

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

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***Editor's note**—Pursuant to Ord. No. 06-04, adopted 3-13-2006, all references within this chapter to the Director of Inspections and Zoning were deleted, and in their place were substituted references to the Chief of Fire-Rescue-EMS-Inspections.

Cross references—Administration, ch. 2; purchasing, § 2-551 et seq.; electric utility, ch. 10; Fire-Rescue-EMS Services, fire prevention, ch. 14; licenses and business regulations, ch. 16; massage business operators, § 16-109; junked motor vehicles, § 18-246; solid waste, ch. 28; streets and sidewalks, ch. 32; subdivisions, ch. 34; water and wastewater, ch. 38; zoning, ch. 40.

Federal law reference—Compliance of federal buildings with local building codes and zoning laws, consideration of local laws and cooperation with local officials required, 40 USC 3312.

State law references—Building inspection, G.S. 160A-411 et seq.; building code council and building code created; membership; G.S. 143-136 et seq.; warrants to conduct inspections authorized by law, G.S. 15-27.2; establishment of fire limits, G.S. 160A-435 et seq.; minimum housing standards, G.S. 160A-441 et seq.; contractors, G.S. ch. 87; public [building] contracts, G.S. 143-128 et seq.; North Carolina Manufactured Housing board—manufactured home warranties, G.S. 143-143.8 et seq.; North Carolina Code Officials Qualification Board, G.S. 143-151.8 et seq.; franchises; technical ordinances, G.S. 160A-76; inspection of buildings for fire hazards, G.S. 58-79.1 et seq.; regulating and licensing businesses, trades, etc., G.S. 160A-194; enforcement, G.S. 160A-432.

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ARTICLE I. IN GENERAL**Sec. 6-1. Adoption of state building code.**

The current edition of all codes, however titled, including, but not limited to Building Code, as adopted by the North Carolina Building Code Council and as from time to time amended, are hereby adopted and incorporated herein by reference as if fully set forth in this article as the same similarly titled codes, including, but not limited to, Building Code of the city.

(Code 1972, § 4-1; Code 1993, § 4-1)

State law reference—State building code and building code council, G.S. 143-136 et seq.

Sec. 6-2. Heating, air conditioning, refrigeration and ventilation code adopted.

The current edition of the North Carolina State Mechanical Code and all appendices, as adopted by the North Carolina Building Code Council and as from time to time amended, is hereby adopted by reference as fully as though set forth in this section as the heating, air conditioning, refrigeration and ventilation code of the city.

(Code 1993, § 4-2)

Sec. 6-3. Chief of Fire-Rescue-EMS-Inspections.

Such officer or employee as the City Manager may appoint shall be the Chief of Fire-Rescue-EMS-Inspections of the city, and he shall possess all the powers conferred and perform all the duties prescribed by G.S. 160A-412 and other statutes applicable thereto. He shall possess such further power and perform such further duties as may be prescribed by this chapter. He shall receive the fees allowed by statute. The Chief or his deputy shall have the right to enter, at all reasonable times, any building, structure or premises within the city for the purpose of inspecting or in the performance of his duties. He shall make or cause to be made such inspection of all chimneys, flues, steam and fire openings within the city. He may, when occasion requires, appoint a deputy to perform any part of his duties.

(Code 1972, § 4-2; Code 1993, § 4-3)

Cross references—Administration, ch. 2; residency requirements, § 24-21 et seq.

State law references—Building inspection, G.S. 160A-411 et seq.; financial support, G.S. 160A-414.

Sec. 6-4. Mechanical Inspector.

Such officer or employee as the City Manager may appoint shall be the Mechanical Inspector of the city, and he shall possess all the powers conferred and perform all the duties prescribed by G.S. 160A-412 and other statutes applicable thereto. He shall possess such further power and perform such further duties as may be prescribed by this chapter. He shall receive the fees allowed by statute. The Inspector or his deputy shall have the right to enter, at all reasonable times, any building, structure or premises within the city for the purpose of

inspecting or in the performance of his duties. He shall make or cause to be made such inspection of all chimneys, flues, steam and fire openings within the city. He may, when occasion requires, appoint a deputy to perform any part of his duties.

(Code 1993, § 4-4)

Sec. 6-5. Fire districts—Primary.

A primary fire district is hereby established as follows: Beginning at the Pamlico River on Stewart Parkway extending northward along the eastward side of Gladden Street to the southward side of West Third Street, thence eastward down Third Street to the westward side of Bonner Street, thence southward down Bonner Street to the Pamlico River.

