

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II OF THE CHARLOTTE CITY CODE ENTITLED “REGULATION OF NON-RESIDENTIAL BUILDINGS AND STRUCTURES”

ORDINANCE NO. _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:

Section 1: Chapter 5, Article II – Regulation of Non-Residential Buildings and Structures, of the Charlotte City Code is hereby amended to read as shown in the attached Exhibit A, which is incorporated and made a part of this ordinance.

Section 2: This ordinance shall become effective as of July 1st, 2021.

Approved as to form:

City Attorney

Exhibit A

ARTICLE II. - REGULATION OF NONRESIDENTIAL BUILDINGS AND STRUCTURES

DIVISION 1. - GENERALLY

Sec. 5-30. - Short title.

The rules and regulations prescribed by this article shall be known and be cited as "The Nonresidential Building Code of the City of Charlotte" and may be referred to in this article as "this code."

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-31. - Purpose and authority.

Pursuant to G.S. 160AD-4391129, it is the purpose of this article to establish minimum standards for the maintenance, sanitation and safety of all nonresidential buildings and structures within the corporate limits of the city. This article does not replace or modify requirements or standards otherwise established for the construction, repair, alteration or use of buildings, equipment or facilities, except as provided in this article.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-32. - Scope and applicability.

- (a) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the city.
- (b) Every nonresidential building or structure and the property on which it is situated shall comply with the provisions of this article, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this article, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-33. - Definitions.

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration, as applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities; as enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another; and the term "alter" in its various moods and tenses and its participle refers to the making of an alteration.

Approved, as applied to a material, device or mode of construction, means approved by the inspector under this article or by other authority designated by law to give approval in the matter in question.

Area:

- (1) As applied to the dimensions of a building, means the maximum horizontal projected area of the building.
- (2) As applied to the dimensions of a room, means the total square footage of floor area between finished walls.

Basement means a story with 50 percent or more of its cubical volume below finished grade.

Building means, for the purposes of this article, any structure built for the shelter or enclosure of persons, animals or property of any kind. The term "building" shall be construed as if followed by the phrase "or part thereof."

City council means the City Council of the City of Charlotte.

Close means securing the building or structure so that unauthorized persons cannot gain entrance.

Code enforcement official means the person who has been designated by the city manager to enforce this article.

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

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

Garbage means waste materials including, without limitation, the byproduct of animal or vegetable foodstuffs, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard waste, tins, metals, mineral matter, glass, crockery, dust and the residue from the burning of wood, coal, coke and other combustible material.

Infestation means the presence, within or around a building or structure, 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 public.

Inspector means any person who is authorized by the code enforcement official to conduct inspections for the purpose of this article.

Nonresidential means any building or structure that is not a dwelling, lodging establishment, manufactured home or rooming house as those terms are defined in chapter 11.

Owner means the holder of title in fee simple and every mortgagee of record.

Party in interest means all individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.

Pier means a masonry or other material support extending from the ground and footing to and supporting the building or portion thereof. Pier sizes and spacing shall conform to the specifications of the state building code.

Plumbing means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, mechanical sink grinders, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catchbasins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Property means any lot or parcel of land inclusive of any building, structures or improvements located thereon.

Public authority means any authority or officer of any department or branch of the government of the city, county or state who is in charge of administering and enforcing regulations relating to health, fire, public safety, buildings or other activities concerning buildings or structures in the city.

State building code means the North Carolina State Building Code or any superseding regulation.

Vacant means that a building or structure has not been used for its intended purpose or for any lawful purpose for a period of at least 180 consecutive days.

Vacant industrial warehouse means any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.

Vacant manufacturing facility means any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purposes for at least one year and has not been converted to another use.

(Ord. No. 4274, § 1, 9-28-2009)

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 5-34. - Duties and powers of the code enforcement official.

