

INTRODUCTION

The intent of this handbook is to assist you in providing safe and affordable housing for residents in the Town of Elon (hereafter "Town"). It is designed to be a quick reference guide that summarizes the ordinances that affect property in Elon. On July 10, 2018, the Board of Aldermen adopted a revised Code of Ordinances. One of the changes was the inclusion of a minimum housing code for the protection of the life, health, welfare, safety and property of the general public and the owners and occupants of places of habitation.

Town code enforcement officials will enforce the requirements of the town's Code of Ordinances and the Land Development Ordinance to all properties. Where there may be conflicts, between the two ordinances, the more stringent code will be the starting point for all enforcement activities.

Nuisance Declaration and Applicability

As authorized by North Carolina General Statute 160A, The Board of Aldermen hereby finds and declares that there exist in the town, buildings intended for residential occupancy which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents or other calamities; lack of ventilation, light or sanitary facilities; and other conditions rendering such housing unsafe, unsanitary, or dangerous, or detrimental to the health, safety or morals; or otherwise injurious to the welfare of the residents of the town; and that public necessity exists to exercise the police powers of the town to cause the repair and rehabilitation, closing or demolishing of such buildings housing in the manner herein provided.

All buildings or portions of buildings used for human habitation which are determined by the code enforcement official, to be substandard are hereby declared to be public nuisances and shall be repaired or rehabilitated to the standards of Chapter 11 Housing or demolished in accordance with the procedure set forth herein.

The provisions of this chapter are applicable to all structures, when used or intended for use for human habitation within the Town.

Please refer to the Town of Elon Code of Ordinances Chapter 11 Housing, Chapter 13 Nuisances, and Chapter 22 Solid Waste as well as the Land Development Ordinance for additional information.

DEFINITIONS

Building: 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". The structure may be temporary or permanent with a roof supported by columns or walls and is used as shelter, housing, or an enclosure for persons, animals, or goods.

Dwelling: 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, and shall include accessory buildings and appurtenances thereto.

Dwelling Unit: Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating. A room or combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

- **Detached House:** A dwelling unit that is developed with no party walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.
- **Attached House:** Rowhouse, townhouse, duplex, triplex, or quadraplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.
- **Apartment House:** More than four dwelling units placed on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.
- **Accessory Dwelling:** A dwelling unit which is located on the same lot as a detached or attached single family house, has a first-floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but may be occupied by another. If the principal dwelling is a group home, use of an accessory dwelling will not increase the number of residents otherwise permitted in a single group home.

Family: An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than three persons not related by blood, marriage, or adoption living together as a single housekeeping unit.

Home Occupation: A home occupation is defined as an accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of good and/or services conducted by members of a family residing on the premises, which said use is clearly incidental and subordinate to the principal use of the property as a residence. Refer to the Land Development Ordinance for a complete definition - Chapter 4.29.

Household: All persons who occupy a dwelling unit (a person living alone or any group of persons sharing a dwelling unit is a household).

Housing: Any building or structure, or part thereof, used and occupied for human habitation or intended to be used, including any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Rooming House: A building in which five or more rooms are let for rent.

MINIMUM HOUSING STANDARDS AND REQUIREMENTS

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

Property Maintenance

- (a) Exterior wood surfaces, not inherently resistant to deterioration, shall be treated with a protective coating of paint or other suitable preservative with sufficient frequency to prevent deterioration.
- (b) Floors, walls, ceilings and fixtures shall be maintained in a clean and sanitary condition.

Space and Use

In regards to the number of unrelated individuals in a dwelling, the owner and occupants must comply with the Land Development Ordinance definition of family as well as meet the following criteria.

- (a) Any building, or portion thereof, used for human habitation shall not be less than three hundred fifty (350) square feet total floor space.
- (b) (b) A principal room shall not be less than one hundred fifty (150) square feet.
- (c) A kitchen-dining room combination, if any, shall be not less than one hundred (100) square feet.
- (d) A first bedroom, if any, shall be not less than one hundred (100) square feet.
- (e) A second bedroom, if any, shall be not less than seventy (70) square feet.
- (f) There shall be at least seventy (70) square feet in each habitable room.
- (g) There shall be at least one hundred fifty (150) square feet of floor space in habitable rooms for the first occupant in each dwelling unit; at least one hundred (100) square feet for each of the next three (3) occupants; and at least fifty (50) square feet for each additional occupant over the number of four (4) (children three (3) years of age and under shall not counted).
- (h) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes, by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant twelve (12) years of age and over, and at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- (i) Those habitable rooms which must be included to meet the foregoing minimum space requirements shall be at least seven (7) feet wide in any part with at least one-half of the floor area having a ceiling height of at least seven (7) feet, six (6) inches. That portion of any room where the ceiling height is less than four (4) feet shall not be considered as the required floor area.
- (j) No basement shall be used as a habitable room or housing unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness and condensation.
 - (2) The total window area in each room is equal to at least the window area sizes prescribed herein for habitable rooms.
 - (3) Such required window area is located entirely above the grade of the ground adjoining such window area unless provided with adequate window wells.
 - (4) The total of openable window area in each room is equal to at least the area prescribed herein for habitable rooms, except where there is supplied some other device affording adequate ventilation and approved by the inspector.
- (k) Toilet and bathing facilities shall be enclosed.
- (l) Access shall be provided to required toilet rooms without going outside building. Toilet rooms shall not open directly onto an open porch.
- (m) No holes or excessive cracks shall be in walls or ceilings of rooms.
- (n) Access shall be provided to all rooms within a dwelling unit without passing through a public space. Rooming houses are exempt from this requirement.
- (o) Doors shall be provided at all doorways leading to bedrooms, toilet rooms and bathrooms and all rooms adjoining a public space.
- (p) Doors providing access to any living unit shall be capable of being locked.

