

CHAPTER 7

BUILDING REGULATIONS

ARTICLE I. GENERAL BUILDING REGULATIONS

Section 7-1 Building Inspector

The Board of Commissioners shall appoint some qualified person to perform the duties of Inspector as prescribed in this Article. The person so appointed shall be known as the "Building Inspector".

Section 7-2 Deputy Inspectors

All duties imposed by this Article upon the Building Inspector may be performed by a deputy inspector appointed by the Board of Commissioners.

Section 7-3 Building Permits

Before a building is begun the owner of the property permit shall apply to the Inspector for a permit to build. This permit shall be given in writing and shall contain a provision that the building shall be constructed according to the requirements of this Chapter and all zoning regulations. As the building progresses the Inspector shall make as many inspections as may be necessary to satisfy him that the building is being constructed according to the provisions of these laws. As soon as the building is completed the Inspector shall determine whether or not the building is constructed in accordance with the building and zoning law. If the building meets the requirements of the building and zoning law the Inspector shall then issue to the owner of the building a certificate which shall state that he has complied with the requirements of the building and zoning law as to that particular building, giving description and location and street number if numbered. The inspector shall report to the Insurance Commissioner every person neglecting to secure such permit and certificate, and also bring the matter before the Board of Commissioners.

Section 7-4 Defects in Building Corrected

Whenever the Inspector finds any defects in any new building, or finds that said building is not being constructed in accordance with the provisions of this law, or that an old building because of its condition is dangerous and like to cause a fire, it shall be his duty to notify the owner of the building of the defects of the failure to comply with the law, and the owner or builder shall immediately remedy the defect and make the building comply with the law. The owner or builder may appeal from the decision of the Inspector to the Insurance Commissioner.

Section 7-5 Owner of Building Failing to Comply With Law

If the owner or builder erecting any new building, upon notice from the inspector, shall fail or refuse to comply with the terms of the notice by correcting the defects pointed out in such notice, so as to make such building comply with the law as regards new buildings, he shall be guilty of a misdemeanor, and every day during which any defect in the building is willfully allowed to remain after notice from the Inspector shall constitute a separate and distinct offense.

Section 7-6 Unsafe Buildings Condemned

Every building which shall appear to the Inspector to be especially dangerous to life because of its liability to fire or in case of fire by reason of bad condition of walls, overloaded floors, defective construction, decay or shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the said building. No building not or hereafter built shall be altered, repaired or moved, until it has been examined and approved by the Inspector as being in a good and safe condition to be altered as proposed, and the alteration, repair or change so made shall conform to the provisions of the law.

Section 7-7 Punishment for Allowing Unsafe Building to Stand

If the owner of any building which has been condemned as unsafe and dangerous to life by any Inspector, after being notified by the Inspector in writing of the unsafe and dangerous character of such building, shall permit the same to stand or continue in that condition, he shall be guilty of a misdemeanor, and everyday such building continues after such notice shall constitute a separate and distinct offense.

Section 7-8 Removing Notice from Condemned Buildings

If any person shall remove any notice, which has been affixed to any building by the Inspector, which notice shall state the dangerous character of the building, he shall be guilty of a misdemeanor.

Section 7-9 Building Permit and Inspection Fees

The following Schedule of fees shall be charged and collection for issuing building permits for proposed construction as required in this Article:

For the first \$25,000.00 value or less -- \$1.00 per \$1,000

For each \$1,000 value in excess of \$25,000.00 -- \$.25

Minimum fee -- \$1.00.

ARTICLE II. PLUMBING REGULATIONS

Section 7-20 Plumbing Inspector

The plumbing Inspector shall be appointed by the Board of Commissioners and shall serve at the pleasure of the Board.

Section 7-21 Qualifications of Plumbing Contractor

All persons engaging in the business of Plumbing contracting in the Town shall be qualified to do so under the provision of Section 87 - 16 et seq. of the General Statutes of North Carolina.