It shall be the duty of the code enforcement official to:

- (1) Investigate the conditions of and inspect buildings and structures in the city in order to determine whether they have been properly maintained in compliance with the minimum standards established by this article so that the safety or health of the occupants or members of the general public are not jeopardized;
- (2) Enter upon property for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such a manner as to cause the least possible inconvenience to the persons in possession, if any;
- (3) If permission to enter is not granted by the owner, the owner's agent, a tenant, or other person legally in possession of the property, obtain a duly issued administrative search warrant in accordance with G.S. 15-27.2;
- (4) Appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of this article;
- (5) Delegate any of his or her functions and powers under this article to other officers and agents;
- (6) Take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect compliance of nonresidential buildings or structures which are in an unsafe condition;
- (7) Administer oaths and affirmations, examine witnesses and receive evidence;
- (8) Issue notices of violation and impose civil penalties;
- (9) Keep a record of the results of inspections made under this article; and
- (10) Perform such other duties as may be prescribed in this article.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-35. - Inspections.

For the purpose of making inspections, the code enforcement official is hereby authorized to enter and examine and survey, at all reasonable times, all property after sufficiently identifying himself. The owner or occupant of every property, or the person in charge thereof, shall give the code enforcement official free access to such property, at all reasonable times, for the purpose of such inspection, examination and survey.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-36. - Administrative liability.

Except as may otherwise be provided by statute or local law or ordinance, no city officer, agent or employee charged with the enforcement of this article shall be personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this article unless he acted with actual malice.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-37. - Procedure for enforcement.

- (a) *Preliminary investigation.* Whenever it appears to the code enforcement official that any nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this article, he shall undertake a preliminary investigation.
- (b) *Complaint and hearing.* If the preliminary investigation discloses evidence of a violation of the minimum standards established by this article, the code enforcement official shall issue a complaint and cause it to be served upon the owner of and parties in interest in such nonresidential building or structure. The complaint shall state the charges and contain a notice that a hearing will be held before the code enforcement official at a place therein fixed, not less than ten days or more than 30 days after the serving of such complaint. The owner or any party in interest shall have the right to correct the violation or 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. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearing before the code enforcement official.
- (c) *Procedure after hearing; issuance of order.*
 - (1) If, after notice and hearing provided for in subsection (b), the code enforcement official determines that the nonresidential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established in this article, the code enforcement official shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner an order.
 - (2) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would not exceed 50 percent of its then current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:
 - a. Repair, alter or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established in this article; or
 - b. Vacate and close the nonresidential building or structure for any use.
 - (3) If the code enforcement official determines that the cost of repair, alteration, or improvement of the nonresidential building or structure would exceed 50 percent of its then current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, within a reasonable time specified in the order, to either:
 - a. Remove or demolish the nonresidential building or structure; or
 - b. Repair, alter or improve the nonresidential building or structure to bring it into compliance with the minimum standards established in this article.
- (d) *Limitations on orders.*

- (1) Notwithstanding any other provision of law, if the nonresidential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the city council determines, after a public hearing as provided by ordinance, that the nonresidential building or structure is of individual significance or contributes to maintaining the character of the district, and the nonresidential building or structure has not been condemned as unsafe, the order may require that the nonresidential building or structure be vacated and closed until it is brought into compliance with the minimum standards established in this article.
 - (2) An order may not require repairs, alterations, or improvements to be made to vacant manufacturing facilities or vacant industrial warehouse facilities to preserve the original use. The order may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.
- (e) *Action by city council upon failure to comply with order.*
- (1) If the owner fails to comply with an order to repair, alter, or improve or to vacate and close the nonresidential building or structure, the city council may adopt an ordinance ordering the code enforcement official to cause such building or structure to be repaired, altered or improved in order to bring it into compliance with the minimum standards established by this article or to be vacated and closed for any use. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be repaired, altered, or improved or to be vacated and closed. The code enforcement official may cause to be posted on the main entrance of any nonresidential building or structure so closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.
 - (2) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the city council may adopt an ordinance ordering the code enforcement official to cause such building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a nonresidential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established in this article. The property or properties shall be described in the ordinance. The ordinance shall be recorded in the office of the register of deeds and shall be indexed in the name of the property owner or owners in the grantor index. Following adoption of an ordinance, the code enforcement official may cause the building or structure to be removed or demolished.
- (f) *Action by city council upon abandonment of intent to repair.*
- (1) If the city council has adopted an ordinance or the code enforcement official has issued an order requiring the building or structure to be repaired or vacated and closed and the building or structure has been vacated and closed for a period of two years pursuant to the ordinance or order, the city council may make findings that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the city in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area. Upon such findings, the city council may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
 - a. If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards is less than or equal to 50 percent of its then current value, the

ordinance shall require that the owner either repair or demolish and remove the building or structure within 90 days; or

- b. If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds 50 percent of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within 90 days.

