)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 150.55 *et seq.*

(3) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of 150.56(C) and the encroachment standards of § 150.56(H)(1) are met.

#### **§ 150.57 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASEFLOOD ELEVATIONS AND/OR FLOODWAYS.**

Located within the areas of special flood hazard established in § 150.21 are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

(A) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If division (A) above is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard chapter provisions of §§ 150.55 *et seq.* and shall be elevated or floodproofed in accordance with elevations established in accordance with § 150.42(J). When base flood elevation data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade.

#### **§ 150.58 STANDARDS FOR SUBDIVISION PROPOSALS AND MAJOR DEVELOPMENTS.**

(A) Proposals for subdivisions and major developments shall be consistent with the need to minimize flood damage;

(B) Proposals for subdivisions and major developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) Proposals for subdivisions and major developments shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

### ***LEGAL STATUS PROVISIONS***

#### **§ 150.70 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.**

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Littleton enacted on July 1, 2002, as amended, which are not reenacted herein are repealed.

#### **§ 150.71 EFFECT UPON OUTSTANDING BUILDING PERMITS.**

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this chapter, construction or use shall be in conformity with the provisions of this chapter.



## **CHAPTER 151: BUILDING CODES**

### **Section**

- 151.01 Building Inspector
- 151.02 Building permit required
- 151.03 National Building Code adopted
- 151.04 Gasoline storage tank
- 151.05 Inspection of dangerous buildings or structures
- 151.06 Owner to correct hazard
  
- 151.99 Penalty

### **§ 151.01 BUILDING INSPECTOR.**

Such officer or employee as the Board may appoint shall be the Building Inspector of the town and he or she shall possess all the powers conferred and perform all the duties prescribed by G.S. 160-117 and other statutes applicable thereto. He shall possess such further power and perform such further duties as may be prescribed by this chapter. He or she shall receive the fees allowed by statute. The Inspector or his or her deputy shall have the right to enter, at all reasonable times, any building structure or premises, within the town, for the purpose of inspecting, or in the performance of his or her duties. He or she shall make, or cause to be made, such inspection of all chimneys, flues, steam and fire openings within the town. He or she may, when occasion requires, appoint a deputy or deputies, to perform any part of his or her duties.

### **§ 151.02 BUILDING PERMIT REQUIRED.**

It shall be unlawful for any person, firm or corporation to hereafter erect, construct or build, or cause or authorize the same on any lot or parcel of land within the corporate limits any building or structure of any kind or description, without and until such person, firm or corporation first submits to the Building Inspector through the office of the Town Clerk, a duly signed and completed application for a building permit for such a building or structure, such application to be accompanied by plans and specifications for such a building or structure, the material to be used in such building or structure, the proposed location thereof, the purposes for which such building or structure is to be used, the cost of such building or structure, and such other information concerning the same that will enable the Building Inspector to properly pass upon the application of such person, firm or corporation, to erect, build or

construct such a building or structure within the corporate limits and until such person, firm or corporation obtains such a permit to erect, build or construct such a building or structure as described in the application for permit, it shall be unlawful for such person, firm or corporation to proceed with the erection, building or construction of such a building or structure as herein provided.

#### **§ 151.03 NATIONAL BUILDING CODE ADOPTED.**

The North Carolina State Building Code, 1958 edition, and the uniform Residential Building Code found therein is hereby adopted as the official Building Code of the Town of Littleton.

#### **§ 151.04 GASOLINE STORAGE TANK.**

It shall be unlawful for any person to construct or erect any storage tank for gasoline, oil or other combustible or inflammable materials, containing or capable of containing more than 100 gallons, unless the top of such tank or container is buried at least two feet below the surface of the ground at that point, and unless a permit for such construction or erection shall be first obtained upon application from the Town Clerk. The Clerk shall not issue such permit unless directed by the Board.

#### **§ 151.05 INSPECTION OF DANGEROUS BUILDINGS OR STRUCTURES.**

Whenever the Board of Commissioners is informed that any building, or other structure, within the town is especially dangerous in case of fire, by reason of the bad condition of walls, defective construction, decay, or other causes, or is so situated as to endanger the lives of persons passing by or residing in the vicinity thereof, they shall forthwith require the Building Inspector, together with the Mayor, to make a survey of the building, or structure, and report to them their opinion of the same.