(Ord. No. 06-01, § 1(4-5), 1-9-2006)

State law references—Establishment of fire limits, G.S. 160A-435 et seq.; restrictions within primary fire limits, G.S. 160A-436.

Sec. 6-6. Fire districts—Secondary.

Secondary fire districts are hereby established as follows:

- (a) Beginning at the intersection of Fifth Street and Telfair Street, and running with Telfair Street northwardly to Sixth Street; thence with Sixth Street eastwardly to McNair Street; thence with McNair Street northwardly to Seventh Street; thence with Seventh Street westwardly to John Small Avenue; thence with John Small Avenue westwardly to Fifth Street; thence with Fifth Street southwardly to the point of beginning.
- (b) Beginning at the intersection of Thirteenth Street and Washington Street, and running thence westwardly with Thirteenth Street to Trade Street; thence with Trade Street, first northwardly and then westwardly, to the easterly edge of U.S. Highway No. 17; thence with the easterly edge of U.S. Highway No. 17 northwardly to the Washington city limits; thence with the city limits line in a generally northerly direction to Fifteenth Street; thence with Fifteenth Street eastwardly to Hackney Avenue Extension; thence with Hackney Avenue Extension northwardly six hundred (600) feet; thence due east to the Washington city limits; thence with the city limit line southwardly to Fifteenth Street; thence with Fifteenth Street eastwardly to Washington Street; thence with Washington Street southwardly to the point of beginning.

(Code 1972, § 7A-20; Code 1993, § 4-6; Ord. No. 95-20, § 1, 11-13-1995)

State law reference—Restrictions within secondary fire limits, G.S. 160A-437.

Sec. 6-7. Permit fees.

Permit and inspection fees, and criteria associated with them, shall be as established from time to time by ordinance. Fees and criteria in existence at the time this Code was adopted remain in effect until later revised or repealed.

(Ord. No. 06-18, § 1, 6-19-2006)

State law reference—Financial support, G.S. 160A-414.

Sec. 6-8. Handicapped parking signs.

(a) Each parking space identified for use by a disabled/handicapped person shall have a freestanding (pole) metal sign erected directly in front of the space. Any other placement of a disabled/handicapped sign is not acceptable within the city and its extraterritorial planning and zoning jurisdiction.

(b) The disabled/handicapped freestanding (pole) sign shall be constructed in conformity with the state building code, volume 1-C, pertaining to making buildings and facilities accessible to and used by the physically handicapped.

(c) Buildings that have received a Certificate of Occupancy, prior to the adoption of the ordinance from which this section is derived, are not required to meet the requirements listed in subsections (a) and (b) of this section. However, in the event that any existing building requires a building permit for an addition, renovation, or expansion, the requirements of subsections (a) and (b) of this section shall be required.

(d) Enforcement of the Americans with Disabilities Act (ADA) is the sole responsibility of the federal government. The city shall have responsibility for enforcing compliance with ADA requirements only for buildings owned or operated by the city.
(Code 1993, § 4-8; Ord. No. 97-6, 5-19-1997)

Secs. 6-9—6-34. Reserved.**ARTICLE II. PLUMBING****Sec. 6-35. Application of article provision; adoption of code.**

(a) The provisions of this article shall not apply to existing installations, except in those cases herein specified, but shall apply to all new installations and to any building outside of the corporate limits which is connected to the city water or sewer system. Failure to comply with any part of this article shall be grounds to refuse water or sewer service to buildings outside the city.

(b) The current edition of the North Carolina Plumbing Code and appendices, as adopted and published by the North Carolina Building Code Council and as amended from time to time, is hereby adopted by reference as fully as though set forth in this section as the plumbing code of the city.

(Code 1972, § 17-26; Code 1993, § 4-1)

Sec. 6-36. Plumbing Inspector.

(a) There is hereby created the office of Plumbing Inspector of the city. Such Plumbing Inspector shall be appointed by the City Manager and shall serve at his pleasure. He shall not engage in the occupation of plumbing either directly or indirectly while holding office.

(b) The Plumbing Inspector or his assistant shall have general charge and supervision over all plumbing done in the city and shall require all persons to conform with the provisions of this article. He shall issue the permits and make the inspections hereinafter provided for and shall keep a daily record thereof. He shall make monthly reports to the City Manager. (Code 1972, §§ 17-2, 17-3; Code 1993, § 4-27)

Secs. 6-37—6-60. Reserved.

ARTICLE III. ELECTRICITY

Sec. 6-61. Code adopted.