Light and Ventilation

- (a) Window glazed area in each habitable room shall not be less than ten (10) square feet or ten (10) per cent of the floor area whichever is greater.
- (b) Openable window area in each habitable room shall be equal to at least one-half of the minimum allowable window area and facing directly to the outside, for ventilation, unless room is served by an approved ventilating system.
- (c) All outside windows used for ventilation purposes shall be adequately screened.
- (d) Screens shall not be permanently fixed to the window frame or sash.
- (e) Windows shall be reasonably weathertight; there shall be no broken glass.
- (f) Openable window area in each toilet room shall be at least one and one-half square feet, unless served by an approved ventilating system.
- (g) Every public hall and inside stairway in every dwelling or multifamily dwelling shall be adequately lighted at all times with an illumination of at least three (3) foot candles per square foot in the darkest portion of the normally traveled stairs and passageways.

Exits

- (a) There shall be two (2) main exits, each at least thirty (30) inches wide and six (6) feet, eight (8) inches high, easily accessible to the occupants of each building. All exit doors shall be easily operable and remotely located.

- (b) There shall be platforms, steps or handrails provided to serve exits and they shall be maintained in safe condition.
- (c) There shall be a safe, continuous and unobstructed exit from interior of building to the exterior at street or grade level.

Plumbing System

- (a) All plumbing to be installed shall be installed in accordance with the North Carolina Plumbing Code, 2012 edition and subsequent amendments.
- (b) All plumbing shall be connected to the town sanitary sewer system where available.
- (c) All fixtures shall be operable.
- (d) There shall be no broken water closet bowls.
- (e) Water closet equipment shall not be loose or leaking.
- (f) No leaks shall be in shower stall floors.
- (g) No Vogel bowl toilets shall be allowed.
- (h) There shall be adequate facilities for furnishing hot water to each tub or shower, lavatory and kitchen sink.
- (i) There shall be installed a water supply inside the building for each dwelling unit.
- (j) There shall be installed a water closet, tub or shower, lavatory and sink for each dwelling unit. Kitchen sinks shall be at least eighteen (18) inches by fifteen (15) inches by six (6) inches.
- (k) Rooming houses, commercial, industrial and institutional buildings shall have the number of plumbing fixtures as required by the North Carolina Plumbing Code, 2012 edition and subsequent amendments.
- (l) There shall be separate toilet facilities for each dwelling unit.
- (m) Toilet and bathing facilities shall be protected from the weather.
- (n) All water piping shall be protected from freezing by proper installation in protected space.
- (o) Soil and water lines shall be supported with no broken or leaking lines.
- (p) Every water closet compartment floor surface and bathroom floor surface shall be so constructed and maintained as to be reasonably impervious to water and so as to permit such floor to be readily kept in a clean and sanitary condition.

Heating System

- (a) Every building and every dwelling unit shall be weatherproof and capable of being adequately heated, and the heating equipment in every dwelling or dwelling unit shall be maintained in good order and repair.
- (b) Central heating, if provided, 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 an occupied building to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance three (3) feet above floor level with an outside temperature at twenty (20) degrees Fahrenheit.
- (c) All gas and oil heating equipment installed on the premises shall be listed by Underwriters' Laboratories or American Gas Association and installed in accordance with applicable provisions of the State Building Code.
- (d) Liquid fuel stored on the premises shall be stored in accordance with the provisions of the fire prevention code.
- (e) There shall be no loose bricks in chimneys.
- (f) There shall be no holes in flues.
- (g) There shall be no hanging masonry chimneys.
- (h) Thimbles shall be grouted in tightly.
- (i) Thimbles shall not be broken or cracked.
- (j) Thimbles shall be high enough for stovepipe to rise one-fourth inch per foot minimum.
- (k) Hearths, where required, shall be at least sixteen (16) inches deep and six (6) inches beyond each side of fireplace opening and shall comply with standards in the North Carolina Building Code for the year when the building or dwelling unit was constructed.
- (l) No combustible materials shall be within seven (7) inches of the top and seven (7) inches of either side of the fireplace opening.
- (m) If fireplace opening is closed, it shall be a masonry closure.
- (n) Stove shall be within six (6) feet of thimble serving it.
- (o) No combustible materials shall be within twelve (12) inches of stovepipe.
- (p) No stovepipe shall be through combustible walls.
- (q) In apartment buildings, institutional buildings and rooming houses with central heat, the furnace room shall be enclosed with material having at least a one-hour fire protection rating.