In the case of vacant manufacturing facilities or vacant industrial warehouse facilities, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five years before the city council may take action under this subsection. The 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.

- (2) If the owner fails to comply with the ordinance, the code enforcement official shall cause the building or structure to be removed or demolished.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-38. - Appeals from order of code enforcement official to the housing appeals board.

- (a) An appeal from any decision of the code enforcement official may be taken by any person aggrieved thereby to the appeals board described in section 11-43. Any appeal from the code enforcement official must be taken within ten days after the rendering of the decision or service of the order by filing with the code enforcement official and with the appeals board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code enforcement official shall forthwith transmit to the housing appeals board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the code enforcement official refusing to allow the person aggrieved thereby to do any act, the code enforcement official's decision shall remain in force until modified or reversed. When an appeal is from a decision of the code enforcement official requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing of the board unless the code enforcement official certifies to the board, after the notice of appeal is made, that, by reason of the fact stated in the certificate, a copy of which shall be furnished to the appellant and other parties in interest, a suspension of this requirement would cause imminent peril to life or property. When the code enforcement official issues such a certificate, the requirement shall not be suspended except by a restraining order which may be granted for due cause shown upon not less than one day's written notice to the code enforcement official by the board or by a court of record upon petition made pursuant to G.S. 160A-446(c) ~~D-1208~~ and subsection (c) of this section. The board shall fix a reasonable time for the hearing of all appeals and cross appeals, shall give due notices to all parties in interest and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney and present evidence. The board may reverse, affirm, wholly or partly, or 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. All board meetings shall have a quorum present of at least four members, and the vote of at least four members shall be required for a decision on an appeal or cross appeal. The board shall have the power in passing upon appeals and cross appeals where there are practical difficulties or hardships to adopt the application of this chapter to the necessities of the individual case to the end that the general purposes of the law and justice shall be done.
- (b) Every decision of the board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the service of the decision of the board on the person who filed the appeal.
- (c) Any person aggrieved by an order issued by the code enforcement official or a decision rendered by the board shall have the right, within 30 days after issuance of the order or rendering of the decision,

to petition the superior court for a temporary injunction restraining the code enforcement official pending a final disposition of the cause, as provided by G.S. 160A-446(f)-D-1208(d)

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-39. - Methods of service of complaints and orders.

- (a) Complaints or orders issued by the code enforcement official pursuant to this article shall be served upon persons either personally or by registered or certified mail so long as the means used are reasonably designed to achieve actual notice. When service is made by registered or certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is refused, but the regular mail is not returned by the post office within ten days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.
- (b) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement official in the exercise of reasonable diligence, and the code enforcement official makes an affidavit to that effect, the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the property affected.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-40. - Lis pendens.

Any complaint and notice of hearing or order issued pursuant to this article may be filed in the notice of lis pendens in the office of the clerk of the superior court. A copy of the complaint containing a notice of hearing or a copy of the order shall be attached to the lis pendens. When the lis pendens is filed with the clerk, it shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. 1-117 and it shall be served on the owners of and parties in interest in the building or structure. From the date and time of indexing the complaint and notice of hearing or order, it shall be binding upon the successors and assigns of the owners of and parties in interest in the building or structure. The code enforcement official may cancel the lis pendens upon his determination that the owner of the building or structure has fully complied with the code enforcement official's order.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-41. - Costs a lien on the property.

