

Cumberland County



Minimum Housing Ordinance

Revised July 11, 2012

With Amendments through April 16, 2012

DIVISION 1. - GENERALLY

Sec. 4-66. - Finding and purpose.

Pursuant to North Carolina General Statutes, Section 160A-441, it is hereby found and declared that there exist in this county dwellings unfit for human habitation and which are inimical and/or detrimental to the public welfare in their present conditions. These conditions include, but are not limited to, dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation or light, lack of safely maintained sanitary facilities, accumulations of garbage, trash and/or rubbish on the premises, or overgrowth adversely affecting the health, safety and/or well-being of the occupants and others. In accordance with North Carolina General Statutes, Chapter 160A, Article 19, Part 6, the purposes of this article are to establish minimum standards of fitness for dwellings and environs for the initial and continued occupancy of all places of abode in the county, to provide for the rehabilitation or demolition of all structures designed or utilized for such purpose but now found to be substandard or unfit under the terms of this article, and to impose requirements upon owners and occupants for maintaining these minimum standards.

(Ord. of 6-15-98)

Sec. 4-67. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

Accessory building means a building or structure the use of which is incidental to that of the main building or structure and which is located on the same lot or on a contiguous lot.

Agent means any person, firm or corporation who is responsible for the management maintenance, operation, renting, leasing or sale of any property; or who makes application for, or seeks a permit on behalf of, the owner of any property; or who in any other way represents the owner of the property in any particular case.

Alter or alteration means any change or modification in construction or occupancy.

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

Basement shall mean a story with 50 percent or more of its cubical content below finish grade.

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

Celling height means the clear vertical distance from the finished floor to the finished ceiling.

Common areas means all areas which were conveyed to a homeowners' association in a townhouse development, condominium, cooperatives or planned unit development.

Demolish means the demolition and removal of the entire building, leaving the property free and clear of any debris, and without holes or pockets which may retain water.

Dwelling means any building, mobile home, structure or portion thereof, which is designed or intended to be used for human habitation, including living, sleeping, cooking, eating, working or any one combination thereof, whether occupied or vacant, or which in fact is used for such human habitation, whether or not such use is regular or intermittent or authorized or unauthorized. Such definition shall include accessory building, but shall not include temporary housing as herein defined.

Exit means a clear and unobstructed way of departure from the interior of a building or structure to the exterior at street or grade level.

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

Family means an individual; two or more persons related by blood, marriage or law, or a group of not more than any five persons living together in a dwelling unit.

Garbage means the animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including the minimum amount of liquid necessarily incidental thereto.

Garbage receptacle: Garbage shall be stored in a durable, rust resistant, non absorbent watertight, rodent proof and easily cleanable container with a close-fitting, insect tight cover. Container must be large enough to contain one full week's refuse that must be lawfully discarded weekly. (Ord. of 4/16/12)

Habitable space or 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, pantries, foyers, communicating corridors, closets, or storage spaces.

Hearing officer means the assistant director or his designated agent.

Housing (See "Dwelling").

Impervious to water (as to floors) means a clean, smooth floor, without cracks or holes, made of terrazzo, ceramic, asphalt or rubber tile, smooth concrete, linoleum or other similar material, or made of wood, and, if made of wood, then with tightly fitting joints, covered with varnish, lacquer or other similar water-resistant coating.

Infestation means the presence within or around housing of any insects, rodents or other pests in such numbers as to constitute a threat or deterioration to the housing or a hazard to the health or physical well-being of the occupants.

Inspector means the assistant director of inspections or any agent or employee whose assigned duties include the enforcement of provisions of this code.

Manufactured home means a manufactured building designed to be used exclusively as a single-family dwelling, which has been constructed and labeled indicating compliance with the Department of Housing and Urban Development (HUD) administered national Manufactured Housing Construction and Safety Standards Act of 1974, as amended. (Ord. of 4/16/12)

Multifamily housing means a building or structure occupied or intended for occupancy as the home or residence of more than two families, living independently of each other, and doing their own cooking within their respective housing 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.

Owner means and includes a holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

Parties of interest means all individuals, associations, partnerships, corporations, and others who have interest in a dwelling and any who are in possession or control thereof as agent of the owner, as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he was the owner.

Person means and includes any individual, firm, corporation, association or partnership.

Plumbing system means and includes the water supply and distribution pipes, plumbing fixtures, supports and appurtenances; soil, waste and vent pipes; sanitary drains and building sewers to an approved point of disposal.

Premises means a lot, plot or parcel of land, including the buildings or structures thereon.

Public areas/space means that space within or about any structure which is open to use or access by the general public.

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

Removal means the demolition and removal of the entire structure, leaving the property free and clean of debris, and without holes or pockets which may retain water.

Residential building means any building or structure, or portion thereof, which is used, or designed or intended to be used, for human habitation, including living, sleeping, cooking and eating or any combination thereof.

Rooming house 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 members of the family of the owner or operator.

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.

Rubbish means combustible and noncombustible waste materials, except garbage. The term shall include, but not be limited to, combustible material, wood, paper, rags, cartons, boxes, tires, mattresses, tree branches, yard trimmings, metals, glass, crockery, furniture or appliances stored in the open which are not intended for outdoor use, and including immobilized vehicles or parts thereof.

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above.

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

Substandard means any condition existing in any housing or structure which does not meet the standards of fitness of this code.

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

Tenant means a person, co-partnership, firm or corporation occupying or using a building, premises or any part or parts thereof owned by another.

Unfit for human habitation means any of those certain conditions that exist as set forth under section 4-86.

