

**CHAPTER 17****Development Inspection Regulations****Minimum Housing Code**

- § 17.1 **How article known and cited**
- § 17.2 **Exercise of the police powers; authority**
- § 17.3 **Purpose**
- § 17.4 **Jurisdiction**
- § 17.5 **Definitions**
- § 17.6 **Enforcement agency**
- § 17.7 **Consulting agencies**
- § 17.8 **Powers**
- § 17.9 **Administrative liability**
- § 17.10 **Minimum Standards**
- § 17.11 **Accessory structures**
- § 17.12 **Property maintenance**
- § 17.13 **Minimum standards applicable to rooming house**
- § 17.14 **Occupant's responsibilities**
- § 17.15 **Enforcement against occupant**
- § 17.16 **Owner's responsibilities**
- § 17.17 **For the safety of occupants**
- § 17.18 **Duty of the inspector**
- § 17.19 **Emergency Cases**

**Sec. 17.1 How article known and cited.**

This article shall be known as the "Minimum Housing Code," may be cited as such and will be referred to herein as "this article."

**Sec. 17.2 Exercise of the police powers; authority.**

The town Board of Aldermen hereby finds and declares that there exists within the town limits and its environs, residential buildings and accessory structures which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, and other conditions rendering such buildings unsafe or unsanitary, or dangerous, or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents within the town and its environs, and that public necessity exists to exercise the police powers of the town to cause the repair and rehabilitation, closing or demolishing of such buildings and structures, in the manner herein provided, as provided by North Carolina State General Statutes.

**Sec.17.3 Purpose.**

The purpose of this article is to arrest, remedy, and prevent and eliminate the decay and deterioration of places of habitation for the protection of the life, health, welfare, safety and property of the general public and the owners and occupants of places of habitation.

**Sec. 17.4 Jurisdiction.**

The provisions of this article are applicable to all residential buildings and accessory structures within the town limits and its extraterritorial jurisdiction, as now or hereafter fixed. Demountable buildings or structures, when used or intended for the use of human habitation, shall be subject to the applicable provisions of this article.

**Sec. 17.5 Definitions.**

Certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in this chapter. Terms, words, phrases, and their derivatives used but not specifically defined in this article shall have the meaning specifically defined in the building code, and any terms, words, phrases, and their derivatives used but not specifically defined in either this article or the building code shall have the meaning specifically defined in the zoning code.

(a) Apartment house is any building or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other in dwelling units.

(b) **Area:**

(1) As applied to the dimensions of a building, shall mean the maximum horizontal prospected area of the building at grade.

(2) As applied to the dimensions of a room, shall mean the total square footage of floor area between finished walls.

(c) **Basement** shall mean a story with 50 percent or more of its cubical contents below finished yard grade.

(d) **Building** shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "building" shall be construed as if followed by the words "or part thereof"

(e) **Ceiling height** shall be the clear vertical distance from the finished floor to the finished ceiling.

(f) **Common areas** shall mean all areas which were conveyed to a homeowners association in a townhouse development, condominium, cooperative or planned unit development.

(g) **Demolish** shall mean the demolition and removal of the entire building leaving the property free and clear of any debris and without holes or pockets which may retain water.

(h) **Dwelling** shall mean any building or structure, or portion thereof, which is used or designed or intended to be used for human habitation including living, sleeping, cooking, eating or any combination thereof and shall include accessory structures intended for human habitation.

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

(j) **Exit** shall mean a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

(k) **Extermination** shall mean the control and elimination of insects, rodents, or other

pests and eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the inspector.

(l) Family shall mean any number of individuals living together as a single housekeeping unit, and doing their cooking on the premises.

(m) Fire damage shall mean an action caused by a fire other than smoke damage.

(n) Garbage shall mean the animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incidental thereto.

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

(p) Household shall mean all persons who occupy a dwelling unit, including a person living alone or any group of persons sharing a dwelling unit.

(q) Housing shall mean any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, including any outhouses and appurtenances belonging thereto or usually associated therewith.

(r) Infestation shall mean the presence, within or around a dwelling, of any harmful insects, rodents or other pests.

(s) Inspection office shall mean the office of the director of inspections

(t) Inspector shall mean the director of inspections and any other employee of the town in the inspections department who is designated by the director of inspections to enforce the provisions of this chapter.

