CHAPTER 151: BUILDING CODE

Section

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§ 151.01 DUTY OF BUILDING INSPECTOR.

(A) Any building or structure or part thereof, partially destroyed or otherwise, which is found by the Building Inspector to be in a dilapidated state of disrepair or other substandard condition so as to be dangerous to life, health or other property, or to constitute a fire or safety hazard or a public nuisance shall be declared by the Building Inspector to be unsafe.

(B) An unsafe condition may be caused by defective construction, overloaded structural parts, decay, susceptibility to fire, unsafe exits or any other hazardous conditions or circumstances.

(C) The Building Inspector shall have authority, and it shall be his or her duty, to declare all like buildings or structures unsafe and to take appropriate action to have the conditions corrected or removed.

(D) A like declaration by the Building Inspector shall constitute an order of condemnation for the purposes of this chapter.

§ 151.02 DUTY OF OWNER; PROCEDURE UPON OWNER'S FAILURE TO COMPLY.

Whenever any building or structure has been condemned by the Building Inspector, and the existence of a building or structure in a dilapidated state of disrepair or other substandard condition is found and determined by the Building Inspector or, upon appeal from or report by the Building Inspector as hereafter provided, by the Town Council to be dangerous to life, health or other property, or is in a condition so as to constitute a fire or safety hazard or a public nuisance, the owner or owners of that building or structure shall be required to demolish and remove the same or remedy the conditions under the regulations and procedures herein provided; and in the event the owner fails or refuse so to do within the time directed by the Building Inspector or by the Town Council as hereinafter provided, the Town Council may in its judgment cause the same to be demolished and removed or cause other steps to be taken as it may find to be necessary to suppress and abate the nuisance and remove the fire or safety hazard and the danger to life, health or other property found to exist, and specially assess the cost and expense of doing the work, including the cost of abstracting the title to the property, against the lot or parcel of land on which the building or structure is located.

§ 151.03 NOTICE AND HEARING BY BUILDING INSPECTOR PRIOR TO ACTION BY TOWN.

(A) Before any building or structure may be ordered to be demolished and removed as provided in § 151.04 below, the Building Inspector shall notify the owner or owners thereof, in writing, by certified or registered mail to the last known address of the owner, or by personal service of notice by the Building Inspector or his or her assistant or by posting notice as hereinafter provided, that the building or structure is in a condition as appears to constitute a fire or safety hazard or is dangerous to life, health or other property, or to be a public nuisance, and that a hearing will be held before the Building Inspector at a designated place at a time not less than 10 days after the date of the written notice, at which time and place the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer evidence as he or she may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected.

(B) If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served at least 10 days prior to the date fixed for the hearing if a notice of the hearing is published 1 time in a newspaper having general circulation in the town at least 10 days prior to the date fixed for the hearing. The notice shall state the address or location of the building or structure and the time, place and purpose of the hearing.

§ 151.04 ORDER BY BUILDING INSPECTOR TO REMEDY OR DEMOLISH.

If, upon the hearing, the Building Inspector shall find that the building or structure in question is in a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property, or is a public nuisance, he or she shall make an order in writing, directed to the owner of the building or structure, requiring the owner to remedy the conditions so found to exist by demolishing and removing the buildings or structure or taking other steps as may be necessary to abate the nuisance and remove the hazards, within a period, not less than 60 days, as the Building Inspector may prescribe.

§ 151.05 APPEAL FROM DECISION OF BUILDING INSPECTOR.

(A) The owner of any building or structure ordered by the Building Inspector to be demolished and removed, or who is directed by the Building Inspector to take any other steps to abate a nuisance or remove hazards found by the Building Inspector to exist, shall have the right of appeal from the order to the Town Council; provided, that the owner gives notice of appeal to the Building Inspector at the time of the hearing at which the order is

made, or within 10 days after the order is made, files with the Building Inspector a written notice of the appeal.

(B) Notice of appeal shall state the grounds therefor.

(C) Unless an appeal is taken within the time and in the manner herein prescribed, the action of the Building Inspector shall be deemed final, subject only to action as the Town Council may take as herein elsewhere provided.