Ventilation means the adequate supply and removal of air to and from a space through windows, skylights, doors, louvers, grills, ducts or other similar devices.

Words having certain meanings. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," or "premises" are used in this article, they shall be construed as though they are followed by the words "or any part thereof." (Ord. of 6-15-98)

Sec. 4-68. - Conflict with other provisions.

In the event any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the county, 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 county shall prevail.

(Ord. of 6-15-98)

Sec. 4-69. - Duties of assistant director of inspections.

The assistant director of inspections is hereby designated the public officer to exercise the powers herein prescribed. The assistant director shall have such powers as may be necessary to carry out and effectuate the purpose and provisions of this chapter, including, without limiting the generality of the foregoing, the following powers in addition to others herein granted:

- (1) To investigate, inspect, and determine which dwelling units are substandard and/or unfit for human habitation, and those which pose an imminent threat of bodily harm to occupants of a dwelling, or a dwelling unit, or any person upon the premises.
- (2) To take such action alone or together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation or removal of housing which is substandard and/or unfit.
- (3) To take such action alone or together with other appropriate departments or agencies, public and private, as may be necessary to eliminate noxious vegetation growth, clear unauthorized dump sites, or correct other environmental conditions which are inimical to public well-being.
- (4) To serve as hearing officer, administer oaths and affirmations, examine witnesses and receive evidence.
- (5) To enter upon premises for the purpose of making examinations and inspections, provided such entries shall be made in accordance with this article and state law, and shall be made in such a 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 necessary to assist in carrying out the purposes of this article and to delegate any of his functions and powers to such officers, agents and employees.
- (7) To determine that residential dwellings and accessory structures are substandard and/or unfit for human habitation if he finds, on the basis of the requirements set forth in this article, that conditions exist in such structures or accessory structures which are dangerous or injurious to the health, safety or well-being of the occupants of such

building, the occupants of neighboring buildings, or other residents of the county and environs. Such conditions include, but are not limited to, lack of adequate ventilation, light or sanitary facilities; dilapidation, disrepair, structural defects and uncleanness.

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

(Ord. of 6-15-98)

Sec. 4-70. - Housing appeals board.

- (a) There is hereby created a housing appeals board to which appeals may be taken from decisions or orders of the inspector as provided in section 4-84. The board shall consist of five members to serve for three-year staggered terms. The board shall have power to elect its own officers; to fix the times and places of its meetings; to adopt necessary rules of procedure; and any other rules and regulations which may be necessary for the proper discharge of its duties. The board shall perform the duties prescribed by this division and shall keep an accurate record of all its proceedings.
- (b) The board of county commissioners shall appoint the five regular members of the housing appeals board for the terms specified above. The board of county commissioners shall also appoint five alternate members at large to serve on the housing appeals board in the absence of any regular member. Alternate members shall be appointed to serve three-year staggered terms. Each alternate member, while attending any regular or special meeting of the housing appeals board and serving in the absence of any regular member, as provided in the rules of procedure of such board, shall have and exercise all the powers and duties of any regular member absent from the meeting.

(Ord. of 6-15-98)

DIVISION 2. - MINIMUM STANDARDS AND REQUIREMENTS

Sec. 4-71. - Compliance.

Dwellings and dwelling units 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. All owners and occupants shall comply with the requirements of this article so as to maintain these standards. 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 violates this article. Outbuildings and appurtenances are included in these standards. Structures not meeting these standards shall be demolished and removed from the premises or rehabilitated.

(Ord. of 6-15-98)

Sec. 4-72. - Space and use standards.

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

- (1) There shall be at least one habitable room with at least 150 square feet of floor space. Other habitable rooms shall have an area not less than 70 square feet, except that kitchens may have 50 square feet.
- (2) Those habitable rooms which must be included to meet the foregoing minimum space standards shall be at least seven feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven feet. That portion of any room where the ceiling height is less than five feet shall not be considered in the required floor area.
- (3) No basement shall be used as a habitable room or housing unit unless:
 - a. The floors and walls are impervious to leakage of underground and surface runoff water and insulated against dampness and condensation.
 - b. The total window area in each room meets the requirements of section 4-77 or, if only one exit, the requirements of section 4-73(a).
- (4) No cellar shall be considered a habitable area.
- (5) There shall be installed in every dwelling unit, outside any sleeping area, at least one operable smoke detector with audible alarm. The alarm shall emit not less than 85 decibels at ten feet. The detector shall be located on or near the ceiling and installed in accordance with the manufacturer's instructions and applicable state codes.