(u) Multifamily house (building/structure) means a building or portion thereof containing three (3) or more dwelling units, including tenement house, apartment house or flat.

(v) Occupant shall mean any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling or rooming unit.

(w) Owner is deemed to mean and include a holder of any legal or equitable estate on the premises, whether alone or jointly with others, and whether in possession or not.

(x) Owner has abandoned the intent to repair shall mean that, with respect to a dwelling which has been vacated and closed for more than one (1) year under the provisions of this Code, the owner has failed to substantially repair the dwelling or has failed to submit evidence that he has entered into a contract for completion of required repairs or has failed to provide a written agreement to complete the necessary repairs within a reasonable time schedule or has failed to maintain the dwelling in a secure manner or has failed to maintain the grounds.

(y) Parties in interest shall mean all individuals, associations, partnerships, corporations, and others who have monetary interest in a dwelling and any who are in possession or control thereof either as agent of the owner, as executor, executrix, administrator, trustee, or guardian of the estate of the owner.

(z) Pier shall mean a masonry support of at least eight (8) inches by twelve (12) inches of solid masonry extending from the ground and footing to and supporting the building or any portion thereof. Pier sizes and spacing shall conform to the specifications of the North Carolina Residential Building Code and as may be amended.

(aa) Plumbing shall mean the water supply system, the sanitary and storm drainage system, the vent system, the fixtures and traps and shall include their respective connections, devices, appliances and appurtenances within the property lines of the premises.

(bb) Public authority shall mean any public authority for housing or any officer who is in charge of any department or branch of the government of the town, Rowan County, or State of North Carolina relating to health, fire, building regulations, or other activities concerning dwellings or buildings in the town.

(cc) Public space shall mean that space within any multifamily housing which is open to common use by the occupants and others visiting the premises.

(dd) Residential building shall mean any building or structure or portion thereof which is used, or designed or intended to be used, for human habitation including living, sleeping, cooking, or eating or any combination thereof.

(ee) Sagging shall mean the amount of deflection occurring over a span between two (2) supports. A deflection of  $L/240$  and greater shall be deemed as a structural defect.

(ff) Seriously mean that the amount of damage occurring shall be sufficient to decrease the designed strength of the structural member.

(gg) Rooming house or boarding house. Any dwelling in which the owner's agent or lessee shall rent or offer for rent accommodation for living and sleeping purposes to three (3) or more persons provided that the capatown (total number of roomers or boarders) shall not exceed one (1) person per 75 square feet of the permissible area for said incidental home occupation.

(hh) Rooming unit shall mean any room for let within a rooming house.

(ii) Rubbish shall mean combustible and noncombustible waste materials except garbage, including but not limited to ashes, wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, leaves, chemical matter, tin cans, metals, mineral matter, glass crockery, dust and dirt.

(jj) Story shall mean that part of a building comprised between a floor and the floor or roof next above.

(kk) Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words, "or part thereof"

(ll) Substandard residential building shall mean any building, including any dwelling unit, guest room, or suite of rooms or the premises on which the same is located, or portion thereof, which does not meet the minimum requirements of this chapter.

(mm) Tenant shall mean any person who alone or jointly or severally with others occupies a residential building under a lease or holds a legal tenancy in a building.

#### **Sec. 17.6 Enforcement agency.**

The director of planning and development is hereby designated the officer to exercise, by and through his duly appointed inspector, the powers prescribed by this article.

#### **Sec. 17.7 Consulting agencies.**

The inspector shall have authority to request advice and assistance of the town Planning and Zoning Commission, Housing Authority of Town of East Spencer and Police

Department, Rowan County Health Department, or any other public authority he may deem appropriate, in exercising the powers of this article.

**Sec. 17.8 Powers.**

The inspector shall determine that residential buildings and accessory structures are substandard and unfit for human habitation if he finds, on the basis of the standards and requirements of fitness set forth in this article, that conditions exist in the buildings or accessory structures which are dangerous or injurious to the health, safety, or morals of the occupants of the buildings, the occupants of neighboring buildings or other residents of the town and environs. These conditions include (without limiting the generality of the foregoing) defects increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and unseemliness.

