

[Back to Web Site](#)

## Town of Lee Little but Proud

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### ARTICLE NINE. MINIMUM HOUSING REGULATIONS

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SECTION 9.1 ARTICLE REMEDIAL. This Article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structure strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use, and occupancy of residential buildings.

SECTION 9.2 SCOPE. The provisions of this Article shall apply to all vacant buildings or portions thereof used, or designed or intended to be used, for human habitation, regardless of when such building may have been constructed.

This Article establishes minimum standards for occupancy of vacant structures, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this Article.

Buildings or structures moved into or within the Town shall comply with the requirements in the Town Building Code for new buildings.

#### SECTION 9-3 EXISTING BUILDINGS.

- 9.3.1 Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of this Article provided that the alteration, repair or rehabilitation work conforms to the requirements of this Town Building Code for new construction. The Land Development Regulation Administrator shall determine, subject to appeal to the Board of Adjustments and Appeals, the extent, if any, to which the existing building shall be made to conform to the requirements of this Article for new construction.
- 9.3.2 Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 2.1 of these land development regulations.
- 9.3.3 If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of this Article for the new occupancy classification as established by the Land Development Regulation Administrator.
- 9.3.4 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Article or in such

9-1

manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the Town Building Code for new buildings.

— SECTION 9.4 SPECIAL HISTORIC BUILDINGS AND DISTRICTS. The provisions of this Article relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures designated by these land development regulations as historic buildings when such buildings or structures are judged by the Land Development Regulation Administrator to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings. The applicant shall submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

— SECTION 9.5 MAINTENANCE. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Article in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures and premises.

— SECTION 9.6 APPLICATIONS OF LAND DEVELOPMENT REGULATIONS. Nothing in this Article shall be construed to cancel, modify, or set aside any other provision of these land development regulations.

— SECTION 9.7 ENFORCEMENT OFFICERS. The Land Development Regulation Administrator shall be the enforcement officer of the provisions of this Article.

— SECTION 9.8 RESTRICTIONS ON EMPLOYEES. An officer or employee of the Town, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore, unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the Town.

— SECTION 9.9 RECORDS. The Land Development Regulation Administrator shall keep, or cause to be kept, a record of such actions related to this Article.

9-2

SECTION 9.10 RIGHT OF ENTRY. The Land Development Regulation Administrator shall enforce the provisions of this Article, and such Land Development Regulation Administrator, or their duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of

emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

SECTION 9.11 UNSAFE RESIDENTIAL BUILDINGS. All residential buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

- 9.11.1 Whenever the Land Development Regulation Administrator determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, he or she shall give notice of such alleged violation to the person or persons responsible therefore and such alleged violations shall constitute a nuisance. Such notice shall.
1. Be put in writing;
  2. Include a statement of the reasons why it is being issued;
  3. Allow one hundred twenty (120) days time for the performance of any act it requires;
  4. Said notice shall further state that, if such repairs; reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Land Development Regulation Administrator shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this Article.
- In addition, the notice shall include a statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing in the form specified by the Town and shall be filed with the Land Development Regulation Administrator

9-3

within thirty (30) days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an appeal.

- 9.11.2 Service of notice shall be as follows:
1. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
  2. By posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises to be repaired.
- 9.11.3 When a residential building is to be demolished, it shall be done so in accordance with the provisions of Article 10 of these land development regulations.

— SECTION 9.12 REQUIREMENTS NOT COVERED BY THIS ARTICLE. Any requirement, not specifically covered by this Article, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the Land Development Regulation Administrator subject to appeal to the Board of Adjustment.

— SECTION 9.13 LIABILITIES. Any officer or employee charged with the enforcement of this Article, in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties. Any suit brought against any officer or employee because of this Article shall be defended by the Town Attorney until the final termination of the proceedings.

— SECTION 9.14 LETTER OF COMPLIANCE. A letter indicating compliance with the provisions of this Article may be issued by the Land Development Regulation Administrator.

— SECTION.9.15 INSPECTIONS. The Land Development Regulation Administrator shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the Land Development Regulation Administrator, or their agent, is hereby authorized to enter, examine, and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the Land Development Regulation Administrator free access to such residential building and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.

9-4

— SECTION 9.16 HARDSHIPS. (Refer to Section 12.3-4 of these land development regulations.)

— SECTION 9.17 DECISIONS. All decisions of the Board of Adjustment to vary the application of any provision of this Article or to modify an order of the Land Development Regulation Administrator shall specify in what manner such variance or modification is made, the conditions upon which it is made, and the reasons therefore. Every decision shall be promptly filed in the office of the Land Development Regulation Administrator.

— SECTION 9.18 APPEALS. (Refer to Section 12.1.4 of these land development regulations.)

— SECTION 9.19 MINIMUM STANDARDS FOR BASE EQUIPMENT AND FACILITIES. No person shall occupy as owner-occupant or let or sublet to another for occupancy any vacant dwelling or vacant dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein without first obtaining a Certificate of Land Development Regulation Compliance from the Town's Land Development Regulation Administrator, nor shall any vacant

dwelling building be permitted to exist which does not comply with the following requirements.

- 9.19.1 Sanitary Facilities Required. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sanitary sewer system. Every plumbing fixture and water and waste water pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.
- 9.19.2 Location of Sanitary Facilities. (1) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of thirty (30) square feet, with no dimension less than four (4) feet; and (2) Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed areas, not including kitchens or other food preparation areas.
- 9.19.3 Hot and Cold Water Supply. Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water.

