CHAPTER 150: MINIMUM HOUSING

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GENERAL PROVISIONS

§ 150.01 FINDING; PURPOSE.

Pursuant to G.S. § 160D-1201, it is hereby declared that there exist in the town 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 other conditions rendering the dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

§ 150.03 MINIMUM STANDARDS OF FITNESS FOR DWELLING AND DWELLING UNITS.

(A) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.05 through 150.09 below.

(B) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.04 through 150.09 below.

Penalty, see § 150.99

§ 150.04 STRUCTURAL CONDITION; MINIMUM STANDARDS.

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

(A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents;

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used;

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged;

(D) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in a condition that they will not fail or collapse;

(E) Adequate facilities for egress in case of fire or panic shall be provided;

(F) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness, and shall be maintained in a manner so as to enable the occupants to maintain reasonable privacy between various spaces;

(G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight;

(H) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in a condition or location as to constitute a fire hazard; and

(I) There shall be no use of the ground for floors, or wood floors on the ground.

Penalty, see § 150.99

§ 150.05 PLUMBING, HEATING AND ELECTRICAL EQUIPMENT AND FACILITIES.

(A) Plumbing system.

(1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) Heating system. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following.

(1) Central and electric heating systems. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70°F measured at a point 3 feet above the floor during ordinary winter conditions.

(2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of 70°F measured 3 feet above the floor during ordinary winter conditions.

(C) Electrical system.

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least 2 floor or wall-type electric convenience receptacles connected in manner as determined by the State Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least 1 supplied ceiling or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each habitable room shall contain at least 3 floor or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the State Electrical Code.

Penalty, see § 150.99

§ 150.06 MINIMUM STANDARDS FOR VENTILATION.

(A) General.

(1) Every habitable room shall have at least 1 window or skylight facing directly to the outdoors.

(2) The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of the room.

(3) Whenever walls or other portions of structures face a window or any room and light-obstructing structures are located less than 5 feet from the window and extend to a level above that of the ceiling of the room, the 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.

(4) Whenever the only window in a room is a skylight-type window in the top of the room, the total window area of the skylight shall equal at least 15% of the floor area of the room.

(B) Habitable rooms.

(1) Every habitable room shall have at least 1 window or skylight which can easily be opened, or other device as will adequately ventilate the room.

(2) The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(C) Bathroom and water closet rooms. Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms except that no windows or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system.

Penalty, see § 150.99

§ 150.07 SPACE, USE AND LOCATION; MINIMUM STANDARDS.

(A) Room sizes.

(1) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code.

(2) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next 3 occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

(3) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by 1 occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than 1 occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) Ceiling height. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than 7 feet and 6 inches.

(C) Floor area calculation.

(1) Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area.

(2) The floor area of any part of any room where the ceiling height is less than 4-1/2 feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(D) Cellar. No cellar shall be used for living purposes.

(E) Basements. No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

(2) The total window area, total openable window area and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the window or windows face a stairwell, window well or accessway.

Penalty, see § 150.99

§ 150.08 SAFE AND SANITARY MAINTENANCE.

(A) Exterior foundation, walls and roofs.

(1) Every foundation wall, exterior wall and exterior roof shall be substantially weathertight and rodent proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(2) Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(B) Interior floors 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 would cause to be placed thereon.

(C) Windows and doors. Every window, exterior door, 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.

(D) Stairs, porches and appurtenances. Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.

(E) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit the floor to be easily kept in a clean and sanitary condition.

(F) Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) Drainage. Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(H) Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(I) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.

Penalty, see § 150.99

§ 150.09 CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

(A) Screens.

(1) In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device.

(2) Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens; provided that dwelling units containing central air conditioning equipment or window-type air conditioning units which will satisfactorily cool and ventilate the dwelling unit are not required to have screens in door and window openings.

(B) Rodent control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.

(C) Infestation.

(1) Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than 1 dwelling unit shall be responsible for extermination whenever his or her dwelling unit is the only one infested.

(2) Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent proof or reasonably insect proof condition, extermination shall be the responsibility of the owner.

(3) Whenever infestation exists in 2 or more or the dwelling units in any dwelling or in the shared or public parts of any dwelling containing 2 or more dwelling units, extermination shall be the responsibility of the owner.

(D) Rubbish storage and disposal. Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of a dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) Garbage storage and disposal. Every dwelling and every dwelling unit shall be supplied with approved garbage cans or approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by town ordinances.