Section 7-22 Repairs on Sewer Side of Trap

No person other than a licensed plumber shall make repairs to plumbing on the sewer side of any trap.

Section 7-23 Use of Plumber's Name by Another

No person shall use the name of a licensed plumber, and no license plumber shall allow his name to be used, for the purpose of doing work under his license.

Section 7-24 Revocation of License for Willfully Hidden Defects

The presence of any willfully hidden defects in the work of any plumber shall be sufficient cause to revoke his license.

Section 7-25 Revocation of License for Violation of Regulations

Any plumber who shall violate any of the plumbing regulations prescribed by the Town shall be deprived of his license subject to action by the Board of Commissioners.

Section 7-26 Plumbing Permits Required

Permits shall be required for all plumbing work except repair jobs. A repair job is held to mean one which does not require a change in a fixture of a pipe line.

Section 7-27 Application for Permit

Applications for plumbing permits shall be made on a form prescribed by the Plumbing Inspector, stating the location of the property, the owner thereof, the name of the plumber, and a full drawing of the work where required.

Section 7-28 Issuance of Permits

Upon the approval by the Plumbing Inspector of the application and plans for the work, and upon the payment of all inspection fees connected therewith, the Plumbing Inspector shall issue a permit.

Section 7-29 Lapse of Permit.

Each plumbing permit shall lapse by limitation and become void if the work for which it is issued is not completed within six (6) months from the date of issuance.

Section 7-30 Connections to Pipes

No connection shall be made to any drain, soil, waste, or vent pipe connection therewith, without first obtaining a plumbing permit.

Section 7-31 Inspector to Keep Records

It shall be the duty of the Plumbing Inspector to keep a record of all permits issued under this Article.

Section 7-32 Testing and Inspection Work

All plumbing and drain laying shall be inspected when the plumbing has been roughed in, and the pipe has been laid and connected. As soon as the soil pipes, waste pipes, and traps are connected, they shall be tested by the plumber in the presence of the Plumbing Inspector by filling them entirely with water. In addition to the water test, the plumber may be required to conduct a pepper mint or smoke teat in the presence of the Plumbing Inspector.

When the work is ready for either test, notice is to be given the Plumbing Inspector, who shall set a time within twenty-four (24) hours to conduct the tests.

Section 7-33 Final Inspection

When all fixtures are connected and ready for use, a final inspection shall be made by the Plumbing Inspector to ascertain whether the work is in accordance with this Chapter.

Section 7-34 Work to be Left Open of Inspection; Certificate of Final Inspection and Approval

All plumbing work shall be left open for inspection until inspected and approved, when the Inspector shall issue a Certificate of Final Inspection and Approval.

Section 7-35 Penalty for Failure to Arrange for Inspections

Any plumber failing to arrange for the inspections and tests prescribed by this Article shall be subject to a penalty of five dollars (\$5.00).

Section 7-36 Condemnation and Report of Unsanitary or Defective Work or Material

The Plumbing Inspector shall have the power to condemn all unsanitary work and to report the same to the Board of Commissioners. The plumbing Inspector shall promptly condemn and order the removal of any defective material or work.

Section 7-37 Corrections of Defects Within Specified Time.

The Plumbing Instructor shall have the power to specify a period of time during which defects in plumbing work and materials may be remedied.

Section 7-38 Plumbing Permit and Inspection Fees

When application is filed for a permit to make a plumbing installation, a fee shall be collected in the amount of fifty cents (\$.50) per fixture or piece.

ARTICLE III. ELECTRICAL REGULATIONS

Section 7-45 Electrical Inspector

There is hereby created the Office of Electrical Inspector, whose duty shall be to enforce all State and local laws governing electrical installation and materials, to issue permits for and to make inspections of all new electrical installations and such other inspections as may be prescribed by this Chapter.