(D) Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this section, it shall be the duty of the Building Inspector to report the same to the Mayor who shall cause the matter to be placed on the agenda for action by the Town Council at its next ensuing regular meeting.

(E) The Town Council shall have the right to continue the hearing of the appeal from time to time, in its discretion.

§ 151.06 REPORT BY BUILDING INSPECTOR WHEN OWNER FAILS TO COMPLY.

(A) In the event the owner does not appeal from the final order or direction of the Building Inspector requiring that the building or structure be demolished and removed or the taking of other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with the order and direction, it shall be the duty of the Building Inspector to file a written report thereof with the Mayor, who shall cause the report to be placed on the agenda for action by the Town Council at its next ensuing regular meeting or to some subsequent meeting to which the Town Council may continue the same.

(B) The Building Inspector shall mail a copy of the report by certified or registered mail to the owner at his or her last known address, or have a copy of the report delivered to the owner. The report shall specify the date of the meeting of the Town Council for which the matter will be docketed for action.

§ 151.07 ORDER BY TOWN COUNCIL ON NONCOMPLIANCE BY OWNER; ASSESSMENT OF TOWN.

In all cases referred to in this chapter which reach the Town Council for action, either upon appeal of the owner from the ruling of the Building Inspector or upon report of the Building Inspector that the owner fails or refuses to comply with his or her order or direction, the Town Council shall hear the matter, and if it finds and determines that the building or structure in question is in a dilapidated or substandard state of disrepair so as to constitute a fire or safety hazard, or to be dangerous to life, health or other property, or is a public nuisance, and that the owner of the building or structure has failed or refused to abate the nuisance and has failed or refused to have the building or structure demolished and removed or has failed or refused to take other steps as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the demolition and removal of the building or structure to be done, or effect other remedies as may be necessary to

abate the nuisance and remove the hazards, and specially assess the cost of the work, including the cost of abstracting the title to the property, against the lot or parcel of land on which the building or structure was situated; and the assessment shall constitute a specific lien upon the lot or parcel of land, which may be enforced by an action instituted in the name of the town as in the case of ad valorem taxes and local improvement assessments.

§ 151.08 WHEN NOTICE OF HEARING BY TOWN COUNCIL REQUIRED.

In cases in which the Building Inspector has been unable to give the owner actual notice of hearing in the manner herein above provided, and has given notice by posting and publishing the same as authorized in § 151.03 above, and the owner has failed or refused to comply with the order or direction of the Building Inspector to demolish and remove the building or structure, or take other remedial actions as will remove the hazards, and the case is referred to the Town Council for action, the Town Council shall before taking action, cause to be posted on the outside of the building or structure in question at least 10 days prior to the date fixed for the hearing, and published 1 time in a newspaper having general circulation in the town at least 10 days prior to the date fixed for the hearing, a written notice stating the address or location of the building or structure involved and the time, place and purpose of the hearing, and other information as the Town Council may deem advisable.

§ 151.09 PRESUMPTION OF DANGER TO PUBLIC.

In all cases in which the Town Council, under authority of this chapter, causes the demolition and removal of any building or structure to be carried out, or directs other remedial steps to be taken as may be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire and safety hazard and danger to life, health or other property, created and maintained by the continued presence of a building or structure in a condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety and general welfare, which requires entry upon private property for the summary abatement and removal of the danger, in the public interest.

§ 151.10 WILLFUL FAILURE OR REFUSAL TO COMPLY WITH CHAPTER.

(A) After a building or structure has been declared unsafe by the Building Inspector or by the Town Council, it shall be unlawful for any owner to convey, attempt to convey or enter into a contract to convey the subject property or any interest therein without first notifying in writing the Building Inspector and advising in writing the proposed purchaser that the building or structure has been declared unsafe.

(B) It shall also be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the Building Inspector or Town Council made by virtue and in

pursuance of this chapter, and any person violating this chapter shall, upon conviction, be punished as provided by G.S. § 14-4 for the violation of municipal ordinances, and every day the person shall willfully fail or refuse to comply with any final order or direction of the Building Inspector or Town Council made by virtue and in pursuance of this chapter shall constitute a separate and distinct offense.

Penalty, see § 10.99