

CHAPTER 17

HOUSING CODE (Amend. 04-19-2005)

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Article I

GENERAL PROVISIONS

Section 17-1. How the Chapter Shall Be Known and Cited

The rules and regulations prescribed by this Chapter, shall be known and may be cited as “The Housing Code of the Town of Carrboro” and will be referred to hereinafter as “this Chapter.”

Section 17-2. Legislative Findings and Authority

The Board of Aldermen hereby finds and declares that there exists in the Town of Carrboro housing which is 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 housing unsafe or unsanitary, or dangerous or detrimental to the health or safety, or otherwise inimical to the welfare of the residents of the Town of Carrboro. Accordingly, the Board finds that a public necessity exists to exercise the police powers of the Town pursuant to Part 6, Article 19 of Chapter 160A of the General Statutes of North Carolina, as now or hereafter amended, to cause the repair and rehabilitation, closing or demolishing of such housing in the manner herein provided.

Section 17-3 Scope and Application of the Chapter

(a) The provisions of this Chapter shall apply to any dwelling, irrespective of when such building was constructed, altered or repaired. Portable, mobile or modular buildings or structures, including trailers, when used or intended for use as a dwelling within the town shall be subject to the applicable provisions of this Chapter.

(b) The provisions of this Chapter shall be applicable within the corporate limits of the Town and its extraterritorial planning jurisdiction (but not including the Joint Planning Area).

Section 17-4 Administration

(a) Administration and enforcement of this Chapter shall be the responsibility of the inspector. (See Section 17-5(15), 17-25 and 17-26 of this Chapter.)

(b) For the purposes of this Chapter, notice to any owner’s agent shall be deemed to be notice to the owner.

Section 17-5 Definitions

Unless a different meaning clearly appears from the context, the following words and terms, whenever used or referred to in this Chapter, shall have the meanings set forth below:

(1) **BASEMENT.** A building story with fifty percent or more of its cubic area below finish grade.

(2) **BOARDING HOUSE.** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house, which can also be referred to as a “rooming house,” is distinguished from tourist homes and bed and breakfasts in that the former is designed to be occupied by longer term residents (at least month-to-month) as opposed to overnight or weekly guests.

(3) **BUILDING CODE.** The North Carolina State Building Code which has been established pursuant to G.S. § 143, Article 9. Unless otherwise stated, all references to the building code shall be to the most recent edition of the North Carolina State Building Code.

(4) **CERTIFICATE OF OCCUPANCY.** Written certification by the inspector that a dwelling or dwelling unit complies with the requirements of this Chapter and all other applicable provisions of the Carrboro Town Code, North Carolina General Statutes and North Carolina administrative regulations.

(5) **COMMON AREA.** That space within any dwelling which is open to use or access by the residents of the dwelling and their guests and invitees.

(6) **COMMON HALL.** A hallway within any dwelling which is open to use or access by the residents of the dwelling and their guests and invitees.

(7) **COMMON STAIRWAY.** Any stairway or stairwell within any dwelling which is open to use or access by the residents of the dwelling and their guests and invitees.

(8) **DISPOSAL FACILITIES.** Mobile containers or dumpsters, as those terms are used in Carrboro Town Code Chapter 11.

(9) **DWELLING.** Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. The term “housing” is used synonymously

with “dwelling.” The term “dwelling” includes dwelling unit, rooming unit, boarding house, multi-family dwelling, and any other form of permanent housing.

(10) **DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

(11) **EXIT.** A clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

(12) **EXTERMINATION.** The control and elimination of insects, rodents and other pests. Extermination may be accomplished either by hiring a person or business duly licensed under G.S. Chapter 106, Article 4C, the “Structural Pest Control Act”; properly employing pesticides or traps as indicated by the manufacturer’s instructions; by eliminating the harborage places of insects, rodents or pests; or by removing or making inaccessible materials that serve as food for rodents, insects or pests.

(13) **FAMILY.** One or more persons living together as a single housekeeping unit.

(14) **HABITABLE ROOM.** Any room or enclosed floor space in a building or structure used or intended for use for living, sleeping, cooking or eating, including kitchens and basements, but excluding bathrooms, toilets, halls, corridors, pantries, storage space, closets, laundries and other spaces not used frequently or for extended periods.

(15) **HABITABLE STRUCTURE.** Any structure used for living, sleeping, cooking or eating purposes for extended periods or on a regular basis or is designed for living, sleeping, cooking or eating for extended periods or on a regular basis.

(16) **INFESTATION.** The presence within or around any dwelling of any insects, rodents or other pests.

(17) **INSPECTIONS DIVISION.** The Inspections Division of the Planning Department of the Town of Carrboro.

(18) **INSPECTOR.** The Code Enforcement Officer of the Inspections Division or any other officer or agent to whom the Building Inspector has delegated any function or power, under this Chapter.

(19) **MANUFACTURED HOME** or **MOBILE HOME.** These terms mean structures as defined in G.S. § 143-145(7).

(20) **MULTI-FAMILY DWELLING.** A building or structure occupied or intended for occupation as the home or residence of more than two families living

independently of each other, and doing their own cooking within their respective dwelling unit.

(21) **NOXIOUS GROWTH.** Any growth of weeds, grasses, or other plants or bushes that becomes or threatens to become a fire hazard or a harboring place for rats, mice, snakes, or other vermin or otherwise poses a danger to public health and safety. In addition to the provisions of this Chapter, noxious growth is controlled by Carrboro Town Code Section 11-8. Noxious growth does not include xeriscaping, which is defined below and by Carrboro Town Code Section 5-23(28).

(22) **OCCUPANT.** Any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

(23) **OWNER.** The holder of the title in fee simple and every mortgagee of record. In the case of rental dwelling units, “owner” shall be taken to include any landlord for the property or other agent of the owner as well the fee simple owner and mortgagees of record.

(24) **PARTIES IN INTEREST.** All individuals, associations and corporations who have an interest of record in a dwelling any who are in possession thereof.

(25) **PLUMBING.** The water supply system, the sanitary sewer system, the vent system, fixtures and traps including their respective connections, devices, appliances and appurtenances within the property lines of the premises.