Section 7-46 Authority of Electrical Inspector

The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties, or for the purpose of making any inspection, re-inspection or test of the installation of electric wiring, devices, appliances and equipment contained therein, and shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life and property. The Electrical Inspector is hereby authorized to disconnect, or order the discontinuance of electrical service to any electrical wiring, devices, appliances, or equipment found to be dangerous to life or property because it is defective or defectively installed until such wiring, devices, appliances and equipment and their installation have been made safe and approved by him.

Section 7-47 Permits and Inspections

- 1) No electric wiring, devices, appliances or equipment shall be installed within or on any building, structure, or premises, nor shall any alteration or addition be made in any such existing wiring, devices, appliances or equipment without securing a permit therefore and having an inspection thereof made by the Electrical Inspector, except as stated in the following paragraphs (a) and (b):
 - a) No permit shall be required for minor repair work, such as the replacement of lamps, or the connection of portable devices to suitable receptacles, which have been permanently installed.
 - b) No permit shall be required for the installation, construction, maintenance or repairs of telephone, telegraph, or signal systems by public utilities.
- 2) In lieu of an individual permit for each installation or alteration, an annual permit shall, upon application therefore, be issued to any person, firm, or corporation regularly employing one or more electricians for the installation and maintenance of electric wiring, devices, appliances and equipment on premises owned or occupied by the applicant for the permit. The application for such annual permit shall be made in writing to the Electrical Inspector and shall contain a description of the premises within which work is to be done under the permit. The person firm, or corporation to which an annual permit is issued shall keep a record of all electrical wiring, devices, appliances and equipment installed under said permit, and the Electrical Inspector shall have access to such record. Each annual permit shall expire on December 31st of the year in which it was issued.

- 3) No permit, except an annual permit, for the installation or alteration of any electric wiring, devices, appliances or equipment shall be issued to any person, firm or corporation unless such person, firm, or corporation is the holder of an electrical contractor's license issued by the North Carolina State Board of Examiners of Electrical Contractors.
- 4) When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person, firm, or corporation installing the wiring shall notify the Electrical Inspector, and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the Electrical Inspector, or until twenty-four (24) hours exclusive of Saturdays, Sundays and holidays shall have elapsed from the time of such notification; provided, that on large installations, where the concealment of parts of corporation installing the wiring shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work.
- 5) Upon completion of any installation for which a permit and inspection is required, it shall be the duty of the person installing same of notify the Electrical Inspector, who shall inspect the installation within twenty -four (24) hours of the time such notice is given or as soon thereafter as practicable.
- 6) Where the Electrical Inspector finds the installation to be in conformity with the provisions of the State and local laws governing electrical wiring installations and materials and of this Chapter, he shall issue a Certificate of Approval in duplicate, one for the utility furnishing the electrical service and one for the property owner.
- 7) The person working in the capacity of electrician in charge of any job shall have in his possession and on the premises where work is being performed Workman's Identification Card or some other recognized identification, showing that he is in the employ of a qualified electrical contractor.
- 8) When a Certificate of Approval is issued authorizing the connection and use of the temporary work, such Certificate shall be issued to expire at a time to be stated therein and shall be revocable by the Electrical Inspector.

Section 7-48 Special Construction Rules

- 1) Fire Districts: All wiring within the fire districts shall be incased in approved rigid conduits or electrical metallic tubing except on finished structures does not apply to low voltage control or signal circuits except where failure of such circuits would create a hazard.
- 2) It shall be unlawful for any plumber, gas or steam fitter, or any other person, to install, fix or place any metal pipe in building nearer than three (3) inches from an electric light or power wire; nor shall any person, firm, or corporation engaged in construction or repairing any building, place any wood or brick work within one (1) inch of any such wire unless such electric light or power wires are insulated under such requirements as may imposed by the Electrical Inspector.

- 3) In each room of a new dwelling, overhead lights and receptacles must be on separate circuits, or if there are no overhead or bracket lights, the receptacles shall be divided on each circuit.

