

## CHAPTER 150: MINIMUM HOUSING STANDARDS

### Article I: In General

#### 157.01 Findings and Purpose

(A) Pursuant to G.S. 160A-441, it is found and declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. 160A-441 through 160A-450, it is the purpose of this chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444.

#### 157.02 Scope

The provisions of this chapter shall be applicable to all land within the corporate limits of the town and within the territory beyond the corporate limits and known as the town's one-mile extraterritorial jurisdiction, as established on the official zoning map.

#### 157.03 Definitions

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

**Basement** means a portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

**Cellar** means a portion of a dwelling which is located partly or wholly underground, having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

**Town Planner** means the Town Planner of the town or his authorized agent.

**Deteriorated** means a dwelling that is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50 percent of its value, as determined by finding of the Town Planner.

**Dilapidated** means a dwelling which is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this chapter except at a cost in excess of 50 percent of its value, as determined by finding of the Town Planner.

**Dwelling** means any building, structure, manufactured home or mobile home used and occupied for human habitation or intended to be so used, and includes any outhouses

and appurtenances belonging to or usually enjoyed with such dwelling; except it does not include any manufactured home or mobile home which is used solely for a seasonal vacation purpose. Temporary housing shall not be regarded as a dwelling. The term shall include within its meaning the terms "roominghouse" and "rooming unit."

**Dwelling unit** means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

**Extermination** means the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Town Planner.

**Garbage** means the organic waste resulting from the handling, preparation, cooking and consumption of food.

**Habitable room** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

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

**Multiple dwelling** means any dwelling containing more than two dwelling units.

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

**Operator** means any person who has charge, care or control of a building or part of a building in which dwelling units or rooming units are let.

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

- (1) Have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession;
- (2) Be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or
- (3) Have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, administrator, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant to this chapter, to the same extent as if he were the owner.

**Owner-occupied dwelling** means any dwelling, whether owned by a single owner, jointly or severally with others, which is occupied by at least one owner. No dwelling that is rented, let, or leased, whole or in part, to any person or persons for the purposes of living, sleeping, cooking and/or eating, or advertised for such rental shall be considered an owner-occupied dwelling for purposes of this chapter. No dwelling that is or becomes unoccupied due to structural deficiencies or dilapidation of its structure for a period of 180 days or longer shall be considered an owner-occupied dwelling for purposes of this chapter.

**Party or parties in interest** means all persons who have interests of record in and any persons who are in possession of a dwelling, dwelling unit or rooming unit.

**Plumbing** means all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

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

**Rooming unit** means any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**Roominghouse** means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sibling of the owner or operator. The owner or operator shall be a permanent resident of the roominghouse.

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

**Supplied** means paid for, furnished or provided by or under the control of the owner or operator.

**Temporary housing** means any tent, trailer or other structure used for human shelter, which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

**Unfit for human habitation** means a dwelling in which conditions exist in a dwelling, dwelling unit, roominghouse or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this chapter.

(B) Whenever the term "Dwelling," "Dwelling unit," "Roominghouse," "Rooming unit," or "Premises" is used in this chapter, it shall be construed as though followed by the term "or any part thereof."

#### **157.04 Responsibilities of Owners and Occupants**

(A) **Public areas.** Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and its premises.

(B) **Cleanliness.** Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises which he occupies and controls.

(C) **Rubbish and garbage.** Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it

in proper rubbish container(s). The owner shall be responsible for designating a proper outdoor location for such containers to be located and collected.

(D) ***Supplied plumbing fixtures.*** Every occupant of a dwelling unit shall keep all supplied plumbing fixtures in the unit in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.

(E) ***Care of facilities, equipment and structure.*** No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

Sections 157.05-157.35. Reserved.

## **Article II: Administration and Enforcement**

### **157.36 Town Planner designated; Power and Duties**

The Town Planner is designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers prescribed in this chapter. The Town Planner is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter. The Town Planner shall have the following powers and duties:

- (1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this chapter with respect to the repair, closing or demolition of such dwellings and dwelling units.
- (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated.
- (3) 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 prescribed in this chapter.
- (4) To administer oaths and affirmations, examine witnesses and receive evidence.
- (5) To enter upon premises for the purpose of making examinations and inspections. Such entries shall be made in accordance with section §157.37 and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession.
- (6) To appoint and fix the duties of such officers, agents and employees as he deems necessary to assist in carrying out the purposes of this chapter, and to delegate any of his functions and powers to such officers, agents and employees.
- (7) To perform such other duties as may be prescribed in this chapter or by the town manager.