Electricity

- (a) No receptacles, ceiling fixtures or other fixtures shall be hanging loose.
- (b) All switches and fixtures shall be safely operable.
- (c) The number of duplex convenience outlets per habitable room shall be two (2) for rooms one hundred (100) square feet or less and three (3) for rooms over one hundred (100) square feet. Such outlets shall be placed as remotely from each other as possible and practicable. All stationary appliances shall have electrical convenience outlets located within six (6) feet of the appliance.
- (d) There shall be at least one (1) light in the bathroom.
- (e) There shall be no unsafe wiring.
- (f) There shall be no drop or extension cords in excess of six (6) feet in length.
- (g) No circuits shall be overloaded.
- (h) Fuses shall be sized correctly and not bridged out.
- (i) All wiring to be installed shall be in accordance with the North Carolina Electrical Code 2011 edition and subsequent amendments.
- (j) All wiring shall be maintained in a safe condition.

Automatic smoke and carbon monoxide detectors.

- (a) In one- and two-family dwellings and in every dwelling unit within an apartment building, condominium and/or townhouse, an approved listed detector, sensing visible and invisible particles of combustion shall be provided and installed in accordance with the manufacturer's recommendation and listing. When actuated, the detector shall provide an audible alarm.
- (b) At least one (1) listed detector shall be installed outside each sleeping area to warn occupants of the presence of any fire condition. Detectors shall have either a visible light to indicate operability or an audible trouble signal. Audible trouble signals shall be designed to operate at least every minute for seven (7) consecutive days. The alarm signaling device shall emit not less than eighty-five (85) decibels at ten (10) feet. Detectors shall be located on or near the ceiling and installed in accordance with the manufacturer's instructions. Detectors shall be electrically operated (non-plug-in— and the primary source of power for detectors installed in new structures shall be taken from the house electrical current.
- (c) In new dwelling units and existing dwellings where interior alterations, repairs, fuel-fired appliance replacements, or additions requiring a permit occurs, or where one or more sleeping rooms are added or created, an approved carbon monoxide alarm installed outside of each separate sleeping area in the immediate vicinity of the bedroom(s) as directed by the alarm manufacturer. The required carbon monoxide alarms shall be audible in all bedrooms over background noise levels with all intervening doors closed.

Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions.

Structural Requirements

Foundation

- (a) Beneath the building, there shall be firm ground, reasonably dry ground, no soggy ground, no water standing, no water running under building.
- (b) There shall be sound footings, adequate bearing.
- (c) There shall be sound piers, no loose mortar or building materials.
- (d) There shall be no piers in which plumb line from top center falls outside middle one-third of pier base.
- (e) There shall be no isolated solid masonry piers exceeding in height ten times least dimension of pier.
- (f) There shall be no wood stiff-knee piers.

Floors

- (a) There shall be no seriously rotted, or termite damaged joists and sills.
- (b) There shall be no fire damaged charred wood.
- (c) There shall be no broken, overloaded or sagging girders.
- (d) There shall be no broken, overloaded or sagging sills.
- (e) Sills shall be reasonably level.
- (f) Sills shall be properly and sufficiently supported.
- (g) There shall be no broken joists.
- (h) Any floor joists which show signs of weakness or disrepair shall be properly replaced with lumber comparable to at least the same nominal dimension and grade as the original joist.
- (i) Flooring shall be weathertight without holes or excessive cracks which permit air penetration into rooms.
- (j) Flooring shall be reasonably smooth and not rotten, fire damaged or worn through.
- (k) There shall be no loose flooring or floor covering.
- (l) The floor shall be reasonably level.

- (m) Any new flooring shall be installed to the standards of the 2012 North Carolina Building Code and subsequent amendments.