Penalty, see § 150.99

§ 150.10 ROOMING HOUSES; MINIMUM STANDARDS AND EXCEPTIONS.

All of the provisions of this chapter, and all of the minimum standards and requirements of this chapter, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy and any rooming unit in any rooming house, except as provided in the following divisions.

(A) Water closet, hand lavatory and bath facilities.

(1) At least 1 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 4 rooms within a rooming house wherever these facilities are shared.

(2) All like 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 1 story removed from any of the persons sharing the facilities.

(3) Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. The required facilities shall not be located in a cellar.

(B) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by 1 occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than 1 occupant shall contain at least 50 square

feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) Sanitary conditions.

(1) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house.

(2) He or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(D) Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) above shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

Penalty, see § 150.99

SPECIFIC REGULATIONS

§ 150.25 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Public areas. Every owner of a dwelling containing 2 or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(C) Rubbish and garbage.

(1) Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities.

(2) In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) Care of facilities, equipment and structure. No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.

Penalty, see § 150.99

§ 150.26 POWERS AND DUTIES OF HOUSING INSPECTOR.

(A) The Housing Inspector is hereby designated as the officer to enforce the provisions of this chapter and to exercise the duties and powers herein prescribed.

(B) The Housing Inspector is authorized to exercise powers that may be necessary or convenient to carry out and effectuate the purpose and provisions of this chapter.

(C) The Housing Inspector shall have the following powers and duties:

(1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town, 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 chapter with respect to the repair, closing or demolition of dwelling and dwelling units;

(2) To take action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

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

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

(5) To enter upon premises for the purpose of making examinations and inspections; provided, entries shall be made in accordance with § 150.27 below and state law, and shall be made in a manner so as to cause the least possible inconvenience to the persons in possession;

(6) To appoint and fix the duties of officers, agents and employees as he or she deems necessary to assist in carrying out the purposes of this chapter, and to delegate any of his or her functions and powers to officers, agents and employees; and

(7) To preform other duties as may be prescribed herein or by the Town Council.

§ 150.27 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

(A) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith.

(1) The owner or occupant of every dwelling, dwelling units, rooming house or rooming unit or the person in charge thereof shall give the Inspector free access to the dwelling and its premises at all reasonable times for the purposes of inspection, examination and survey.

(B) Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall give the owner thereof, or his or her agent or employee, access to any part of the dwelling or dwelling unit and its premises at all reasonable times for the purpose of making repairs

or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful order issued pursuant to the provisions of this chapter.

§ 150.28 PROCEDURE FOR ENFORCEMENT OF MINIMUM HOUSING - DWELLING.

(A) Preliminary investigation; notice; hearing.

(1) Whenever a petition is filed with the public officer by a public authority or by at least five residents of the town charging that any dwelling is unfit for human habitation or when it appears to the public officer that any dwelling is unfit for human habitation, the public officer shall, if a preliminary investigation discloses a basis for charges, issue and cause to be served upon the owner of and parties in interest in such dwellings a complaint stating the charges in that respect and containing a notice that an administrative hearing will be held before the public officer, or the officer's designated agent, at a place within the county in which the property is located. The hearing shall be not less than 10 nor more than 30 days after the serving of the complaint.

(2) The owner or any party in interest shall be given 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. The rules of evidence prevailing in courts of law shall not be controlling in administrative hearings before the public officer.

(2) If the petition is filed by at least five residents of the town, notice of the hearing shall be given to at least one of the persons signing a petition relating to the dwelling.

(3) Any person desiring to do so may attend the hearing and give evidence relevant to the issue or issues being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

(B) Procedure after hearing - orders.

(1) If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the orders as described in NCGS §160D-1203(3)[a][b].

(2) If, after notice and an administrative hearing, the public officer determines that the dwelling under consideration is unfit for human habitation, the officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, as appropriate:

a. If the repair, alteration, or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified, to repair, alter, or improve the dwelling in order to render it fit for human habitation. The ordinance may fix a certain percentage of this value as being reasonable. The order may require that the property be vacated and closed only if continued occupancy during the time allowed for

repair will present a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements; the current state of the property; and any additional risks due to the presence and capacity of minors under the age of 18 or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of an unfit order under subdivision (4) of 160D-1203.

b. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, requiring the owner, within the time specified in the order, to remove or demolish the dwelling. The ordinance may fix a certain percentage of this value as being reasonable. However, notwithstanding any other provision of law, if the dwelling is located in a historic district and the Historic District Commission determines, after an administrative hearing as provided by ordinance, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. 160D-949.