**Sec. 17.9 Administrative liability.**

Except as may otherwise be provided by statute or local law or ordinance, no officer, inspector or employee of the municipality charged with the enforcement of this article shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article. No person who institutes or assists in the prosecution of a criminal proceeding under this article shall be liable to damages hereunder unless he acted with malice and without reasonable grounds for believing that the person accused was guilty of any unlawful act or omission.

**Sec. 17.10 Minimum standards.**

The following shall constitute the minimum standards and requirements for residential buildings and shall be pertinent in determining fitness for human habitation.

*(a) Minimum services and facilities:*

1. Each building site shall be one that can be used and maintained individually without trespass upon adjoining properties.
2. Utilities and other facilities shall be independent for each building site. An exception may be permitted for common gas and water service to two (2) adjacent properties where:
  - a. The location of the common service line does not adversely affect

the future use of the lot, and

- b. The common service line is protected by a permanent easement agreement to assure continued maintenance, and
- c. Individual shut-off valves are provided so that independent service is assured, and
- d. Ownership of the common portion of the service line remains with the serving utility.

Each dwelling unit shall contain provisions for each of the following:

- a. A continuing supply of safe and portable water.
- b. Sanitary facilities and a safe method of sewage disposal.
- c. Heating facilities adequate for healthful and comfortable living conditions.
- d. Domestic hot water.
- e. Electric for lighting and for equipment used in the dwelling.

**(b) Access:**

**1. Access to building site.**

- a. Each building site shall be provided with vehicular access to the building site by an abutting public or private street. Private streets shall be protected by a permanent easement for ingress and egress.
- b. The width and construction of the required street and provisions for its continued maintenance shall provide safe and suitable vehicular access to and from the building site at all times.

**2. Access to the rear yard.**

- a. Each dwelling unit shall be provided with a means of access to the rear yard, for safety.
- b. For a row dwelling, the access shall be by means of an alley, easement, open passage through the dwelling, or other acceptable means.

**(c) Minimum standards:**

**1. General**

- a. Each dwelling unit shall have at least two (2) habitable rooms of which one (1) shall be a bedroom. In addition, a bathroom shall be provided within. Dwelling units designed as



efficiency apartments may have one (1) habitable room, with a bathroom if the minimum space requirement is met.

**2. Minimum standards objective.**

- a. Each dwelling unit shall be provided with space necessary to assure suitable living, sleeping, cooking, and dining accommodations, adequate storage, laundry and sanitary facilities and laundry when required.
- b. The area occupied by a stair or closets shall not be included in the determination of required room sizes.

**3. Minimum space requirements.**

- a. Living or principal room shall not be less than 100 square feet.
- b. The first bedroom not less than 100 square feet.
- c. All other bedrooms not less than 70 square feet.
- d. Kitchen and dining room combination shall be not less than 100 square feet.
- e. Efficiency apartment shall not be less than 200 square feet.

**4. Minimum space requirements for occupancy.**

- a. At least 150 square feet of habitable floor space for the first 13 occupant.
- b. At least 100 square feet for each of the next three (3) occupants.
- c. At least 50 square feet for each additional occupant.

Note: Children under four (4) years of age shall not be counted.

**(d) Habitable rooms:**

1. Every habitable room shall be not less than seven (7) feet wide in any part and shall contain not less than 70 square feet of net floor area.
2. Habitable rooms shall have a clear height of not less than seven (7) feet six (6) inches for at least 50 percent of the net floor area. Except a kitchen can have a minimum height of seven (7) feet.
3. That portion of any room where the ceiling height is less than five (5) feet shall not be considered as required floor area.
4. A basement may be used as a habitable room or housing unit if it meets the following criteria:

- a. Finished rooms in basements or below grade intended for year round occupancy are considered habitable rooms and shall comply with the same standards as rooms above grade.
  - b. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness and condensation.
  - c. The total window area in each room is equal to at least the window area sizes prescribed herein for habitable rooms (see subsection (e), light and ventilation requirements).
  - d. The total of openable window area in each room is equal to at least the area prescribed herein for habitable rooms (see subsection (e), light and ventilation requirements), except where there is supplied some other device affording adequate ventilation and approved by the inspector. Habitable rooms used primarily for the purpose of sleeping that do not meet the requirements for openable window and which have adequate approved ventilation shall have two (2) exit doors located as remotely as possible from each other.
5. Toilet and bathing facilities shall be enclosed.
  6. Access shall be provided to required toilet rooms without going outside building or habitable space.
  7. Access shall be provided to all rooms within a dwelling unit without passing through a public space. Rooming houses are exempt from this requirement.
  8. Doors shall be provided at all doorways leading to bedrooms, toilet rooms, and bathrooms and all rooms adjoining a public space.
  9. Exterior doors shall have entrance locks.
  10. All exterior doors shall be weather tight.
- (e) Light and ventilation requirements:**
1. Natural lighting, when required, shall be provided by means of windows, glazed doors, skylights, transparent or translucent panels, or by any combination thereof. The area of glazing material shall be sufficient to transmit an amount of light equal to that transmitted by the required area of clear glass.
  2. For the purpose of providing adequate light, each habitable room shall have a total glazed area of not less than six (6) square feet.

3. Operable screened window must be three (3) percent of the total floor area or 50 percent of the existing window area, whichever is greater.
4. All outside windows and doors opening to the outside used for ventilation purposes shall be adequately screened. All residential buildings where approved permanent conditioned air is provided shall be excluded from this requirement.
  - a. Screens shall not be permanently fixed to sash, frames or jamb.
  - b. All screen frames shall be removable for repair.
5. All moveable sash windows shall be lockable.
6. An alcove opening off a habitable room may be included as part of that room in determining the window area required provided that a portion of the common wall between the habitable room and the alcove is open and unobstructed.
7. For the purpose of determining light and ventilation requirements, any room may be counted with an adjoining room when one-half (1/2) of the area of the common wall is open and unobstructed.
8. Windows shall be weather tight; there shall be no broken glass.
9. A toilet room which contains more than one (1) flush unit shall have an operable window unless served by an approved ventilation system.
10. Every public hall and inside stairway in every dwelling or multifamily dwelling shall be adequately lighted at all times to permit safe passage.

**(f) Exit requirements:**

1. Each dwelling unit shall have two (2) exits located as remotely as possible.
2. At least one (1) exit shall be side hinged.
3. One (1) exit door shall be at least 30 inches wide and six (6) feet, six (6) inches high.
4. All exit doors shall be easily operable.
5. There shall be a safe, continuous, and unobstructed exit from the interior of building to the exterior at street or grade level.
6. Those buildings meeting the requirements of the North Carolina Building Code Volume I exempting two (2) exits shall be exempted from the requirements of this section.

**(g) Plumbing requirements:**

1. All new plumbing shall be installed in accordance with Volume II of the North Carolina State Building Code, titled "Plumbing." Any repair or replacement of existing plumbing

shall be done in accordance with said plumbing code when, in the opinion of the chief plumbing inspector, it is practical or otherwise vital to the interest of health and sanitation.

2. All plumbing shall be connected to the town water and sanitary sewer system where necessary as determined by the director of public services department or the department of health.

3. All fixtures shall be operable.

4. There shall be no broken water closet bowls.

5. Water closet shall not be loose or leaking.

6. No leaks shall be in shower stall floor.

7. There shall be running water installed inside each residential building for each dwelling unit. There shall be adequate separate facilities for furnishing running hot and cold water to each tub or shower, lavatory, kitchen sink, and clothes washer connection when required. Washer connections were required by code after July 14, 1964.

8. There shall be running water installed inside each residential building for each dwelling unit.

10. There shall be separate toilet facilities for each dwelling unit.

11. All water piping shall be protected from freezing by proper insulation.

12. Sewer and water lines shall be properly supported and no lines shall be broken or leaking.

13. Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and so maintained to permit such floor to be readily kept in a clean and sanitary condition.

**(h) Heating requirements:**

1. All new heating, ventilation and air conditioning shall be installed in accordance with Volume III of the North Carolina State Building Code, titled "H.V.A.C." Any repair or replacement of existing H.V.A.C. shall be done in accordance with said H.V.A.C. code when, in the opinion of the chief H.V.A.C. inspector it is practical or otherwise vital to the interest of dangerous and hazardous conditions.