Exterior Walls

- (a) There shall be no wall in which a plumb line from the top center of studs falls outside the base plate at any point along wall.
- (b) There shall be no studs spaced excessively; maximums: Sixteen (16) inches on center where solid sheathing or siding is not used; twenty-four (24) inches on center where solid sheathing or siding is used.
- (c) No studs shall be rotted or termite damaged.
- (d) There shall be no broken or cracked structural members.
- (e) All siding shall be weathertight, with no holes, excessive cracks or rotted boards which permit air to penetrate rooms.
- (f) There shall be no loose siding.
- (g) There shall be no serious deterioration because of lack of preventative maintenance consisting of painting, waterproofing and repair.

Interior Walls

- (a) Interior finish shall be free of holes and excessive cracks which permit air to penetrate rooms.
- (b) There shall be no walls in which a plumb line from the top center of studs falls outside the base plate at any point along wall.
- (c) There shall be no loose plaster, loose boards or other loose wall materials.
- (d) There shall be no cardboard, newspaper or other highly combustible or improper wall finish.
- (e) There shall be no studs excessively spaced, maximum: 16 in. on center where 3/8 in. or less sheetrock is used;
- (f) 24 in. on center where solid wood, plaster, plywood finish, or 1/2 in. sheetrock is used.
- (g) No studs shall be rotted or termite damaged.
- (h) There shall be no broken or cracked studs or other structural members

Ceilings

- (a) There shall be no rotted, broken, sagging or fire damaged joists or improperly supported ends.
- (b) Any ceiling joists which show signs of disrepair shall be properly replaced with lumber comparable to at least the same nominal dimension and grade as the original joist.

- (c) There shall be no holes.
- (d) There shall be no loose plaster, boards, sheetrock or other ceiling finish susceptible to falling.
- (e) There shall be no cardboard, newspaper or other similar highly combustible finishes in dwelling units.

Roof

- (a) There shall be no rafters rotted, broken or having improperly supported ends.
- (b) No rafters shall be seriously damaged by fire.
- (c) Rafters shall be properly braced and tied four (4) feet on center maximum.
- (d) Attic shall be ventilated. A net free area of at least 1/150 of the attic floor space is required. Obstructions caused by screens and louvers must be subtracted to obtain the net area. The net free area must be cut to 1/300 if fifty (50) per cent of the ventilation is in the upper portion of the attic.
- (e) No rafter shall be closer than two (2) inches to a chimney unless protected as required by the North Carolina Residential Building Code.
- (f) There shall be no rotted or loose sheathing.
- (g) There shall be no loose roof covering, no holes, or no leaks causing damage to structure or rooms.
- (h) There shall be a minimum of Class C roof covering. No wood shingles shall be exposed.
- (i) There shall be proper flashing at walls or chimney.
- (j) There shall be no roof with more than two (2) coverings. For this purpose, wood shingles shall not be considered a covering.

Porches

- (a) Floor, ceiling and roof shall be equal to requirements set forth above, except sills, joists and floors need not be level if providing drainage of floors; floors need not be weathertight; ceiling height may be seven (7) feet; and attic need not be vented.
- (b) If post and railings are provided, they shall not be rotted or termite damaged.

Stairs and steps

- (a) Stairs and steps shall be free of holes, grooves and cracks large enough to constitute accident hazards.
- (b) Stairwells and flights of stairs more than five (5) risers high shall have rails not less than two (2) feet, six (6) inches measured vertically from the nose of the treads to the top of the rail.

- (c) Every rail shall be firmly fastened and maintained in good condition.
- (d) No flight of stairs shall be settled more than one (1) inch out of its intended position or pulled away from supporting or adjacent structures.
- (e) There shall be no rotting, sagging or deteriorating supports.
- (f) Every stair riser shall be reasonably uniform in height, and treads shall be sound and securely fastened in position and strong enough to bear a concentrated load of at least four hundred (400) pounds without breaking through.

Responsibilities of Owners, Occupants

Every **occupant** of a dwelling unit or an apartment within this town shall:

- (a) Keep that part of a dwelling unit or an apartment which he occupies and controls in a clean and sanitary condition.
- (b) Keep all required plumbing and other fixtures in a clean and sanitary condition, and exercise reasonable care in the use and operation thereof.
- (c) 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 reasonably insect-proof and adequate rodent proof building.
- (d) Dispose of all garbage and other refuse in an approved garbage receptacle; when approved garbage receptacles are not provided by the landlord, it shall be the responsibility of the occupant to provide adequate approved garbage receptacles.
- (e) Not place on the premises any material which causes a fire hazard or otherwise endangers the health or safety of any occupants of such building; not place in storage on the premises any furniture, auto parts, junk, equipment or material which harbors insects, rodents or other pests.
- (f) Not permit any dwelling unit or apartment let to him to be occupied so that any occupancy or use resulting therefrom violates any of the provisions of this chapter.
- (g) Before vacating leased or rented property, such occupant shall, at his own expense, repair or have repaired all damage done to plumbing, gas and electrical fixtures; replace all broken glass and damaged screens; and shall return the keys to the owner or agent.
- (h) Not permit any dwelling unit to be occupied unless running water is provided to the required plumbing fixtures.
- (i) Not place on the premises for use any oil or gas fired portable or nonvented cook stove or heater.
- (j) Not place on the premises for use any heating or cooking unit which constitutes a fire hazard.