(26) **PUBLIC AUTHORITY.** Any housing authority or any officer who is in charge of any department or branch of the government of the town, county or state relating to health, fire, building regulations or to other activities concerning dwellings in the town.

(27) **REMOVAL.** The demolition and removal of the entire structure, leaving the property free and clear of debris and without holes or pockets which may retain water.

(28) **ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking or eating purposes, by one family.

(29) **SLEEPING AREA.** Bedrooms or any other rooms used for sleeping.

(30) **SOLID WASTES.** Wastes that are nongaseous and nonliquid (except that liquid wastes resulting from the processing of food are deemed solid wastes for the purposes of this Chapter). In addition to the provisions of this Chapter, solid wastes are controlled by Carrboro Town Code Chapter 11. Maintained composting facilities shall not constitute solid wastes.

(31) **STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, a distance typically measuring between nine and fourteen feet. The term “story” does not include any building level(s) that are substantially enclosed below the finished grade at the front of the building, so long as the finished grade does not substantially differ from the pre-construction, natural grade.

(32) **STRUCTURE.** Anything constructed or erected.

(33) **UNFIT FOR HUMAN HABITATION.** A dwelling is “unfit for human habitation” if the inspector finds that conditions exist in the dwelling that render it dangerous or injurious to the health or safety of the occupants of the dwelling, the occupants of neighboring dwellings or other residents of the town. Such conditions may include the following, without limiting the generality of the foregoing:

- (a) defects that increase the hazards of fire, accident, or other calamities;
- (b) lack of adequate ventilation, light, or sanitary facilities;
- (c) dilapidation;
- (d) disrepair;
- (e) structural defects;
- (f) uncleanliness; or
- (g) any other violation of this Chapter.

(34) **VACANT DWELLING.** Any dwelling that has not been occupied or otherwise inhabited for a period of six months. In the case of rental property, “vacant dwelling” shall also refer to any dwelling unit or rooming unit that is currently unoccupied and not being leased or rented to any person.

(35) **VENTILATION.** The adequate supply and removal of air to and from a space through windows, skylights, doors, louvers, grilles, ducts or other similar devices.

(36) **XERISCAPING.** An approach to landscape design and maintenance that uses small amounts of water but sustains a traditional look through the proper conditioning of soil, the selection of appropriate drought-tolerant plants, generous use of mulch, efficient use of water, and other proven techniques. See also Carrboro Town Code Section 5-23(28).

ARTICLE II

MINIMUM HOUSING STANDARDS

Section 17-6 Space and Use Standards

(a) In every dwelling unit and rooming unit, the following rooms, if present, shall contain the minimum amount of square footage indicated below:

- (1) A principal/living room of not less than one hundred twenty (120) square feet;
- (2) A kitchen-dining room combination of not less than eighty (80) square feet;
- (3) A first bedroom of not less than one hundred (100) square feet;
- (4) Other bedrooms of not less than seventy (70) square feet each;
- (5) At least seventy (70) square feet for other habitable rooms;

(b) At least one hundred fifty (150) square feet of floor space in habitable rooms for the first occupant, at least one hundred (100) square feet for each of the next three (3) occupants, and at least fifty (50) square feet for each additional occupant over four (4).

Minimum Area Requirements for § 17-6(a) and (b)			
Room	1 occupant	2-4 occupants	5 or more occupants
Principle/Living Room	120 ft. ²	120 ft. ²	120 ft. ²
Kitchen/Dining Room	80 ft. ²	80 ft. ²	80 ft. ²
First Bedroom	100 ft. ²	100 ft. ²	100 ft. ²
Other Bedrooms	70 ft. ²	70 ft. ²	70 ft. ²
Each Habitable Room	70 ft. ²	70 ft. ²	70 ft. ²
Total floor Area in Habitable Rooms	150 ft. ²	2:250 ft. ² 3:350 ft. ² 4: 450 ft. ²	50 ft. ² per additional occupant over four

(c) Every habitable room shall be at least seven (7) feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven (7) feet, six (6) inches. That portion of any room where the ceiling height is less than five (5) feet shall not be considered as a part of the floor area.

(d) Bedrooms shall not constitute the only means of access to other bedrooms or habitable rooms and shall not serve as the means of egress from other habitable rooms. This provision shall not apply to one-bedroom dwelling units.

(e) Each kitchen shall have space for the storage of food and utensils, such space to be provided by means of a base cabinet, or a base cabinet combined with wall cabinet(s) or other enclosed area, which provide the following:

- (1) A minimum of 30 square feet of shelf space;
- (2) Drawer space containing a minimum of 5 square feet;
- (3) Counter top area with a minimum of 6 square feet. Such counter top shall be constructed of steel or covered with a waterproof non-absorptive material. Areas occupied by sinks and counter top cooking units shall not be included in the minimum required counter top area.

(f) Kitchens and uninhabitable spaces shall not be used for sleeping purposes.

(g) No basement space shall be used as a habitable room unless:

- (1) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
- (2) The total window area in each room is equal to at least the window area sizes prescribed herein for habitable spaces; and
- (3) The total openable window area in each room is equal to at least the area prescribed herein for habitable rooms.

(See also Section 17-7 of this Chapter.)

(h) Toilet and bathing facilities shall be enclosed so as to provide privacy to a person within the toilet and bathing facilities. Such facilities shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms or shared toilet facilities in a multi-family dwelling.

(i) Access shall be provided to all rooms within a dwelling unit without passing through a common area.

(j) Doors shall be provided at all doorways leading to bedrooms, to toilet rooms and bathrooms, and all rooms adjoining a common area, except at doorways leading to bedrooms in single-family dwellings.