### **157.37 Right of Entry**

(A) Pursuant to N.C.G.S. §160A-448, the Town Planner is authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, roominghouses, rooming units and the associated premises for the purpose of making inspections. The owner, occupant or the person in charge of every dwelling, dwelling unit, roominghouse or rooming unit, shall give the Town Planner free access to that dwelling and its premises at all reasonable times for the purposes of such inspection, examination and survey.

(B) Every occupant of a dwelling, dwelling unit, roominghouse or rooming unit shall give the owner, his agent or employee, access to any part of that dwelling or dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

### **157.38 Enforcement procedure**

(A) ***Preliminary investigation; notice; hearing.*** Whenever a petition is filed with the Town Planner 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 Town Planner, 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 stating the charges and containing a notice that a hearing will be held before the Town Planner at a place fixed in the notice, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of the hearing shall also be given to at least one of the persons signing a petition relating to the dwelling. Any person desiring to do so may attend the hearing and give evidence. Evidence relevant in courts of law or equity shall not be controlling in hearings before the Town Planner, and the normal rules of evidence will not apply to such hearings.

(B) ***Procedure after hearing.*** After the notice and hearing prescribed in subsection (A) of this section, the Town Planner shall state in writing his determination whether the dwelling or dwelling unit is unfit for human habitation, and if so, whether it is deteriorated or dilapidated.

(1) ***Deteriorated dwelling, dwelling unit.*** If the Town Planner determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of that determination, and shall issue and cause to be served upon the owner an order directing and requiring the owner to repair, alter or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter within a specified period of time, not to exceed 90 days. The order may also direct and require the owner to vacate and close the dwelling or dwelling unit until the repairs, alterations and improvements have been made.

(2) ***Dilapidated dwelling.*** If the Town Planner determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support that determination, and shall issue and cause to be served upon the owner an order directing and requiring the owner either to repair, alter or improve the dwelling or dwelling unit to comply with the minimum standards of fitness established by this chapter, or else to vacate and remove or demolish them within a specified period of time not to exceed 90 days.

(3) ***Vacated and closed dwellings.***

a. If the Board of Aldermen shall have adopted an ordinance as described in subsection (C) below, ordering a dwelling to be repaired, altered or improved pursuant to the findings of the Town Planner pursuant to (B)(1) or (2) or subsection (C), and if the owner has vacated and closed such dwelling and kept such dwelling vacated and closed for a period of one year pursuant to the ordinance or order, if the Board of Aldermen shall then find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause and contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state, 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:

1. If it is determined that the repair of the dwelling to render it fit for human habitation can be made at a cost not exceeding 50 percent of the then current value of the dwelling, the ordinance shall require that the owner either repair or demolish the dwelling within 90 days; or

2. If it is determined that the repair of the dwelling to render it fit for human habitation cannot be made at a cost not exceeding 50 percent of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within 90 days.

b. An ordinance adopted pursuant to this subsection shall be recorded in the office of the 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 section, the Town Planner shall effectuate the purpose of the ordinance. The cost to repair or demolish and remove the dwelling shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by G.S. 160A-216 et seq.

c. For the purpose of this subsection, the "current value" of a dwelling or structure shall be defined as the fair market value as determined by a certified

appraiser or the current tax value on record with the county tax office, whichever is less.

(C) ***Failure to comply with order.***

(1) ***In personam remedy.*** If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Town Planner to repair, alter or improve, or to vacate and close the dwelling or dwelling unit within the time specified, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Town Planner to repair, alter or improve, or to vacate and close and remove or demolish the dwelling or dwelling unit within the time specified, the Town Planner shall submit to the Board of Aldermen at its next regular meeting a resolution directing the Town Attorney to petition the Superior Court for an order directing that owner comply with the order of the Town Planner, as authorized by N.C.G.S. §160A-446(g).

(2) ***In rem remedy.*** After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Town Planner within the time specified, if injunctive relief has not been sought or has not been granted as provided in subsection (c)(1), the Town Planner shall submit to the Board of Aldermen an ordinance ordering the Town Planner to cause that dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Town Planner, and pending removal or demolition, to place a placard on that dwelling as provided by N.C.G.S. §160A-443 and section 157.40 of this code.