Section 7-49 Electrical Permit and Inspection Fees

When application is filed for an electrical permit, a fee shall be collected in accordance with the following schedule:

For each major appliance ----- \$1.00

For Convenience outlets and switches: No. Fee.

1-12	\$1.00
13-20	\$1.50
21-30	\$2.00
31-45	\$2.50
46-60	\$3.00
61-100	\$3.50

ARTICLE IV. REGULATORY CODES ADOPTED

Section 7-55 North Carolina State Building Code Adopted

The 1967 Edition of the North Carolina State Building Code, General Construction, Volume I, as adopted by the North Carolina Building Code Council, is hereby adopted by the reference as fully as though set forth herein as the Building Code of the Town to the extent such Code is applicable for safe and stable design, methods of construction, minimum standards and the use of materials in buildings or structures hereafter erected, enlarged, altered, repaired or otherwise constructed or reconstructed.

Section 7-56 Uniform Residential Building Code Adopted

The North Carolina State Building Code excludes one and two family dwellings. Therefore, the 1964 Edition of the North Carolina Uniform Residential Building Code, published by the North Carolina Uniform Residential code Council and the North Carolina Department of Insurance, is hereby adopted by reference as fully as though set forth herein as the Building code for one and two family dwellings in the Town.

Section 7-57 North Carolina Plumbing Code Adopted

The 1963 Edition of the North Carolina Plumbing Code (Article XX, North Carolina State Building Code) as published by the North Carolina Building Code Council as amended is hereby adopted by reference as fully as though set forth herein as the Plumbing Code for the Town.

Section 7-58 National Electrical Code Adopted

The 1966 Edition of the National electrical Code as Published by the National Fire Protection Association, and as Adopted by Article XVI of the North Carolina State Building Code, is hereby adopted by the reference as fully as though set forth herein as the Electrical Code for the Town.

Section 7-59 Amendments to Codes

Amendments to the regulatory codes adopted by reference in this Article, which are from time to time adopted and published by the agencies or organizations referred to herein shall be effective in the Town at the time when such amendments are filed with the Town Clerk as provided in this Article.

Section 7-60 Compliance with Codes

- 1) All buildings or structures which are constructed, reconstructed, erected, altered, extended, enlarged, moved or repaired shall conform to the requirements, minimum standards or other provisions of either the North Carolina State Building Code or the Uniform Residential Building Code, which ever is applicable, or of both if both are applicable.

- 2) Every building or structure intended for human habitation, occupancy, or use shall have such plumbing or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, or other provisions of the 1963 Edition of the North Carolina Plumbing Code (Article XX, North Carolina State Building Code).
- 3) All electrical wiring and installations in every building shall have such wiring, installations, and appliances constructed, reconstructed, altered, extended, or repaired in accordance with the minimum standards, requirements, and other provisions of the National Electrical Code.

Section 7-61 Copy Filed with Clerk

A certified copy of the 1958 Edition of the North Carolina Building Code, the 1964 Edition of the Uniform Residential Building Code, the 1963 Edition of the North Carolina Plumbing Code, and the 1966 Edition of the National Electrical Code, and all amendments thereto, shall be kept on file in the office of the Town Clerk. Such copies shall be the official copy of the codes and the amendments thereto which are adopted by reference in this Article.

ARTICLE V. HOUSING STANDARDS

SECTION 7-65. Findings; Purpose.

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

In order to protect the health, safety and welfare of the residents of the Town as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes, it is the purpose of this ordinance to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444.

The Building Inspector may determine that a dwelling is unfit for human habitation if he finds that conditions exist in the dwelling that render it dangerous or injurious to the health, safety or morals of the occupants of the dwelling, the occupants of neighboring dwellings, or other residents of the city. Defective 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; uncleanness.