Section 17-7 Light and Ventilation Standards

(a) Every habitable room shall be subject to the following light and ventilation standards:

- (1) Every habitable room shall have at least one window of approved size facing directly outdoors or to a court. Windows are not required in a habitable room if that room is lit by at least twenty (20) foot-candles of artificial lighting and is ventilated in accordance with this Section.
- (2) The minimum total glazed area for every habitable room containing windows shall be eight (8) percent of the floor area of such room.
- (3) The operable window area in each habitable room shall face directly outside or to a court.
- (4) A minimum of fifty (50) percent of all windows in a dwelling unit shall be operable and openable.
- (5) All bedroom windows shall be operable and openable.
- (6) The operable window area in each habitable room shall be at least one half of the required window area.
- (7) A minimum of fifty (50) percent of all windows shall have screens, and each screened window shall be operable and openable.
- (8) Wherever walls or other portions of a structure outside the habitable room face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court in satisfaction of subdivision (a)(1) of this section and shall not be included as contributing to the required minimum total window area for the room required by subdivision (a)(1) of this section.
- (9) All operable and openable windows shall be adequately screened or equipped with storm windows that include screens. Screens shall not be permanently fixed to the window frame or sash, and screens shall have a minimum mesh of sixteen (16) per square inch. All operable or openable exterior doors shall have either a screen door or storm door, equipped with a self-closing device.
 - (b) Windows shall be reasonably weathertight with no broken glass.
 - (c) There shall be at least one operable window area in each toilet room and bathroom that is at least three (3) square feet in size, unless the bathroom or toilet room is served by other approved ventilation.

(d) All common hallways, common stairways and common shared usable spaces (i.e. laundry rooms, recreation rooms and other similar rooms) shall be adequately lighted at all times.

(e) Exhaust Vents

(1) Where injurious, toxic, irritating or noxious fumes, gases, dusts, or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be vented to the exterior and not be recirculated to any space.

(2) Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting public or private property or that of another rental occupant.

(f) Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

(g) Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

Section 17-8 Security Standards

(a) Doors providing access to any dwelling unit or rooming unit shall be capable of being locked. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door and shall be maintained in good condition. This requirement shall not apply to screen or louver doors.

(b) Doors providing access to a dwelling unit or rooming unit that is rented or leased shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall have a lock throw of not less than one-inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of dwelling unit or rooming unit without the use of a key, tool, combination thereof or any other special knowledge or effort.

(c) All doors used as means of egress from a dwelling unit or rooming unit shall be readily openable from the interior side without the need for keys, special knowledge or effort.

(d) All operable windows shall be equipped with window sash locking devices or their equivalent.

Section 17-9 Exit Standards

(a) Every dwelling shall have exits which are in compliance with the North Carolina State Building Code, in effect at the time of construction.

(b) Platforms and steps shall be provided to serve exits and shall be maintained in a safe condition.

(c) A safe, continuous and unobstructed exit shall be provided from the interior of building to the exterior at grade level or public way.

(d) Required emergency escape openings shall be maintained in accordance with the North Carolina State Building Code in effect at the time of construction.

(e) Required escape and rescue openings in all new construction shall be operational from the inside of the room without the use of keys or tools.

(f) Bars, grilles, grates or similar devices placed over emergency escape and rescue openings are prohibited.

Section 17-10 Structural Standards

(a) Buildings shall have approved address numbers placed in a position to be plainly legible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches high with a minimum stroke width of 0.5 inches.

(b) The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(d) Foundation. A positive grade shall be maintained around the perimeter of the dwelling.

(e) Floors

(1) Broken, overloaded, decayed or excessively sagging sills, beams, girders and joists shall be prohibited.

(2) Sills, beams and girders shall be sufficiently supported.

(3) Joists shall provide sufficient support for flooring.

(4) Flooring shall be reasonably smooth, not rotten or worn through, and without holes or excessive cracks.

- (5) Flooring shall not be loose.
 - (6) All floors in bathrooms and kitchens shall be constructed and maintained so as to be impervious to water by being painted with porch and deck-type enamel paint, or covered with a waterproof non-absorptive material such as finished hardwood, parquet, asphalt tile, ceramic tile, linoleum tile or sheet, rubber tile, terrazzo, vinyl plastic tile or sheet. Carpet may be used when installed over one of the materials listed above, or when installed over underlayment which complies with the requirements of the North Carolina State Building Code.
 - (7) Interior floors shall be constructed in accordance with the applicable fire-resistance ratings of the North Carolina State Building Code that were in effect at the time of construction.
- (f) Walls, Exterior
- (1) All exterior walls shall be reasonably plumb.
 - (2) Studs shall provide sufficient support for sheathing or exterior finish.
 - (3) All exterior finishes shall be weathertight with no holes, excessive cracks or rotten boards which permit air or water to penetrate the structure.
 - (4) All exterior block walls shall have no cracks in masonry joints which permit air or water to penetrate the structure.
- (g) Walls, Interior
- (1) Interior finishes shall be free of holes and excessive openings.
 - (2) All interior walls shall be reasonably plumb.
 - (3) Loose plaster, loose boards, or other loose wall finishes shall be prohibited.
 - (4) Cardboard, newspaper or other highly combustible or improper wall finishes shall be prohibited.
 - (5) Studs shall provide sufficient support for interior walls.
 - (6) Interior walls, enclosures, and partitions shall be constructed in accordance with the applicable fire-resistance ratings of the North

Carolina State Building Code that were in effect at the time of construction.

(h) Ceilings

- (1) Ceiling joists and supporting members shall provide sufficient support for the ceiling.
- (2) No holes or excessive cracks in the ceiling shall be permitted.
- (3) Plaster, boards, sheetrock, or other ceiling finishes shall not be loose.
- (4) Cardboard or other highly combustible finishes shall be prohibited.
- (5) Ceilings shall be constructed in accordance with the applicable fire-resistance ratings of the North Carolina State Building Code that were in effect at the time of construction.

(i) Doors

- (1) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly secured and attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.
- (2) Required protective openings shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in an operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

(j) Roof and Overhang Extensions

- (1) No rafter shall be rotten, broken, sagging excessively or have improperly supported ends.
- (2) Attics shall have proper ventilation.
- (3) Sheathing shall not be rotten, loose or sagging excessively.
- (4) Roof covering shall not be loose, have holes or leaks.
- (5) Wood shingles shall meet manufacturer's installation instructions.
- (6) Proper flashing shall be provided at walls and chimneys.