(C) Failure to comply with order(s) shall comply with G.S. § 160D-1203(4)(5)(6) and § 150.30 below.

(D) Appeals from orders of the public officer.

(1) An appeal from any decision or order of the public officer may be taken by any person aggrieved thereby.

(2) Any appeal from the public officer shall be taken within 10 days from the rendering of the decision or service of the order, and shall be taken by filing with the public officer and with the Zoning Board of Adjustment a notice of appeal which shall specify the grounds upon which the appeal is based.

(3) Upon the filing of any notice of appeal, the public officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made.

(4) When an appeal is from a decision of the public officer refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed.

(5) When any appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal has the effect of suspending the requirement until the hearing by the Board, unless the public officer certifies to the Board, after the notice of appeal is filed with the officer, that because of 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 is not suspended except by a restraining order, which may be granted for due cause shown upon not less than one day's

written notice to the public officer, by the Board, or by a court of record upon petition made pursuant to G.S. § 160D-1208(f) and division (E) below.

(6) 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.

(7) Any party may appear in person, and/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 a 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 public officer, but the concurring vote of 4 members of the Board shall be necessary to reverse or modify any decision or order of the Inspector.

(8) The Board shall have power also in passing upon appeals, in any case where there are practical difficulties of unnecessary hardships in the way of carrying out the strict letter of the ordinance, to adapt the application or 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.

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

(E) Petition of Superior Court by owner. Any person aggrieved by an order issued by the public officer or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the public officer pending a final disposition of the cause, as provided by G.S. § 160D-1208(f).

§ 150.29 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

(A) Complaints or orders issued by the public officer shall be served upon persons either personally or by registered or certified mail.

(B) If the whereabouts of the persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, the public officer shall make an affidavit to that effect, and the serving of the complaint or order upon the person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this chapter in a newspaper having general circulation in the town.

(C) Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

§ 150.30 IN REM ACTION BY INSPECTION; PLACARDING.

(A) After failure of on owner of a dwelling or dwelling unit to comply with an order of the public officer issued pursuant to the provisions of this chapter, and upon adoption by

the Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160D-1126 and § 150.28(C) above, the public officer shall proceed to cause the dwelling or dwelling unit to be repaired, altered or improved to comply with minimum standards of fitness established by this chapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Council, and shall cause to be posted on the main entrance of the 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."

(B) Occupation of a building so posted shall constitute a Class 1 misdemeanor. Each 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. § 160D-1126.

Penalty, see § 150.99

§ 150.31 COSTS; LIEN ON PREMISES.

(A) As provided by G.S. § 160D-1203(7)[a], the amount of cost of repairs, alterations, or improvements, or of vacating and closing, or removal or demolition by the public officer pursuant to § 150.30 above shall be 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 as provided in Article 10 of Chapter 160A of the General Statutes.

§ 150.32 ALTERNATIVE REMEDIES.

Neither this chapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this chapter by criminal process as authorized by G.S. § 14-4 and § 150.34 below, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

§ 150.33 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.

(A) All appeals which may be taken from decisions or orders of the Inspector pursuant to § 150.28(D) above shall be heard and determined by the Zoning Board of Adjustment.

(B) As the appeals body, the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.

(C) The Board shall perform the duties prescribed by § 150.28(D) above and shall keep an accurate journal of all its proceedings.

(D) If the Zoning Board of Adjustment consists of more than 5 members, the Chairperson shall designate 5 members to hear appeals under this chapter.

§ 150.34 CONFLICT.

In the event any provision, standard or requirement of this chapter is found to be in conflict with any provision of any other ordinance or code of the town, 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 town shall prevail.

§ 150.98 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 the order. Each day that any like failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 150.28 above, to occupy or permit the occupancy of the same after the time prescribed in the order for its repair, alteration or improvement or its vacation and closing. Each day that the occupancy continues after the prescribed time shall constitute a separate and distinct offense.

(C) In addition to the penalty established by division (C) above, and the remedies provided by other provisions of this chapter, this chapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

Penalty, see § 150.99

§ 150.99 PENALTY.

The violation of any provision of this chapter shall constitute a misdemeanor, as provided by G.S. § 14-4.