SECTION 7-66. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

- 1) Basement shall mean a portion of a dwelling, which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.
- 2) Cellar shall mean a portion of a dwelling, which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.
- 3) Deteriorated shall mean that a dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this ordinance at a cost not in excess of fifty percent (50%) of its value, as determined by finding of the Inspector.
- 4) Dilapidated shall mean that a dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all the minimum standards established by this ordinance except at a cost in excess of 50% of its value, as determined by findings of the Inspector.
- 5) Dwelling shall mean any building, structure, or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a dwelling. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

- 6) Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking, and eating.
- 7) Extermination shall mean the control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.
- 8) Garbage shall mean the organic waste resulting from the handling, preparation, cooking and consumption of food.
- 9) Gender. Words having a masculine gender shall include the feminine and neuter genders.
- 10) Habitable room shall mean a room or enclosed floor used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers, or communicating corridors, closets and storage spaces.
- 11) Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.
- 12) Inspector shall mean the Building Inspector of the Town or any authorized agent of the Inspector.
- 13) Multiple dwellings shall mean any dwelling containing more than two dwelling units.
- 14) Occupants shall mean any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.
- 15) Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 16) Owner shall mean any person who alone, jointly, or severally with others:
 - a) Shall have title to any dwelling, dwelling unit or rooming unit, with or without accompany actual possession thereof; or
 - b) Shall be a mortgage of record for any dwelling, dwelling unit or rooming unit; or
 - c) Shall have charge, care of control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

- 17) Party or parties in interest shall mean all persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.
- 18) Person shall mean any individual, corporation, firm, partnership, association, organization or other legal entity.
- 19) Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders) sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- 20) Public Authority shall mean the Town Housing Authority or any officer who is in charge of any department or branch of the government of the Town or of Perquimans County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the Town.
- 21) Rooming house shall mean any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband and wife, son or daughter, mother or father, or brother or sister of the owner or operator.
- 22) Rooming unit shall mean 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.
- 23) Rubbish shall mean non-organic waste material. The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust.
- 24) Supplied shall mean paid for, furnished, or provided by, or under the control of, the owner or operator.
- 25) Temporary housing shall mean any tent, trailer or other structure used of human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.
- 26) Unfit for human habitation shall mean that conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this ordinance.
- 27) Words having certain meaning. Whenever the words: dwelling, dwelling unit, rooming house, rooming unit, premises” are used in this ordinance, they shall be constructed as though they were followed by the words “or any part thereof.”

Section 7-67 Minimum Standards of Fitness for Dwelling and Dwelling Units.

- 1) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 7-65, 7-66, 7-67, 7-68, 7-69, 7-70, 7-71, 7-72, and 7-73 of this ordinance.
- 2) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of Sections 7-65, 7-66, 7-67, 7-68, 7-69, 7-70, 7-71, 7-72, and 7-73 of this ordinance.

Section 7-68 Minimum Standards for Structural Condition.

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

- 1) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
- 2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- 3) Foundations, foundation walls, piers or other parts or other foundation supports shall not be deteriorated or damaged.
- 4) Steps, stairs, landings, porches, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
- 5) Adequate facilities for egress in case of fire or panic shall be provided.
- 6) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- 7) The roof, flashes, exterior walls, basements walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weatherproof and watertight.
- 8) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.
- 9) There shall be no use of the ground for floors, or wood floors on the ground.

Section 7-69 Minimum Standards for Basic Plumbing, Heating, and Electrical Equipment and Facilities.

- 1) Plumbing System. Every dwelling and dwelling unit shall have facilities for providing plumbing in accordance with the following:
 - a) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.
 - b) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
 - c) All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.
 - d) All required fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

- 2) Heating Systems. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:
 - a) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of seventy (70) degrees Fahrenheit measured at a point three feet (3') above the floor during ordinary winter conditions.
 - b) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of seventy (70) degrees Fahrenheit measured three feet (3') above the floor during ordinary winter conditions.