- (7) Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.
 - (8) Roof water shall not be discharged in a manner that creates a public nuisance.
 - (9) All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored and in sound condition.
- (k) Porches
- (1) The foundation, floor, ceiling and roof shall be structurally sound.
 - (2) Materials used for the floors of porches shall be approved for exterior use according to the standards of the North Carolina State Building Code in effect at the time such floors were constructed.
 - (3) Porch sills, joists and floors need not be level if providing for drainage.
 - (4) Floors need not be weathertight.
 - (5) The minimum ceiling height shall be seven feet, and attics need not have ventilation.
 - (6) Posts and railings shall not be rotten, broken or termite damaged.
 - (7) Every porch greater than thirty (30) inches from grade shall have guardrails and handrails that meet North Carolina State Building Code standards in effect at the time of construction.
- (l) Stairs, Steps, Ramps and Landings
- (1) Stairs, steps, ramps and landings shall be free of holes, grooves and cracks large enough to constitute accident hazards and shall be maintained in sound condition and good repair.
 - (2) Every interior and exterior flight of stairs which is more than three risers high shall have rails not less than thirty (30) inches to thirty-four (34) inches, measured vertically from the nose of the treads to the top of the rail.
 - (3) No flight of stairs shall be settled more than one inch out of its intended position or pulled away from the supporting or adjacent members.

- (4) Supports for stairs, steps, ramps and landings shall not be rotten, sagging or deteriorating.
- (5) Every stair tread shall be uniform in width, and risers shall be uniform in height, with a tolerance of three-eighths (3/8) of an inch. Every stair tread shall be sound and securely fastened in position.
- (6) All interior and exterior handrails shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition and good repair.

(m) Elevators and Dumbwaiters. All elevators or dumbwaiters must meet all applicable state requirements including those of the North Carolina State Building Code that were in effect at the time of installation; G.S. Chapter 95, Article 14A, the Elevator Safety Act of North Carolina; and any other applicable administrative regulations.

Section 17-11 Property Maintenance

(a) Vacant Dwellings. All vacant dwellings and the premises thereof shall be maintained in a clean, safe, secure and sanitary condition.

(b) Open Areas

- (1) Surface and subsurface water shall be appropriately drained to protect structures, to prevent the development of stagnant ponds and to prevent a public nuisance. This subsection shall not preclude the construction of approved retention ponds or stormwater management facilities.
- (2) Yards and courts shall be kept clean and free of physical hazards and solid wastes.
- (3) Noxious growth shall be prohibited on the lot on which a dwelling is located. In addition to the provisions of this Chapter, noxious growth is controlled by Carrboro Town Code Section 11-8.

(c) Infestation. Insects, rodents or other pests shall be reasonably controlled in all habitable rooms so as not to be injurious to human health. (See also Section 17-19 of this Chapter.)

(d) Disposal of Solid Wastes. See Section 17-18 of this Chapter.

(e) Automatic Sprinkler Systems. The installation, location and maintenance of automatic sprinkler systems is also governed by Carrboro Town Code Section 12-17.

- (1) Notwithstanding any provision of the North Carolina State Building Code or any public or local law, including but not limited to Chapter 143 of the General Statutes, all fraternity and sorority houses within the Town shall install and keep in operable condition automatic sprinkler systems, in accordance with subdivision (3) of this subsection.
- (2) Notwithstanding any provision of the North Carolina State Building Code, the following types of dwellings shall include an automatic sprinkler system, installed in accordance with subdivision (3) of this subsection:
 - (i) dwellings that are designed, intended, or used as multi-family residential buildings containing three or more attached dwelling units and
 - (ii) dwellings in excess of fifty feet in height.

Provided, this subsection shall only apply to those dwellings for which a building permit is issued after the effective date of this subsection.

- (3) Automatic sprinkler systems shall be approved by the building inspector and the fire chief. Every automatic sprinkler system required by this subsection shall conform to the requirements of “Standard of the National Fire Protection Association for the Installation of Sprinkler Systems” (NFPA pamphlet no. 13), incorporated by reference under Carrboro Town Code Section 12-11, except that a single water supply required by those standards may be permitted by the building inspector and the fire chief.
- (4) The owner of any dwelling containing an automatic sprinkler system shall have that system inspected at least annually by an independent party approved by the fire chief as competent to make such an inspection and shall furnish the fire department a written certification signed by such party and stating that the sprinkler system has been inspected and is in proper working order.
- (5) All connections shall be located on the street side of each dwelling, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm monitoring service.
- (6) For the purposes of this section:
 - (i) The height of a dwelling shall be the vertical distance measured from the lowest mean elevation of the finished grade on any one side of the dwelling to the highest point on the roof of the

dwelling. With respect to single family detached residences and duplexes, the height of a building shall be the vertical distance measured from the floor of the main story of the dwelling at the front elevation to the top of the roof above the floor.

- (ii) All portions of a dwelling under a continuous roof shall be regarded as a single building, regardless of the existence of fire walls or separate ownership.

- (7) Subdivision (2) of this subsection applies to existing dwellings only to the extent and under the circumstances that the provisions of the North Carolina Building Code apply to existing dwellings.

(f) **Smoke Detectors in Rental Units.** In addition to the provisions of this Subsection, the installation, location and maintenance of smoke detectors are also governed by Subsection 17-23 of this Chapter and Carrboro Town Code Section 12-19. The requirements of this subsection apply to all rental dwellings

- (1) Every owner, or the owner's agent, of a rental dwelling lawfully constructed without smoke detectors shall install or ensure that a smoke detector is installed in every rental dwelling unit in accordance with the provisions of this section. Installation in accordance with this section must be complete and smoke detectors must be duly operable within thirty days after the effective date of this section.

- (2) Smoke detectors shall be installed in accordance with the following requirements:

- (i) Only ionization or photoelectric type smoke detectors shall be installed.
- (ii) Smoke detectors with power sources not directly connected to the electrical system of the residential unit may be powered by self-monitoring batteries or operated from an electrical outlet which is fitted with a plug restraining device, provided the outlet is not controlled by any switch other than the main power supply.
- (iii) Smoke detectors shall be installed in accordance with either the standards of the National Fire Protection Association or the minimum protection designated in the manufacturer's instructions.