#### **§ 151.06 OWNER TO CORRECT HAZARD.**

The building Inspector is instructed to affix a notice of the dangerous character of any building found to be especially dangerous to life because of its liability to fire or in case of fire by reason of bad condition of walls, overloaded floors, defected construction, decay or other causes, to a conspicuous place on the exterior wall of each of the buildings; and the Building Inspector is further instructed to notify the owner of each building which has been condemned as unsafe and dangerous to life, in writing of the unsafe and dangerous character of such building and to advise him or her that if the same is not removed or properly secure within ten days, further legal action will be taken to enforce the same in accordance with G.S. 160-151 *et seq.*; however, where the public safety requires immediate action, the notice to remove or properly secure may be limited to meet the urgency of the case.

**§ 151.99 PENALTY.**

(A) Any person, firm or corporation violating any of the provisions of any section or subsection of this chapter, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$100 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.

(B) For penalties provided for certain traffic violations, see § 70.99.



## **CHAPTER 152: MINIMUM HOUSING STANDARDS**

### **Section**

- 152.01 Finding; purpose
- 152.02 Definitions
- 152.03 Minimum standards of fitness for dwellings and dwelling units
- 152.04 Minimum standards for structural condition
- 152.05 Minimum standards for basic equipment and facilities
- 152.06 Minimum standards for ventilation
- 152.07 Minimum standards for space, use and location
- 152.08 Minimum standards for safe and sanitary maintenance
- 152.09 Minimum standards for control of insects, rodents and infestations
- 152.10 Minimum standards applicable to rooming houses; exceptions
- 152.11 Responsibilities of owners and occupants
- 152.12 Duties of inspector
- 152.13 Powers of inspector
- 152.14 Inspections; duty of owners and occupants
- 152.15 Procedure for enforcement
- 152.16 Methods of service of complaints and orders
- 152.17 In rem action by inspector; placarding
- 152.18 Costs, a lien on premises
- 152.19 Alternative remedies
- 152.20 Zoning board of adjustment to hear appeals
  
- 152.99 Penalty

### **§ 152.01 FINDING; PURPOSE.**

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

(B) In order to protect the health, safety and welfare of the residents of the Town of Littleton as authorized by G.S. Chapter 160A, Article 19, Part 6, it is the purpose of this chapter 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. 160A-444.  
(Ord. O-88-005, passed 8-24-88)

## § 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. 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."

**BASEMENT.** 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.

**CELLAR.** 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.

**DETERIORATED.** 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 chapter at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

**DILAPIDATED.** 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 chapter except at a cost in excess of 50% of its value, as determined by finding of the Inspector.

**DWELLING.** Any building, structure, or part the 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.

**DWELLING UNIT.** 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.** 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.

**GARBAGE.** The organic waste resulting from the handling, preparation, cooking and consumption of food.

**HABITABLE ROOM.** 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.** 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 occupants or the public.

**INSPECTOR.** The Building Inspector of the Town of Littleton or other person charged with the administration and enforcement of this chapter or his duly authorized representative.

**MULTIPLE DWELLING.** Any dwelling containing more than two dwelling units.

**OCCUPANT.** Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

**OPERATOR.** Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

**OWNER.** Any person who alone, jointly, or severally with others:

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

(2) Shall be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or

(3) Shall have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**PARTY or PARTIES IN INTEREST.** All persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

**PERSON.** Any individual, corporation, firm, partnership, association, organization or other legal entity.

**PLUMBING.** Means and shall 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 closet, 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.

**PUBLIC AUTHORITY.** Any officer who is in charge of any department or branch of the government of the town or of Halifax County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the town.

**ROOMING HOUSE.** 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 or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

**ROOMING UNIT.** 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.

**RUBBISH.** Non-organic waste materials. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

**SUPPLIED.** Paid for, furnished, or provided by, or under the control of, the owner or operator.

**TEMPORARY HOUSING.** 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 30 consecutive days.

**UNFIT FOR HUMAN HABITATION.** That conditions exist in a dwelling, dwelling unit, rooming house or rooming unit 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 chapter.  
(Ord. O-88-005, passed 8-24-88)

## **§ 152.03 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.**

(A) Every dwelling and dwelling unit used as a 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 §§ 152.04 through 152.09.

(B) 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 §§ 152.04 through 152.09.  
(Ord. O-88-005, passed 8-24-88)

## **§ 152.04 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.**

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:



(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 hoofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches, or other parts of appurtenances shall be maintained in such condition that they will not fail 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, floors, and all doors and windows exposed to the weather shall be constructed and maintained 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.  
(Ord. O-88-005, passed 8-24-88)

## **§ 152.05 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES.**

### *Plumbing system.*

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

(B) 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.