The current edition of the North Carolina Electrical Code and appendices, as amended from time to time, is hereby adopted by reference as fully as though set forth in this section as the electrical code of the city. (Code 1972, § 6-1; Code 1993, § 4-46)

Sec. 6-62. Electrical Inspector—Appointment and duties.

There is hereby created the office of Electrical Inspector, whose duty shall be to enforce all state and local laws governing electrical installations and materials, to issue permits for and to make inspections of all new electrical installations and such other inspections as may be prescribed by the City Council. He shall make a monthly report to the City Manager of all inspections made and fees collected and shall keep a permanent record thereof and such other records as may be prescribed by the City Manager. The salary or fees to be paid to the Electrical Inspector shall be determined by the City Council. The Electrical Inspector shall serve at the pleasure of the City Manager. (Code 1972, § 6-2; Code 1993, § 4-47)

Sec. 6-63. Electrical Inspector—Authority.

The Electrical Inspector shall have the right during reasonable hours to enter any building in the discharge of his official duties or for the purpose of making any inspection, reinspection or test of the installation of electric wiring, devices, appliances and equipment contained therein, and shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life and property. The Electrical Inspector is hereby authorized to disconnect or order the discontinuation of electrical service to any electric wiring, devices, appliances or equipment found to be dangerous to life or property because it is defective or defectively installed until such wiring, devices, appliances and equipment and their installation have been made safe and approved by the Electrical Inspector. (Code 1972, § 6-3; Code 1993, § 4-48)

Sec. 6-64. Electrical permit fees.

A schedule of electrical permit fees shall be in accordance with section 6-7.
(Code 1972, § 6-5; Code 1993, § 4-49)

Secs. 6-65—6-86. Reserved.**ARTICLE IV. SWIMMING POOLS****Sec. 6-87. 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:

Private means not open to the public, not publicly owned or not otherwise regulated by the state either by statute or by rules or regulations of one (1) of its administrative agencies.

Swimming pool means any artificially constructed, nonportable pool capable of being used for swimming or bathing having a depth of two (2) feet or more at any point.
(Code 1972, § 23-1; Code 1993, § 4-66)

Sec. 6-88. Permit required for construction.

(a) A permit shall be applied for and issued by the Building Inspector before construction shall begin on any swimming pool. The application for the permit shall be accompanied by a complete and detailed set of plans and specifications of the swimming pool. Before any permit shall be issued such plans and specifications shall be approved by the Chief of Fire-Rescue-EMS-Inspections and the county Health Department, and before any swimming pool shall be used, a final inspection and approval shall be required from both the Chief of Fire-Rescue-EMS-Inspections and the county Health Department.

(b) All applications for a permit shall be accompanied by the fee required under section 6-7.
(Code 1972, § 23-2; Code 1993, § 4-67)

Sec. 6-89. Construction and use requirements.

(a) Pool construction shall conform to the building and plumbing codes of the city, and any accessory building which houses pumping and filtering equipment must conform to the provisions of chapter 40, pertaining to zoning.

(b) Illuminating lights shall be so erected, installed and shielded so as to eliminate direct rays and minimize reflected rays upon adjoining premises.

(c) The department of public works may regulate the hours for filling of pools and no pool shall be drained during periods of rainfall.

(d) Owners of pools shall regulate their use in such manner as not to create undue noise or disturbance.

(e) A swimming pool and any accessory building which houses pumping or filtering equipment shall be considered as accessory structures to the main building and as such shall comply with all requirements of chapter 40, pertaining to zoning; except no swimming pool or swimming pool accessory structure shall be located nearer than six (6) feet from the side or rear lot lines or from any house and an uncovered ground-level pool shall not be included in computing the percentage of a lot which is built on.

(f) No exposed electric wires shall be nearer than five (5) feet from the water's edge, nor shall any exposed and permanently installed electric wire within twenty-five (25) feet from the water's edge of the pool be less than ten (10) feet above the ground, nor shall wires of any kind cross or be over the water surface unless otherwise approved by the Electrical Inspector.

(g) There shall be no cross connection of the city water supply with any other source of water supply for the pool. The line from the city water supply to the pool shall be protected against the backflow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the make-up tank or the pool.

(h) The drain line for the pool shall be connected to the storm drainage system.

(i) The construction of the pool shall be made in such a manner that all scum, splash and deck water shall not return to the pool, except through the filter system.

(j) The pool shall be kept free at all times of floating material, sediment and debris either by an automatic surface skimmer, scum gutter or some other means approved by the county Health Department.

(k) The size and design of the recirculating system shall be approved by the county Board of Health.