- (3) Smoke detectors shall be located in accordance with the requirements of the North Carolina State Building Code. In addition to the provisions of the North Carolina State Building Code, smoke detectors shall meet the following location criteria:

- (i) At least one (1) smoke detector shall be installed to protect the sleeping area within each dwelling unit.
 - (ii) Smoke detectors shall be installed outside of sleeping areas but in the immediate vicinity of such rooms, centrally located in the corridor or area giving access to the rooms. In dwelling units without separate sleeping areas, the smoke detectors shall be centrally located in the main room.
 - (iii) Where sleeping areas are separated by other-use areas (such as kitchens or living rooms, but not closets or bathrooms), or are located on different stories or floor levels, they shall be considered as separate sleeping areas.
 - (iv) Residential units with more than one sleeping area shall require the installation of additional smoke detectors to protect each sleeping area.
 - (v) Where one or more sleeping areas are located on a level above the cooking and living area, the smoke detector for such sleeping areas shall be placed at the top of the stairway.
 - (vi) A smoke detector installed in a stairwell shall be so located as to assure that smoke rising in the stairwell cannot be prevented from reaching the smoke detector by an intervening door or obstruction.
 - (vii) Smoke detectors in rooms with ceilings that slope shall be located at the high side of the room.
 - (viii) Smoke detectors shall not be mounted in front of an air supply duct or between the sleeping area and the furnace cold air return.
- (4) The installation and maintenance responsibilities of owners and rental occupants shall be as follows:
- (i) Every owner of rental dwelling units shall be responsible for the provision of operable smoke detectors in compliance with the North Carolina General Statutes and with the provisions of this Chapter.
 - (ii) The owner shall replace or repair the smoke detectors within 15 days of receipt of notification if the owner is notified of needed replacement or repairs in writing by the occupant.
 - (iii) The owner shall ensure that all smoke detectors are operable and in good repair at the beginning of each tenancy. Unless the owner and the renting occupant have a written agreement to the contrary, the owner shall place new batteries in all battery-operated smoke detectors at the beginning of a tenancy. The renting occupant shall replace the batteries as needed during the tenancy.

- (iv) Failure of the renting occupant to replace the batteries as needed shall not be considered as negligence on the part of the renting occupant or the owner.
- (v) The owner shall keep a written record of the maintenance and battery replacement required of the owner by this subsection, which record shall be made available to the fire chief or his designee upon request.
- (vi) No renting occupant of any dwelling may tamper with any smoke detector so as to render it inoperable.

(g) Smoke Detectors in Owner Occupied Dwelling Units and Rooming Units. Smoke detectors shall be required in all owner occupied dwellings units or rooming units where such installation was required by the North State Building Code at the time of construction. Smoke detectors shall be installed in accordance with the requirements of the North Carolina State Building Code in effect at the time the units were constructed.

Section 17-12. Electrical Standards

(a) All outlets, electrical equipment, general wiring and wiring of appliances shall be properly installed and maintained consistent with the standards of the North Carolina State Building Code in effect at the time of construction.

(b) All ceiling fixtures and other fixtures shall be installed according to the manufacturer's instructions or industry standards.

(c) All switches and fixtures shall be safely operable or else sealed off and disconnected.

(d) No temporary cords (i.e. extension cords or drop cords) shall be

- i. used as a substitute for the fixed wiring;
- ii. run through holes in walls, ceilings, or floors;
- iii. run through doorways, windows or similar openings;
- iv. attached to building surfaces; or
- v. concealed behind building walls, ceilings or floors.

(e) At least two convenience outlets shall be located in each habitable room.

(f) At least one ceiling or wall-type electric light fixture shall be installed in each bathroom.

(g) Every bathroom shall contain at least one outlet.

(h) Overcurrent protection shall be properly sized.

(i) Dangerous or hazardous electrical conditions shall be prohibited.

Section 17-13. Plumbing Standards

(a) Every dwelling shall be connected to the OWASA water and/or sanitary sewer systems or to an alternate water supply and sanitary sewer system for each approved by the Orange County Health Department.

(b) The water supply system for each dwelling shall be installed and maintained to provide water to plumbing fixtures, devices and appurtenances.

(c) All plumbing fixtures shall be properly connected to such public water and/or sewer systems or wells and/or septic systems in accordance with all applicable state and local statutes and regulations.

(d) Every dwelling unit and rooming unit shall have a bathroom complete with commode, tub or shower, and bathroom sink. Every dwelling unit shall also have installed a separate kitchen sink. Those rooming units which are part of a boarding house shall be exempt from this subsection. (See Section 17-13(o) of this Chapter.)

(e) All fixtures shall be in proper working condition with no leaks existing.

(f) All commodes shall be firmly installed.

(g) No fixtures shall be cracked, broken or badly chipped.

(h) All water piping shall be protected from freezing by proper installation in enclosed or concealed areas.

(i) The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Hose bibs or faucets to which hoses are attached and left in place shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(j) At least one two (2) inch minimum size main plumbing vent shall be properly installed for each building.

(k) All plumbing, including water and sewer lines, shall be properly supported with no broken or leaking lines.

(l) Water-heating facilities shall be provided and shall be properly installed and maintained in safe and good working condition. Water heaters shall be properly connected with hot water lines to each bathroom sink, bathtub and shower. Water heaters shall be capable of heating water to a temperature of not less than one hundred and twenty degrees Fahrenheit. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

- (m) Plumbing fixtures shall have adequate clearances for usage and cleaning.
- (n) Every plumbing stack, vent, water and sewer line must function properly and be kept free from obstructions, leaks and defects
- (o) Toilet Facilities in Boarding Houses
 - (1) At least one commode, bathroom sink, and bathtub or shower shall be supplied for each eight persons or fraction thereof residing within a boarding house, including members of the operator's family wherever they share the use of the facilities.
 - (2) In a boarding house where rooms are let only to males, urinals may be substituted for not more than one-half the required number of commodes or privies.
 - (3) All toilet facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.
 - (4) No facilities required by this subsection may be located in a basement, but nothing herein shall prohibit the installation of such facilities in a basement in addition to those herein above required.