- a. Detectors in structures built prior to 1975 may be powered by self-monitored batteries. All other detectors shall be wired directly to the power supply.
 - b. The owner shall be responsible for maintenance and replacement of the detectors; however, the tenant may not remove or render a smoke detector inoperable. (*Ord. of 6-15-98*)
 - c. There shall be installed a minimum of one operable carbon monoxide detector on every level of any dwelling unit that is rented to a tenant. The carbon monoxide detector may be either battery operated or wired into the electrical circuit, shall be listed by a nationally recognized testing laboratory, and shall be installed in accordance with either the standards of the NFPA or the minimum protection designated in the manufacturer's instructions. A carbon monoxide detector may be combined with smoke detectors if the combined detector does both of the following: (i) complies with ANSI/UL2034 OR ANSI/UL2075 for carbon monoxide alarms and ANSI/UL 217 for smoke detectors; and (ii) emits an alarm in a manner that clearly differentiates between the presence of carbon monoxide and the presence of smoke. This section only applies to dwelling units having a fossil-fuel burning heater, appliance, or fireplace and in any dwelling having an attached garage. Any operable carbon monoxide detector installed prior to January 1, 2010 shall be deemed to be in compliance with this section. (*Ord. of 4/16/12*)
- (6) All appliances supplied by the property owner shall be maintained in good repair and operation.
 - (7) Access shall be provided to all rooms within a dwelling unit without passing through a public space. Rooming houses are exempt from this subsection.
 - (8) Doors shall be provided at all doorways leading to bedrooms, toilet rooms, and bathrooms, and all rooms adjoining a public space. Toilet and bath doors shall have an operable privacy lock.
(*Ord. of 6-15-98*)
 - (9) Manufactured homes placed, erected or located on any parcel or lot, must have been constructed after July 1, 1976 and meet or exceed the standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction in order to qualify for any permits. In addition all manufactured homes shall be provided with skirting material that is acceptable for exterior construction. Skirting material shall be durable and suitable for exterior exposures. Any wood framing used in support of skirting shall be approved pressure treated wood. Manufactured skirting material shall be installed in accordance with the skirting manufacturer's

requirements. The skirting requirement shall apply to all manufactured homes sited after the date of the adoption of this subsection. All existing manufactured homes shall be brought into compliance with this skirting requirement on or before July 1, 2013.

(Ord. of 4/16/12)

Sec. 4-73. - Exit standards.

- (a) Each dwelling unit must provide two remote exits, one of which is at least 36 inches wide and six feet, eight inches high, easily accessible to the occupants of each housing unit. All exit doors shall be easily operable and lockable. If only one exit can be provided, then each sleeping room must have at least one openable window approved for emergency egress. The window must be operable from the inside without use of key or tool. The window sill height shall not exceed 44 inches above the floor. Such window shall provide a minimum clear opening width of 20 inches and a minimum clear opening height of 22 inches. The total net clear opening shall not be less than four square feet. Bars, grills or other obstructions placed over these windows must be releasable or removable from the inside without the use of a key or tool.
- (b) Platforms and/or steps shall be provided to serve exits and shall be maintained in a safe condition and in accordance with section 4-78(g) and (h) of this article.
- (c) Safe, continuous and unobstructed exits shall be provided from the interior of the structure to the exterior at street or grade level.

(Ord. of 6-15-98)

Sec. 4-74. - Plumbing standards.

- (a) Every dwelling unit shall be connected to an approved water supply and sewage disposal system.
- (b) Every dwelling unit used or intended for use as human habitation shall have an enclosed bathroom and toilet facilities complete with water closet, tub or shower and lavatory, and shall also have a kitchen sink, all of which shall be connected to approved water and sewer systems.
- (c) There shall be running water installed inside each residential building or each dwelling unit, with unimpeded flow to each outlet.
- (d) There shall be separate toilet facilities for each dwelling unit.
- (e) Water-heating facilities shall be provided which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water line to each tub, shower, lavatory, kitchen sink, washing machine, and/or any other supplied plumbing fixture and are capable of supplying water at a temperature of not less than 120 degrees Fahrenheit. Such supplied water-heating facilities shall be capable of operating independently of the space-heating equipment.

- (f) All fixtures shall be in proper working condition with no leaks existing.
- (g) No fixtures shall be cracked, broken or badly chipped.
- (h) Hopper bowl toilets are hereby prohibited.
- (i) Access to toilet and bathing facilities shall be through a weather-tight area without going outside the building.
- (j) Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water so as to permit such floor to be readily kept in clean and sanitary condition.
- (k) All water piping shall be protected from freezing by approved methods.
- (l) At least one three-inch minimum size plumbing vent shall be properly installed for each building.
- (m) Sewer and water lines shall be properly supported with no broken or leaking lines.
- (n) Water closets shall be properly connected to a cold water line.

(Ord. of 6-15-98)

Sec. 4-75. - Heating standards.

1. The installation or use of more than one portable heating appliance shall not be construed as meeting the minimum standard for the heating of an occupied dwelling.
(Ord. 4/16/12)
 - (a) Every building and dwelling unit shall be weatherproof and capable of being adequately heated. The heating equipment in every dwelling or dwelling unit shall be maintained in a safe workable condition.
 - (1) Every central or electric heating system shall be properly installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in occupied housing to a temperature of at least 68 degrees Fahrenheit at a point three feet above the floor with an outside temperature of 20 degrees Fahrenheit.
 - (2) Where a central or electric heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimney flues, or gas vents whereby heating appliances may be properly connected so as to furnish a minimum temperature of 68 degrees Fahrenheit at a point three

feet above the floor with an outside temperature of 20 degrees Fahrenheit.

- (3) All gas and oil burning equipment installed on the premises shall be of a type approved and installed in accordance with the provisions of the state building code and any other applicable codes.
- (b) Liquid fuel stored on the premises shall be stored in accordance with the provisions of the state building code and any other applicable codes.
- (c) Chimneys shall be tight, safe and capable of maintaining proper draft of combustion byproducts to outside air.
- (d) No holes shall be permitted in the flue except for necessary vent connections and cleanout doors.
- (e) All existing hanging masonry chimneys shall be removed or reattached.
- (f) Thimbles shall be grouted in tightly.
- (g) Thimbles shall be located high enough to provide proper draft for the heating appliance served thereby.
- (h) Fireplace(s) shall be used only for supplemental heat and not for primary heating, and shall have no loose mortar or damaged firebrick.
- (i) Hearths shall be of noncombustible material and shall extend at least 12 inches beyond the face and six inches beyond each side of the fireplace opening.
- (j) No combustible materials shall be permitted within seven inches of the top and seven inches on either side of the fireplace opening.
- (k) No combustible material shall be located within six inches of the thimble.