(D) ***Appeals from orders of the Town Planner.***

(1) An appeal from any decision or order of the Town Planner may be taken by any aggrieved person. Any appeal from the Town Planner shall be taken within ten days from the rendering of the decision or service of the order and shall be taken by filing with the Town Planner and with the Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Town Planner shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Town Planner refusing to allow the aggrieved person to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Town Planner requiring the aggrieved person to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment unless the Town Planner certifies to the Board of Adjustment, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate, a copy of which shall be furnished the appellant, a suspension of this requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Town Planner, by the Board of Adjustment, or by a court of record upon petition made pursuant to G.S. 160A-446(f) and subsection (e) of this section.

(2) The Board of Adjustment shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end shall have all the powers of the Town Planner; but the concurring vote of four members of the Board of Adjustment shall be necessary to reverse or modify any decision or order of the Town Planner. The Board of Adjustment shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, to adapt the application of this chapter to the necessities of the case to the end that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

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

(E) ***Petition to superior court by owner.*** Any person aggrieved by an order issued by the Town Planner or a decision rendered by the board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the superior court for a temporary injunction restraining the Town Planner pending a final disposition of the cause, as provided by G.S. 160A-446(f).

### **157.39 Methods of Service of Complaints and Orders**

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

### **157.40 In rem action by Town Planner; Placarding**

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Town Planner 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 N.C.G.S. §160A-443(5) and §157.37(C) of this code, the Town Planner shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board of Aldermen, and shall cause to be posted on the main entrance of the dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.

(B) Each ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located and shall be indexed in the name of the property owner in the grantor index, as provided by N.C.G.S. §160A-443(5).

#### **157.41 Costs a lien on premises**

As provided by G.S. §160A-443(6), the cost of any repairs, alterations or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the codes administrator pursuant to §157.40 shall be a lien against the real property upon which such cost was incurred. The lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by N.C.G.S. §§160A-216 through 160A-238.

#### **157.42 Alternative remedies**

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by N.C.G.S. §§14-4 and 152.99; and the enforcement of any remedy provided in this chapter shall not prevent the enforcement of any other remedy or remedies provided in this chapter or in other ordinances or laws.

#### **157.43 Conflicting provisions**

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

#### **157.44 Violations**

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve it, or to vacate and close and remove or demolish it, upon order of the Town Planner duly made and served as provided in this chapter, within the time specified in that order. Each day that any such failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to §157.38, to occupy or permit its occupancy after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing. Each day the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

#### **157.45 Penalty**

(A) The violation of any provision of this chapter shall constitute a misdemeanor, as provided by N.C.G.S. §14-4; and any person who shall violate the provisions of this chapter shall, upon conviction, be punished in accordance with §10.99.

(B) In addition to the penalty established by subsection (a) of this section, and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Sections 157.46-157.75: Reserved.

### **Article III: Minimum Standards for Dwellings and Dwelling Units**

#### **157.76 Compliance required**

(A) Except where owner-occupied dwellings are specifically exempted, every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article.

B) Except where owner-occupied dwellings are specifically exempted, no person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of this article.

#### **157.77 Structural conditions**

The following shall be the minimum standards for structural condition of dwellings or dwelling units (except that only subsection 2 below shall apply to owner-occupied dwellings, which are specifically exempted from the other standards of this section):

- (1) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated or damaged.
- (2) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not have holes or cracks which might admit rodents.
- (3) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (4) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

- (5) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- (6) Adequate facilities for egress in case of fire or panic shall be provided.
- (7) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner as to enable the occupants to maintain reasonable privacy between various spaces.
- (8) The roofs, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weathertight and watertight.
- (9) There shall be no chimneys or parts of chimneys which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- (10) There shall be no use of the ground for floors, or wood floors on the ground.

### **157.78 Basic equipment and facilities**

The following shall be the minimum standards for basic equipment and facilities in dwellings and dwelling units (except owner-occupied dwellings, which are specifically exempted from the standards of this section):

(1) ***Plumbing system.***

- a. Each dwelling unit shall be connected to a potable water supply and to the public sewer or other approved sewage disposal system.
- b. Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- c. All plumbing fixtures shall meet the standards of the Macon County plumbing code, as adopted, and shall be maintained in a state of good repair and in good working order.
- d. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants. The water closet and tub or shower shall be located in a room affording privacy to the user.

(2) ***Heating system.*** Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:

- a. *Central and electric heating systems.* Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70 degrees Fahrenheit measured at a point three feet above the floor during ordinary winter conditions.
- b. *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents, or other facilities to which heating appliances may be connected to heat all habitable rooms

with a minimum temperature of 70 degrees Fahrenheit measured three feet above the floor during ordinary winter conditions.

