

Code of New Salem Old Salem (Now Winston-Salem) North Carolina

(Adopted June 1788)

It is one of the ironies of history that the first known formal building code in the United States was written, not in English, but in German.

A group of Moravians, members of a Protestant religious denomination from the region formerly known as Moravia, now a part of modern Czechoslovakia, originally settled in Pennsylvania. In 1753, they purchased a 100,000-acre site in North Carolina.

They named this area Wachovia, and in 1766 they founded the Town of Salem, in the heart of their new territory.

The German-speaking Moravians practiced a communal lifestyle, and all material affairs of the territory were controlled by the Community Conference, a committee made up of all members of the community. This conference elected the Aufseher Collegium (Town Council,) which, in turn, appointed a person to fill the salaried position of town warden (a sort of city manager.)

Twenty-two years after founding Salem, the Moravians adopted a formal set of building regulations. During these 22 years, approximately 20 buildings had been erected, mostly without problems, however complaints in the community, the increase in numbers of "outsiders," and in influx of outside builders made it necessary to regulate the construction of buildings.

Interestingly, this code foreshadowed many of today's more complex codes, addressing such issues as fire hazards, zoning, construction standards, filing of plans and code enforcement.

Building Regulations

We are not going to discuss here the rules of the art of building as a whole, but only those rules which relate to the order and way of building in our community. It often happens, due to ill-considered planning, that neighbors are molested and sometimes even the whole community suffers. For such reasons, in well-ordered communities, rules have been set up. Therefore, our brotherly equality and the faithfulness which we have expressed for each other necessitates that we agree to some rules and regulations which shall be basic for all construction in our community so that no one suffers damage or loss because of careless construction by his neighbor, and it is a special duty of the Town Council to enforce such rules and regulations.

To Accomplish our purpose, fire inspection has to be included, besides which the supervisors, the warden, and all masters in the building trades are responsible.

It shall not be left to those who want to build a house or a shed or a barn, but we expect each building master to take special care of the matters concerning his trade and advise his client of the regulations. It is also expected that the masters shall report to the Council and to his client all objections and thoughts which they may have to his plans because changes during construction often can only be made with much loss. If the client orders something done contrary to the building regulations, the master builder shall report it at once to the Council.

In the future, all master builders shall uphold the rules of the Council and act in accordance with them whenever they build a new structure or only make repairs, and the community will hold them responsible if through their negligence some damage occurs.

On the other hand, the brotherly equality assures that the masters shall be employed primarily and that no other persons can usurp their place. Otherwise, many wrong methods of building may be introduced and many things that are fire hazards may not be known. Therefore it will be mandatory in case of

repairs due to an emergency when a journeyman has to work alone that he is assigned his work by a master only. If anyone wants to employ a master from outside the community the Council must be notified, and it must be ascertained that the master intends to work according to the rules and regulations.

It can happen that a main or rear building is closed in by outside tradespeople before we can inspect it to see that they build in the proper flues so that no cracks appear in the chimneys in the course of time because here in Salem we use brick for chimneys to save space, whereas the outsiders are more accustomed to using field stone which can safely bear more weight.

Now since the community ordinances, policy and building regulations are not meant to be a burden but an advantage as to comfort and security, it is our sincere hope that all the Brothers and Sisters who intend to build or repair a house will follow these rules. Therefore, it is ordered:

1. Anyone who wants permission to build a house here in Salem shall apply to the Town Council. He must prove to the Council that, not counting the money which he needs to continue his profession and his livelihood, he has at least partial funds for such construction and a probably way of acquiring the rest in order to pay off. This is necessary because if a house has to be sold it is never sold for the entire construction cost, particularly when the next owner is not too dependable in handling his affairs or if he needs more family comforts.
2. The applicant must tell us about the lot he would like to build on and he should turn in a plan showing how he thinks he is going to divide up the house, what material he is going to build it of-- whether wood frame, stone or brick-- and how much he thinks it will cost.

In consideration of the whole aspect of the community we have to see to it that the worst houses are not built on the best lots. The same consideration has to be taken with respect to fire hazards and noisy, disease-spreading or odor-making businesses. Woodsheds or little huts do not belong on the main street unless they have an orderly appearance.

The unevenness of the streets and walks shall be corrected as the situation of the community permits and must be taken into consideration with every house that is built.

Natural surface drainage must not be changed through the construction of a new house. Front doorsteps and cellar ways must not extend out too far and obstruct the sidewalks.

If the construction application is approved, the lot will be surveyed by the appointed Brother and a lease for the land written out.

3. No one may extend his construction onto the street beyond the lot assigned to him, because not only the road but also the sidewalks are there for public use and no owner of a lot may do whatever he chooses with it. If he wants to have more steps than just the one or two which everybody may have, this must be investigated by the Town Council. The ordinary space for the sidewalk shall remain as settled at eight feet from house to hitching post. Each owner must take care of the sidewalk in front of his house to the extent of his lot width. The road will be kept in order by the community, working together.

No trees may be planted in the sidewalks. If an owner wants a porch or fence in front of his house the house must be set back for the appropriate space, as was done at the tavern.

4. Regarding housing standards, we wish that no other but simple houses be built here in Salem because costly houses are hard to sell at true value. The division of the house shall be orderly and without dark corners or uncomfortably steep staircases. no trap doors shall be built in. It is

important that the necessary fireproofing be provided, and we emphasize that it is basic there be a separation of fireplaces and combustible material, particularly where heat is intense as in pottery stoves and in metal forges where sparks are leaping around. Forges shall be covered with roof tiles instead of shingles, and fuel sheds should be at a distance from forges because sparks are always flying and in our neighborhood some forges already have burnt up.