(C) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electrical Code.  
(Ord. O-88-005, passed 8-24-88)

**§ 152.06 MINIMUM STANDARDS FOR 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 10% of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) *Habitable rooms.* 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 operable window area in every habitable room shall be equal to at least 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.

(Ord. O-88-005, passed 8-24-88)

**§ 152.07 MINIMUM STANDARDS FOR SPACE, USE AND LOCATION.**

(A) *Room sizes.*

(1) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code.

(2) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

(3) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(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 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than 4½ feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

(E) *Basements.* 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.

(Ord. O-88-005, passed 8-24-88)

## **§ 152.08 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; and shall be safe to use and capable of supporting the load which normal use would cause to be placed 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 floors, 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 would cause to be placed thereon.

(C) *Window and doors.* Every window, exterior, door, basement or cellar door and hatchway 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 outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would 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 that it will be reasonably impervious to water and will 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 chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage*. Every yard shall be properly graded in order to obtain thorough drainage and 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 adequate means of egress as required by the State Residential Building Code.  
(Ord. O-88-005, passed 8-24-88)

## **§ 152.09 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 be equipped with screens and a self-closing device. Every window or other device with openings to outdoor spaces used or intended to be used for ventilation, shall likewise be equipped with screens.

(B) *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 equipped with screens or such other approved device as will effectively prevent their entrance.

(C) *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 reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any 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.

(D) *Rubbish storage and disposal*. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) *Garbage storage and disposal.* Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by town ordinances.

(Ord. O-88-005, passed 8-24-88)

## **§ 152.10 MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES; EXCEPTIONS.**

All of the provisions of this chapter, and all of the minimum standards and requirements of this chapter, 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:

(A) *Water closet, hand lavatory and bath facilities.* At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a rooming house wherever these 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 purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) *Sanitary conditions.* The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. 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, leased or occupied by the operator.

(D) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) above shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

(Ord. O-88-005, passed 8-24-88)

**§ 152.11 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 or she occupies and controls.

(C) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his or her 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 willingly destroy, deface, or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

(F) *Care of premise.*

(1) It shall be unlawful for the owner or occupant of a residential building, structure or property to utilize the premises of such residential property for the open storage of any icebox, refrigerator, stove, glass, building material, building rubbish or similar items.

(2) 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, and the like upon notice from the Inspector.

(3) Yards and courts shall be kept clean and free of physical hazards, rubbish, trash, garbage, junked vehicles, vehicle parts and other similar material.

(4) Every premises shall be provided with vehicular access to and from the premises at all times by an abutting public and private street.

(5) No occupant shall obstruct in any manner any means of egress from any portion of the premises.

(6) No occupant shall place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such building.

(7) No occupant shall place on the premises for use any oil or gas fired portable or non-vented cook stove or heater.  
(Ord. O-88-005, passed 8-24-88)

#### **§ 152.12 DUTIES OF INSPECTOR.**

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

(A) To investigate the dwelling conditions, and to inspect dwellings and dwelling units, located in the Town in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to such dwellings and dwelling units;

(B) To investigate any structures located in the town in order to determine which structures are abandoned structures by reason of constituting a health or safety hazard, and for the purpose of carrying out the objectives of this chapter with respect to such abandoned structures;

(C) 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;

(D) To keep a record of the results of inspections made under this chapter and an inventory of abandoned structures and of those dwellings that do not meet the minimum standards of fitness herein prescribed; and

(E) To perform such other duties as may be herein prescribed.  
(Ord. O-88-005, passed 8-24-88)

#### **§ 152.13 POWERS OF INSPECTOR.**

The inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter 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 are unfit for human habitation;

(B) To investigate structures in the town to determine which structures are abandoned structures;

(C) To administer oaths and affirmations, examine witnesses, and receive evidence;

(D) 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

(E) To appoint and fix the duties of such officers agents and employees as he or she deems necessary to carry out the purposes of this chapter.

(Ord. O-88-005, passed 8-24-88)

#### **§ 152.14 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.**

For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit, or the person in charge, thereof, shall give the Inspector free access to such dwellings, dwelling unit, rooming house or rooming unit and its premises at all reasonable times for the purposes of such inspections, examination and survey. Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, or his or her 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 this chapter.

(Ord. O-88-005, passed 8-24-88)

#### **§ 152.15 PROCEDURE FOR ENFORCEMENT.**

(A) *Preliminary investigation; notice; hearing.* Whenever a petition as filed with the Inspector by a Public Authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis, for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after serving the 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 at least one of the persons signing a petition relating to such dwelling. 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 Inspector.