(Ord. of 6-15-98)

Sec. 4-76. - Electrical standards.

- (a) Every dwelling and dwelling unit shall be wired for electrical lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles installed in accordance with the state building code. At least one fixed in place ceiling or wall type electric light fixture shall be provided in every bedroom, toilet room, bathroom, laundry room, furnace room, public hall, basement or any other area in which artificial light is required for the safety and welfare of the

occupants. A switched wall receptacle shall be acceptable in a bedroom, living room or den.

- (b) All receptacles, ceiling fixtures or other fixtures shall be securely attached.
- (c) All switches and fixtures shall be safely operable or sealed off and disconnected.
- (d) No flexible cords shall be used as a substitute for the fixed wiring of a structure, nor run through holes in walls, ceiling or floors; through doorways, windows or similar openings; attached to building surfaces, or concealed behind building walls, ceilings or floors.
- (e) Fuses or branch circuits shall be sized and installed properly.
- (f) Every public hall and stairway in every multifamily dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to residential occupancy, containing not more than four dwelling units, may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting. Lights at entrances and exits are required.
- (g) All electric wiring, devices, appliances and fixtures shall be installed and maintained in accordance with the state building code and none shall be dangerous or hazardous.

(Ord. of 6-15-98)

Sec. 4-77. - Light and ventilation standards.

- (a) Every habitable room in a dwelling or dwelling unit shall contain a window or windows facing outside and the total glass area of such window or windows shall not be less than eight percent of the floor area of such room. Windows shall be maintained in accordance with section 4-78(c).
- (b) Openable window area in each habitable room shall be equal to at least one-half of the minimum required window area and open directly to the outside unless the room is served by an approved ventilating system. This requirement does not apply to emergency egress windows from sleeping rooms as required in section 4-73(a).
- (c) All operable and openable windows shall be adequately screened. Screens shall not be permanently fixed to the window frame or sash. All operable or openable exterior doors shall have either a screen door or a storm door, equipped with a self-closing device. When approved by the inspector, the screens on windows and doors may be omitted for dwelling units containing a permanently installed heating and air conditioning system providing the dwelling unit with year round mechanical ventilation. Screens shall be installed in dwellings with window air conditioning units which are not permanently installed.

- (d) Window frames and glass shall be reasonably weather-tight, with no cracked or broken glass.
- (e) Each toilet room and bathroom shall have an operable window unless served by other approved ventilation.
- (f) Each dwelling unit must provide two remote exits or, if only one exit is provided, every sleeping room must have at least one openable window approved for emergency egress. The window must be operable from the inside without use of key or tool. The window sill height shall not exceed 44 inches above the floor. Such window shall provide a minimum clear opening width of 20 inches and a minimum clear opening height of 22 inches. The total net clear opening shall not be less than four square feet. Bars, grills or other obstructions placed over these windows must be releasable or removable from the inside without the use of a key or tool.
- (g) Every public hall and inside stairway in every dwelling or multifamily dwelling shall be adequately lighted at all times to permit safe passage.

(Ord. of 6-15-98)

Sec. 4-78. - Structural standards.

(a) *Foundations:*

- (1) The foundation shall be on firm, reasonably dry ground, and there shall be no water standing or running under the building.
- (2) All elements of the foundation, including piers, underpinning and masonry, shall be in good repair. Piers shall be sound.
- (3) There shall be sound footings on adequate bearing soil.
- (4) There shall be no wood stiff knees or other improper piers.
- (5) No isolated masonry pier shall exceed ten times the least dimension.
- (6) Units, when underpinned, shall use an approved material so as to be substantially weatherproof and rodent-proof. A crawl space access, with cover, shall be provided to the under floor space. Adequate ventilation shall be provided to the foundation area by approved methods.

(b) *Floors.*

- (1) Broken, overloaded, decayed or excessively sagging sills, beams, girders and joists shall be prohibited. Floors shall be in sound condition and good repair and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

- (2) Flooring shall be reasonably smooth, not rotten or worn through, and without holes or excessive cracks which permit air or rodents to penetrate rooms.
 - (3) There shall be no loose flooring or floor covering.
 - (4) Floors shall be reasonably level.
 - (5) There shall be no dirt floors or wood floors on the ground.
 - (6) All bathroom, toilet room, laundry and kitchen floors shall be constructed and maintained so as to be impervious to water by covering with a waterproof, nonabsorbent material.
- (c) *Walls, exterior.*
- (1) All exterior surfaces shall be structurally sound, waterproof, weatherproof and rodent-proof with no holes, cracks or rotted boards.
 - (2) Window frames and glass shall be reasonably weather-tight, with no cracked or broken glass. All windows shall be provided with suitable hardware to include operable locks and shall be made to open freely.
 - (3) Exterior doors shall be substantially weather-tight, waterproof and rodent-proof, and lockable from inside and outside. Doors shall be in sound working condition and good repair.
 - (4) All load-bearing walls, exterior or interior, shall not be substantially bowed or out-of-plumb and shall be structurally sound.
 - (5) Studs shall provide sufficient support for sheathing or exterior finish and shall not be rotten or termite-damaged.
 - (6) All exterior surfaces shall be protected with paint or other approved protective covering to prevent deterioration and the entrance or penetration of moisture.
 - (7) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or locations as to constitute a fire hazard. See section 4-75 for additional requirements.
- (d) *Walls, interior.*
- (1) Interior finish shall be free of holes.
 - (2) Walls shall be in sound condition, not seriously out-of-plumb, and structurally sound.