2. Every building and every dwelling unit shall be weatherproof and capable

of being adequately heated. The heating equipment in every dwelling or dwelling unit shall be maintained in a safe workable condition.

3. A heating system shall be provided by either the owner or occupant. In an occupied building the heating system shall be properly installed and maintained in a safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments to a temperature of 68 degrees Fahrenheit. For unoccupied buildings no certificate of compliance shall be issued until issuance of a permit for a heating system, and said system has been inspected and found to be properly installed.

4. Hand-fired equipment shall have a check damper and turn damper installed in the smoke pipe unless it is included as an integral part of the heating unit. The turn damper shall have not less than 20 percent free opening when in closed position .

5. All applicable heating equipment installed on the premises shall be listed by a National Testing Laboratory accepted by the State of North Carolina labeled and installed in accordance with the provisions of Volume III of the North Carolina State Building Code, titled "Heating."

6. Liquid fuel stored on the premises shall be stored in accordance with the provisions of volume III, of the state building code.

7. There shall be no loose bricks in chimneys.

8. There shall be no holes in flues.

9. There shall be no hanging masonry chimneys.

10. Thimbles shall be grouted in tightly.

11. Thimbles shall not be broken.

12. Thimbles shall be high enough for stovepipe to rise one-quarter ( 1/4) inch per foot minimum.

13. Hearth, where required, shall be at least 16 inches deep (measure to face material) and six (6) inches beyond each side of fireplace opening.

14. If fireplace opening is closed, it shall be a masonry closure.

15. Stove shall be within six (6) feet of thimble serving it.

16. No combustible material shall be within 18 inches of stovepipe.

17. Solid fuel burning stovepipe shall be not less than 24 gauge. Joints shall be fastened with three (3) screws.

18. No stovepipe shall be through combustible walls.

19. In apartment buildings with central heat, fossil fuel heating system exceeding 250,000 B.T.U., more than two (2) adjoining heating systems or boiler heating system exceeding 10 horsepower, the furnace room shall be enclosed with material having a one-hour firewall.

20. Solid fuel appliances require an approved-type mat, liquid fuel appliances shall be installed per manufacturer's specification.

21. Liquid fuel storage tanks shall not be more than nine (9) feet above the surrounding grade.

**(i) Electrical requirements:**

1. There shall be at least two (2) duplex receptacles installed in each habitable room.

2. There shall be a lighting fixture controlled at the fixture or by wall switch installed in each habitable room, bathroom, laundry and furnace rooms. A third receptacle outlet controlled by a wall switch may be substituted for a fixture.

3. There shall be a wall switch controlled lighting-fixture installed at each outside entrance, and in stairways controlled by three-way switches.

4. If the dwelling unit is wired for an electrical range and also an electric water heater or an electric clothes dryer, the electric service shall be a minimum of 100 amps. Fuses shall be properly sized to match the wire sizes to prevent overloading and damaging the wire.

Type "S" fuses, (fuse-stats), shall be used.

6. Stationary or fixed appliances shall be provided a duplex receptacle.

7. Extension cords used for lamps and accessories shall be limited to six (6) feet in length.

8. All switches, fixtures, and receptacles shall be in safe operable condition.

9. All new wiring to be installed shall be in accordance with the N.C. Electrical Code that is in effect at the time the work is done.

10. Within 15 feet of every bedroom there shall be provided an approved listed smoke detector installed as per the manufacture's recommendation and listing.

11. Any repair or replacement of existing wiring shall be done in accordance with said electrical code when, in the opinion of the electrical inspector, it is reasonably practical or

otherwise vital to the health and safety in order to eliminate a dangerous and hazardous condition.

12. Where electric heat is installed in an existing dwelling to meet the requirements of section 17.10 (H) (3), insulation shall be a minimum of R- 11 in floors and walls and R-19 in the ceiling.