Section 17-14. Heating Standards

- (a) Every dwelling unit and rooming unit shall have provisions for providing heat in accordance with one of the following:
 - (1) Every central or electric heating system shall be of sufficient capacity so as to heat each dwelling unit to which it is connected with a minimum temperature of 68° Fahrenheit measured at a point three feet above the floor with an outside temperature of twenty degrees (20°) Fahrenheit.
 - (2) When a central or electric heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents and applicable heating appliances so as to furnish a minimum temperature of 68° Fahrenheit measured at a point three feet above the floor with an outside temperature of twenty degrees (20°) Fahrenheit.
- (b) Portable kerosene heaters are not acceptable as the permanent source of heat required by subsection (a) of this section. An owner who has complied with

subsection (a) of this section shall not be held in violation of this subsection where the occupant of a rental dwelling uses a kerosene heater as a primary source of heat.

(c) Heating appliances and facilities shall be installed in accordance with the North Carolina State Building Code provisions in effect at the time of installation and shall be maintained in a safe and good working condition.

(d) Liquid fuel shall be stored in accordance with the Town Fire Prevention and Protection Code and the Fire Prevention Code of the North Carolina State Building Code.

(e) Unvented heating appliances are prohibited in all sleeping areas.

(f) Chimneys, and associated thimble grouting, shall be tight and safe, and capable of maintaining proper draft for the carriage of combustion by-products to outside air.

(g) Hearth extensions shall be of noncombustible material and shall be at least sixteen (16) inches beyond the face and six (6) inches beyond each side of the fireplace opening.

(h) No combustible materials shall be permitted within twelve (12) inches of the top and seven (7) inches of either side of the fireplace opening.

(m) Where fireplaces are rendered inoperable,

(1) the opening shall be closed and

(2) if the chimney is used for ventilation, it shall be lined or a vent shall be installed inside the chimney.

(n) Any stove that requires ventilation to the outside air shall be within six (6) feet of the flue connection.

(o) No combustible materials shall be within six (6) inches of the stovepipe at the thimble connection.

(p) No stovepipe shall be placed through combustible walls (i.e. stud walls, plywood walls or siding). This subsection shall not apply if approved piping is installed in accordance with the manufacturer's installation instructions.

(q) To prevent excessive heat, coals, and embers from coming into contact with combustible floors, where a stove is used for heating rooms the pad under the stove shall be of noncombustible material, such as brick, slate, asbestos or cement.

(r) Property owners are strongly encouraged to have their operational fireplaces, woodstoves and chimneys inspected and cleaned annually.

Article III

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Section 17-15. Owner to Keep Shared Areas Clean

Every owner of a multi-family dwelling containing four or more dwelling units shall be responsible for maintaining the shared or common areas of the dwelling and premises thereof in a reasonably clean and reasonably sanitary condition.

Section 17-16. Occupant to Keep His Part of the Dwelling Clean

Every occupant of a dwelling shall maintain that part of the dwelling and premises thereof which he occupies and controls in a reasonably clean and reasonably sanitary condition.

Section 17-17. Prerequisites to Rental and Occupation of a Vacant Dwelling Unit

No owner or owner's agent shall lease or rent to any other person any vacant dwelling unit unless it complies with the provisions of this Chapter and is reasonably clean, sanitary and fit for human occupancy.

Section 17-18. Disposal of Solid Wastes

(a) Every occupant of a dwelling unit shall dispose of all solid wastes in a clean and safe manner that is in accordance with Carrboro Town Code Chapter 11.

(b) Disposal facilities shall be provided by the dwelling owner.

Section 17-19. Extermination of Insects and Other Pests

(a) Every occupant of a dwelling shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises.

(b) Each occupant of a dwelling unit within a multifamily dwelling shall be responsible for the extermination of insects, rodents and other pests within his or her dwelling unit only.

(c) Notwithstanding the foregoing provisions of this Section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more contiguous dwelling units in any dwelling, or in the shared common areas of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(d) The owner of any rental dwelling unit shall be responsible for extermination within the unit prior to leasing or renting the unit. (See also Section 17-11(c) of this Chapter.)

Section 17-20. Maintenance of Plumbing Fixtures by Occupant

Every occupant of a dwelling shall keep all plumbing fixtures in a reasonably clean and reasonably sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. (See also Section 17-13 of this Chapter.)

Section 17-21. Removal of Required Services and Facilities

No owner, owner's agent or occupant shall cause any service, facility, equipment or utility, which is required under this Chapter, to be removed from or permanently disconnected in an occupied dwelling unit. (See also Section 17(a)(5) and 17(a)(8) of this Chapter.)

Section 17-22. Screens

It shall be the responsibility of the owner to furnish, install and maintain all required screens. (See also section 17-7(a)(8) of this Chapter.)

Section 17-23. Smoke Detectors

See Section 17-11(f) of this Chapter.

Section 17-24. No Waiver of Obligations

In the case of rental dwelling units, the owner is not released from his or her obligations under any part of this Chapter by the renting occupant's explicit or implicit acceptance of the owner's failure at any time to provide premises complying with this Chapter, unless the Town of Carrboro imposes an impediment to repair for a specific period of time not to exceed six months. Notwithstanding the provisions of this Section, the owner and renting occupant are not prohibited from making a written contract subsequent to the rental agreement wherein the occupant agrees to perform specified work on the premises, provided that said contract is supported by adequate consideration other than the leasing or renting of the premises and is not made with the purpose or effect of evading the owner's obligations under this Chapter or the North Carolina General Statutes.

Article IV

ENFORCEMENT

Section 17-25. Duties of the Inspector

It shall be the duty of the inspector:

- (a) To investigate dwelling conditions, and to inspect dwellings located in the Town, in order to determine which dwellings 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 take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing that has deteriorated or is currently uninhabitable.
- (c) To keep a record of the results of inspections made under this Chapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and
- (d) To perform such other duties as may be herein prescribed.

Section 17-26. Powers of the 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 herein are unfit for human habitation;
- (b) To administer oaths and affirmations, examine witnesses and receive evidence;
- (c) To enter upon residential premises at all reasonable times for the purpose of making examinations and inspections; provided, such entries shall be made with the permission of the person in possession of the premises or pursuant to an administrative search warrant. Examinations and inspections shall be made in such a manner as to cause the least possible inconvenience to the person in possession of the premises;
- (d) To reasonably interpret the provisions and standards of this Chapter; and
- (e) To delegate any of his functions and powers under this Chapter to other officers and other agents.