- (3) There shall be no loose plaster, loose boards or other loose wall materials susceptible to falling.
- (4) There shall be no seriously rotted, termite[-damaged], fire-damaged or broken studs.
- (5) There shall be no cardboard, newspaper, or other similar highly combustible wall finish.
- (e) *Ceilings.*
 - (1) There shall be no rotten, broken, sagging, or fire-damaged joists or improperly supported ends.
 - (2) Joists and supporting members shall provide sufficient support for the ceiling.
 - (3) The ceiling shall be substantially rodent-proof. There shall be no holes, loose plaster, boards, sheetrock or other ceiling finish susceptible to falling.
 - (4) There shall be no cardboard, newspaper or other similar highly combustible finishes.
- (f) *Roof.*
 - (1) Roofs shall be in sound condition and capable of supporting the load intended.
 - (2) There shall be no seriously rotted, broken, or fire-damaged rafters or improperly supported ends.
 - (3) Rafters shall be adequately braced.
 - (4) Attics shall be properly ventilated.
 - (5) There shall be no loose or seriously rotted or fire-damaged sheathing or roof covering. Roofing shall be provided to prevent the entrance of moisture and shall be maintained by renewal, repair, waterproofing or other suitable means.
 - (6) There shall be a minimum of Class C roof covering.
 - (7) There shall be proper flashing at walls and chimney.
 - (8) There shall be no roof with more than two roof coverings.
 - (9) Gutters and downspouts, if installed, shall be provided to properly collect, conduct and discharge the water from the roof and away from the structure.

(g) *Porches.*

- (1) Foundation, floor, ceiling and roof shall be equal to standards as set forth above, except sills and joists need not be level if providing drainage of floors; floors need not be weather-tight; ceiling height shall be not less than seven feet.
- (2) Posts and railings shall not be rotted or termite-damaged.
- (3) Every porch, terrace or entrance platform located at more than 30 inches above the adjacent finished grade shall be equipped with guardrails not less than 36 inches high.
- (4) Surfaces shall be protected with paint or other approved covering or material to prevent the entrance or penetration of moisture.

(h) *Stairs and steps.*

- (1) Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards. They shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon.
- (2) Stairwells and flights of stairs, attached to or within a dwelling unit, that contain four or more risers shall have handrails with minimum and maximum heights of 30 inches and 38 inches, respectively, measured vertically from the nose of the treads.
- (3) Every rail shall be firmly fastened and maintained in good condition.
- (4) No flight of stairs settled more than one inch out of its intended position or pulled away from supporting or adjacent structures shall be allowed.
- (5) No rotting, sagging or deteriorated supports shall be allowed.
- (6) Every stair riser shall be reasonably uniform and shall not exceed eight and one-fourth inches in height and shall be securely fastened in position. Every wood riser in excess of 36 inches in width shall have an additional stringer, each stringer to be spaced not more than 30 inches apart. The minimum depth of treads shall be nine inches excluding the nosing.
- (7) Exterior stairs shall be protected with paint or other approved covering or material to prevent the entrance or penetration of moisture.

(i) *Accessory structure.*

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

- (2) Structural standards, as outlined in this section, shall also apply to accessory structures.
- (3) No deterioration due to the elements because of lack of preventive maintenance consisting of painting, waterproofing and repair shall be allowed.
- (4) Any electrical, plumbing, heating or other utilities furnished to an accessory structure shall be installed in accordance with the state building code and maintained in a safe condition.
- (5) Every accessory structure shall be properly maintained in a clean and sanitary condition, and free from physical hazards and other matter detrimental to the public health.

(Ord. of 6-15-98)

Sec. 4-79. - Property maintenance.

- (a) [*Vermin.*] Premises, buildings and structures shall, by generally accepted methods of extermination, be maintained free of vermin and rodent harborage and infestation.
- (b) *Rubbish and garbage.* Every person who occupies and controls a dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in proper storage facilities. The owner shall be responsible for providing the receptacles for the storage of garbage and rubbish. Removal shall be at such frequent intervals to prevent buildup.
- (c) *Drainage.* Every yard shall be properly graded so as to obtain thorough drainage and so as to prevent the accumulation of stagnant water in the yard or under the structure.
- (d) *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 or provide breeding places for flies or insects.

(Ord. of 6-15-98)

- (e) *Protective Treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and water-tight. All metal surfaces subject to rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior

surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. (Ord. of 4/16/12)

Sec. 4-80. - Rooming house exceptions.

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

- (1) At least one water closet, lavatory and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the resident building served; shall be accessible from a common hall or passageway; and shall not be more than one story removed from any of the persons sharing such facilities. Every lavatory 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 or basement. All rooms containing these appurtenances shall have a door equipped with a privacy lock.
- (2) Every room occupied for sleeping 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 over 12 years of age.
- (3) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house and premises.
- (4) No occupant of a rooming house shall heat or cook or permit the heating of food within his rooming unit.

(Ord. of 6-15-98)

Sec. 4-81. - Requirements of occupants.

Every occupant of a dwelling or dwelling unit or apartment shall:

- (1) Keep that part of a dwelling or dwelling unit or apartment which he occupies and controls in a clean and sanitary condition.
- (2) Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.