*(j) Structural requirements:*

*1. Foundation.*

a. No footing shall be exposed.

b. Beneath the building, there shall be firm ground, reasonably dry ground, no soggy ground, no water standing, no water running under building unless designed otherwise.

c. There shall be sound footings, with adequate bearing.

d. There shall be sound piers with no loose mortar.

e. There shall be no piers in which a plumb line from top center falls outside the middle one-third (1 / 3) of the pier base.

f. There shall be no isolated solid masonry piers exceeding in height 10 times the least dimension of the pier.

g. There shall be no wood stiff-knee piers unless pressure treated or equivalent and bearing on solid masonry raised one (1) concrete block above ground level.

h. The space between the ground and the first floor of every dwelling which is enclosed shall be underpinned with masonry to substantially weather-proof and rodent-proof with adequate access opening of 18 by 24 inches with a door. Curtain walls shall have foundation vents installed at a minimum on one (1) square foot for every 250 square feet of crawl space when signs of moisture damage exist.

*2. Floors.*

a. There shall be no seriously rotted, or termite damaged joists and sills.

b. There shall be no fire damaged charred wood.

c. There shall be no broken, overloaded, or sagging girders.

d. There shall be no broken, overloaded, or sagging sills.

e. Sills shall be reasonably level.

f. Sills shall be properly and sufficiently supported.

g. There shall be no broken joists.

- h. Any floor joists which show signs of weakness or disrepair shall be properly replaced with lumber comparable to at least the same nominal dimension and grade as the original joist.
- i. Flooring shall be weather tight without holes or excessive cracks which permit air penetration into rooms.
- j. Flooring shall be reasonably smooth, and not rotten, fire damaged or worn through.
- k. There shall be no loose flooring or floor covering.
- l. The floor shall be reasonably level. When any new flooring is to be installed there shall be a minimum of five-eighths ( 5/8) inch plywood underlayment (or equivalent) or three-quarters (3/4) inch tongue and groove board flooring over the floor joists.

### 3. Walls, exterior.

- a. There shall be no wall in which plumb line from top center of studs falls outside the bottom plate at any point along wall unless by design.
- b. No studs shall be seriously rotted or termite damaged.
- c. There shall be no fire damaged charred wood.
- d. There shall be no broken structural members.
- e. All siding shall be weather tight, with no holes or excessive cracks, or rotted boards.
- f. There shall be no loose siding.

### 4. Walls, interior.

- a. Interior wall finish shall be free of holes.
- b. There shall be no wall in which a plumb line from top center of studs falls outside of bottom plate unless by design.
- c. There shall be no loose plaster, loose boards, or other loose wall materials susceptible to falling.
- d. There shall be no cardboard, newspaper, or similar highly combustible wall finish in dwelling units.
- e. There shall be no seriously rotted, termite damaged, or broken studs.
- f. There shall be no fire damaged charred wood.

### 5. Ceilings.

- a. There shall be no seriously rotted, broken, sagging, or fire damaged joists or improperly supported ends.



a. Any ceiling joists which show signs of disrepair shall be properly replaced with lumber comparable to at least the same nominal dimension and grade as the original joist.

c. There shall be no holes.

d. There shall, be no loose plaster, boards, sheet rock, or other ceiling finish susceptible to falling.

e. There shall be no cardboard, newspaper, or other similar highly combustible finishes in dwelling units.

f. There shall be an attic access provided with a minimum size of 14 x 24 inches.

#### 6. Roofs.

a. There shall be no seriously rotted, broken rafters or improperly supported ends.

b. There shall be no fire damaged charred wood.

b Rafters shall be properly braced and tied. Maximum spacing of collar beams shall be five (5) feet on center, or other approved methods of bracing roof may be used.

d. Attic ventilation is required only when signs of heat or moisture damage exist. The net opening shall be at least one one-hundred fiftieth ( $x/m$ ) of the attic floor space.

Obstructions caused by screens and louvers must be subtracted to obtain the net area.

The net opening must be cut to one three-hundredth ( $1/300$ ) if 50 percent of the ventilation is in the upper portion of the attic. Alternate methods as specified in Volume 1 B, Section 25, may be used.

e. There shall be no loose or seriously rotted sheathing.

f. There shall be no fire damaged charred sheathing.

g. There shall be no loose roof covering, nor holes, nor leaks.

h. There shall be a minimum of Class "C" roof covering; except in the number one Fire District a Class "A" or "B" covering is required.

i. There shall be proper metal flashing at walls or chimney.

j. Not more than two (2) roof coverings may be installed.