(l) All swimming pools to be constructed or which are already constructed shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be of a type not readily climbed by children. The gates shall be of a self-closing and latching type with the latch on the inside of the gate, not readily available for children to open; provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Chief of Fire-Rescue-EMS-Inspections upon inspection and approval of the residence enclosure. This subsection shall not apply to commercial swimming pools operated under the following conditions:

- (1) The owner or operator of a commercial swimming pool has at least one (1) employee on duty twenty-four (24) hours a day, whose duty it will be, among other things, to watch the pool.
- (2) The principal work of this employee shall be located where he can clearly see the entire pool.
- (3) The pool area shall be sufficiently lighted to enable the employee on duty to see anyone in the immediate area.

(Code 1972, § 23-3; Code 1993, § 4-68)

Sec. 6-90. Inspection.

The Chief of Fire-Rescue-EMS-Inspections shall have the right at any reasonable hour to inspect any swimming pool for the purposes of determining that all provisions of this article are fulfilled and complied with.

(Code 1972, § 23-4; Code 1993, § 4-69)

Secs. 6-91—6-108. Reserved.**ARTICLE V. HOUSING*****Sec. 6-109. Finding; purpose of article.**

(a) Pursuant to G.S. 160A-441, it is hereby found and declared that there exist in the city, dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering such dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the city.

(b) In order to protect the health, safety and welfare of the residents of the city as authorized by G.S. 160A-441 et seq., it is the purpose of this article to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160A-444.

(c) The current edition of the North Carolina State Residential Building Code as amended from time to time, is hereby adopted by reference as fully as though set forth in this section as the housing code of the city. The housing code applies to the city limits and the extraterritorial jurisdiction of the city.

(Code 1972, § 9-1; Code 1993, § 4-86)

Sec. 6-110. Chief of Fire-Rescue-EMS-Inspections—Duties.

The Chief of Fire-Rescue-EMS-Inspections is hereby designated as the officer to enforce the provisions of this article and to exercise the duties and powers herein prescribed. It shall be the duty of the Chief of Fire-Rescue-EMS-Inspections:

- (a) To investigate the dwelling conditions, and to inspect dwellings and dwelling units, located in the city in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this article with respect to such dwellings and dwelling units;
- (b) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

***Cross reference**—Housing Authority, § 2-251 et seq.

State law reference—Minimum housing standards, G.S. 160A-441 et seq.

(c) To keep a record of the results of inspections made under this article and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed; and

(d) To perform such other duties as may be herein prescribed.
(Code 1972, § 9-4; Code 1993, § 4-87)

Sec. 6-111. Chief of Fire-Rescue-EMS-Inspections—Powers.

The Chief of Fire-Rescue-EMS-Inspections is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this article, including the following powers in addition to others herein granted:

(a) To investigate the dwelling conditions in the city in order to determine which dwellings therein are unfit for human habitation;

(b) To administer oaths and affirmations, examine witnesses and receive evidence;

(c) To enter upon premises for the purpose of making examinations and inspections; provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession; and

(d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this article.

(Code 1972, § 9-5; Code 1993, § 4-88)

State law reference—Additional powers of public officer, G.S. 160A-448.

Sec. 6-112. Right of entry of Inspectors.

For the purpose of making inspections, the Chief of Fire-Rescue-EMS-Inspections is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling unit, or rooming unit, or the person in charge thereof, shall give the Inspector free access to such dwelling, dwelling unit or rooming unit, and its premises at all reasonable times for the purposes of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times, for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article.

(Code 1972, § 9-6; Code 1993, § 4-89)

Sec. 6-113. Housing Appeals Board.

The Board of Adjustment, provided for under chapter 40, pertaining to zoning, shall serve as the Housing Appeals Board, to which appeals may be taken from any decision or order of the Chief of Fire-Rescue-EMS-Inspections, as provided by section 6-114(d). Such Board shall

perform the duties prescribed by section 6-114(d), shall have the power to adopt rules of procedure relative to its duties under this article and shall keep an accurate record of all its proceedings.

(Code 1972, § 9-12; Code 1993, § 4-90)

Cross references—Administration, ch. 2; zoning, ch. 40.

Sec. 6-114. Procedure for enforcement.

(a) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five (5) residents of the city charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector upon inspection, that any dwelling or dwelling unit is unfit for human habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Chief of Fire-Rescue-EMS-Inspections (or his designated agent) at a place within the county, therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of such complaint. The owner or any party in interest shall have the right 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. Notice of such hearing shall also be given to at least one (1) of the persons signing a petition relating to such dwelling. 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 hearings before the Inspector.