- 3) Electrical System. Every dwelling and dwelling unit shall have facilities for providing electricity in accordance with the following:
 - a) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacles, connected in such manner as determined by the State Electrical Code. There shall be installed in every bathroom, water closet room, laundry room, and furnace room at least one supplied ceiling or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then such habitable room shall contain at least three floor or wall-type electric convenience receptacles.

- b) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times natural daylight is not sufficient.
- c) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electrical Code.

Section 7-70 Minimum Standards for Ventilation.

- 1) **General.** Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five feet (5') from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.
- 2) **Habitable Room.** Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total open able window area in every habitable room shall be equal to at least forty-five percent (45%) of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.
- 3) **Bathroom and water closet rooms.** Every bathroom and water closet compartments shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms and water closets rooms equipped with an approved ventilation system.

Section 7-71 Minimum Standards for Space, Use and Location.

- 1) **Room sizes.** Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code.
- 2) Every dwelling unit shall contain at least one hundred and fifty (150) square feet of habitable floor area for the first occupant, at least one hundred square feet of additional habitable area for each of the next three occupants, and at least seventy-five (75) square feet of additional habitable floor area for each additional occupant.
- 3) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one 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.

- 4) Ceiling Height. At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches (7'6").
- 5) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than ten percent (10%) of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet (4'6") shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.
- 6) Cellar. No cellar shall be used for living purposes.
- 7) Basements. No basements shall be used for living purposes unless:
 - a) The floor and walls are substantially watertight;
 - b) The total window area, total open able window area and ceiling height are equal to those required for habitable rooms;
 - c) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where window or windows face a stairwell, window well or access way.

Section 7-72. Minimum Standards for Safe and Sanitary Maintenance

- 1) Exterior foundation, walls and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather proof and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.
- 2) Interior floors, walls and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load with which normal use would cause to be placed thereon.
- 3) Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weather tight, watertight and rodent proof and shall be kept in sound working condition and good repair.
- 4) Stairs, porches and appurtenances. Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.
- 5) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean in sanitary condition.
- 6) Supplied Facilities. Every supplied facility, piece of equipment or utility which is required under this ordinance shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

- 7) Drainage. Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.
- 8) Noxious Weeds. Every yard and all exterior property areas shall be kept free of species of weeds of plant growth, which are noxious or detrimental to health.
- 9) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.

Section 7-73. Minimum Standards for Control of Insects, Rodents and Infestations.

- 1) Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from the dwelling unit to outdoor space shall be equipped with screens and self closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.
- 2) Rodent Control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be
- 3) equipped with screens or such other approved device as will effectively prevent their entrance.
- 4) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonable insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.
- 5) Rubbish Storage and Disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by Town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.
- 6) Garbage Storage and Disposal. Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by Town ordinances.

Section 7-74. Minimum Standard Applicable to Rooming Houses; Exceptions.

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

- 1) Water Closets, Hand Lavatory and Bath Facilities. At least one (1) water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or pass away and shall be not more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- 2) Minimum Floor Area for Sleeping Purposes. 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 at least thirty-five (35) square feet of floor area for each occupant under twelve (12) years of age.
- 3) Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceiling, and for the sanitary maintenance of every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.
- 4) Sanitary Facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by paragraph (1) of this Section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

Section 7-75. Responsibilities of Owners and Occupants.

- 1) Public area. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- 2) Cleanliness. Every occupant of a dwelling or dwelling unit shall be keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- 3) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.
- 4) Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

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

Section 7-76 Powers and Duties of Building Inspector.