(See also Section 17-4(a) and (b) of this Chapter.)

Section 17-27. Preliminary Investigation; Notice and Hearing

(a) Whenever a petition is 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 shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint.

(b) The inspector's complaint shall state the charges and contain a notice that a hearing will be held before the inspector or his designated agent at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of such complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling.

(c) 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.

(d) Any person desiring to do so may attend the hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law shall not be controlling in hearings before the inspector.

Section 17-28. Finding of Facts; Issuance of Order to Repair, Demolish or Close

(a) If after providing notice and conducting a hearing in accordance with Section 17-27 of this Chapter, the inspector determines that the dwelling or dwelling unit under consideration is unfit for human habitation under the terms of this Chapter, he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner of the dwelling an order.

- (1) If the repair, alteration or improvement of such dwelling can be made at a cost of fifty (50) percent or less of the value of the housing, the inspector's order shall require the owner to repair, alter or improve such housing to render it fit for human habitation or to vacate and close the housing.
- (2) If the repair, alteration or improvement of such housing cannot be made at a cost of fifty (50) percent or less of the value of the housing, the inspector's order shall require the owner to repair, alter or improve such housing to render it fit for human habitation or to demolish and remove such housing.

In either case, the order shall specify the time within which the owner must complete all actions specified in the order.

(b) Notwithstanding the provisions of subsection 17-28(a) of this Chapter, if a dwelling determined to be unfit for human habitation is located in a historic district of the Town, the Town Historic District Commission may determine, after a public hearing, that the dwelling is of particular significance or value toward maintaining the character of the district. Upon a finding of particular significance or value and if the dwelling has not been condemned as unsafe, the inspector may require that the dwelling be vacated and closed consistent with G.S. § 160A-400.14(a).

Section 17-29. Appeal

(a) When

- (1) compliance with an order of the inspector would appear to cause undue hardship on an owner or other party in interest, or
- (2) literal application of the provisions of this Chapter would appear to cause undue hardship on an owner or other party in interest, or
- (3) it is claimed that the true intent and meaning of this Chapter or any of the minimum standards or requirements herein have been wrongly interpreted,

any person aggrieved by the decision or any officer, board or commission of the Town of Carrboro may appeal from the order of the inspector to the Board of Adjustment.

(b) Notice of appeal shall be in writing and filed in the office of the Zoning Administrator within ten days after the rendering of the decision or service of the order of the inspector, and shall be on forms provided by the inspector. The notice of appeal shall specify the grounds upon which the appeal is based.

(c) Upon the filing of any notice of appeal, the inspector shall forthwith transmit to the Board of Adjustment all the papers and other pertinent information constituting the record upon which the decision of the inspector appealed from was made.

(e) When an appeal is from a decision of the inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the inspector certifies to the Board of Adjustment, after the notice of appeal is filed with the Zoning Administrator, that because of the facts stated in the certificate, a suspension of the requirement would cause imminent peril to life or property. In that case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less

than one day's written notice to the inspector, by the Board of Adjustment, or by a court of record upon petition made pursuant to subsection 17-30(b) of this Chapter. A copy of the inspector's certificate shall promptly be furnished to the appellant.

(f) The appeals board shall fix a reasonable time for hearing appeals, shall give due notice to 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 any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the public officer, but the concurring vote of four members of the board shall be necessary to reverse or modify any decision or order of the public officer. The board shall have power also in passing upon appeals, when practical difficulties or unnecessary hardships would result from 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.

(g) A decision of the Board of Adjustment to

(1) extend the time for compliance with an order of the inspector, or

(2) to vary the application of any provision of this Chapter, or

(3) to modify an order of the inspector,

shall specify in what manner such extension, variation, or modification shall be made, the conditions upon which it shall be made, and the reasons for so doing.

If a decision of the Board of Adjustment reverses or modifies a refusal, order, or disallowance of the inspector, or varies the application of any provision of this Chapter, the inspector shall immediately take action in accordance with such decision.

(h) Every decision of the Board of Adjustment made under this Section shall be in writing, shall be promptly filed in the office of the inspector and shall be open to public inspection. A certified copy of the decision shall be sent by mail, or otherwise, to the appellant.

(i) Nothing in this subsection shall be construed to prevent an owner or other party in interest from exercising the right of petition for judicial review of an order of the inspector, as provided by general law and Section 17-30 of this Chapter.

Section 17-30. Judicial Review of Board Decisions

(a) Review in the Nature of Certiorari. 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.

(b) Injunctive Relief. Any person aggrieved by an order issued by the inspector or by the Board of Adjustment may petition the Superior Court of Orange County for an injunction restraining the inspector from carrying out the order or decision. The court may, upon such petition, issue a temporary injunction restraining the inspector pending a final disposition of the cause.

The petition shall be filed within thirty (30) days after the issuance of the order or the rendering of the decision. Hearings shall be had by the court on a petition within twenty (20) days, and shall be given preference over other matters on the court's calendar. The court shall hear and determine the issue raised and shall enter such final order or decree as law and justice may require.

It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this paragraph.

Section 17-31. Failure to Comply With an Order

(a) Upon order of the inspector duly made and served as provided in this Chapter and within the time specified in the inspector's order, 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; to vacate and close the same; or remove or demolish the same.

(b) If the owner fails to comply with or appeal to the Board of Adjustment in a timely fashion an inspector's order to repair, alter or improve or to vacate and close a dwelling or dwelling unit, the inspector may cause such dwelling or dwelling unit to be repaired, altered or improved or to be vacated and closed.

The inspector may also cause to be posted on the main entrance of any dwelling or dwelling unit so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a Class 1 misdemeanor. (See also Section 17-36 of this Chapter.)

(c) If the owner fails to comply with or appeal to the Board of Adjustment in a timely fashion the inspector's order to remove or demolish a dwelling or dwelling unit, the inspector may cause such dwelling or dwelling unit to be removed or demolished

(d) The inspector shall not exercise his duties as set forth in subsections (b) and (c) of this section until the Board of Aldermen shall have by ordinance ordered the inspector to proceed to effectuate the purpose of this Chapter with respect to the particular property or properties which the inspector shall have found to be unfit for human habitation. The ordinance shall describe the property or properties affected by this Section. No such ordinance shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the provisions of this Chapter. Such ordinance shall be recorded in the office of the

Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index.