- (3) Be responsible for the extermination of any insects, rodents or other pests whenever such dwelling unit or apartment is the only one in the residential building infested, and the owner has provided a reasonable insect-proof and adequate rodent-proof building.
- (4) Dispose of all garbage and other refuse in an approved garbage receptacle.
- (5) Permit the inspector free access at reasonable times for the purpose of inspection in accordance with section 4-83 of this article.
- (6) Not place on the premises any material which causes a fire or otherwise endangers the health or safety of any occupants of such building; not place in storage or on the premises any furniture, auto parts, junk rubbish, equipment or material which harbors insects, rodents or other pests.
- (7) Not occupy any dwelling unit unless running water is provided to the required plumbing fixtures.
- (8) Not place within any structure, for use therein, any oil or gas-fired portable or nonvented cook stove or heater.
- (9) Not place on the premises, for use thereon, any heating or cooking unit which constitutes a fire hazard.
- (10) Not cause such damage to the dwelling unit or apartment let to him as to make the same unfit for human habitation.
- (11) Not occupy a dwelling unit after the inspector has duly placarded the structure in accordance with section 4-83 and section 4-86
- (12) Give the owner, his agent or employee access to any part of such dwelling or dwelling unit and its premises at all reasonable hours for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.
- (13) Not cause any service, facility, equipment, or utility which is required under this chapter to be removed or shut off from, or discontinued for, any dwelling occupied by him.

(Ord. of 6-15-98)

Sec. 4-82. - Liability, responsibility of owner.

- (a) An owner remains liable for violation of duties imposed upon him by this article even though:
 - (1) An obligation is also imposed on the occupant.
 - (2) The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this article.
- (b) Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in a dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- (c) The owner may not permit the continued occupancy of a dwelling unit which has been duly placarded by the inspector in accordance with section 4-83 and section 4-86
- (d) The owner shall furnish adequate storage receptacles for garbage and rubbish, and shall be responsible for the removal of all garbage and rubbish from the premises at frequent enough intervals to prevent buildup of such garbage and rubbish.
- (e) The owner shall be responsible for compliance with this division.
- (f) No owner or operator shall cause any service, facility, equipment, or utility which is required under this ordinance to be removed or shut off from, or discontinued for any occupied dwelling.
- (g) The owner shall ensure that the structure remains closed and secured when not occupied. Should it become necessary to board the windows and/or doors, it must be done with boards fitted to the openings, screwed in place and painted a color consistent with the surrounding wall area.

(Ord. of 4/16/12)

DIVISION 3. - ENFORCEMENT

Sec. 4-83. - Procedure.

- (a) *Preliminary investigation.* Whenever a petition is filed with the inspector by a public authority, or by a least five residents of the county, or by an occupant charging that a dwelling is violative of provisions of this article, or whenever it appears to the inspector that any dwelling is violative of the provisions of this article, the inspector shall make an investigation and prepare an itemized list of such violations.
- (b) *[Right-of-entry.]* For the purpose of making inspections, the inspector is hereby authorized to enter, examine and survey at all reasonable hours, all dwellings, dwelling units, rooming units and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit, or the person in charge thereof, shall give the inspector free access to such premises at all reasonable hours for the purpose of such inspection, examination and survey. When permission to inspect a dwelling or its premises is denied, the inspector shall obtain an administrative warrant to inspect.
- (c) *Complaint and notice of hearing.* The inspector shall issue and cause to be served upon the owner of, and parties of interest in, such dwelling a complaint accompanied by a copy of the itemized list of such violations and advise the owner such violations are to be corrected to bring the dwelling into conformance with the minimum housing code. The complaint shall include a notice that a hearing will be held before the hearing officer at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint, so that the owner may give any reason why he should not bring the dwelling into conformity. 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. The rule of evidence prevailing in courts of law and equity shall not be controlling in these hearings.
- (d) *Issuance of order.*
 - (1) If, after such notice and hearing as designated in subsection (c) above, the hearing officer determines that the dwelling under consideration is violative of standards or requirements herein set forth, 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 thereof an order.
 - (2) The order shall state that the owner must complete the corrective action in either subsection a, b, c, or d below, at the owner's option.

- a. Repair, alter and/or improve each dwelling so as to render it fit for human habitation, in accordance with standards set forth in this article. The owner shall correct ordinance violations as itemized in the inspector's report. Should any other unsafe or hazardous condition become apparent during the course of such work, that condition also shall be remedied to bring the dwelling up to minimum housing standards set forth in this article.
 - b. Remove the dwelling from the lot.
 - c. Demolish the dwelling and remove all debris from the lot.
 - d. Comply with any requirement imposed upon an owner/occupant of a dwelling unit by this article.
- (3) The order shall specify a period of time, not to exceed 90 days from the date of the order, to complete all work as outlined in subsection (d)(2) above.
- (4) Such order may also require the owner to immediately vacate, or cause to be vacated and closed, the dwelling and keep it vacant until all work is completed.
- (e) *Additional actions of the inspector.*
 - (1) At the same time as the hearing notice shall be sent to the owner, the inspector, pursuant to North Carolina General Statutes, Section 1-116, may file a lis pendens upon the premises with the clerk of superior court.
 - (2) In all cases where the dwelling or dwelling unit is found to be unsafe, the inspector may cause to be placed upon the dwelling on the main entrance thereof, a placard displaying the following words: "This building is unfit for human habitation; the use or occupation of this building is prohibited and unlawful." The placard shall remain fixed to the dwelling until it shall be removed by the inspector when, upon reinspection, he finds that the condition of the dwelling or dwelling unit complies with the minimum housing code of the county. Pending that finding, the removal, moving, defacing, mutilating or covering of a placard by any person is prohibited and shall constitute a misdemeanor.
 - (3) If a vacancy has occurred or the tenants are in the process of vacating, the inspector may follow the procedures as outlined in subsection (e)(2) above.
- (f) *Method of service.*
 - (1) Complaints or orders issued by an inspector shall be served upon persons either personally or by registered or certified mail. If certified mail is returned as

unclaimed or refused, delivery may be attempted using certified and regular mail. A copy of the correspondence will be sent both certified and regular mail. If the certified mail is unclaimed or refused, but the regular mail is not returned within ten days from mailing, service will be deemed sufficient. If this method of service is used, the correspondence must be posted on the premises.

