

ARTICLE V. COMMERCIAL BUILDING MAINTENANCE STANDARDS¹

DIVISION 1. GENERALLY

Sec. 5-171. Authority (G.S. § 160D-1129(a)).

- (a) Pursuant to G.S. § 160D-1129, 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 town. 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.
- (b) The community development director and the code enforcement officer, or their designee, shall enforce the provisions of this article V on behalf of the town. For ease of reference, the community development director and the code enforcement officer will collectively be referred to as "the code enforcement officer" in this article V. The code enforcement officer shall have such authority and power as is necessary or convenient to carry out and effectuate the purpose of this article V, in addition to the others herein granted.
- (c) 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 town. 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.
- (d) Nothing in this article shall limit the town's authority to proceed with any other applicable statute, code, ordinance, or other applicable law in lieu of or in addition to proceeding under the terms of this article V.

(Ord. No. 513 , 10-4-22)

Sec. 5-172. Investigation (G.S. § 160D-1129(b)).

Whenever it appears to the public officer that any nonresidential building or structure has not been properly maintained or is otherwise in violation of the standards contained in division 2 of this article, so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by sections 5-202 and 5-203, the code enforcement officer shall undertake a preliminary investigation. If entry upon the premises for purposes of investigation is necessary, such entry shall be made pursuant to a duly issued administrative search warrant in accordance with G.S. § 15-27.2 or with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises.

(Ord. No. 513 , 10-4-22)

¹Ord. No. 513 , adopted October 4, 2022, repealed the former Art. V., §§ 5-171—5-183, and enacted a new Art. V as set out herein. The former Art. V pertained to similar subject matter and derived from Ord. No. 501, 2-4-20.

Sec. 5-173. Complaint and hearing (G.S. § 160D-1129(c)).

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 (10) days or more than thirty (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.

(Ord. No. 513 , 10-4-22)

Sec. 5-174. Order (G.S. § 160D-1129(d)).

If, after notice and hearing provided for in section 5-173, 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 officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order.

(Ord. No. 513 , 10-4-22)

Sec. 5-175. Limitations on orders (G.S. § 160D-1129(e)).

- (a) An order may only require the owner to repair, alter, or improve the nonresidential building or structure in order to bring it into compliance with the minimum standards established by the governing board or to vacate and close the nonresidential building or structure for any use.
- (b) An order may require the owner to remove or demolish the nonresidential building or structure if the cost of repair, alteration, or improvement of the building or structure would exceed fifty (50) percent of its then current value. 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 town council determines, after an administrative 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 by the governing board.
- (c) 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.

(Ord. No. 513 , 10-4-22)

Sec. 5-176. Actions by town council upon failure to comply with order (G.S. § 160D-1129(f)).

- (a) 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 town 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.
- (b) If the owner fails to comply with an order to remove or demolish the nonresidential building or structure, the town 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.

(Ord. No. 513 , 10-4-22)

Sec. 5-177. Action by town council upon abandonment of intent to repair (G.S. § 160D-1129(g)).

- (a) If the town 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 (2) years pursuant to the ordinance or order, the town 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 town 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 town council may, after the expiration of the two-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:
 - (1) 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 fifty (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 ninety (90) days; or
 - (2) If the cost to repair the nonresidential building or structure to bring it into compliance with the minimum standards exceeds fifty (50) percent of its then current value, the ordinance shall require the owner to demolish and remove the building or structure within ninety (90) days.
- (b) 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 (5) years

before the town 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. 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. 513 , 10-4-22)

Sec. 5-178. Service of complaint and order (G.S. § 160D-1129(h)).

- (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 (10) 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 town 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. 513 , 10-4-22)

Sec. 5-179. Liens (G.S. § 160D-1129(i)).

- (a) The amount of the cost of repairs, alterations, or improvements, or vacating and closing, or removal or demolition by the public officer are 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 G.S. chapter 160A, article 10.
- (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 town 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 town council to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(Ord. No. 513 , 10-4-22)

Sec. 5-180. Ejectment (G.S. § 160D-1129(j)).

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 town to remove the occupant. Such action shall be filed in the nature of summary ejectment and conducted in accordance with G.S. § 160D-1129(j).

(Ord. No. 513 , 10-4-22)

Sec. 5-181. Supplemental powers (G.S. § 160D-1129(l)).

This article authorizes the public officer to exercise any powers necessary or convenient to carry out and effectuate the purpose and provisions of this section including the following powers in addition to others herein granted:

- (1) To investigate nonresidential buildings and structures in the local government's planning and development regulation jurisdiction to determine whether they have been properly maintained in compliance with the minimum standards so that the safety or health of the occupants or members of the general public are not jeopardized.
- (2) To administer oaths, affirmations, examine witnesses, and receive evidence.
- (3) To enter upon premises pursuant to subsection 5-172 of this section for the purpose of making examinations in a manner that will do the least possible inconvenience to the persons in possession.
- (4) To appoint and fix the duties of officers, agents, and employees necessary to carry out the purposes of the ordinances adopted by the governing board.
- (5) To delegate any of his or her functions and powers under this article to other officers and agents.