An **owner** remains liable for violations of duties imposed upon the owner by this chapter even though:

- (a) An obligation is also imposed on the occupants.
- (b) The owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this chapter.

Upon discovering a violation by the occupant, the code enforcement officer or designee shall have the power immediately to:

- (a) Cause to be posted on the main entrance of any building a placard with words which, in effect, provide notice that the building has been condemned and that occupancy for human habitation is prohibited, and further setting forth the reasons therefor.
- (b) Order the correction of any violations thereof. or otherwise order the building vacated within forty- eight (48) hours from date of notice thereof.
- (c) Pursue any other remedial action as the inspector may deem reasonably necessary in order to effectuate the purposes of this article.

Enforcement of the Minimum Housing Code

Chapter 11 shall be enforced by the town official designated as the code enforcement officer, or by an official authorized in writing by the Town to carry out the enforcement provisions of this chapter.

Code Enforcement Officer

The code enforcement officer or however that position shall in the future be designated is hereby designated the public officer to exercise, by and through the enforcement officer's duly appointed agents, the powers prescribed by Chapter 11.

Consulting Agencies

The enforcement officer shall have authority to request advice and assistance of the fire department, the police department, the county health department, the town planning office and any other public resource the officer deems appropriate, in order to determine those areas of the town in which substandard housing may be prevalent, and shall designate and schedule such areas for comprehensive inspection under this chapter.

Powers and Duties

The code enforcement officer, officer's designee, or an official authorized in writing by the town may determine that buildings are substandard and unfit for human habitation if he finds, on the basis of the standards and requirements of fitness set forth in this chapter, that conditions exist in such buildings which are dangerous or injurious to the health, safety or morals of the occupants of such buildings, the occupants of neighboring buildings or other residents of the town; such conditions may include the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; and uncleanliness.

Administrative Liability

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

Enforcement Provisions

Powers and duties of the enforcement officer to enforce the Code

The enforcement officer shall have such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including without limitation the following powers in addition to others herein granted:

- (a) To investigate housing conditions in the town in order to determine which buildings therein are unfit for human habitation, and which buildings are dangerous, being guided in such examinations of buildings by the requirements set forth in this article;
- (b) To administer oaths, affirmations, and to examine witnesses and receive evidence;
- (c) To enter upon and within premises, dwellings and buildings for the purpose of making examinations and investigations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter;
- (e) To delegate any of his functions and powers under this chapter to such officers and agents as he may designate.

It shall be the duty of the enforcement officer to diligently examine the dwellings within the town, for the purpose of locating and taking action with respect to such dwellings as appear to be unfit for human habitation and dangerous.

Criteria for determining building unfit for human habitation

- (a) The enforcement officer or his designees shall determine that a building is unfit for human habitation or a building is dangerous if he finds that any of the following conditions exist in such building:
 - a. Interior walls or other vertical structural members which list, lean or buckle to such extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
 - b. Supporting member or members which show thirty-three (33) per cent or more of damage or deterioration, or non-supporting enclosing or outside walls or covering which show fifty (50) per cent or more of damage or deterioration.

- c. Floor or roofs which have improperly distributed loads, which are overloaded or which have insufficient strength to be reasonably safe for the purposes used.
 - d. Such damage by fire, wind or other causes as endangers the lives, safety or welfare of the occupants or other people in the town.
 - e. Dilapidation, decay, insanitation or disrepair which is likely to cause sickness or disease, or to work injury to the health, safety or welfare of the occupants or other people in the town.
 - f. Inadequate facilities for egress in case of fire or panic.
 - g. Defects therein increasing the hazards of fire, accident or other calamities.
 - h. Such lack of adequate ventilation, light, heating or sanitary facilities as endanger the health, morals, safety or general welfare of the occupants or other residents of the town.
 - i. Violation of any provisions of the building regulations or fire prevention laws or ordinances of the state or town.
- (b) A building shall be construed by the enforcement officer to be unfit for human habitation or a dangerous building, and the enforcement officer shall so find if the same does not have the minimum facilities as required in this chapter.

Condemnation Procedures

Pursuant to authority under G.S. 160A-426(a), if the enforcement officer finds that a building is unsafe according to any of the standards in Sec. 11-94, the enforcement officer or designee shall affix a notice that the building is unsafe on a conspicuous place on the exterior of the building or structure.