#### 7. Porches, exterior stairs and steps.

a. Floor, ceiling, and roof shall be equal to requirements set forth above, except sills, joists, and floors need not be level if providing drainage of floors; floors need not be weather-tight; ceiling height may be seven (7) feet; and attic shall be vented.

b. Posts, railings and guards shall not be seriously rotted or termite damaged and shall be sufficiently anchored.

b. Every porch, terrace or entrance platform located at least 36 inches above adjacent finished grade shall be equipped with railings not less than 30 inches high. Pickets shall be installed on railings and hand railings with no more than a six-inch spacing. Handrails continuous on all open sides of stairs exceeding 36 inches in height leading to a platform, porch or terrace, shall be installed at least 30 inches high.

c. Enclosed stairs exceeding a rise of 36 inches shall have at least a single handrail.

#### 8. Interior stairs and steps.

a. Stairs and steps shall be free of holes, grooves and cracks large enough to constitute an accidental hazard.

b. Interior steps and stairs more than 36 inches of rise shall have rails not less than 30 inches measured vertically from the nose of the treads to top of the rail.

c. Every rail shall be firmly fastened and maintained in good condition.

d. No flight of stairs shall be settled more than one (1) inch out of its intended position or pulled away from supporting or adjacent structures.

e. There shall be no rotting, sagging, or deteriorating supports.

f. Every stair riser shall be reasonably uniform and shall not exceed eight and one-quarter (8 1 / 4) inches in height; treads shall be at least one and one-eighth (1 1 / 8) inch thick and shall be securely fastened in position. Every wood stair riser in excess of 36 inches in width shall have an additional "stringer," each "stringer" to be spaced not more than 30 inches apart. The minimum depth of treads shall be 10 1 / 4 inches including the "nosing."

#### **Sec. 17.11 Accessory structures.**

(a) Fences and other accessory structures shall either be maintained in a safe and substantial condition or demolished and removed.

(b) Exterior surfaces, not inherently resistant to deterioration, shall be treated with protective coating, such as paint or other suitable preservative, and with sufficient frequency to prevent deterioration.

(c) Any electrical, plumbing, heating, or other utilities furnished to an accessory structure shall be installed in accordance with applicable code provisions; and maintained in a safe condition.

(d) Every accessory structure shall be properly maintained in a clean and sanitary condition and free from physical hazards and other matter detrimental to the public health.

**Sec. 17.12 Property maintenance.**

(a) *Building and structure:*

(1) Exterior surfaces, not inherently resistant to deterioration, shall be treated with a protective coating, such as paint or other suitable preservative, with sufficient frequency to prevent deterioration.

(2) Floors, walls, ceilings, and fixtures shall be maintained in a clean and sanitary condition.

(b) *Open areas.* Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant water.

(c) *Infestation.* Grounds, buildings and structures shall be maintained free of infestation.

(d) *Garbage and refuse.* There shall be adequate sanitary facilities and methods provided and used for the storage, handling, and disposal of garbage and refuse.

**Sec. 17.13 Minimum standards applicable to rooming houses.**

All of the provisions of this article, and all of the minimum standards [set out in section 9-11-100] 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.

( 1 ) No person shall operate or cause to be operated any rooming house unless there is provided:

a. Lavatory facilities in good working condition consisting of one (1) flush water closet, one (1) washbasin and one (1) bathtub or shower for every six (6) persons residing in the rooming house.

b. Access from rooming unit to lavatory facilities without entering another dwelling, rooming unit or nonconditioned area c. Washbasin and bathtub or shower properly connected and supplied with hot and cold running water.

d. Lavatory not to be located in basement.

e. Walls, floors and ceilings to be maintained in a sanitary condition.

- f. Prompt disposal of all garbage in a sanitary condition.
- g. In rooming houses with fossil fuel heating systems exceeding 250,000 B.T.U., the furnace room shall be enclosed with material having at least a one-hour fire protection rating. Install a smoke detector in every furnace room.
- h. In all public hallways within 15 feet of each rooming unit install a smoke detector. Primary source of power for detectors shall be taken from the house electrical current.