We think it is self-evident that no wooden chimneys shall be built here. However, for fire prevention the following main points must be considered:

- a. Chimneys should have good foundations and not just be placed on logs; be well-bonded and built of brick at least four inches thick; be parged inside and outside; rise to a sufficient height above the roof; have no beams going through them nor have beams too close to them in such a way that the heavy load on them will cause the chimney to crack and settle, as can happen easily at flues.

The chimneys must be wide enough to be swept, which means ordinarily fourteen to eighteen inches; under the back hearth no planks shall be laid within eighteen inches, or for big fires, two feet; between flues appropriate wythes shall be provided; front hearths at fireplaces and stoves in kitchen and rooms and in every place where a fire is kept an adequate space must be laid with brick, not less than two feet wide in rooms. In kitchens and laundries, they should be wider in proportion with our preference being that the entire floor be paved with stone or brick.

- b. No stove pipes shall be too near to beams; no stoves too near to plank walls; and no stove pipes shall lead through the floor in the upper story or through wooden partitions. If exceptions seem necessary, the Council must be notified so that we can inspect the place and maybe help in some way.
- c. No baking stoves, drying houses, smokehouses, whether in the house or outside, or laundry kettles not connected with the chimney can be built except with the permission of the Council, which makes the following rules.

In front of bake ovens, there must be an ash pit for deposits of live ashes to prevent their being strewn about or blown away by the wind. The flue must not be near anything combustible. Free-standing bake ovens shall not be permitted except in extreme emergencies, in which case they shall have a shelter in front so that the coals are not exposed to the wind. If a bake oven is attached to another building it must not have a wooden foundation because it deteriorates and increases the fire hazard. Bake ovens can be installed in the basements, but only if arrangements have been included in the original plans for the house.

Drying houses should never be built to necessitate a large fire inside or a free fire outside.

Smokehouses in dwellings cannot be approved unless one could be built so that if the chimney should catch on fire the smoke chamber itself would not burn and place the house and the whole community in great danger.

Laundry kettles and plate stoves shall be built so that if the fire comes out the front, as it usually does because we use long sticks of wood, it does no harm, and if the small chimney for such a stove or kettle catches fire, nothing else happens.

The vent pipes for baking and melting ovens must not lead across the mantel of a stove or fireplace unless they are far enough away from the mantel.

- d. Containers for ashes must be made of brick and not framed up in wood.

Now since the carrying out of these rules falls mainly upon the trade masters, their especial attention is called to them and their reputation in the community will be served if they abide by them.

5. Since it often happens that houses are sold, it is necessary that their planning and arrangement are suitable for most families so that no disadvantage may arise as regards a buyer or the price of sale.
6. Minor or rear buildings often make the yard smaller or, for practical purposes, almost unusable. Therefore, it is required that there be a plan for these buildings so that the possibility of a major change is not handicapped by constant adding of sheds. Necessaries and pig stalls shall be located with the best consideration and care so that they do not molest the neighbor. For the necessaries a deep hole must be made because the ill odors derive mainly from exposure to the sun.
7. Brothers who want to build must hold to the wage rates fixed in the community if they employ outside workers. They shall not pay higher rates except in an emergency.
8. Mistakes that are made during construction are often costly to correct, and often also such mistakes become a hazard or blight for the whole community. For that reason, all parties will do well to uphold the rules and they shall not get negligent or careless in submitting their plans to the council and making all inquiries necessary. We know from experience that most mistakes are simply due to the fact that no plans were made right at the beginning so that things come up which nobody had thought about at the start. In such cases, no changes can be made because nobody had the whole matter together before his eyes in order to give advice.
9. In addition to security from fire, it is necessary to regulate storm drainage in the street in accordance with Regulation Number Two so that water can drain freely without damaging streets, cellars or gardens. Nobody shall have permission to discharge his roof gutter into another yard or divert more drainage to the neighbor than the existing natural flow. Drainage that gathers in the street shall remain in the street and not run through the lots. Where, however, such arrangement has been made from the beginning of the community, we shall have to see what can be done.
10. Since experience has taught us that so many complaints and quarrels and damage can arise from access between lots, so that often one cannot enjoy his own piece of land and work on it, it is mandatory that henceforth every lot must be completely fenced in. No gates or openings shall be left for communication except with the knowledge and permission of the community government. A house that is placed near the sideline of a lot shall not have any windows that look into the neighbor's yard and in general all gable windows shall be well considered as to whether they are necessary, so that the aforementioned molesting can be avoided.

For the lower floor there is not too much objection because of the fences, and in kitchens and service porches only high windows can be used anyway. However, a common rule cannot be fixed and decisions must be made from one case to the next. There are no objections at all to windows facing the street. The people will have to take care of peeping neighbors in the usual way.

11. During construction, scaffolds must be securely built. They must be strong and nailed up with enough planks. No small planks shall be used that slide easily from their place. In this matter, the Brothers shall not try to be too sparing so that they do not have the responsibility of an accident and guilt before the Lord. The trade masters of all the professions must have a special eye on that.

In case a brother finds that because of stupidity, neglect or intention somebody is working against these regulations, it is his responsibility to report such action to the proper authority. All of those who have been appointed for fire inspection shall be responsible for just that simple duty during the construction of each building.

The above building regulations were examined very carefully and after long consideration of each point were approved by the Community Conference before the whole Town Council with all house fathers and trade masters present. All of this worked out in two sessions. Thus, it was ordered in Salem in the month of June 1788.

These regulations, in the original German, were published as an appendix to the minutes of the Salem Aufseher Collegium. This translation was provided, via the Internet, through the courtesy of the History Department of the University of North Carolina.