Issuance of complaint and notice of hearing

- (a) Filing of Lis Pendens – If the dwelling has been condemned, the enforcement officer may file a notice of lis pendens in the office of the clerk of superior court where the property is located. A copy of this notice of lis pendens shall be served upon the owners and parties of interest in the building or dwelling at the time of filing. If the enforcement officer does not file a complaint and notice as provided for herein within sixty (60) days, the enforcement officer shall cancel the notice of lis pendens. The notice of lis pendens shall remain in full force and effect until cancelled. The clerk of superior court shall cancel the notice of lis pendens upon receipt of notice from the town.
- (b) Issuance of complaint and notice- The enforcement officer or designee shall issue a complaint and notice of hearing whenever a petition is filed with the enforcement officer by a public authority or by at least five (5) residents of the town charging that the subject building is unfit for human habitation, or whenever it appears to the enforcement officer (on his own motion) that the building is unfit for human habitation or is dangerous. The complaint and notice of hearing shall be served as provided in Sec. 11-101 upon the owner of and parties in interest in such building stating the charges in that respect. (Statutory authority G.S.160A-443(2))

- (c) Contents of Notice; Hearing - The complaint shall contain a notice that a hearing will be held before the code enforcement officer at a place therein fixed within the town, not less than ten (10) days nor more than thirty (30) days after the serving of such complaint. The notice shall also state that owners and parties in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one (1) of the persons signing any petition relating to such building.

At the hearing before the code enforcement officer, any person desiring to do so may attend and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not control in the hearing.

Issuance of order to repair or demolish

If, after notice and hearing as provided above the code enforcement officer determines that the building under consideration is unfit for human habitation in accordance with the standards set forth in Sec. 11-94, the enforcement officer shall state in writing his finding of fact in support of such determination. The code enforcement officer shall issue an order that repair shall be completed or the building demolished within a period of time designated as provided below and cause the order to be served on the owner as set forth in Sec. 11-101.

- (a) 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 fifty percent (50%) of the then current value of the dwelling, the code enforcement officer's order shall require that the owner either complete repair or demolish and remove the dwelling within a designated period not less than sixty nor more than ninety (90) days; or
- (b) 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 fifty percent (50%) of the then current value of the dwelling, the ordinance shall require the owner to demolish and remove the dwelling within a designated period no longer than 90 days.

Appeals from decisions of the code enforcement officer

The owner may appeal the code enforcement officer's order by filing a notice of appeal within ten (10) days of the rendering of the order with the enforcement officer and with the Board of Adjustment. Pursuant to G.S. 160A-446, an appeal to the Board of Adjustment may be taken from any decision or order of the code enforcement officer by any person aggrieved thereby or by any officer, board or commission of the town. Any appeal from the code enforcement officer's order to the Board of Adjustment shall be taken, within a reasonable time, as prescribed by the rules of the Board of Adjustment and shall be taken by filing with the enforcement officer and with the secretary of the Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of notice of appeal, the code enforcement officer shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the decision appealed from was made.

Hearing before Board of Adjustment on Appeal

Pursuant to G.S. 160A-446 the Board of Adjustment shall fix a reasonable time for hearing appeals, shall give due notice to the parties as provided in Sec. 11-101, 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 any decision and order that in its opinion ought to be made in the matter, and to that end it shall have all the powers of the public officer, but the concurring vote of four members of the Commission shall be necessary to reverse or modify any decision or order of the code enforcement officer.

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 of Adjustment, but not otherwise.

Failure of compliance—Placard.

If the owner of a building fails to comply with the order to repair or demolish, the enforcement officer shall cause to be posted on the main entrance of any such building so closed a placard with the following words: "This building is unfit for human habitation; the use or occupancy of this building for human habitation is prohibited and unlawful."

Report to Town Manager; Order of Demolition by Board of Aldermen

- (a) Enforcement officer's report to town manager and notice to owner - If, following notice and hearing, the Board of Adjustment orders demolition of the property, the code enforcement officer shall file a written report with the town manager who shall place the report on the agenda for action by the Board of Aldermen at its next regular meeting or at a subsequent meeting to which the Board may continue the matter. The enforcement officer shall provide notice to the owner and parties in interest as provided in Sec. 11-101. The notice shall specify the date of the meeting of the Board of Aldermen for which the matter will be docketed for action.
- (b) Demolition ordinance - Upon hearing the report of the code enforcement officer that the owner has failed to comply with the order to repair or demolish, the Board may adopt an ordinance of demolition and authorize funding to affect the ordinance.