- (a) As provided by G.S. 160AD-4391129(i), the amount of the cost of any repairs, alterations, or improvements, or vacating and closing, or removal or demolition, caused to be made or done by the code enforcement official pursuant to the provisions of this article shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in G.S. ch. 160AD, art. 101-
- (b) The amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition expended by the code enforcement official is also a lien on any other real property of the owner located within the city limits except for the owner's primary residence. The additional lien provided in this subsection is inferior to all prior liens and shall be collected as a money judgment.
- (c) If the nonresidential building or structure is removed or demolished by the code enforcement official, he shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit

the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the code enforcement official, 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 of the court. Nothing in this article shall be construed to impair or limit in any way the power of the city council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-42. - Alternative remedies.

Enforcement by any remedy provided in this article shall not prevent enforcement by any other remedy provided in this article or in other ordinances or laws. With the exception of subsection 5-37(e)(1), however, a violation of any provision of this article shall not constitute an infraction or misdemeanor punishable under G.S. 14-4.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-43. - Conflict with other provisions.

If any provision, standard or requirement of this article is found to be in conflict with any other city ordinance, 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 city shall prevail.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-44. - Violations; penalty.

- (a) It shall be unlawful for the owner of any nonresidential building or structure to fail, neglect or refuse to repair, alter or improve the building or structure, or to vacate and close and remove or demolish, or to vacate and close the building or structure upon order of the code enforcement official duly made and served as provided in this article, 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.
- (b) It shall be unlawful for the owner or agent of the owner of any nonresidential building or structure, with respect to which an order has been issued to occupy or permit the occupancy of the building after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and removal or demolition, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (c) Any owner who fails to comply with an order of the code enforcement official to repair, alter or improve the building or structure or to vacate and close and remove or demolish the building or structure, or vacate and close the building or structure within the time specified in the order, shall be subject to a civil penalty in the amount of ~~\$500~~\$100.00 for the first day of noncompliance and ~~\$50~~\$100.00 for each day thereafter until the building or structure is brought into compliance with the order. The civil penalty may be recovered by the city in a civil action in the nature of a debt if the owner does not pay the penalty within 30 days after the initial day of noncompliance.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-45. - Ejectment.

If any occupant fails to comply with an order to vacate a nonresidential building or structure, the code enforcement official may file a civil action in the name of the city to remove the occupant. Such action shall be filed in the nature of summary ejectment and conducted in accordance with G.S. 160A-439D-1129(j).

(Ord. No. 4274, § 1, 9-28-2009)

DIVISION 3. - MAINTENANCE STANDARDS

Sec. 5-46. - Maintenance standards in general.

Only electrical, mechanical and plumbing devices and systems -which are (i) intended to be used at the time of inspection; (ii) being used at the time of inspection; or (iii) required by law at the time of inspection are subject to the applicable portions of this article.

Upon discovery of any possible violation related to provisions of the North Carolina Fire Code, including fire protection and life-safety systems, a referral shall be made to the Charlotte Fire Department, Fire Marshal's Office for inspection and enforcement.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-47. - External maintenance standards.

(a) Exit requirements.

- (1) Minimum number of exits shall conform to the requirements of the state building code as applicable.
- (2) Every stairway, deck, porch, and balcony, and all appurtenances attached thereto, including without limitation, handrails and guardrails, shall be maintained in a structurally sound condition, in good repair. Each shall be properly anchored and capable of supporting live or dead loads.

(b) Electrical facilities.

- (1) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose, unless designed and rated for that purpose.
- (2) All switches and receptacles shall be safe.
- (3) There shall be no unsafe wiring.
- (4) There shall be no drop or extension cords in excess of six feet in length used in place of permanent wiring.
- (5) No circuits shall be overloaded.
- (6) Fuses shall be sized correctly and not bridged out.
- (7) All wiring shall be in accordance with the National Electrical Code.

(8) All breaker boxes, wiring, junction boxes, busways, or other electrical -enclosures shall be in good condition and maintained to prevent shock hazard.

(c) Exterior walls.

- (1) There shall be no unsafe wall conditions such that the plumbline from the top center of studs falls outside the base plate at any point along the wall.
- (2) Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the state building code.

- (3) Studs or other structural members shall be structurally sound and not likely to cause structural weakness in the future.
- (4) There shall be no broken or cracked structural members.
- (5) All siding shall be reasonably weathertight, with no holes or excessive cracks or decayed boards, or siding material.
- (6) There shall be no loose siding.
- (7) There shall be no deterioration because of lack of preventative maintenance consisting of painting, waterproofing and repair.
- (8) All door fenestration shall be in operable condition.
- (d) Roofs.
 - (1) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads, -including rafters and ceiling, or floor joists
 - (2) The roof and flashing shall be sound, tight and not have defects which admit water or rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior of the structure. Roof drains, gutters, scuppers, and downspouts shall be maintained in good repair, and free from obstructions. Roof water shall not be discharged in a manner that creates a health or safety hazard.
- (e) Porches, vestibules and external covered areas.
 - (1) The floor, ceiling, and roof shall be equal to requirements set forth in this article, except sills, joists and floors need not be level if providing drainage of floors; floors need not be weathertight.
 - (2) Every stairway, deck, porch and balcony, and all appurtenances attached thereto, including, without limitation, handrails and guardrails, shall be maintained in a structurally sound condition, in good repair. Each shall be properly anchored, and capable of supporting imposed loads.
- (f) Windows, where provided, including frames, sash components, and glazing shall be maintained in good condition, with no broken, cracked, or missing glazing.
- (g) Property maintenance.
 - (1) Building structure. 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.
 - (2) Open areas. There shall be no heavy undergrowth or accumulation of plant growth which is noxious or detrimental to health, or because it is overgrown, may provide harborage for criminal activity.
 - (3) Infestation. Grounds, buildings and structures shall be maintained free of infestation by rodents, insects and other pests.
 - (4) Chimneys and towers. All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-48. - Interior maintenance standards.

In general. The interior of a structure, including wall and ceiling coverings, and equipment therein shall be maintained in good order, shall be structurally sound, and be in a sanitary condition. Occupants shall keep that part of the building or structure which they occupy or control in a clean and sanitary condition.

- (a) *Exit requirements.* Minimum number of exits shall conform to the requirements of the state building code as applicable.
- (b) *Plumbing systems and facilities.*
 - (1) In general, all fixtures and piping shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects. All plumbing shall be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
 - (2) Plumbing fixtures shall have adequate clearance for usage and cleaning.
 - (3) Where it is found that a plumbing system in a building or structure creates an unsafe condition that is hazardous to the occupants, or by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation deterioration or damage, or for similar reasons, the code enforcement official shall require the defects to be corrected to eliminate the unsafe condition.
- (c) *Heating facilities.*
 - (1) Building shall be weatherproof.
 - (2) Heating systems shall be maintained in good order and repair and shall be of sufficient capacity so as to heat all occupied areas in accordance with the state building code.
 - (3) All safety controls and all clearances to combustible materials for electrical equipment which produces heat shall be maintained in effective operation.
 - (4) Other heating facilities, where provided, shall meet the requirements of the state building code.
 - (5) All electric, gas and heating oil heating equipment installed on the property shall be listed by Underwriters' Laboratories, Inc. or American Gas Association and installed in accordance with the provisions of the state building code.
 - (6) All mechanical appliances, including ventilation and air conditioning or cooling systems, or appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
 - (7) All fuel burning equipment or appliances shall be connected to an approved chimney or vent. Fuel burning equipment and appliances labeled for unvented use are an exception to this requirement.
 - (8) All required clearances to combustible materials shall be maintained.
 - (9) All safety controls for fuel burning equipment shall be maintained in effective operation.
- (d) *Electrical facilities.*
 - (1) No receptacles, ceiling fixtures, or other fixtures shall be hanging loose unless designed and rated for that purpose.
 - (2) All switches and receptacles shall be safe.
 - (3) There shall be no unsafe wiring.
 - (4) There shall be no drop or extension cords in excess of six feet in length used in place of permanent wiring.
 - (5) No circuits shall be overloaded.
 - (6) Fuses shall be sized correctly and not bridged out.