(Ord. No. 513 , 10-4-22)

Sec. 5-182. Appeals (G.S. §§ 160D-1129(m), 160D-1208).

- (a) Appeals shall be governed by G.S. § 160D-1208. The town council designates the board of adjustments as its appeals board. An appeal from any decision or order of the code enforcement officer pursuant to this article may be taken by any person aggrieved thereby. Any appeal from the code enforcement officer shall be taken within ten (10) days from the rendering of the decision or within ten (10) days of service of such order. Such appeal shall be taken by filing with the code enforcement officer and with the board of adjustment (hereinafter called "the 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 officer 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 chief code enforcement officer refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the code enforcement officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the code enforcement officer certifies to the board after the notice of appeal is filed with him/her, that by reason of the facts stated in the certificate (a copy of which shall be furnished to the appellant), a suspension of the requirement would cause imminent peril to life or property. In that case, the requirement shall not be suspended except by a restraining order, which may be granted for due cause upon not less than one (1) day's written notice to the code enforcement officer by the board, or by a court of record upon petition made pursuant to subsection 5-174 of this section. Except where in conflict with G.S. § 160D-1208, all regulations, fees and other rules of the board shall apply to these appeals.

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- (b) The board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may reverse or affirm wholly or partly, or may modify the decision or order 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 of the code enforcement officer, but the concurring vote of four-sevenths (4/7) of the members of the board shall be necessary to reverse or modify any decision or order of the code enforcement officer. The board shall have power also in passing upon appeals, in any case where unnecessary hardships would result from 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.
 - (c) Every decision of the board shall be subject to review by the county superior court by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the board, but not otherwise.
 - (d) Any person aggrieved by an order issued by the code enforcement officer, or a decision rendered by the board shall have the right, within thirty (30) days after the issuance of the order or rendering of a decision, to petition the superior court for a temporary injunction, restraining the code enforcement officer pending a final disposition of the cause.

(Ord. No. 513 , 10-4-22)

Sec. 5-183. Funding (G.S. § 160D-1129(n)).

The town council is authorized pursuant to G.S. § 160D-1129 to make appropriations from its revenues necessary to carry out the purpose of this section and may accept and apply grants or donations to assist in carrying out the provision of the adopted ordinances.

(Ord. No. 513 , 10-4-22)

Sec. 5-184. No effect on just compensation for taking by eminent domain (G.S. § 160D-1129(o)).

Nothing in this section shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of property by the power of eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of the state.

(Ord. No. 513 , 10-4-22)

Sec. 5-185. Definitions (G.S. § 160D-1129(p)).

As used in this section, the following definitions apply:

- (1) *Parties in interest.* All individuals, associations, and corporations who have interests of record in a nonresidential building or structure and any who are in possession thereof.
- (2) *Vacant industrial warehouse.* 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 (1) year and has not been converted to another use.
- (3) *Vacant manufacturing facility.* Any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one (1) year and has not been converted to another use.

(Ord. No. 513 , 10-4-22)

Secs. 5-186—5-200. Reserved.

DIVISION 2. MAINTENANCE STANDARDS; PENALTIES

Sec. 5-201. Penalties (G.S. § 160D-1129(k)).

- (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 fifty dollars (\$50.00) for the first day of noncompliance and fifty dollars (\$50.00) for each day thereafter until the building or structure is brought into compliance with the order. The civil penalty may be recovered by the town in a civil action in the nature of a debt if the owner does not pay the penalty. 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.

(Ord. No. 513 , 10-4-22)

Sec. 5-202. Minimum external maintenance standards.

It shall be the responsibility of the owner of all buildings, structures, and/or premises in the corporate limits of the Town of Smithfield that they be maintained in compliance with all applicable provisions herein. The following violations shall be corrected subsequent to the notice of violations as enumerated herein:

- (1) *Exit requirements.*
 - a. Minimum number of exits shall conform to the requirements of the state building code as applicable.
 - 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, in good repair. Each shall be properly anchored and capable of supporting live or dead loads.
- (2) *Electrical facilities.*
 - a. No receptacles, ceiling fixtures, or other fixtures shall be hanging loose, unless designed and rated for that purpose.