(b) *Procedure after hearing.* After such notice and hearing, the Chief of Fire-Rescue-EMS-Inspections shall state in writing his determination whether such dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

- (1) If the Chief determines that the dwelling or dwelling unit is deteriorated, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article within a specified period of time, not to exceed ninety (90) days or to vacate and close the same. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations and improvements have been made.
- (2) If the Chief determines that the dwelling is dilapidated, he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to vacate and close the dwelling, and to repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this article, or to remove or demolish the same within a specified period of time not to exceed ninety (90) days.

(c) *Failure to comply with order.* The following remedies are available upon the failure of an owner to comply with any order issued hereunder:

- (1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Chief to repair, alter or improve the same within the time specified therein, or if the owner of a dilapidated dwelling shall fail to comply with an order of the Chief to vacate and close, and repair, alter and improve such dwelling or dwelling unit to comply with the minimum standards of fitness or remove or demolish the same within the time specified therein. The Chief shall submit to the City Council at its next regular meeting a resolution directing the City Attorney to petition the Superior Court for an order directing such owner to comply with the order of the Chief, as authorized by G.S. 160A-446(g).
- (2) *In rem remedy.* After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Chief within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in subsection (c)(1) of this section, the Chief shall submit to the City Council an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved or vacated and closed and removed or demolished, as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling, as provided by G.S. 160A-443(4) and section 6-116.

(d) *Appeals from orders of the Chief.* An appeal from any decision or order of the Chief may be taken by any person aggrieved thereby or by any public officer, board or commission of the city. Any appeal from the Inspector shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the Chief and with the Housing 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 Chief 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 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 Chief 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 Chief certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the Chief, by the Board or by a court of record upon petition made pursuant to G.S. 160A-446(f) and subsection (e) of this section.

- (1) 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 Chief, but the concurring vote of four (4) members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of 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.

- (2) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within fifteen (15) days of the decision of the Board, but not otherwise.

(e) *Petition to Superior Court by owner.* Any person aggrieved by an order issued by the Chief or a decision rendered by the Board shall have the right, within thirty (30) days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Director pending a final disposition of the cause, as provided by G.S. 160A-446(f).

(Code 1972, § 9-7; Code 1993, § 4-91)

Sec. 6-115. Service of complaints and orders.

Complaints or orders issued by the Chief of Fire-Rescue-EMS-Inspections, pursuant to this article, shall be served upon persons either personally or by registered or certified mail. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Chief in the exercise of reasonable diligence, and the Chief makes an affidavit to that effect, then the serving of the complaint or order upon the unknown 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 the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(Code 1972, § 9-8; Code 1993, § 4-92)

State law reference—Service of complaints and orders, G.S. 160A-445.

Sec. 6-116. In rem action by Inspector; placarding.

(a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Chief of Fire-Rescue-EMS-Inspections issued pursuant to the provisions of this article, and upon adoption by the City Council of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and section 6-114(c), the Chief shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this article or to be vacated and closed and removed or demolished, as directed by the ordinance of the City Council and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This

building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." The occupation of a building so posted shall constitute a misdemeanor.

(b) Each such ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5).

(Code 1972, § 9-9; Code 1993, § 4-93)

Sec. 6-117. Liens for costs of repairs, alterations, etc.

As provided by G.S. 160A-443(6), 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 Chief of Fire-Rescue-EMS-Inspections, pursuant to section 6-116, 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 enforced and the costs collected as provided by G.S. 160A, art. 10 (G.S. 160A-216 et seq.).

(Code 1972, § 9-10; Code 1993, § 4-94)

Sec. 6-118. Alternative remedies.

Neither this article nor any of its provisions shall be constructed to impair or limit in any way the power of the city to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this article by criminal process as authorized by G.S. 14-4 and section 6-120, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy provided herein or in other ordinances or laws.

(Code 1972, § 9-11; Code 1993, § 4-95)

Sec. 6-119. Conflict with other provisions.

In the event any provision, standard or requirement of this article is found to be in conflict with any provision of any other ordinance or code of the city, 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.

(Code 1972, § 9-13; Code 1993, § 4-96)

Sec. 6-120. Penalties and violations.

(a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, 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. It shall be unlawful for the owner of any dwelling or dwelling unit with respect to which an order has been issued, pursuant to section 6-114, to occupy or permit the occupancy of the same after the time

prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(b) The violation of any provision of this article shall constitute a misdemeanor, as provided by G.S. 14-4.

(Code 1972, § 9-14; Code 1993, § 4-97)

Chapter 7

RESERVED

