

Sec. 53-205. Declaration of Necessity.

It is deemed necessary in order to promote good order and safety of the Town of Mount Olive and its residents that owners of rooming and boarding businesses be licensed. A system of licensing will:

- [a] Reduce the likelihood that these residential housing accommodations will become public nuisances;
- [b] Promote responsible management of these housing accommodations;
- [c] Assist in providing a safe habitat for residents and neighbors of these facilities; and
- [d] Safeguard property values.

Sec. 53-206. License and Inspection Fee Required.

[a] Boardinghouse or Rooming House. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A Boardinghouse or Rooming House is distinguished from tourist accommodations by its occupation by longer-term residents as opposed to overnight or weekly guests.

[b] Every boardinghouse or rooming house owner or operator engaged in the business of renting any room or equivalent dwelling unit to another person for accommodation shall first apply for and procure from the Town Inspector/Code Enforcement Officer a license for engaging in such a business within the town.

[c] An initial inspection fee of \$500.00 is required to ensure that the standards set forth in this chapter and the minimum housing code are met. This fee will be required in addition to any other applicable inspection fees. Following issuance of license, an annual inspection of \$250.00 will be required to ensure continued compliance with this ordinance.

Sec. 53-207. Minimum Standards for Boarding Houses or Rooming House.

[a] The owner shall designate himself/herself or a resident of house as resident manager and provide such individuals name and phone number to the towns inspector/CEO.

[b] All sleeping quarters shall have working heating facilities as provided by state code.

[c] The boarding house/rooming house shall not be in violation of any zoning, minimum housing code or fire protection code regulations.

[d] An up-to-date floor plan and current list of names of occupants shall be maintained by the manager.

[e] The owner and or manager shall prepare and post in the boarding/rooming house in a conspicuous location, a floor plan showing evacuation routes.

[f] All boarding/rooming houses shall have a monitored fire alarm system.

[g] All existing and new boarding/rooming houses shall have smoke detectors installed in all common areas and in sleeping quarters.

[h] At least one fire extinguisher shall be provided on each floor of a boarding/rooming house.

[i] Each room occupied for sleeping purposes may not be less than 100 square feet in area and no more than two people may share a room.

[j] At least one water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each four rooms within a roominghouse wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.

Sec. 53-208. Compliance.

[a] All persons and/or corporations required by the Town Inspector/Code Enforcement Officer to have a license that are operating a boarding/rooming house shall have 30 days from adoption of this Ordinance to obtain such license. Should the Town Inspector/CEO determine in his/her judgment that a residence is being used and/or operated as a boarding/rooming house and the owner/operator has not obtained the required license and inspection, the Town Inspector/CEO shall serve written notice on the owner/operator of such requirement giving them thirty days in which to comply.

[b] The Inspection Department and Fire Department shall inspect each boarding/rooming house annually to determine compliance.

[c] Boarding/Rooming houses that do not comply with the provisions of this Ordinance and have not brought their facility into compliance shall cease operation no later than 90 days from adoption of this Ordinance and/or 90 days from written notice from the Town Inspector/CEO.

Sec. 53-209. Penalty.

Enforcement may be by any one or a combination of the following methods, and the institution of an action under any of these methods shall not relieve any party from any other criminal or civil proceeding prescribed for violations of this chapter.

[A] Civil Penalties.

[1] Any person or corporation that shall operate a boarding/rooming house without first applying for and obtaining a license required by this ordinance shall be subject to a civil penalty not exceeding \$500.00. Each continuing day of noncompliance following notice thereof shall result in the assessment of an additional civil penalty not exceeding \$500.00 per day.

[2] Any person or corporation who, after receiving written notice by the town [Inspector and/or CEO], violates the provisions of this ordinance shall be subject to a civil penalty not exceeding \$500.00. Thereafter, each subsequent single violation occurring on the same business location, shall be assessed a civil penalty not exceeding \$500.00.

[B] Equitable Remedies. When authorized by the Board of Commissioners, the town may apply for any appropriate equitable remedy to enforce the provisions of this ordinance, including mandatory or prohibitory injunctions commanding the party to correct the unlawful conditions or cease the unlawful use of the business.

[C] Revocation. The Inspector/CEO may revoke the license issued pursuant to Sec. 53-206 if he/she determines that the licensee has violated any provision of this chapter and other means of enforcement have failed to deter the licensee from operating in violation of this chapter. Licensee shall have ten [10] days following notice of revocation to give notice of appeal of the Inspector's/CEO's action to the Mount Olive Board of Commissioners.