- (2) If the whereabouts of such persons are unknown and the same cannot be ascertained by the inspector in the exercise of reasonable diligence and the inspector shall make an affidavit to the effect, then serving of such complaint or order upon such person may be made by publishing the same once in a newspaper of general circulation in the county. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order.
- (3) Failure on the part of any owner or party in interest to receive or have served upon him any complaint, notice or order herein provided for shall not affect or invalidate the proceedings with respect to any other owner or party in interest, or any other person, firm or corporation.
- (4) Authorized agent. Each owner of rental property located within the jurisdiction of the county shall authorize a person residing within the county to serve as his or her agent for the purpose of accepting service of process under this section. The owner shall provide on a form supplied by the county inspection department, the authorized agent's name, address, and phone number. The owner shall notify the county inspection department of any changes in the information provided, not more than ten days after such changes have occurred. Nothing in this section shall require an owner to designate an agent to accept service of process where the owner of the rental property resides within the county.

(Ord. of 6-15-98)

Sec. 4-84. - Right of appeal to housing appeals board.

- (a) Any owner or person who is aggrieved with the ruling or decision of the hearing officer in any manner relative to the interpretation or enforcement of any of the provisions of the minimum housing code of the county may appeal from any such decision to the housing appeals board.
- (b) An appeal from any decision or order of the hearing officer may be taken by any person aggrieved thereby or by an officer, board or commission of the county. Except from appeals for an extension of time within which to comply with the decision or order of the hearing officer, any appeal from the hearing officer shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the inspector, hearing officer or secretary to the housing appeals board a notice of appeal, on forms supplied by the inspection department, which shall specify the grounds upon which

the appeal is based. Upon the filing of any notice of appeal, the secretary shall transmit to the board all the papers constituting the record upon which the decision being appealed was made. When an appeal is from a decision of the hearing officer 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 hearing officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the inspector certifies to the board that such suspension would cause imminent peril to life or property, in which case the requirement shall not be suspended.

- (c) An appeal for an extension of time within which to comply with the decision or order of the hearing officer may be taken in the manner set forth in subsection (b) above, at any time not less than 14 days prior to the expiration of time to comply. An extension of time shall be granted only if the appellant has commenced lawfully the corrective work or acts directed by the inspector and completed a minimum of 25 percent of the required work or acts, calculated as a percentage of the total of the required work or acts as the housing appeals board may deem reasonable under the circumstances. The board shall not grant an extension of time for compliance with a decision or order of the hearing officer to correct or abate a condition of habitation which poses an imminent threat of serious bodily injury. The board shall grant an extension of time only for such period it finds is reasonably necessary to complete the corrective work or acts required and may attach such conditions to the extension that it deems necessary to assure orderly progression of such work and acts. The board shall not grant an extension of time for more than six months following the expiration of the time to comply directed by the hearing officer.
- (d) The housing appeals board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person, or by agent or attorney. The board may reverse or affirm, wholly or partly, or may modify the decision or order as in its opinion ought to be made in the matter, and to that end, it shall have all powers of the inspector, but the concurrent vote of four members of the board shall be necessary to reverse or modify any decision or order of the inspector. The board shall have the power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the article, to adapt the application of the article to the necessities of the case to the end that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.
- (e) In case any dwelling is erected, constructed, altered, repaired, converted, maintained or used in violation of this article or any valid order or decision of the inspector or board made pursuant to this article, the inspector or board may institute any proceedings or appropriate action to prevent such unlawful erection, construction, reconstruction, or alteration, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

(Ord. of 6-15-98)

Sec. 4-85. - Violations, penalties and remedies.

(a) *Violations.*

- (1) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, which does not comply with all the requirements of division 2 of the Code shall be deemed substandard.
- (2) Unless otherwise provided in this chapter, all requirements relating to housing shall be the responsibility of the owner.
- (3) No person shall occupy as owner-occupant or let to another or others for occupancy or use or cause or allow to be used as a human habitation, any dwelling or building which exhibits any of the conditions described in section 4-86(b) and has been ordered vacated in accordance with section 4-83(d)(4). The removal, defacing, moving, mutilating or covering of the placard by any person is prohibited and shall constitute a separate offense.
- (4) The inspector shall determine that a residential building is unfit for human habitation if he finds that any of the conditions contained in section 4-86(b) exist in such building.
- (5) Each day that any such condition or failure, neglect, refusal or occupancy continues shall constitute a separate and distinct offense.

(b) *Criminal penalty.*

- (1) A violation of this article shall be a misdemeanor as provided in North Carolina General Statutes, Section 14-4.
- (2) The inspector may seek, from an appropriate official of the general court of justice, an arrest warrant or other process initiating criminal charges against any person who violates this article.

(c) *Civil penalties.*

- (1) Violation of this article may also subject the owner or party of interest to a penalty of \$50.00 per day for each day and every day the violation exists, not to exceed \$3,000.00. The penalty shall be payable to Cumberland County and shall be paid at the office of the county inspection department. Failure of the owner or party of interest to pay the penalty within 12 days shall result in the county initiating a civil action to collect the penalty.