(3) **Electrical system.**

a. Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor- or wall-type electric convenience receptacles, connected in such manner as determined by the state electrical code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall-type electric light fixture. If wall or ceiling light fixtures are not provided in any habitable room, each such habitable room shall contain at least three floor- or wall-type electric convenience receptacles.

b. Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

c. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the state electrical code.

### **157.79 Ventilation**

The following shall be the minimum standards for ventilation in dwellings and dwelling units (except owner-occupied dwellings, which are specifically exempted from the standards of this section):

(1) **Generally.** Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent of the floor area of that room. Whenever walls or other portions of structures face a window or any room and those light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of the room, the total window area of that skylight shall equal at least 15 percent of the total floor area of the room.

(2) **Habitable rooms.** Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45 percent of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(3) **Bathroom and water closet rooms.** Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

### **157.80 Space, use, location**

The following shall be the minimum standards for space, use and the location applicable to dwellings and dwelling units (except owner-occupied dwellings, which are specifically exempted from the standards of this section):

(1) **Room sizes.**

- a. Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the state residential building code.
- b. Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.
- c. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area; and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

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

(3) **Floor area calculation.** Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten percent of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than 4 1/2 feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

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

(5) **Basements.** No basement shall be used for living purposes unless the:

- a. Floor and walls are substantially watertight.
- b. Total window area, total openable window area, and ceiling height are equal to those required for habitable rooms.
- c. Required minimum window area of every habitable room is entirely above the grade adjoining that window area, except where the window faces a stairwell, window well or accessway.

### **157.81 Safe and sanitary maintenance**

The following shall be the minimum standards for safe and sanitary maintenance applicable to dwellings and dwelling units (except owner-occupied dwellings, which are specifically exempted from the standards of this section except for subsections 7 and 8, which shall apply to all dwellings covered by this ordinance):

(1) **Exterior foundations, walls and roofs.** Every foundation wall, exterior wall, and exterior roof shall be:

- a. Substantially weathertight and rodentproof;
- b. Kept in sound condition and good repair;

- c. Capable of affording privacy; and
- d. Safe to use and capable of supporting the load which normal use would cause to be placed thereon.

Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(2) **Interior floors, walls and ceilings.** Every floor, interior wall and ceiling shall be:

- a. Substantially rodentproof;
- b. Kept in sound condition and good repair; and
- c. Safe to use and capable of supporting the load which normal use would cause to be placed on the floor, wall or ceiling.

(3) **Windows and doors.** Every window, exterior door, basement, or cellar door and hatchway shall be substantially weathertight, watertight and rodentproof and shall be kept in sound working condition and good repair.

(4) **Stairs, porches and appurtenances.** Every outside and inside stair, porch and any appurtenance shall be safe to use and capable of supporting the load that normal use would cause to be placed on the stair, porch or appurtenance and shall be kept in sound condition and good repair.

(5) **Bathroom floors.** Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit that floor to be easily kept in a clean and sanitary condition.

(6) **Supplied facilities.** Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(7) **Drainage.** Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(8) **Noxious weeds.** Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(9) **Egress.** Every dwelling unit shall be provided with adequate means of egress as required by the state residential building code.

### **157.82 Control of insects, rodents, infestations**

The following shall be the minimum standards for control of insects, rodents and infestations in dwellings and dwelling units:

(1) **Screens.** In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.

(2) **Rodent control.** Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.

(3) **Infestation.** Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests in or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

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

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

Sections 157.83-157.115: Reserved.

## **Article IV: Standards for Roominghouses**

### **157.116 Application of regulations**

All of the provisions and all of the minimum standards and requirements of this article shall be applicable to roominghouses, and to every person who operates a roominghouse, or who occupies or lets to another for occupancy and any rooming unit in any roominghouse, except as provided in this article.

### **157.117 Water closet, lavatory, bath facilities**

(A) At least one water closet, lavatory basin, and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a roominghouse wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway, and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

(B) Every water closet, flush urinal, lavatory basin, and bathtub or shower required by subsection (A) of this section shall be located within the roominghouse and within rooms which afford privacy, are separate from the habitable rooms, are accessible from a

common hall, and are accessible without going outside the roominghouse or through any other room in the roominghouse.

**157.118 Minimum floor area**

Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

**157.119 Sanitary conditions**

The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the roominghouse. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the roominghouse is contained is leased or occupied by the operator.