Service of complaints and methods of notice under this chapter

All service of complaints, notices or orders issued pursuant to this chapter hereto shall be served upon persons either personally or by registered or certified mail; but, if the whereabouts of any person is unknown and the same cannot be ascertained by the enforcement officer of his designee or in the exercise of reasonable diligence, and the enforcement officer shall make an affidavit to that effect, then the serving of such complaint, notice or order upon such person may be made by publishing the same once a week for two (2) successive weeks in a newspaper published in the town, service being deemed complete upon the date of the last publication. A copy of any notice, complaint or order served by publication shall be posted in a conspicuous place on the premises affected by the notice, complaint or order on or before the date of the last publication. Statutory reference: G.S. 160A-445.

Penalty

If any order issued and served in accordance with this chapter is not complied with within the time specified therein, the building with respect to which the order has been issued is hereby declared to be a public nuisance, and it shall be unlawful for any person that had knowledge of the issuance of such order to occupy or permit the occupancy of any portion of such building for any purpose under a penalty as provided in Section 1.18 of this Code. Each day is a separate offense. A placard placed on the building shall be the same as a written order delivered to owner or agent.

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same or to vacate and close and remove or demolish the same, upon order of the enforcement officer or the Board of Adjustment duly made and served as herein provided, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.

Reduction of penalty

The judgment for any penalty provided for in this chapter may be reduced or wholly or partly remitted by the presiding judge as he may deem just in any case tried before him.

Use of buildings posted with notices, etc.

- (a) No person, without the written consent of the enforcement officer, shall remove, or permit the removal, of any complaint, notice or order posted in accordance with the provisions of sections 11-99.
- (b) When the enforcement officer finds that a building is unfit for human habitation within the meaning of this chapter and has notified the owner to such effect and the time limit set by the enforcement officer for the correction of defects and vacating same has expired, no person shall receive rentals, offer for rent or occupy such building for any purpose.
- (c) No person shall damage, mutilate or remove, nor shall any person suffer, permit or cause to be damaged, mutilated or removed from or in a dwelling unit any placard referred to in Section 11-99
- (d) It shall be unlawful for the owner of any building upon whom a notice, complaint or order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof until the provisions of the notice, complaint or order have been complied with, or until such owner shall first furnish to the transferee, lessee or mortgagee prior to such transfer, lease or mortgage a true copy of any notice, complaint or order issued by the inspector and at the same time give written notice to the inspector of the intent of transfer, lease or mortgage and to whom the transfer, lease or mortgage is proposed. A transferee, lessee or mortgagee who had received actual or constructive notice of the existence of a notice, complaint or order shall be bound by such notice, complaint or order as of the date of such transfer, lease or mortgage without service of further notice upon him.

Recovery of Town's Expense

The costs of demolition and removal shall be a lien against the real property upon which the cost was incurred as provided by G.S. 160A-443(6)

The town shall sell and distribute the proceeds of the sale of usable materials of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the building as provided by G.S.160A- 433(6)

Validity of Procedure

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.

Determination of Value

The inspector enforcement officer is hereby authorized to fix the reasonable value of any building for the purpose of this article and such value shall be binding, unless the owner protests such value in writing to the inspector within ten (10) days after receipt of an order.

Immediate Action in Emergencies

In emergency cases where it reasonably appears that an unsafe building is dangerous or prejudicial to the public health or public safety and that it creates an imminent danger to the life or safety of any person or to the safety of other property, unless the owner causes the building to be repaired or demolished, the code enforcement officer shall cause the immediate demolition of the building. The cost of such demolition shall be recovered and collected as is provided in Section 11-105. Statutory authority G.S.160A-193 Abatement of public health nuisances.

NUISANCES

In addition to the prior pages, there are requirements in Chapter 11 Housing, Chapter 13 Nuisances, Article 2, Section 13.35, and Chapter 22 Solid Waste that impact housing situations in the Town of Elon.

For grass, open areas, and infestations, Chapter 11 and Chapter 13 will be applied to the situation by the Code Enforcement Agent.

Chapter 11 Housing: Open areas

- (a) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds.
- (b) Fences and other accessory buildings shall be maintained in safe and substantial condition or demolished.
- (c) Yards and courts shall be kept clean and free of physical hazards, rubbish, trash, garbage, junked auto parts and the like.
- (d) There shall be no heavy undergrowth or accumulation of plant growth which is noxious or detrimental to health.

Chapter 11 Housing: Infestation

Grounds, buildings, structures shall be maintained free of infestation.