The Building Inspector is hereby designated as the officer to enforce the provisions of this ordinance and to exercise the duties and powers herein prescribed. The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this ordinance. The Building Inspector shall have the following powers and duties:

- 1) to investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the Town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this ordinance with respect to the repair, closing or demolition of such dwellings and dwelling units;
- 2) to take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;
- 3) to keep a record of the results of inspections made under this ordinance and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;
- 4) to 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 Section 7-77 of this ordinance and State Law, and shall be made such manner as to cause the least possible inconvenience to the persons in possessions;
- 6) to appoint and fix the duties of such officers, agents, and employees as he deems necessary to assist in carrying out the purposes of this ordinance, and to delegate any of his functions and powers to such officers, agents and employees; and
- 7) to perform such other duties as may be prescribed herein or by the Town Council.

Section 7-77 Inspections: Duty of Owners and Occupants.

- 1) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, 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 dwelling and its premises at all reasonable times for the purpose of such inspection, examination and survey.
- 2) Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

Section 7-78 Procedure for Enforcement

- 1) Preliminary Investigation; Notice; Hearing. Whenever a petition is filed with the Inspector by a Public Authority or by at least five (5) residents of the Town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation he shall, if his preliminary investigation disclosed a basis for such charges, issue and cause to be served upon the owner or any parties in interest in such dwelling or dwelling unit a compliant stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the compliant. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant thereto. Rules of evidence in courts of law or equity shall not be controlling in hearings before the Inspector.
- 2) Procedure After Hearing. After notice and hearing, if the public officer determines that the dwelling under consideration is unfit for human habitation, he shall state in writing his findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order.
 - i) If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling requiring the owner, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation or to vacate and close the dwelling as human habitation; or
 - ii) If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling requiring the owner, within the time specified in the order, to remove or demolish such dwelling. However, notwithstanding any other provision of law, if the dwelling is located in a historic district of the city and the Historic District Commission determines, after a public hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160A-400.14(a).

- 3) That, if the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the public officer may cause the dwelling to be repaired, altered or improved or to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: “ This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.” Occupation if a building so posted shall constitute a Class 1 misdemeanor.
- 4) That, if the owner fails to comply with an order to remove or demolish the dwelling, the Inspector may cause such dwelling to be removed or demolished. The duties of the public officer set forth in subdivisions (4) and (5) of G. S. 160A-443 shall not be exercised until the governing body shall have by ordinance ordered the Inspector to proceed to effectuate the purpose of the Article with respect to the particular property or properties which the Inspector shall have found to be unfit for human habitation and which property require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with housing code. This ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

Section 7-79 Methods of Service of Complaints and Orders.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this ordinance in a newspaper having general circulation in the Town. Where service is made by publication, a notice of the pending proceeding shall be posted in a conspicuous place on the premises affected by the complaint or order.

Section 7-80 In Rem Action by Inspector; Placarding.

After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this ordinance, and upon adoption by the Town Council of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443 (5) and Section 7-78(4) of this ordinance, the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this ordinance, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Town Council and shall caused to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: “this building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful.” Occupation of a building so posted shall constitute a Class 1 misdemeanor. Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5).

Section 7-81. Costs, a Lien on Premises; Sale of personal property.

That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the North Carolina General Statutes. If the dwelling is removed or demolished by the public officer, he shall sell the materials of the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree if the court. Nothing in this section shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

Section 7-82. Civil Action.

If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the city to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a compliant naming as parties-defendants any persons occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before the magistrate at a certain time, date and place not to exceed 10 days from the issuance of the summons to answer the compliant. The summons and compliant shall be served as provided in G. S. 42-29. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the public officer produces a certified copy of an ordinance adopted by the governing body pursuant to subdivision (5) of G.S. 160A-443 authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The judgment ordering that the dwelling be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be taken as provided in G. S. 7A-228, and the execution of such judgment may be stayed as provided in G. S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least 30 days before the filing of the summary ejectment proceeding. That the governing body has ordered the public officer to proceed to exercise his duties under subdivisions (4) and (5) of G. S. 160A-443 to vacate and close or remove and demolish the dwelling.

Section 7-83. Remedies.