- (7) All wiring shall be in accordance with the National Electrical Code.
- (e) *Structural standards.*
 - (1) *Foundation.*
 - a. Beneath the building or structure there shall be firm ground, which is reasonably dry, properly drained and no water shall be running under the building or structure.
 - b. There shall be sound footings and adequate bearing.
 - c. There shall be sound piers and no loose mortar or masonry.
 - d. There shall be no piers in which the plumbline from the top center falls outside the middle one-third of the pier base.
 - e. There shall be no isolated masonry piers exceeding in height ten times the least dimension of the pier.
 - f. There shall be no wood stiff-knee piers.
 - (2) *Floors.*
 - a. Flooring shall be weathertight without holes or excessive cracks which permit air to penetrate rooms.
 - b. Flooring or floor covering shall be reasonably smooth and not decayed, fire damaged or worn through.
 - c. There shall be no loose flooring.
 - d. Floors shall be reasonably level.
 - e. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads.
 - (3) *Interior load bearing walls.*
 - a. There shall be no unsafe wall conditions such that the plumbline from the top center studs falls outside the base plate at any point along the wall.
 - b. Maximum spacing for studding, providing the studs show signs of being weak or overloaded, shall comply with the requirements of the state building code.
 - c. Studs or other structural members, including posts and columns, shall be structurally sound and not likely to cause structural weaknesses in the future.
 - d. There shall be no broken or cracked structural members.
 - (4) *Interior porches, landings and vestibules.*
 - a. The floor and ceiling shall be equal to the requirements set forth in this article.
 - b. Every stairway, deck, porch and balcony and all appurtenances attached thereto, including, without limitation, handrails and guardrails, shall be maintained in a structurally sound condition and in good repair.
 - c. Any interior porch, landing or vestibule shall be properly anchored and capable of supporting live and dead loads.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-49. - Property maintenance standards.

- (a) *Building structure.* Storage of combustible materials is prohibited unless the building or structure is designed for that purpose.

(b) *Open areas.*

- (1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant pools.
 - (2) Fences, sheds, signs, outbuildings, and other accessory buildings shall be maintained in a safe and functional condition or removed or demolished.
 - (3) Yards, courts, parking lots, and driveways shall be kept clean and free of physical hazards, garbage, junk, junked vehicles, vehicle parts and other similar material.
 - (4) There shall be no heavy undergrowth or accumulation of plant growth which is noxious or detrimental to health, or because it is overgrown, may provide harborage for criminal activity.
 - (5) There shall be adequate lighting to prevent harborage for criminal activity.
- (c) *Infestation.* Grounds, buildings and structures shall be maintained free of infestation by rodents, insects and other pests.
- (d) *Garbage.* There shall be adequate sanitary facilities and methods for the storage, handling and disposal of garbage generated on or by the property.
- (e) *Storm drainage.* Drainage of paved areas, yards, courts and other open areas on the property shall not be discharged in a manner that creates a health or safety hazard.

(Ord. No. 4274, § 1, 9-28-2009)

Sec. 5-50. - Vacant buildings or structures.

- (a) The interior maintenance standards set forth in section 5-48 shall not apply to vacant nonresidential buildings or structures unless one or more of the following serious conditions is present on the property:
- (1) Overall conditions present a serious health or safety hazard.
 - (2) The building or structure is a breeding area for rodents or insects.
 - (3) The building or structure presents a fire hazard.
 - (4) The building or structure is structurally unsafe and presents a threat to the safety of code enforcement personnel, fire department personnel and law enforcement officers or members of the general public.
 - (5) The building or structure is frequented by vagrants.
 - (6) The building or structure is not properly secured to prevent unauthorized access.
- (b) If the code enforcement official orders a nonresidential building or structure vacated and closed pursuant to this article, the owner shall board and secure such building or structure in accordance with the guidelines for boarding and securing a building or structure provided by the code enforcement official.

(Ord. No. 4274, § 1, 9-28-2009)