Chapter 13 Nuisances: Article 2, 13.35

The existence of any of the following conditions on any parcel or land or vacant lot within the corporate limits is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (a) The uncontrolled growth of noxious weeds or grass to a height in excess of twelve (12) inches causing or threatening to cause a hazard detrimental to the public health or safety except for ornamental grasses chosen for features like color and form, such as switch grass pampas grass, fountain grass, and bamboo, and with the following provisions:
 - i. Vacant lots – Vacant lots one (1) acre in size or adjacent vacant lots with a combined acreage of one (1) acre shall have a buffer maintained twenty (20) feet from any improved road surface and twenty (20) feet from the side and rear lot lines of any adjacent property occupied by a dwelling or other structure. The buffer shall be maintained such that dense growth and noxious vegetation has the main stem or trunk less than one (1) inch in thickness. Included in this document is Article 2, Section 13.35.
 - ii. Natural landscape areas and wooded lots shall be allowed under the following conditions:
 - 1. Natural landscape areas and wooded lots shall be maintained and shall not harbor, create nor allow to exist any condition defined as a nuisance or determined by the code enforcement officer to be a condition which poses a health hazard for the general welfare of the public;
 - 2. Natural landscape vegetation shall not overhang into the public right-of-way nor into adjoining properties; and

3. Natural landscape areas shall use borders to define the areas. Borders may consist of, but not be limited to, edging material, an edge of low plants, wood, timber, or stone or woodchips.
- (b) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
 - (c) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.
 - (d) The open storage of any abandoned refrigerator, stove, glass, building material, building rubbish, or similar items.
 - (e) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.
 - (f) The existence of any of the following conditions in open space. (For the purposes of this section, "open spaces" are defined as areas of properties or portions thereof that are open to the exterior, including building openings of residential dwelling units, such as carports or porches, and any other exterior portions of properties ordinarily exposed to the outside and/or public view, including front, side and rear yards):
 - i. Any litter consisting of man-made and used materials which is scattered, cast, thrown, blown, placed, swept, or deposited anywhere on a persistent, continuous or ongoing basis so as to accumulate on any property in open places. The owner and occupant of any dwelling unit shall exercise reasonable diligence to keep exterior premises clean of litter, including glass, bottles, waste paper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials intentionally or unintentionally scattered, discarded, thrown or haphazardly left on such premises on a continuous, ongoing or persistent basis, and to prevent same from drifting or blowing to adjoining premises by removing such waste or ensuring that same is placed in approved refuse containers and/or locations for collection by the town.
 - ii. Any worn-out, deteriorated or abandoned household or office furniture, appliances or other similar products of any kind which are kept in open spaces.
 - iii. Any junk, waste materials, unusable building materials, trash, garbage, barrels, cans, papers, bricks or brickbats and other litter, refuse, rubbish or combustible materials which is scattered, cast, placed, or deposited in a yard or yards, so as to constitute an accumulation or concentration in an open area.
 - iv. The presence, accumulation, storage, or placement of any indoor furniture situated on porches and in yards. (e.g., couches, recliners etc.)

- v. The presence, accumulation, storage, or placement of junk, including but not limited to, deteriorated, unusable or inoperative furniture appliances, machinery, equipment, building materials, and automobile parts, tires, or any man-made items which are either in whole, or in part, wrecked, junked, disused, worn out, dismantled or inoperable.

For garbage, trash, trash receptacles, and bulk waste, Chapter 11, Chapter 13, and Chapter 22 will be applied by the Code Enforcement Agent.

Chapter 11 Housing: Garbage and Refuse

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

No person shall throw, place or deposit any garbage on any streets, sidewalks or public or private property except in containers from which solid waste will be collected by the contracted solid waste collector or as otherwise provided in Chapter 22 Solid Waste.

Chapter 22.6 Receptacles

Receptacles for residential waste and recyclables collection shall be provided by the Town's solid waste contractor as specified in the Contract between the Town and provider.

Residents shall place receptacles at curbside **no earlier than the day before** and shall be responsible for removing them **no later than the day after** collection.

The schedule for collection of residential waste, recyclables and yard waste, and scheduling provisions for heavy waste pick-up shall be published by the Town and provided in print format to residents as well as posted on the Town's website.

Bulk Waste

The Town provides opportunities for the disposal of bulk items at the annual spring clean up and a future Fall clean up. We encourage you to use these opportunities to remove any furniture or large amounts of trash from the property. Bulk waste pickup is currently schedule for every other week but due to the cost of this service, this may change in the future. Please provide your email address, like the Town Facebook page, or monitor the Town's website to find out scheduling information for future clean up events.

Penalties/Fines

Violation Type	Penalty
Minimum Housing	Hearing called where an order may be issued to repair or demolish the structure. Failure to comply with the order may result in the Town may order the code enforcement officer to repair or demolish the structure, and a lien against the property shall be filed in the amount of the costs associated with the repair or demolition.
Nuisances	Costs associated with cleanup plus a \$100 Administrative Fee. Chronic violators (three violations within a calendar year) are subject to payment of the cost of cleanup plus a \$250 fine for each subsequent violation.
Solid Waste	Civil penalty of \$50. Chronic violators are subject to payment of the cost of cleanup plus a \$250 fine for each subsequent violation.