(d) *Equitable remedies.*

- (1) This article may be enforced by an appropriate equitable remedy issued from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate and it shall not be a defense to the application of the county that there is an adequate remedy at law.
- (2) When a violation of this article occurs, the county may apply to the appropriate division of the general court of justice for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. In addition to an injunction, the court may enter an order of abatement as part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property, that grass and weeds be cut, that improvements or repairs be made; or that other action be taken that is necessary to bring the property into compliance with the article. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the judge before whom the matter is heard and shall be continued on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(e) *Other remedies.*

- (1) The criminal penalties and equitable remedies provided in this section are cumulative and not exclusive, and may be independently pursued against the same person for the activity constituting a violation of this section. Nothing in this section shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other ordinances or laws.
- (2) This article may be enforced by the inspector submitting to the board of county commissioners an ordinance ordering a substandard or unfit dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, and pending removal or alteration, by placing a placard on such dwelling, dwelling unit or accessory structure as provided by North Carolina General Statutes, Section 153A-366 and section 4-83(e)(2) of this article. The amount of

the cost of any repairs, alterations, improvement, vacating, closing, removal or demolishing caused to be done by the inspector shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be collected as the lien for special assessment as provided in North Carolina General Statutes, Chapter 160A, Article 10, Section 160A-433(6). The ordinance may provide for the imposition of a civil penalty for each day's continuing violation of any provision of the ordinance for compliance. The amount of the penalty shall be determined by the board of county commissioners in each ordinance based upon the facts and circumstances of each case. The amount of the penalty for each day's violation shall not exceed \$250.00 and the total penalty for one continuing violation shall not exceed \$3,000.00.

(Ord. of 6-15-98)

Sec. 4-86. - Emergency enforcement procedures.

- (a) *Generally.* The existence of unfit conditions of habitation which pose an imminent threat of bodily harm to occupants of a dwelling, or a dwelling unit, or any person upon the premises or adjacent property or neighborhood are declared unlawful conditions existing upon, or use made of, land and constitute a public nuisance. In order to protect the public welfare, expedited procedures are necessary to immediately remedy these unlawful conditions.
- (b) *Unfit conditions.* Unfit conditions of habitation which pose an imminent threat of serious bodily harm include, but are not limited to:
 - (1) Unsafe drinking water.
 - (2) Lack of a sanitary and legal means to dispose of human sewage.
 - (3) Unsafe electrical installation in violation of the state building code.
 - (4) Hazardous cooking or heating equipment.
 - (5) Unsafe fuel storage tanks and/or supply lines.
 - (6) Substantial rodent or vermin infestation.
 - (7) Serious structural deterioration creating a likelihood of collapse.
- (c) *Violation.* It shall be a violation of this article for an owner or party of interest to knowingly permit, allow or condone the existence of unfit conditions of habitation upon the land which pose an imminent threat of serious bodily harm of occupants of a dwelling or dwelling unit, or any person upon the premises of adjacent property or neighborhood. Failure of the owner to correct the unfit condition of habitation which poses an imminent

threat of serious bodily injury within the time prescribed by the inspector shall be prima facie proof of the initial violation. Each day's existence of the condition, subsequent to the date of correction specified by the inspector, shall be an additional separate and distinct violation.

(d) *Procedure.*

- (1) The inspector, upon receipt of a complaint or upon his own initiative, shall investigate the alleged unlawful condition. The inspector shall determine if the condition creates an imminent threat of bodily harm to occupants or persons upon the premises. Such determination constitutes a violation of this article.
- (2) Upon such determination, the inspector shall:
 - a. Placard the main entrance of any structure. The placard shall provide notice that the structure has been condemned and is deemed unsafe for human occupancy.
 - b. Notify the owner or party of interest of the inspector's determination that the dwelling or dwelling unit is unfit for human habitation and poses an imminent threat of bodily harm to occupants or persons upon the premises, and that such condition is a violation of this article.
- (3) The notice shall be in writing and served in accordance with section 4-83 and shall state:
 - a. The particular condition found to pose a serious threat of bodily injury and that the condition is both a criminal and civil violation of this article.
 - b. The specific correction to be made.
 - c. The date of the initial violation as the date of receipt of the notice.
 - d. The date not later than which the correction is to be made.
 - e. The failure to correct the condition within the time prescribed in the notice is prima facie proof of the initial violation.
 - f. That each day's willful failure to correct the condition subsequent to the date prescribed in the notice for correction is a separate and distinct violation of this article.
- (4) The inspector shall prescribe a reasonable time for the correction of the condition found to pose a serious threat of bodily harm; however, that period shall not be less than 72 hours.

(5) A copy of section 4-86 shall accompany the notice.

(e) *Enforcement.*

- (1) Violation of this section subjects the owner or party in interest to a civil penalty of \$50.00 per day, subsequent to the date of receipt of the notice of violation, for each day and every day the condition remains uncorrected, not to exceed \$3,000.00. The penalty shall be payable to Cumberland County and shall be paid at the county inspection department, Old Courthouse, Fayetteville, North Carolina. Failure of the owner or party in interest to pay the penalty within 12 days after receipt of the notice shall result in the initiation of a civil action by the county to recover the penalty for the benefit of the county.
- (2) The criminal penalties and equitable remedies provided in section 4-85 are applicable to this section in addition to the civil penalty above. These means of enforcement are cumulative, and not exclusive, and may be independently pursued against the same person for the activity constituting a violation of this section.

(Ord. of 6-15-98)