- 1) Appeals from Orders of Inspector. An appeal from any decision of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within 10 days from the rendering the decision or service of the order, and shall be taken filing with the Inspector and with the Zoning Board of Adjustment a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeals is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. 160A-446 (f) and subsection (1) of this Section.

The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers if the Inspector, but the concurring 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 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 ordinance, to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

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

- 2) Petition to Superior Court by Owner. Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within thirty (30) days after issuance of the ordering or rendering of the decision, to petition the superior court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G. S. 160A-446(f). Hearings shall be had by the court on a petition within twenty (20) days, and shall be given preferences over other matters on the court's calendar. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. It shall not be necessary to file bond in any amount before obtaining a temporary injunction under this subsection.

- 3) If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this Part or any ordinance or code adopted under authority of this Part or any valid order or decision of the Inspector or Board made pursuant to any ordinance or code adopted under authority of this Part, the Inspector or Board may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration or use to restrain, correct or abate the violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Section 7-84. Alternative Remedies.

Neither this ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this ordinance by criminal process as authorized by G.S. 14-4 and Section 7-86 of this ordinance, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Section 7-85. Zoning Board of Adjustments to Hear Appeals.

All appeals which may be taken from decisions or orders of the Inspector pursuant to Section 7-78(4) of this ordinance shall be heard and determined by the Zoning Board of Adjustments. As the appeals body, the Board shall have the power to fix the times and places of its meeting, 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 Section 7-78(5) and shall keep an accurate journal of all of its proceedings.

If the Zoning Board of Adjustments consists of more than five members, the chairman shall designate five members to hear appeals under this ordinance.

Section 7-86. Conflict with Other Provisions.

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

Section 7-87. Violations; Penalty.

- 1) 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 Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.
- 2) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to Section 14 of this ordinance, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

- 3) The violation of any provision of this ordinance shall constitute a misdemeanor, as provided by G. S. 14-4.
- 4) In addition to the penalty established by subsection (3) above, and the remedies provided by other provisions of this ordinance, this ordinance may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Section 7-88. Severability.

If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision hereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

Section 7-89. Effective Date.

This ordinance shall be effective on April 8, 1996.

ARTICLE VI. PROPERTY NUMBERING SYSTEM

Section 7-100 Numbering Map

The numbering map entitled the "House Numbering Plan" of the Town of Hertford and dated March 10, 1958, is hereby adopted as the official property numbering map of the Town of Hertford, North Carolina, and all property numbers assigned shall be assigned in accordance with this numbering map and no other property numbers shall be used or displayed in the Town of Hertford except numbers assigned in accordance with official numbering map. The property numbering map shall be kept on file in the office of the Town Clerk.

Section 7-101 Numbering System

On the property numbering map there shall be designated a North - South axis and an East West axis and all avenues, streets, or alleys running generally north and south shall be numbered from the East-West axis consecutively to the corporate limits or the extremity of such avenue, alley or streets. Avenue, streets or alleys running generally East and West shall be numbered from the North - South axis in the same manner. One hundred numbers shall be allowed to each block so that the number of each consecutive block shall commence with consecutive hundreds and one.

Section 7-102 Owners to Purchase Numbers

Every property owner of improved property shall purchase and display in a conspicuous place on said property the number assigned which shall be of a type approved by the Board of Commissioner.

Section 7-103 Numbers for Future Buildings

All residence and business building erected hereafter shall be assigned a number in accordance with the Street Numbering Plan map and shall purchase and display such number as provided in Section 7-102.

Section 7-104 Unlawful to Deface Number

It shall be unlawful for any person to alter, deface, or take down any number placed on any property in accordance with this ordinance, except for repair or replacement or such number.

Section 7-105 Unlawful to Display Incorrect Number

It shall be unlawful for any person to continue to display any number on any house or improvement on their property, which number displayed or shown thereon shall be in discord with the numbering as shown by the Numbering Map filed with the Town Clerk and adopted in Section 7-100.