**Sec. 17.14 Occupant's responsibilities.**

Every occupant of a dwelling unit or apartment shall:

- (1) Keep the part of a dwelling unit or apartment which he occupies and controls in a clean and sanitary condition.
- (2) Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
- (3) Be responsible for the extermination of any insects, rodents or other pests whenever said dwelling unit or apartment is the only one in the residential building infested and the owner has provided a reasonably insect-proof and adequately rodent-proof building.
- (4) Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
- (5) Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such building; not place in storage or on the premises any furniture, auto parts, junk equipment or material which harbors insects, rodents or other pests.
- (6) Not occupy any dwelling unit unless running water is provided to the required plumbing fixtures.
- (7) Not place within any structure for use therein any oil, kerosene or gas fired portable heater to be used as the primary source for heating or cooking.
- (8) Not place on the premises for the use thereon any heating or cooking unit which constitutes a fire hazard. If the occupant provides heating or cooking equipment, the occupant shall be responsible for its proper installation and maintenance.
- (9) Not cause such damage to the dwelling unit or apartment let to him as to make the same unfit for human habitation.

(10) No occupant of a rooming house shall heat or cook food or permit the heating or cooking of food within his rooming unit.

**Sec. 17.15 Enforcement against occupant.**

Upon discovering a violation of section, the inspector shall have the power to order the correction of any such violation within 48 hours from date of notice thereof; in the event that the occupant fails to make such corrections, then the inspector shall set a hearing pursuant to the procedures of state statutes and local ordinances, and thereafter may again order the correction of any such violation within 48 hours from date of service of the order upon the occupant or the inspector may order the building to be vacated within a reasonable time. The inspector may pursue any other civil or criminal action as he deems reasonably necessary in order to effectuate the purposes of this article.

**Sec. 17.16 Owner's responsibilities--Generally.**

(a) Any owner remains liable for violations of duties imposed upon him by this article even though:

(1) An obligation is also imposed on the occupant.

(2) The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this article.

(b) Whenever the owner of property has complied with the minimum standards of this article

for each dwelling or dwelling unit in accordance with previous inspections and orders issued by the director of planning and development, no further inspections for violations herein shall be required for a period of two (2) years from the date of final inspection and approval except where, in the opinion of the director of planning and development; it is necessary in the interest of public health or safety of the residents or where such a violation constitutes a health and safety hazard which is inimical to the general welfare of the citizens in the community..

Provided however, in instances where the owner or tenant who was residing in a dwelling or dwelling unit at the time that final inspection and approval was made quits the premises, then this subsection, which does not require further inspection for a period of two (2) years, shall no longer be applicable with respect to such dwelling or dwelling unit.

**SEC.17.17 For the safety of occupants.**

- (a) In order to protect the health and safety of occupants of a building, the owner shall, within 48 hours after being notified in writing, repair any broken, burst, frozen or inoperable plumbing pipe or fixtures.
- (b) In order to protect the life and safety of occupants of a building, the owner shall, within 48 hours after being notified in writing, repair any exposed or unsafe wiring.
- (c) In order to protect the life and safety of occupants of a building, the owner shall, within 48 hours after being notified in writing, repair or replace any unsafe and/or dangerous cooking or heating equipment provided by the owner.
- (d) In order to protect the life and safety of occupants of a building, the owner shall, within 48 hours after being notified in writing, repair or replace fuel storage tanks and/or supply lines provided by the owner which are leaking, improperly supported or dangerous.

**Sec.17.18 Duty of the Inspector.**

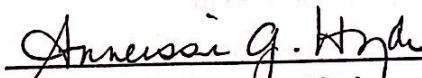
It shall be the duty of the inspector to diligently examine residential buildings and accessory structures located in the town and its environs where the conditions described in section 17.02 exist for the purpose of locating and taking action with respect to such buildings and structures as appear to be unfit for human habitation. The inspector shall conduct all inspections and procedures as provided by this article.

**Sec.17.19 Emergency Cases**

- (a) In emergency cases where it reasonably appears there is immediate danger to the life or safety of any person or to the safety of other property, unless a dwelling unit unfit for human habitation or a dangerous accessory structure is immediately repaired or demolished, the inspector shall order the structure vacated and cause the immediate repair or demolition of the said structure.

**Adopted by the Board of Aldermen this 9<sup>th</sup> day of January, 2012.**

Attested:

  
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Anneissa J. Hyde, Town Clerk