(B) *Procedure after hearing.*

(1) After such notice and hearing, the Inspector shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(2) If the Inspector determines that the dwelling is dilapidated, he or she shall state in writing his or 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 repair, alter, or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwellings or dwelling unit until such repairs, alterations, and improvements have been made.

(3) If the Inspector determines that the dwelling is dilapidated, he or she shall state in writing his or 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 either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(C) *Procedure after hearing on abandoned structure.*

(1) After such notice and hearing, the Inspector shall state in writing his or her determination whether such structure is an abandoned structure.

(2) If the Inspector determines that the structure is an abandoned structure, he or she shall state in writing his or her findings of facts 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 to correct those conditions which constitute a hazard to health or safety, or else remove or demolish the same within a specified period of time not to exceed 90 days.

(D) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter, or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector shall submit to the Town Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. 160-A-446(g).

(2) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding subsection (1) above, the Inspector shall submit to the Town Commissioners an ordinance ordering the Inspector 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 Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. 160A-443 and § 152.17.

(E) *Appeals from orders of Inspector.*

(1) An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any 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 or her decision shall remain in force until modified or reversed. When an 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 or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order. Such restraining order may be granted for due cause shown upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446(f) and division (F) below.

(2) The Board 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 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 Inspector, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have 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 ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(3) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(F) *Petition of Superior Court by owner.* Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or

rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160-446(f).  
(Ord. O-88-005, passed 8-24-88)

#### **§ 152.16 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.**

(A) Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence; the Inspector shall make an affidavit to that effect and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this chapter in a newspaper having general circulation in the town. Where service is made by publication, a notice of pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(B) Failure on the part of any owner or party in interest to receive or have served upon him or her any complaints notice, or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest or any other person, firm or corporation.

(C) Removal of complaint; notice of 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 this code. Any person violating or failing to comply with the provisions of this section shall be guilty of a misdemeanor.

(Ord. O-88-005, passed 8-24-88)

#### **§ 152.17 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 Inspector issued pursuant to the provisions of this chapter, and upon adoption by the Town Commissioners of an ordinance authorizing and directing him or her to do so, as provided by G.S. 160A-443(5) and § 152.15(D), the Inspector 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 chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Town Commissioners, 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 the building so posted shall constitute a misdemeanor.

(B) Each such ordinance shall be recorded in the office of the 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 G.S. 160A-443(5).

(Ord. O-88-005, passed 8-24-88)

**§ 152.18 COSTS, A LIEN ON PREMISES.**

As provided by G.S. 160A-446(6), the cost of any repairs, alterations, or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 152.17 shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority, and be collected in the same manner as the lien for special assessments established by G.S. Chapter 160A, Article 10.  
(Ord. O-88-005, passed 8-24-88)

**§ 152.19 ALTERNATIVE REMEDIES.**

Neither this chapter nor any of its provision 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 chapter by criminal process as authorized by G.S. 14-4, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.  
(Ord. O-88-005, passed 8-24-88)

**§ 152.20 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.**

All appeals which may be taken from decisions or orders of the Inspector pursuant to § 152.15(E) shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Board shall have the power to fix the times and places of its meeting, to adopt necessary rules of procedures and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by § 152.15(E) and shall keep an accurate journal of all its proceedings.  
(Ord. O-88-005, passed 8-24-88)

**§ 152.99 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 Inspector duly made and served as herein provided, within the time specified in such order. 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 § 152.15, 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.

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

(Ord. O-88-005, passed 8-24-88)



## **CHAPTER 153: ZONING**

### **Section**

153.01 Zoning code adopted by reference

153.02 Mobile homes and trailers prohibited in residential district

### **§ 153.01 ZONING CODE ADOPTED BY REFERENCE.**

The zoning code for the town is hereby adopted by reference and shall be a part of this code as if set forth in full herein.

### **§ 153.02 MOBILE HOMES AND TRAILERS PROHIBITED IN RESIDENTIAL DISTRICT.**

(A) In order to promote the safety and welfare of its citizens, there shall not hereafter be placed upon any lot within the residential district of the town, as shown upon its zoning map, any trailer or mobile home of any description to be used as a residence; provided, however, this shall not make unlawful the continued occupancy and use of a trailer or mobile home which is now being used for that purpose, where that use is otherwise lawful at this time.

(B) No town official shall hereafter receive or accept on behalf of the town any fee for connecting to the town's water and sewer system except upon declaration by the applicant, if within a residential district, that the connection is not to be and will not be used for the purpose of connecting a trailer or mobile home to the system.

(Ord. O-72-004, passed 9-4-72) Penalty, see § 10.99