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- b. All switches and receptacles shall be safe.
 - c. There shall be no unsafe wiring.
 - d. There shall be no drop or extension cords in excess of six (6) feet in length used in place of permanent wiring.
 - e. No circuits shall be overloaded.
 - f. Fuses shall be sized correctly and not bridged out.
 - g. All wiring shall be in accordance with the National Electrical Code.
 - h. All breaker boxes, wiring, junction boxes, busways, or other electrical enclosures shall be in good condition and maintained to prevent shock hazard.
- (3) *Exterior walls.*
- a. 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.
 - b. Maximum spacing for studding, providing they show signs of being weak or overloaded, shall comply with the requirements of the state building code.
 - c. Studs or other structural members shall be structurally sound and not likely to cause structural weakness in the future.
 - d. There shall be no broken or cracked structural members.
 - e. All siding shall be reasonably weathertight, with no holes or excessive cracks or decayed boards, or siding material.
 - f. There shall be no loose siding.
 - g. There shall be no deterioration because of lack of preventative maintenance consisting of painting, waterproofing, and repair.
 - h. All door fenestration shall be in operable condition.
- (4) *Roofs.*
- a. 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.
 - b. 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.
- (5) *Porches, vestibules, and external covered areas.*
- a. 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.
 - 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, in good repair. Each shall be properly anchored, and capable of supporting imposed loads.
- (6) *Windows.*

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- a. Windows, where provided, including frames, sash components, and glazing shall be maintained in good condition, with no broken, cracked, or missing glazing. Broken or missing glass may not be replaced with material other than glass.

(7) *Property maintenance.*

- a. 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.
- b. 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.
- c. Infestation. Grounds, buildings, and structures shall be maintained free of infestation by rodents, insects and other pests.
- d. 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. 513 , 10-4-22)

Sec. 5-203. Minimum interior maintenance standards.

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.

(1) *Exit requirements.*

- a. Minimum number of exits shall conform to the requirements of the state building code as applicable.

(2) *Plumbing systems and facilities.*

- a. 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.
- b. Plumbing fixtures shall have adequate clearance for usage and cleaning.
- c. 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.

(3) *Heating facilities.*

- a. Building shall be weatherproof.
- b. 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.

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- c. All safety controls and all clearances to combustible materials for electrical equipment which produces heat shall be maintained in effective operation.
 - d. Other heating facilities, where provided, shall meet the requirements of the state building code.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. All required clearances to combustible materials shall be maintained.
 - i. All safety controls for fuel burning equipment shall be maintained in effective operation.
- (4) *Electrical facilities.*
- a. No receptacles, ceiling fixtures, or other fixtures shall be hanging loose unless designed and rated for that purpose.
 - b. All switches and receptacles shall be safe.
 - c. There shall be no unsafe wiring.
 - d. There shall be no drop or extension cords in excess of six (6) feet in length used in place of permanent wiring.
 - e. No circuits shall be overloaded.
 - f. Fuses shall be sized correctly and not bridged out.
 - g. All wiring shall be in accordance with the National Electrical Code.
- (5) *Structural standards.*
- a. *Foundation.*
 - 1. 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.
 - 2. There shall be sound footings and adequate bearing.
 - 3. There shall be sound piers and no loose mortar or masonry.
 - 4. There shall be no piers in which the plumbline from the top center falls outside the middle one-third ($\frac{1}{3}$) of the pier base.
 - 5. There shall be no isolated masonry piers exceeding in height ten (10) times the least dimension of the pier.
 - 6. There shall be no wood stiff-knee piers.
 - b. *Floors.*
 - 1. Flooring shall be weathertight without holes or excessive cracks which permit air to penetrate rooms.

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2. Flooring or floor covering shall be reasonably smooth and not decayed, fire damaged or worn through.
 3. There shall be no loose flooring.
 4. Floors shall be reasonably level.
 5. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the dead and live loads.
- c. *Interior load bearing walls.*
1. 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.
 2. Maximum spacing for studding, providing the studs show signs of being weak or overloaded, shall comply with the requirements of the state building code.
 3. Studs or other structural members, including posts and columns, shall be structurally sound and not likely to cause structural weaknesses in the future.
 4. There shall be no broken or cracked structural members.
- d. *Interior porches, landings, and vestibules.*
1. The floor and ceiling shall be equal to the requirements set forth in this article.
 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 and in good repair.
 3. Any interior porch, landing or vestibule shall be properly anchored and capable of supporting live and dead loads.

(Ord. No. 513 , 10-4-22)

Sec. 5-204. Minimum maintenance standards for vacant buildings.

- (a) The interior maintenance standards set forth in section 5-203 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. 513 , 10-4-22)

Sec. 5-205. 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; including but not limited to G.S. ch. 160D, Art. 11, G.S. § 160A-193 and G.S. § 160A-174.

(Ord. No. 513 , 10-4-22)

Secs. 5-206—5-220. Reserved.