Section 17-32. Abandonment of Property

(a) If the inspector has issued an order for a dwelling to be repaired, altered, improved or vacated and closed, as provided in Section 17-31 of this Chapter, and if the owner has vacated and closed such dwelling and kept it vacated and closed for a period of one year pursuant to the ordinance or order, then if the Board of Aldermen shall find that

- (1) The owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation;
- (2) That the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, and welfare of the municipality in that the dwelling would continue to deteriorate;
- (3) That the dwelling would create a fire and safety hazard;
- (4) That the dwelling would be a threat to children and vagrants;
- (5) That the dwelling would attract persons intent on criminal activities;
- (6) That the dwelling would cause or contribute to blight and the deterioration of property values in the area; and
- (7) That the dwelling would render unavailable property and a dwelling which might have otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State,

then in such circumstances, the Board of Aldermen may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner setting forth the following:

- (i) If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost of fifty percent (50%) or less of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish and remove the dwelling with 90 days; or
- (ii) If it is determined that the repair of the dwelling to render it fit for human habitation can only be made at a cost exceeding fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

(b) The ordinance in subsection (a) of this section shall be recorded in the office of the Orange County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the inspector shall effectuate the purpose of the ordinance.

Section 17-33. Failure to Vacate the Premises

(a) If any occupant fails to comply with an order to vacate a dwelling, the inspector may file a civil action in the name of the Town of Carrboro to remove such occupant. The action to vacate the dwelling shall be commenced in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties-defendant any person occupying such dwelling.

(b) The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the complaint. The summons and complaint shall be served as provided in N.C. G. S. § 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the inspector produces a certified copy of an ordinance adopted by the Board of Aldermen pursuant to subsection 17-31(c) of this Chapter authorizing the inspector to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering the premises to be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. § 42-30.

An appeal from any judgment entered hereunder by the magistrate may be taken as provided by in G.S. § 7A-228, and the execution of such judgment may be stayed as provided in G.S. § 7A-227.

(c) An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the Board of Aldermen has ordered the inspector to proceed to exercise his duties under subsection 17-31(c) of this Chapter to vacate and close or remove and demolish the dwelling.

Section 17-34. Supplemental Powers of the Inspector and Board of Adjustment

If any dwelling is erected, constructed, altered, repaired, maintained, or used in violation of this Chapter or of any ordinance or code adopted under authority of this Chapter or any valid order or decision of the inspector or the Board of Adjustment made pursuant to any ordinance or code adopted under authority of this Chapter, the inspector or Board of Adjustment may institute any appropriate action or proceedings

- (1) to prevent the unlawful erection, construction, reconstruction, alteration or use of the dwelling;

- (2) to restrain, correct or abate the violation;
- (3) to prevent the occupancy of the dwelling; or
- (4) to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Section 17-35. Service of Orders, Complaints and Certificates

(a) Orders, complaints and certificates issued by the inspector shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the order, complaint or certificate may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post within ten days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected.

(b) If the identities of any owners or whereabouts of persons are unknown and cannot be ascertained by the inspector in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by registered or certified mail, the inspector shall make an affidavit to that effect. Then the serving of an order, complaint or certificate upon the persons may be made by publication in the manner prescribed in the North Carolina Rules of Civil Procedure. When service is made by publication, a notice of the pending proceeding shall be posted in a conspicuous place on the premises thereby affected.

Section 17-36. In Rem Action by Inspector; Placarding

After failure of an owner of a dwelling to comply with an order of the inspector issued pursuant to the provisions of this Chapter, and upon adoption by the Board of Aldermen of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443 and subsection 17-31(c) of this Chapter, the inspector shall proceed

- (1) 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
- (2) to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Aldermen.

The inspector shall also 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."

See also subsection 17-31(b) of this Chapter.

Section 17-37. Cost a Lien on the Premises

(a) The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the inspector, shall be a lien against the real property for which such cost was incurred. The lien shall be filed, have the same priority and be collected as the lien for special assessment as provided by G.S. Chapter 160A, Article 10.

(b) If the real property upon which the cost was incurred is located within the corporate limits of the Town of Carrboro, then the amount of the cost is also a lien on any other real property of the owner located with the Carrboro Town limits or within one mile thereof except for the owner's primary residence. This additional lien herein provided is inferior to all prior liens and shall be collected as a money judgment.

(c) If the dwelling is removed or demolished by the inspector, he shall sell the materials of such dwellings and any personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of such sale against the cost of the removal or demolition. Any balance remaining shall be deposited in the superior court by the inspector, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by final order or decree of such court.

(e) Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

Section 17-38. Rehabilitating Dwellings for Affordable Housing.

(a) Whenever a determination is made pursuant to Section 17-28 that a dwelling must be vacated and closed, or removed or demolished, notice of the order shall be given by first-class mail to any organization that has filed a written request for such notices. The inspector or Town Clerk shall certify the mailing of notices, and the certification shall be conclusive in the absence of fraud.

(b) A minimum period of forty-five days from the mailing of such notice shall be given before removal or demolition by action of the public officer, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing.

(c) Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the inspector to wait forty-five days before causing the removal or demolition.

Section 17-39. Penalties and Remedies for Violations

(a) Pursuant to G.S. § 14-4, violations of the provisions of this Chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Chapter or who fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) and in addition shall pay all court costs and expenses in the case.

(b) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of one hundred dollars (\$100.00).

(c) Each day any violation continues after notification that such violation exists by the inspector shall be considered a separate offense.

(d) If the offender fails to pay this penalty or take an appeal to the Board of Adjustment within fifteen (15) days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt.

(e) This ordinance may also be enforced by any appropriate equitable action.

Section 17-40. Conflict With Other Provisions

The provisions of this Chapter shall not be construed to conflict with any other applicable laws, codes or ordinances pertaining to housing, but are supplemental thereto. In the event that any provision, standard, or requirement of this section is found to be in conflict with any other ordinance or code of the Town, the provision which establishes the higher standard or the more stringent requirement for the promotion and protection of the health, safety and welfare of the residents of the Town shall prevail.