- 9.19.4 Water Heating Facilities. Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120°F. Minimum storage capacity of the

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9-5

water heater shall be thirty (30) gallons. Such water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of this Article are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the Southern Standard Plumbing Code to not less than 120°F.

- 9.19.5 Heating Facilities. (1) Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms, and bathrooms in every dwelling unit located therein to a temperature of at least 70°F at a distance three (3) feet above floor level, under ordinary minimum winter conditions; (2) Where a central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected; (3) Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than thirty (30) BTU per hour per cu. ft. of room content; and (4) Unvented fuel burning heaters shall be prohibited in bedrooms.

- 9.19.6 Cooking and Heating Equipment. All cooking and heating equipment and facilities shall be installed in accordance with the building, mechanical, gas or electrical code and shall be maintained in a safe and good working condition. Portable cooking equipment employing flame is prohibited.
- 9.19.7 Garbage Disposal Facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.
- 9.19.8 Fire Protection. A person shall not occupy as owner-occupant or shall let to another for occupancy, any building or structure which does not comply with the applicable provisions of the fire prevention code of the Town.
- 9.19.9 Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.

9-6

SECTION 9.20 MINIMUM REQUIREMENTS FOR LIGHT AND VENTILATION

- 9.20.1 Size. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet 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 (15/6) of the total floor area of such room.
- 9.20.2 Habitable Rooms. (1) Every habitable room shall have at least one (1) window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall equal to at least forty-five percent (4-5/6) of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation; and (2) Year round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window type air-conditioning units are not included in this exception.
- 9.20.3 Bathroom. Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilating system.
- 9.20.4 Electric Lights and Outlets Required. Where there is electric service available to the building structure, every habitable room or space shall contain at least two (2) separate and remote convenience outlets and bedrooms shall have, in addition, at least one (1) wall switch controlled ceiling or wall type light fixture. In kitchens, three (3) separate and remote convenience

outlets shall be provided, and a wall or ceiling type light fixture controlled by a wall switch shall be required. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric fixture. In bathrooms, the electric light fixture shall be controlled by a wall switch. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) convenience outlet. Any new bathroom outlet shall have ground-fault circuit interrupter protection. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

9-7

- 9.20.5 Light in Public Halls and Stairways. Every common hall and inside stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least one (1) foot candle intensity at the floor in the darkest portion of the normally traveled stairs and passageways.

SECTION 9.21 MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS Every electrical outlet and fixture required by this Article shall be installed, maintained, and connected to a source of electric power in accordance with the provisions of the electrical code of the Town.

SECTION 9.22 GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES

- 9.22.1 Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.
- 9.22.2 Exterior Walls. Every exterior wall shall be structurally sound and free from defects. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.
- 9.22.3 Roofs. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.
- 9.22.4 Means of Egress. Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of seven (7) feet leading to a safe and open space at ground level. Stairs shall have a minimum head room of six (6) feet eight (8) inches.
- 9.22.5 Stairs, Porches and Appurtenance. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- 9.22.6 Protective Railings. Protective railings shall be required on any unenclosed structure over thirty (30) inches from the ground level or on any steps containing four (4) risers or more.
- 9.22.7 Windows and Doors. Every window, exterior door and 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.

- 9.22.8 Windows to be Glazed. Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.
- 9.22.9 Window Sash. Window sash shall be properly fitted and weather tight within the window frame.
- 9.22.10 Windows to be Openable. Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.
- 9.22.11 Hardware. Every exterior door shall be provided with proper hardware and be maintained in good condition.
- 9.22.12 Door Frames. Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.
- 9.22.13 Screens. Dwelling units which do not have a central air conditioning system shall have screens on all exterior openable windows and shall have a screen door with a self-closing device on all exterior doors except for the one (1) main entrance door.
- 9.22.14 Protective Treatment. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather resistant and water tight. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.
- 9.22.15 Accessory Structures. Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition.
- 9.22.16 Interior Floor, 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 which normal use may cause to be placed thereon. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- 9.22.17 Structural Supports. Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render them incapable of carrying loads which normal use may cause to be placed thereon.



- 9.22.18 Protective Railings for Interior Stairs. Interior stairs and stairwells more than four (4) risers high shall have handrails located in accordance with the requirements of the building code. Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.
- 9.22.19 Fire stopping and Draft stopping. (1) Fire stopping shall be maintained to cut off all concealed draft openings both horizontal and vertical and to form a fire barrier between floors and between the upper floor and the roof space; and (2) Draft stopping shall be maintained to cut off all concealed draft openings in floor/ceiling assemblies and in attics.

SECTION 9.23 MINIMUM DWELLING SPACE REQUIREMENTS

- 9.23.1 Required Space in Dwelling Unit. Prior to issuance of a Certificate of Land Development Regulation Compliance, the dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.
- 9.23.2 Required Space in Sleeping Rooms. Prior to issuance of a Certificate of Land Development Regulation Compliance, where a dwelling unit consists of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- 9.23.3 Minimum Ceiling Height. Prior to issuance of a Certificate of Land Development Regulation Compliance, all habitable rooms other than kitchen, storage rooms, and laundry rooms shall have a ceiling height of not less than seven (7) feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling. If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.
- 9.23.4 Occupancy of Dwelling Unit Below Grade. No basement or cellar space shall be used as a habitable room or dwelling unit unless: