

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 10, 2019

AGENDA ITEM NUMBER: 17

SUBJECT: ORDINANCE REVISING CHAPTER 7 OF THE FORSYTH COUNTY CODE ENTITLED "BUILDINGS AND BUILDING REGULATIONS" (FORSYTH COUNTY ATTORNEY'S OFFICE)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION: See Attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Watts, Jr. /AMS*
COUNTY MANAGER

DATE: October 3, 2019

**ORDINANCE REVISING CHAPTER 7
OF THE FORSYTH COUNTY CODE ENTITLED
"BUILDINGS AND BUILDING REGULATIONS"
(FORSYTH COUNTY ATTORNEY'S OFFICE)**

BE IT ORDAINED by the Forsyth County Board of Commissioners that Chapter 7 of the Forsyth County Code, entitled, "Buildings and Building Regulations" consisting of Sections 7-1 through 7-116, is hereby revised as shown in the attached Sections 7-1 through 7-127.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon final adoption.

Adopted this 10th day of October 2019.

Chapter 7 - BUILDINGS AND BUILDING REGULATIONS ~~III~~

Footnotes:

~~(1)~~

~~Editor's note~~— In an ordinance adopted Aug. 5, 1974, the county adopted the electrical permit fees applicable to Forsyth County as incorporated in § 5-117 of the Code of the City of Winston-Salem.

~~Cross reference~~— Air quality control, Ch. 3; erosion control, Ch. 9; fire prevention and protection, Ch. 10; floodway regulations, Ch. 10.5; mobile homes, Ch. 13; street numbering of property, § 20-16 et seq.; protection of watershed areas, § 22-26 et seq.; zoning ordinance, Ch. 23.

ARTICLE I. - IN GENERAL

Sec. 7-1. - Definition.

Unless indicated to the contrary, the term "building inspector," as used in this chapter, shall mean the inspection division of the ~~public works~~ Planning and Development Services Department of the City of Winston-Salem or such other agency of said city as performs inspection services for the county pursuant to an agreement entered into under the terms of this chapter.

(Res. of 2-1-60)

Sec. 7-2. - State building codes adopted.

~~As is consistent with the North Carolina General Statutes, the North Carolina State Building Codes, and the National Electrical Code as adopted by the Building Code Council, as amended from time to time, shall constitute the building codes applicable in the county. These adopted codes and amendments thereto shall constitute the building codes applicable to the areas of the county outside of the corporate limits of the City of Winston-Salem and the Town of Kernersville, regulating all types of buildings covered thereby, as provided by state law:~~

- ~~(1) Volume I—North Carolina State Building Code—General Construction 1978, with amendments.~~
- ~~(2) Volume II—Plumbing 1980, with amendments.~~
- ~~(3) Volume IV—Electrical (National Electrical Code, 1984 Edition).~~
- ~~(4) N.C. Uniform Residential Building Code 1968, with amendments.~~

(Ord. of 11-19-73, Div. A; Ord. No. 2-81, § 1, 7-27-81; Ord. No. 2-85, § 4, 1-31-85)

~~Editor's note~~— The Town of Rural Hall provided in § 2 of Ord. and Res. of June 10, 1974, and the Village of Clemmons provided in § 30.01 of Ord. and Res. of Dec. 3, 1986, and the Town of Lewisville provided in § 22 of Ord. and Res. of August 15, 1991, that the building codes adopted by the board of county commissioners of Forsyth County shall be applicable within the incorporated and jurisdictional limits of the Town and of the Village.

~~Cross reference~~— Adoption of state provisions relative to heating, air conditioning, refrigeration and ventilation, 7-52.

~~State Law reference~~— Building code, G.S. § 143-138 et seq.; authority of county to adopt by reference, G.S. § 153A-47.

~~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 U.S.C. § 3312).~~

Sec. 7-3. - Actions to restrain violations of building codes.

- (a) In addition to other remedies specified in this article, the building inspector may maintain in the name of Forsyth County an action of injunction to restrain any violation of the building codes adopted by this article.
- (b) *Fee for stop work order.* When a lawful stop work order is issued under G.S. 153A-361, a fee of two hundred twenty-five dollars (\$225.00) shall be paid for it to be lifted, in addition to other requirements to comply with the building code.

(Res. of 2-1-60; Ord. No. 2-2003, § 2, 6-23-03)

Sec. 7-4. - Extra inspection.

The fees shown in this chapter for specific items shall entitle the permit holder to the appropriate number of inspection trips for the installation of those work items, and for one (1) additional inspection trip per permit for re-inspection of corrected work or disapproved work. For inspection trips required in excess of the one (1) additional trip, a fee of forty dollars (\$40.00) shall be imposed for each additional trip. This section shall apply to all types of inspections covered by this chapter.

(Ord. No. 8-75, § 2, 10-20-75; Ord. No. 2-81, § 2, 7-27-81; Ord. No. 12-87, § 1, 7-27-87; Ord. No. 5-90, § 1, 5-14-90; Ord. No. 2-2003, § 3, 6-23-03)

Sec. 7-5. - Double fee.

Work performed without a permit and in violation of the requirements of this chapter shall be subject to a late fee equal in amount of the fees specified for the work and in addition thereto, at the discretion of the inspections superintendent division senior staff. The late fee shall not be construed as a penalty, but as a charge for additional administrative expense. This section shall apply to all types of work done and permits therefor covered by this chapter.

(Ord. No. 8-75, § 3, 10-20-75)

Sec. 7-6. - Violations and penalties.

If any person shall violate this ordinance, chapter or code or any provision thereof, he shall be guilty of a Class 1 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.

(Ord. No. 5-92, § 1, 5-26-92)

State law reference: G.S. §153A-357.

Sec. 7-7. - Permit fee refund policy.

Permit fees may be refunded prior to the first inspection on the permit. The request for refund must be received in writing and within six (6) months of the issue date of the permit. An administrative fee of twenty-five dollars (\$25.00) will be charged for each permit fee refunded. Zoning review and any plan review fees for building and grading permits may not be refunded.

(Ord. No. 2-2004, § 1, 11-22-04)

Sec. 7-8. - Bond in lieu of inspection fees.

Licensed plumbing, mechanical, and electrical contractors, in lieu of paying their inspection fees daily may, when approved by the City of Winston-Salem, post a performance bond in an amount of not less than twenty-five hundred dollars (\$2,500.00) Any account which is not paid within thirty (30) days of the billing date will be charged a late fee of two (2) percent of the outstanding balance. There will be a

reasonable charge assessed to establish a bonded account and a reasonable yearly maintenance charge for continuation of the account. A reasonable charge will be assessed for foreclosure of a delinquent bonded account.

(Ord. No. 2-85, § 7, 1-31-85; Ord. No. 2-2003, § 9, 6-23-03)

Sec. 7-9. - Permits, inspection, and enforcement.

(a) There shall be a joint city/county department of Planning and Development Services. This office shall serve as the planning and inspections agency for the purposes of North Carolina General Statutes Chapter 153A-352 and Chapter 160A-412 and said office shall operate in accordance with joint resolutions adopted by the Board of County Commissioners and the City Council, and in accordance with applicable state law.

(b) A joint inspection department created by two or more units of government shall have the authority to enforce the code in all areas of legal jurisdiction of all units of government supporting the joint department.

(c) The responsibility for administration and enforcement of the code has been allocated to local code enforcement officials under the supervision of State officials as designated within Section 203 of the State Building Code.

(d) Inspection department shall:

1. Receive applications and supporting data for permits;
2. Issue or deny permits;
3. Make all necessary inspections;
4. Identify technical provisions found to be inconsistent with the inspection;
5. Issue or deny certificates of compliance and certificates of occupancy;
6. Issue stop work orders or orders to correct violations;
7. Maintain adequate records of permits issued or denied, inspections made, corrections ordered and certificates issued; and
8. Take other actions that may be required to adequately enforce the code.

(e) No state or local government employee shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Official's Qualification Board as specified by applicable state law.

(f) Unless he or she is the owner of the building, no officer or employee of an inspection department shall be financially interested or employed by a business that is financially interested in furnishing labor, material, or appliances for the construction, alteration, or maintenance of any building within the county's territorial jurisdiction or any part or system thereof, or in making plans or specifications therefor. No member of any inspection department or other individual or an employee of a company contracting with a county to conduct inspections may engage in any work that is inconsistent with his or her duties or with the interest of the county, as determined by the county.

(g) The code enforcement officer shall have the right to enter buildings or premises as prescribed in G.S. § 153A-360 and G.S. § 153A-364.

(h) As outlined in G.S. § 153A-361, a county code enforcement official is authorized to issue stop work orders. The statute outlines: 1) when a stop work order can be issued; 2) how the stop work order is to be issued; and 3) how the stop work order may be appealed.

(i) A county code enforcement official is authorized to condemn an unsafe building as prescribed in G.S. § 153A-366.

(j) It shall be unlawful for any person to commence or proceed with the construction, alteration, repair, or movement to another site, removal or demolition of any building; install, extend, or repair any plumbing system; install, extend, or repair any heating or cooling equipment; or install, extend, alter, or repair any electrical wiring, devices, appliances, or equipment without first securing from the Inspection Division with jurisdiction over the site of the work each permit required by the North Carolina State Building Codes and other applicable state or local laws or ordinances or regulation applicable to the work.

(k) Per G.S. § 153A-358, a permit expires 6 months, or any lesser time fixed by local ordinances, after the date of issuance if the work authorized by the permit has not commenced. If after commencement, the work is discontinued for a period of 12 months, the permit immediately expires. No work authorized by a permit that has expired may be performed until a new permit has been issued.

(l) After a permit has been issued, no change or deviation from the terms of the application, the plans and specifications, or the permit, except if the change or deviation is clearly permissible under the State Building Code, may be made until specific written approval of the proposed change or deviation has been obtained from the inspection division.

(m) A permit application shall be filed with the Inspection Division on a form furnished for that purpose. The Inspection Division shall make available a list of information which must be submitted with the building permit application, including a complete building code summary and a permit application information sheet.

(n) Where required by law, no permit shall be issued unless the construction documents (drawings and specifications), bear the North Carolina seal of a registered design professional. Construction documents shall include the name and address of the business entity (individual, corporation or partnership) with whom the registered design professional is affiliated.

(o) Where required by law, that general construction, plumbing, mechanical, electrical, fire protection or gas work be performed by an appropriately licensed individual, no permit for such type work shall be issued to an unlicensed person or firm.

(p) It shall be the duty of every person who contracts for the installation or repair of a building or service system to comply with state or local rules and regulations concerning licensing. It shall be the contractor's responsibility to conform to the technical codes for all installations or repairs of a building or service system.

(q) In accordance with state law, the Inspection Division shall examine each application for a permit to determine if it is in compliance with the requirements of the technical codes and other pertinent laws and ordinances. If the inspection department is satisfied that the work described in the application conforms to the requirements of the technical codes and other pertinent laws and ordinances, it shall issue a permit to the applicant. If the application does not conform to the requirements of the technical codes and other pertinent laws and ordinances, the application shall be returned to the applicant with the reasons for refusal stated.

(r) Permits shall be required for the installation, connection of units, foundations, utility connections or alterations of buildings or components manufactured off the site and labeled by a third-party agency accredited and listed by the Building Code Council.

(s) Third party certification agencies shall be accredited and listed by the Building Code Council. Inspection and certification of buildings or components manufactured off the site and labeled by a third-party agency shall be accepted by the inspection department without further inspection. Permits and fees may be required for any installation, connection of units, foundations, utility connections or alterations of such work.

(t) A permit issued shall be construed as permission to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a permit shall not prevent the inspection department from requiring correction of errors in plans, construction or violations of this code.

(u) The code enforcement official shall revoke, in writing, a permit or approval issued under the provisions of this chapter or the technical code for, but not limited to:

1. Any substantial departure from the approved application, drawings or specifications;
2. Refusal or failure to comply with the requirements of any applicable State or local laws;
3. Any false statement or misrepresentation as to the material facts in the application or plans on which the permit or approval was based.

(v) The code enforcement official may revoke a permit upon determination that the work for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter or the technical codes.

(w) A permit shall not be issued until the fees prescribed by the local governing authority have been paid. No amendment to a permit shall be released until the additional fee, if any, has been paid.

(x) If any person commences any work on a building or service system before obtaining the necessary permit, he or she shall be subject to a penalty as established by the local governing board.

(y) The inspection division shall make periodic inspections as specified in G.S. § 153A-364.

(z) Inspections of schools for fire hazards shall be in accordance with G.S. § 115C-525(b).

(aa) A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the inspection department has issued a certificate of compliance. The certificate of compliance shall not be issued until all required service systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the inspection department.

(bb) Upon satisfactory completion of a building, plumbing, mechanical, electrical, fire protection or gas system, or portion thereof, a certificate of compliance shall be issued. The certificate of compliance represents that a structure or system is complete and for certain types of permits is permission granted for connection to a utility system. The certificate of compliance shall not be construed to grant authority to occupy a building.

(cc) A temporary/partial certificate of compliance may be issued permitting occupancy for a stated period for specific portions of a building or service system that the inspector finds safe for occupancy prior to final completion of the entire building or system.

(dd) Upon satisfactory completion of a building and after the final inspection, the inspection department may issue a certificate of occupancy. The certificate of occupancy shall state the occupancy may be safely occupied.

(ee) A certificate of occupancy for any existing building may be obtained by applying to the inspection department and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, the code enforcement official may require detailed drawings and inspections to determine compliance with the applicable codes. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued. The certificate shall state the approved occupancy type.

(ff) No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the technical codes until approved by the inspection department and a certificate of compliance is issued.

(gg) The inspection department may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems.

(hh) Whenever a stop order has been issued by an inspection department involving alleged violations of the State Building Codes, the owner or builder may appeal in writing to the Commissioner of Insurance, or his or her designee, within 5 days after the date the order is issued, with a copy of the appeal to the inspection department. No further work may take place in violation of a stop order. The Commissioner, or his or her designee, shall promptly conduct an investigation. The inspection department and the owner or builder shall be permitted to submit relevant evidence for the investigation. The Commissioner of Insurance, or his or her designee, shall provide a written statement of the decision setting forth the facts found, the decision reached and the reasons for the decision. In the event of dissatisfaction with the decision, the person affected shall have the option of appealing as set forth in the statutes.

(ii) When required by the code enforcement official, signs stating the occupant load determined in accordance with occupant load specified in the technical codes shall be posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose where fixed seats are not installed. The seating capacity shall be determined in accordance with the technical codes and signs posted at locations approved by the code enforcement official. It shall be unlawful to remove or deface such notice or to permit more than this legal number of people within such space.

The signs shall read as follows:

"Any person, firm, corporation or agent who violates a provision of this code or the technical codes shall be guilty of a Class 3 misdemeanor. Each person shall be considered guilty of a separate offense for each and every portion thereof during which any violation is committed or continued, for a period of 30 days. Upon conviction of any such violation the person shall be liable to a fine not to exceed \$50.00 for each offense. Any violation incurred more than 1 year after another conviction for violation of the occupancy limits shall be treated as a first offense for the purposes of establishing and imposing penalties."

(jj) In case any building or structure is constructed or its purpose altered so that it becomes in violation of the technical codes, or if the occupancy limits established are exceeded, the code enforcement official may institute any appropriate action or proceedings, including civil remedies, to:

1. Prevent the unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding;
2. Restrain, correct or abate the violation; or
3. Prevent the occupancy or use of the building, structure or land until the violation is corrected.

(kk) It shall be unlawful for any person to erect, alter, repair or move any building or structure without first obtaining a permit from the building inspector, and before any such operations are begun the owner shall apply to the building inspector for a permit. The application for a permit shall be made upon a form supplied by the building inspector. The application and the permit shall contain a statement that the work shall be done in accordance with the provisions of this Code and all other laws pertaining to the work. No permit shall be required for any construction, installation, repair, replacement, or alteration costing ~~five~~ **fifteen** thousand dollars ~~(\$5,000.00)~~ **(\$15,000.00)** or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing.

(Res. of Joint City-county agreement 7/1/1963 and subsequent amendments; Res. of 2-1-60; Res. of 9-13-65; Ord. of 11-19-73, Div. E; Ord. No. 8-75, § 1, 10-20-75; Ord. No. 2-81 § 4, 7-27-81; Ord. No. 7-84, § 3, 9-10-84; Ord. No. 12-87, § 4, 7-27-87; Ord. No. 5-92 § 2, 5-26-92; Ord. No. 1-96, § 2, 6-24-96).

State Law Reference: Permits, G.S. § 153A-357, et seq.

Secs. 7-~~810~~—7-~~1415~~.- Reserved.

ARTICLE II. - BUILDING PERMITS AND INSPECTIONS ⁽²⁾

Footnotes:

—(2)—

~~Cross reference—Building permits in watershed protection area, § 22-26 et seq.~~

~~State Law reference—Building inspection by county, G.S. § 153A-350 et seq.~~

Sec. 7-1~~56~~. - Inspectors designated; agreement with Winston-Salem for inspection services.

- (a) The building inspectors of the City of Winston-Salem are hereby designated as county building inspectors to perform inspection services, collect inspection fees and enforce the building regulations referred to and provided for in this chapter, and such services shall be performed by the inspections division of the ~~public works~~ Planning and Development Services Department of the City of Winston-Salem, subject to the approval of the ~~board of aldermen~~ City Council of the City of Winston-Salem and the execution of an appropriate agreement between Forsyth County and the City of Winston-Salem.
- (b) The county shall enter into an appropriate agreement with the City of Winston-Salem authorizing the inspections division of the ~~public works~~ Planning and Development Services Department of the City of Winston-Salem to perform inspection services and enforce the building regulations adopted by this chapter. Such agreement shall be effective upon being approved by both the ~~board of aldermen~~ City Council of the City of Winston-Salem and the Board of Commissioners of the County of Forsyth.

(Res. of 2-1-60)

State Law reference— County inspection departments, G.S. § 153A-351 et seq.; authority to contract with municipality for inspection services, G.S. § 153A-353.

Sec. 7-16. - General inspections for enforcement of building codes and correction of violations.

Subject to the limitations of State law, as the work pursuant to a permit progresses, local inspectors shall make as many inspections of the work as may be necessary to satisfy them that it is being done according to the provisions of the applicable State and local laws and local ordinances and regulations and of the terms of the permit. In exercising this power, each member of the inspection division has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action. If a permit has been obtained by an owner exempt from licensure under provisions within State law, no inspection shall be conducted without the owner being personally present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the N.C. General Statutes.

State Law reference— Duties and responsibilities, G.S. § 153A-352(b); Architects, G.S. § 83A.

Sec. 7-17. - ~~Permit required; permit application. Permit to be kept at work site and produced upon request.~~

~~It shall be unlawful for any person to erect, alter, repair or move any building or structure without first obtaining a permit from the building inspector, and before any such operations are begun the owner shall apply to the building inspector for a permit. The application for a permit shall be made upon a form supplied by the building inspector. The application and the permit shall contain a statement that the work shall be done in accordance with the provisions of this Code and all other laws pertaining to the work. No permit shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000.00) or less in any single-family residence or farm building unless the work involves: The addition, repair or replacement of load-bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing.~~

Permits and all approved stamped plans and revisions provided for in this article shall be kept at all times at the premises on which the construction work is being done, and shall be produced promptly at the request of any building inspector or county official vested with police authority.

(Res. of 2-1-60; Ord. No. 7-84, § 3, 9-10-84)

~~**Cross reference**— Building permit for mobile home not to issue prior to compliance with requirements relative to registration for tax purposes, § 13-19; building permit to serve as zoning permit in certain cases, § 23-15 A2.a.(2).~~

State Law reference— Building permits, G.S. § 153A-357 et seq.

Sec. 7-18. - Permit fees generally.

- (a) *Permit fees for existing nonresidential construction.*** For all existing nonresidential construction, alterations, remodels, repairs, demolitions or expenditures for improvements on existing nonresidential buildings, other than painting, the inspections director, or designee, shall charge for each and every building on which permits are granted the following fees for inspections, based on the value of the work, such fees to be paid in advance:

Value / Fee

\$0.00 through \$5,000.00 ~~/~~\$65.00

\$5,000.01 through \$50,000.00 ~~/~~\$65.00

Plus, for each \$1,000.00 of value or fraction thereof over \$5,000.00 ~~/~~\$4.00

\$50,000.01 through \$100,000.00 ~~/~~\$232.00

Plus, for each \$1,000.00 of value or fraction thereof over \$50,000.00 ~~/~~\$3.00

\$100,000.01 through \$500,000.00 ~~/~~\$388.00

Plus, for each \$1,000.00 of value or fraction thereof over \$100,000.00 ~~/~~\$2.60

\$500,000.01 and above ~~/~~\$1,425.00

Plus, for each \$1,000.00 of value or fraction thereof over \$500,000.00 ~~/~~\$2.40

Inspection of day care/adult day care/family group home facility ~~/~~\$150.00

Manufactured home permit ~~/~~\$100.00

Modular home permit /\$100.00

Commercial building evaluation /\$250.00

Temporary certificates of occupancy (TCO) /\$50.00

Plus, per unfinished trade /\$35.00

Foundation only permits (added to cost of permit) /\$225.00

Parking lot permit (stand alone permit) /\$150.00

- (b) *Permit fees for new residential construction.* The following fees shall be charged for permits on new construction/additions of residential dwelling units, including single-family dwellings, townhouses, condominiums, duplexes and apartment buildings. Fees for new construction/additions of single-family/duplex units are based on gross square footage of building. Fees for townhouses, condominiums, twin home, urban home and apartments are calculated per unit.

	Building**	Electrical*	Plumbing	Mechanical Electrical	Mechanical Fossil Fuel	Gas Appliance As Separate Permit
Single-family residential (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Single-family additions (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Townhouse, condo, twin home, urban home: per unit	\$206.00	\$138.00	\$162.00	\$86.00	\$100.00	\$100.00
Duplex: per unit (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Apartment, first unit:	\$206.00	\$90.00	\$71.00	\$98.00	\$100.00	\$100.00
Each additional unit in building:	\$53.00	\$55.00	\$41.00	\$23.00	\$32.00	\$12.00

* Does not include temporary saw service.

Existing residential construction. The following fees shall be charged for permits on existing residential construction for alterations, remodels, repairs, demolitions, and improvements to existing single-family residential structures.

Single-family alt./repairs	Building	Electrical	Plumbing	Mechanical	Gas Fireplaces
	\$0.08	\$0.05	\$0.05	\$0.05	\$100.00

Minimum fee: \$100.00 minimum building fee + \$65.00 minimum fee per trade.

**In addition to the above fees, a homeowner's recovery fund fee is collected in accordance with G.S. 87-15.6, for all single-family dwelling permits issued to North Carolina licensed contractor.

- (c) Upon application to the inspections director, or designee, for a building permit for new nonresidential construction and residential and nonresidential additions, the permit applicant shall pay a building permit fee based on the actual cost of construction, which shall be a cost not less than seventy-five (75) percent of the square foot value for the type of construction and occupancy obtained from the most recent "Building Valuation Data" table for North Carolina published by the International Code Council, Inc. Building permit fees for new residential construction shall be as provided in subsection (b).
- (d) *Plan review fee required.* Upon application to the inspections director for any proposed construction project for which a plans review is conducted prior to the issuance of a permit, a non-refundable plans review fee shall be paid at the time the permit application is submitted according to the following schedule:

Type of Project	Fee
Nonresidential, less than 4,000 square feet	\$100.00
Nonresidential, 4,000 to 15,000 square feet	\$125.00
Nonresidential, 15,001 to 40,000 square feet	\$325.00
Nonresidential, 40,001 square feet and greater	\$800.00
Condo/apartment projects	\$500.00
Townhomes (per unit)	\$ 65.00
Cell towers/co-locates	\$ 65.00
Code item point reviews, such as exterior lighting, magnetic locks, columbarium's, signs, etc.	\$ 50.00
Parking lots	\$100.00

(e) *Fee for after-hours inspections.* In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.

(2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Res. of 2-1-60; Ord. No. 2-81, § 3, 7-27-81; Ord. No. 3-81, § 1, 9-28-81; Ord. No. 12-87, §§ 2, 3, 7-27-87; Ord. No. 5-90, § 2, 5-14-90; Ord. No. 10-92, §§ 1, 2, 11-23-92; Ord. No. 1-96, § 1, 6-24-96; Ord. No. 1-99, § 1, 1-11-99; Ord. No. 4-99, § 1, 6-17-99; Ord. No. 3-2001, §§ 1, 2, 10-8-01; Ord. No. 2-2003, § 4, 6-23-03; Ord. No. 2-2004, § 2, 11-22-04; Ord. No. 1-2014, § 1, 9-23-13; Ord. No. 1-2015, § 1, 8-10-15; Ord. No. 1-2016, § 1, 6-13-16; Ord. No. 2-2016, § 1, 6-13-16)

Sec. 7-19. - ~~Permit to be kept at work site and produced upon request.~~ Reserved.

~~Permits provided for in this article shall be kept at all times at the premises on which the construction work is being done, and shall be produced promptly at the request of any building inspector or county official vested with police authority.~~

~~(Res. of 2-1-60)~~

Sec. 7-20. - ~~Termination of permit for failure to start or discontinuance of work.~~ Reserved.

~~If, after the issuance of a permit under this article, the operations authorized thereunder are not commenced within six (6) months after the date of the permit, or if, after the commencement of operations, the work is discontinued for a period of twelve (12) months, such permit shall be void, and work may not again be commenced until a new permit shall have been issued and a fee paid as for the original work.~~

~~(Res. of 2-1-60; Ord. No. 2-81, § 4, 7-27-81)~~

~~**State Law reference**— Similar provisions, G.S. § 153A-358.~~

Sec. 7-21. - ~~Deviation from permit application, plans or specifications.~~ Reserved.

~~If, after securing a permit, the applicant desires to alter or deviate in any manner from the terms of the application or plans, working drawings or specifications submitted at the time of securing the permit, notice of such intention shall be given to the building inspector and his written approval obtained.~~

~~(Res. of 2-1-60)~~

Sec. 7-22. - ~~Periodic work inspections.~~ Reserved.

~~As the construction of a building or structure progresses pursuant to a permit issued under this article, the building inspector shall make as many inspections as may be necessary to satisfy him that the structure is being built according to the requirements of law.~~

~~(Res. of 2-1-60)~~

~~**State Law reference**— Inspections of work in progress, G.S. § 153A-360.~~

Sec. 7-23. - ~~Notice when work completed; final inspection and issuance of certificate of completion and occupancy; adjustment of permit fees.~~ Reserved.

~~As soon as the work for which a permit is required by this article has been completed, and prior to occupancy, the owner shall so notify the building inspector, who shall proceed at once to make final~~

~~inspection and determine whether or not such work has been completed in accordance with law. Upon completion of any new building or construction which meets the requirements of law, the building inspector shall issue, upon application therefor by the owner of the building, a certificate of completion and occupancy which shall state that he has complied with the requirements of the building law as to that particular building or construction, giving description and location, and that same may be occupied. The building inspector shall keep his record so that it will show readily by reference all such buildings and construction as are approved.~~

~~(Res. of 2-1-60; Res. of 9-13-65; Ord. No. 8-75, § 1, 10-20-75; Ord. No. 12-87, § 4, 7-27-87; Ord. No. 1-96, § 2, 6-24-96)~~

~~State Law reference— Final inspection and issuance of certificate of compliance, G.S. § 153A-363.~~

~~Sec. 7-24. - Issuance of permit does not authorize violations of chapter or prevent correction of errors. Reserved.~~

~~The issuance or granting of a permit or approval of plans or specifications shall not be deemed or constructed to be permit for, or an approval of, any violation of the provisions of this chapter. The issuance of a permit, upon approval of plans or specifications, shall not prevent the building inspector from thereafter requiring the correction of errors in such plans or specifications, or from preventing building operations thereunder when in violation of this chapter or of any other ordinance of the county.~~

~~(Res. of 2-1-60)~~

~~Sec. 7-25. - General inspections for enforcement of building codes and correction of violations. Reserved.~~

~~The building inspector or any properly authorized representative acting in his behalf is hereby empowered to cause any building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the building codes adopted by this chapter. Any person who, having been served with an order to remove any such violation or to cease and desist from a continuing violation of the building codes, shall fail to comply with such order within ten (10) days after service thereof or continue to violate any provision of the building codes in the respect named in such order, shall be guilty of a misdemeanor and shall be subject to punishment as provided by law. Any trial which might be conducted pursuant to the authority of this section shall not constitute former jeopardy of the defendant therein, and if such defendant continues in the violation of the building codes for which such trial was held, such continuing violation shall be a separate misdemeanor for which such defendant may again be tried.~~

~~(Res. of 2-1-60)~~

~~State Law reference— Periodic inspections and correction of defects, G.S. § 153A-364 et seq.~~

~~Secs. 7-~~1926~~—7-36. - Reserved.~~

ARTICLE III. - PLUMBING PERMITS AND INSPECTIONS ⁽³⁾

Footnotes:

~~—(3)—~~

~~Cross reference— Sewers, Ch. 18; water system regulations, Ch. 22.~~

~~Sec. 7-37. - Inspectors designated; agreement with Winston-Salem for inspection services.~~

- ~~(a) The plumbing inspectors of the City of Winston-Salem are hereby designated as county plumbing inspectors to perform inspection services, collect inspection fees and enforce the plumbing regulations referred to and provided for in this chapter, and such services shall be performed by the~~

inspections division of the ~~public-works~~ Planning Development Services Department of the City of Winston-Salem, subject to the approval of the ~~board-of-aldermen~~ City Council of the City of Winston-Salem and the execution of an appropriate agreement between the County and the City of Winston-Salem.

- ~~(b) The county shall enter into an agreement with the city of Winston-Salem by the provisions of which the county designates as county plumbing inspectors the superintendent of inspections, the inspections supervisor and the plumbing inspectors of the city of Winston-Salem to perform, on behalf of the county, the inspection services, to collect inspection fees and to enforce the plumbing inspection program and regulations of the county. Such agreement shall provide:~~
- ~~(1) That all forms and permits used and issued in connection with the performance of services under the agreement shall be drawn and issued so as to clearly show that the inspections are made by county plumbing inspectors and that permits are issued or denied by county plumbing inspectors;~~
 - ~~(2) That all fees authorized by the board of commissioners shall be collected by and paid to the city of Winston-Salem and that, in the event the cost of rendering services under the agreement exceeds the revenue derived from the collection of inspection fees, the county shall reimburse the city for such deficit, and that any revenue received by the city over and above the cost shall be retained by the city;~~
 - ~~(3) That either the city or the county may, by mutual consent or by notice given in writing by one party to the other, cancel the agreement by providing notice not less than sixty (60) days prior to the end of the next succeeding anniversary of the effective date of the agreement.~~
- ~~(c) The chairman of the board of commissioners is authorized, empowered and directed to execute the agreement referred to in this section, for and in behalf of the county, the clerk to the board is ordered and directed to attest the signature of the chairman and to place on the agreement the seal of the county.~~

~~(Res. of 1-7-63)~~

State Law reference— County inspection departments, G.S. § 153A-351 et seq.; authority to contract with municipality for inspection services, G.S. § 153A-353.

Sec. 7-38. - ~~To whom permits issued.~~ Reserved.

~~Permits to install plumbing, as required by the plumbing code referred to in section 7-2, shall be issued only to duly licensed master plumbers or plumbing contractors, or to persons performing plumbing work on their own premises and who are not required to be licensed. Such permits shall also be issued to a person installing plumbing in areas not covered by existing state law relating to plumbing licenses, when such person shows satisfactory proof of having been engaged in the business of plumbing prior to July 1, 1953. An official document, such as a city or state privilege license, dated prior to July 1, 1953, will be deemed satisfactory proof for the purpose of obtaining plumbing permits.~~

~~(Res. of 1-7-63)~~

State Law reference— Permit not to issue unless work performed by licensed specialty contractor if required by state law or local ordinance, G.S. § 153A-357.

Sec. 7-39. - Inspection fees.

- (a) *Fee schedule.* Before a permit shall be granted for the construction or alteration of a plumbing or drainage system, as provided in the plumbing code referred to in section 7-2, the applicant shall pay to the City of Winston-Salem an inspection fee in accordance with the following schedule:
- (1) *New residential construction* residential additions and residential alterations/repairs. Fees for new residential construction, residential additions and residential alterations/repairs are set forth in section 7-18(b).

- (2) *Nonresidential construction.* For nonresidential construction and alterations, additions and repairs to existing residential buildings, the following fees shall apply:
- a. Plumbed fixtures, appliances, interceptors, and sewer ejectors to be installed or replaced, including but not limited to sinks, water closets, floor drains, dishwashers, disposals and water heaters.....\$10.00
 - b. Installation or replacement of building sewer or drains, per two hundred (200) feet or part thereof.....\$16.00
 - c. Installation or replacement of building water lines when not in conjunction with one of the items listed in subsection (2)(a) or (b) of this section.....\$65.00
 - d. Installation or replacement of gas outlets or gas house connections, each.....\$7.00
 - e. Installation of medical gas, per station outlet.....\$10.00
 - f. Minimum fee. The total of fees due for any permit shall not be less than.....\$65.00

(Res. of 1-7-63; Ord. of 8-5-74; Ord. No. 2-81, § 5, 7-27-81; Ord. No. 2-85, § 5, 1-31-85; Ord. No. 12-87, § 7, 7-27-87; Ord. No. 5-90, § 5, 5-14-90; Ord. No. 3-2001, § 3, 10-8-01; Ord. No. 2-2003, § 5, 6-23-03; Ord. No. 2-2004, § 3, 11-22-04; Ord. No. 1-2014, § 2, 9-23-13)

Sec. 7-40. - Fee for after-hours inspections.

In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.
- (2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Ord. No. 1-2016, § 2, 6-13-16)

Secs. 7-41—~~749-50~~. - Reserved.

ARTICLE IV. ~~HEATING CODE~~^[4] MECHANICAL PERMITS AND INSPECTIONS.

Footnotes:

~~(4)~~

~~Editor's note—Ord. of Nov. 19, 1973, did not expressly amend this Code, hence codification of Divs. A—E as Art. IV, §§ 7-51—7-70 and 7-82—7-87, was at the discretion of the editors.~~

Sec. 7-50. - Violations and penalties.

The mechanical inspectors of the City of Winston-Salem are here by designated as county mechanical inspectors to perform inspection services, and enforce the mechanical regulations referred to and provided for in this chapter, and such services shall be performed by the inspections division of the Planning and Development Services Department of the City of Winston-Salem, subject to the approval of the City Council of the City of Winston-Salem and the execution of an appropriate agreement between the County and the City of Winston-Salem.

State Law reference— County inspection departments, G.S. § 153A-351 et seq.; authority to contract with municipality for inspection services, G.S. § 153A-353.

DIVISION 1. - GENERALLY

Sec. 7-51. - ~~Violations and penalties.~~ Reserved.

~~Any person, firm or corporation or agent who shall violate any provision of this article or a provision of the heating code or fail to comply therewith or with any of the provisions thereof or violate a detailed statement or plans submitted and approved thereunder shall be guilty of a misdemeanor. Upon conviction thereof, such violator shall be subjected to a fine not to exceed five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.~~

~~(Ord. of 11-19-73, Div. E; Ord. No. 5-92, § 2, 5-26-92)~~

Sec. 7-52. - ~~Adoption of state regulations; short title.~~ Reserved.

~~(a) The North Carolina State Building Code, Volume III, Heating, Air Conditioning, Refrigeration, and Ventilation, 1980 Edition, is hereby adopted as applicable in the unincorporated areas of Forsyth County and regulating mechanical installations in all types of buildings covered thereby, as provided by state law.~~

~~(b) The North Carolina State Building Code, Volume III, Heating, Air Conditioning, Refrigeration and Ventilation shall be known as the heating code.~~

~~(Ord. of 11-19-73, Div. A, § 1; Ord. No. 2-81, § 6, 7-27-81)~~

~~**Editor's note**— The Town of Rural Hall provided in § 2 of Ord. and Res. of June 10, 1974, that the building codes adopted by the Board of County Commissioners of Forsyth County shall be applicable within the incorporated and jurisdictional limits of the town.~~

Sec. 7-53. - ~~Purpose.~~ Reserved.

~~The heating code shall be construed to secure the beneficial interest and purposes thereof, which are health, sanitation, general public safety and welfare, by regulating installation and maintenance of all mechanical equipment.~~

~~(Ord. of 11-19-73, Div. A, § 2)~~

Sec. 7-54. - ~~Scope.~~ Reserved.

~~The provisions of the heating code shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances thereto, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.~~

~~(Ord. of 11-19-73, Div. A, § 3)~~

Sec. 7-55. - ~~Determination of requirements not covered by code.~~ Reserved.

~~Any requirement necessary for the safety, strength or stability of an existing or proposed mechanical installation or for the safety of the occupants of a building or structure not specifically covered by the heating code shall be determined by the heating inspector subject to the approval of the superintendent of inspections.~~

~~(Ord. of 11-19-73, Div. A, § 11)~~

Sec. 7-56. - ~~Approval of alternate materials and methods of installation.~~ Reserved.

~~Alternate materials and alternate methods of installations shall be approved in accordance with the heating code.~~

~~(Ord. of 11-19-73, Div. A, § 12)~~

Sec. 7-57. - ~~Repealed.~~ Reserved.

Editor's note— Ord. No. 2-2004, § 4, adopted Nov. 22, 2004, repealed § 7-57, which pertained to deviation from code where existing installations altered, repaired or renovated and derived from Ord. of 11-19-73, Div. A, § 13.

Sec. 7-58. - ~~Evidence required to substantiate claims for alternates.~~ Reserved.

~~The heating inspector shall require sufficient evidence to enable him to judge whether proposed alternates meet the requirements of the heating code for safety and health.~~

~~(Ord. of 11-19-73, Div. A, § 14)~~

Sec. 7-59. - ~~Tests to show compliance of alternates.~~ Reserved.

~~(a) When there is insufficient evidence to substantiate claims for alternates, the heating inspector may require tests as proof of compliance which shall be made by an approved agency at the expense of the applicant. Tests shall be made in accordance with generally recognized standards. In the absence of such standards, the heating inspector shall specify the test procedure.~~

~~(b) Tests may be required to be repeated if at any time there is reason to believe that an alternate no longer conforms to the requirements on which its approval was based.~~

~~(Ord. of 11-19-73, Div. A, § 15)~~

Sec. 7-60. - ~~Heating inspectors to enforce code; appointment and qualifications of inspectors.~~ Reserved.

~~(a) The requirements and provisions of this heating code shall be enforced by heating inspectors, operating under the direction and supervision of the superintendent of inspections.~~

~~(b) No person shall be appointed as inspector of mechanical systems who has not had at least ten (10) year's experience as a superintendent, foreman, or competent mechanic in charge of mechanical construction unless in the judgment of the superintendent of inspections the person is otherwise qualified.~~

~~(Ord. of 11-19-73, Div. A, § 5)~~

Sec. 7-61. - ~~Liability of persons charged with enforcement of code.~~ Reserved.

~~Any officer or employee, or member of any board, charged with the enforcement of the heating code, acting for the board of commissioners in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties.~~

~~(Ord. of 11-19-73, Div. A, § 16)~~

Sec. 7-62. - ~~Right of entry.~~ Reserved.

~~The heating inspector shall enforce the provisions of the heating code and he or his duly authorized representative may enter any building, structure, or premises during reasonable hours to perform any duty imposed upon him by the heating code.~~

~~(Ord. of 11-19-73, Div. A, § 7)~~

Sec. 7-63. - ~~Notice to stop work.~~ Reserved.

~~Upon notice from the heating inspector that work on any mechanical installation is being done contrary to the provisions of the heating code or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of such property, or to his agent, or the person doing the work, and shall state the conditions under which work may be resumed. Where any emergency exists, oral notice given by the heating inspector shall be sufficient.~~

~~(Ord. of 11-19-73, Div. A, § 8)~~

Sec. 7-64. - ~~Inspection of new work or changes required; notice of completion of work.~~ Reserved.

- ~~(a) All new work and such portions of existing systems as may be affected by new work or any changes shall be inspected to insure compliance with all the requirements of the heating code and to assure that the installation and construction of the mechanical system is in accordance with approved plans.~~
- ~~(b) It shall be the duty of the installer to give reasonable advance notice to the heating inspector when work is ready for test or inspections.~~
- ~~(c) It shall be the duty of the installer to make sure that the work will stand the test prescribed before giving the above notice.~~
- ~~(d) If the heating inspector finds that the work will not pass the test, the installer shall be required to make necessary corrections and the work shall then be resubmitted for inspection. Where additional inspections are necessary for retesting, there shall be an additional fee for each such inspection as per fee schedule.~~
- ~~(e) The equipment, material, power and labor necessary for the inspection and test shall be furnished by the installer.~~

~~(Ord. of 11-19-73, Div. C, § 1)~~

Sec. 7-65. - ~~Inspection and approval of equipment; concealment of equipment; inspection certification reports.~~ Reserved.

- ~~(a) All equipment for which a permit is obtained under the heating code shall be inspected and, when in compliance with the heating code, approved by the heating inspector. No portion of any equipment intended to be concealed by any permanent portion of the building shall be concealed until inspected and approved by the heating inspector or certified by a nationally recognized approval agency. When installation of any equipment is complete, a final inspection shall be made. No equipment regulated by the heating code shall be connected to the fuel or power supply and placed in normal operation until it complies with all applicable requirements of the heating code and a final inspection approval has been issued.~~
- ~~(b) A final inspection approval may be revoked by the heating inspector if it is found that the heating, cooling or refrigeration equipment fails in any respect to comply with the requirements of the heating code so that the installation is unsafe, dangerous, or hazardous to life. The heating inspector may accept inspection certification reports from a nationally recognized approval agency in lieu of on-site inspection when on-site inspection is impractical.~~

~~(Ord. of 11-19-73, Div. C, § 2)~~

Sec. 7-66. - ~~Duty to correct deficiencies found in work; issuance of permits prohibited until work complies with code.~~ Reserved.

~~Any person, firm or corporation engaged in the business of installing, altering or repairing mechanical equipment whose work does not conform to the rules and regulations herein set out or whose workmanship or materials are of inferior quality shall, on notice from the heating inspector, make~~

~~necessary changes or corrections at once so as to conform to the heating code. If work has not been so changed after ten (10) days' notice from the heating inspector, the inspector shall then refuse to issue any more permits until such work has fully complied with the rules and regulations of the heating code.~~

~~(Ord. of 11-19-73, Div. D, § 2)~~

Sec. 7-67. - Maintenance of mechanical systems required. Reserved.

~~All mechanical systems, both existing and new, and all parts thereof, shall be maintained in a safe condition. All devices or safeguards which are required by the heating code shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of mechanical systems.~~

~~(Ord. of 11-19-73, Div. A, § 4)~~

Sec. 7-68. - Hazardous mechanical installations declared illegal; abatement. Reserved.

~~All mechanical installations, regardless of type, which constitute a hazard to human life, health or welfare are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the procedure as outlined in Section 105.12 of the North Carolina State Building Code, Volume I, General Construction.~~

~~(Ord. of 11-19-73, Div. A, § 10; Ord. No. 2-81, § 7, 7-27-81)~~

Sec. 7-69. - Qualifications of persons installing, altering, repairing or replacing equipment. Reserved.

~~Before any person, firm or corporation shall engage in the business of installing, altering, repairing or replacing mechanical equipment, he shall be qualified as set forth in the North Carolina State Heating Code.~~

~~(Ord. of 11-19-73, Div. D, § 1)~~

Sec. 7-70. - Officers and employees of inspections division not to have conflicts of interest. Reserved.

~~No officer or employee connected with the inspections division shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of mechanical installations or in the making of plans or of specifications therefor, unless he is the owner of such building. No such officer or employee shall engage in any work which is inconsistent with his duties or with the interests of the inspections division.~~

~~(Ord. of 11-19-73, Div. A, § 6)~~

Sec. 7-71. - Fee for after-hours inspections.

In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.
- (2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Ord. No. 1-2016, § 3, 6-13-16)

Secs. 7-72—7-81. - Reserved.

~~DIVISION 2. - PERMITS AND FEES~~

Sec. 7-82. - Permit required; application to be in person; applicant to furnish additional information. Reserved.

- ~~(a) No person, firm, or corporation shall do or cause to be done any installations, alterations, repairs, or replacement of equipment or systems covered by the provisions of the heating code without first having obtained the proper permit from the heating inspector. Ordinary minor repairs may be made with the approval of the heating inspector without a permit, provided that such repairs shall not violate any of the provisions of the heating code.~~
- ~~(b) Any firm licensed by the state and bonded by the city may, during nonbusiness hours, proceed with necessary emergency repairs or installations. If such work would normally require a permit, the firm must apply for same during office hours of the next working day.~~
- ~~(c) Application for a permit shall be made in person. The applicant shall furnish information as may be required to complete the application form by the heating inspector.~~
- ~~(d) Permits shall not be required for appliances and equipment exempted by provisions of the North Carolina State Heating Code.~~

~~(Ord. of 11-19-73, Div. B, § 1)~~

Sec. 7-83. - Drawings and specifications; examination of application and accompanying material. Reserved.

- ~~(a) Whenever in the opinion of the heating inspector drawings and specifications are needed to show definitely the nature and character of the work for which the application is made, the applicant shall furnish such drawings and specifications. These drawings and specifications shall be drawn to scale and submitted in duplicate. If approved, one (1) set shall be returned to the applicant marked approved and one (1) set shall be retained and filed as a permanent record in the office of the heating inspector. The applicant's approved set shall remain at all times on the job.~~
- ~~(b) The heating inspector shall examine or cause to be examined each application for a permit and the drawings and specifications which may be filed therewith and shall ascertain by such examination whether the installation indicated and described is in accordance with the requirements of the heating code and all other pertinent laws or ordinances.~~

~~(Ord. of 11-19-73, Div. B, § 2)~~

Sec. 7-84. - Action on permit application; scope of permit; when permit becomes invalid; extensions of time. Reserved.

- ~~(a) If the heating inspector is satisfied that the work described in the application for the permit and the drawings and specifications which may be filed therewith conform to the requirements of the heating code and other pertinent laws and ordinances, he shall issue a permit therefor to the applicant.~~
- ~~(b) If the application for the permit and the drawings and specifications which may be filed therewith describe work which does not conform to the requirements of the heating code or other pertinent laws or ordinances, the heating inspector shall not issue a permit but shall return the drawings to the applicant with his refusal to issue such a permit. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.~~
- ~~(c) The heating inspector shall act upon an application for a permit with plans as filed or as amended without unreasonable or unnecessary delay. A permit issued shall be construed to be a license to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of the heating code, nor shall such issuance of a permit prevent the heating~~

~~inspector from thereafter requiring correction of errors in plans or in construction or of violations of the heating code.~~

~~(d) Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months after its issuance or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced.~~

~~(Ord. of 11-19-73, Div. B, § 3; Ord. No. 2-81, § 8, 7-27-81)~~

~~Cross reference—When issuance of permit prohibited, § 7-66.~~

Sec. 7-85. - ~~Validity of permit dependent on payment of fees; double fee when work premature.~~
Reserved.

~~(a) No permit shall be valid until the fees prescribed in this section shall have been paid; nor shall an amendment to a permit be approved until the additional fees, if any, shall have been paid.~~

~~(b) If any person commences any work on an installation before obtaining the necessary permit from the superintendent of inspections, the permit fee shall be doubled.~~

~~(Ord. of 11-19-73, Div. B, § 4)~~

Sec. 7-86. - Schedule of permit fees.

(a) *Fees for new residential construction, additions to existing residential structures, and alterations to existing single family/townhouse residential construction.* Fees for new residential construction, additions to existing residential structures, and alterations to existing single family/townhouse residential construction are set forth in section 7-18(b).

(b) *Fees for nonresidential construction ~~and existing residential buildings.~~* For nonresidential construction and alterations ~~and repairs to existing residential buildings~~, the following fees shall apply:

(1) *Heat-producing equipment.* Permit fees for installation, conversion or replacement of the following shall be in accordance with Schedule I:

- a. Each boiler, furnace, or air handler with electric heat, including the duct distribution system therefor when covered by the same permit, fired by fossil fuel, solid fuel, electricity or solar energy.
- b. Each floor furnace, wall circulator or heater, circulating heater, direct-fired unit heater, gas radiator, blast furnace, rotary dryer, annealing furnace, duct heater or industrial oven fired by fossil fuel, solid fuel, electricity or solar energy.
- c. Each domestic or commercial hot water system fired by fossil, solid or solar energy.
- d. Nonresidential gas-fired cooking appliances.
- e. Conversion or replacement of any of the equipment mentioned in this subsection.

SCHEDULE I

Residential, per unit listed above.....\$21.00

Nonresidential, per unit listed above:

0 to 150,000 Btu/hr or 0 to 45 kw.....\$25.00

Over 150,000 Btu/hr or over 45 kw.....\$108.00

Residential or nonresidential:

Fan coil units, unit heaters, variable air volume controls, infrared radiant heating units or heat strips in through-the-wall heat pumps having no duct work, each.....\$5.25

- (2) *Heat pumps; air conditioning.* Permit fees for installation or replacement of the following shall be in accordance with Schedule II:
- a. Each heat pump and air conditioning unit, including major components and the duct distribution system therefor when covered by the same permit, or major component only.
 - b. Installation or replacement of duct system only.

SCHEDULE II

Residential, per unit listed above.....\$21.00

Nonresidential, per unit listed above (nominal compressor rating):

0 to 25 tons.....\$25.00

Over 25 tons.....\$108.00

Duct only.....\$21.00

Residential or nonresidential:

Fan coil units, unit heaters, variable air volume controls, infrared radiant heating units or heat strips in through-the-wall heat pumps having no duct work, each....\$5.25

- (3) *Nonresidential exhaust systems.* Permit fees for installation or replacement of the following shall be in accordance with Schedule III:
- a. Each Type I or Type II hood over appliances (in other than residential use), such as dishwashers and appliances for frying, barbecuing, broiling and baking of foods, including the exhaust duct system therefor when covered by the same permit.
 - b. Each exhaust system (in other than residential use) including ducts and make-up air for hoods, commercial and industrial exhaust systems, measured by the cubic feet per minute listed on each unit.

SCHEDULE III

Exhaust systems, each (cubic feet per minute):

0 to 2,000 CFM.....\$86.00

2,001 to 3,000 CFM.....\$123.00

3,000 to 5,000 CFM.....\$154.00

Over 5,000 CFM.....\$500.00

- c. Each through the wall or roof exhaust with no more than ten (10) feet of attached duct, individual bathroom exhaust.....\$5.25
- (4) *Gas outlets.* Permit fees for installation or replacement of gas outlets shall be in accordance with Schedule IV:
- a. Each gas or fuel outlet for appliances in residential use, including but not limited to clothes dryers, ranges and gas lights.
 - b. Gas house connections.

- c. Installation of medical gas.

SCHEDULE IV

- Gas or fuel outlets, each.....\$8.00
- Gas house connections, each.....\$8.00
- Medical gas, per station outlet.....\$10.00

- (5) *Refrigeration units.* Permit fees for installation, repair or replacement of refrigeration units and refrigerant lines shall be in accordance with Schedule V:

SCHEDULE V

Refrigeration units:

- 0 to 10 horsepower, per system.....\$25.00
- 10.1 to 20 horsepower, per system.....\$63.00
- Over 20 horsepower, per system.....\$270.00

Refrigeration line, per line.....\$21.00

- (6) The total of fees due for any permit shall be not less than sixty-five dollars (\$65.00).

(Ord. of 11-19-73; Div. B, § 5; Ord. No. 2-81, § 9, 7-27-81; Ord. No. 7-84, §§ 1, 2, 9-10-84; Ord. No. 2-85, § 6, 1-31-85; Ord. No. 12-87, §§ 5, 6, 7-27-87; Ord. No. 5-90, §§ 3, 4, 5-14-90; Ord. No. 10-92, § 3, 11-23-92; Ord. No. 4-99, § 2, 6-17-99; Ord. No. 3-2001, § 4, 10-8-01; Ord. No. 2-2003, § 6, 6-23-03; Ord. No. 2-2004, § 5, 11-22-04; Ord. No. 1-2014, § 3, 9-23-13)

~~Sec. 7-87. - Revocation of permit or approval; refund of fees. Reserved.~~

~~The heating inspector may revoke a permit or approval, issued under the provisions of this article, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based. In all such cases no permit fees shall be refunded.~~

~~(Ord. of 11-19-73, Div. A, § 9)~~

~~Secs. 7-88, 7-89. - Reserved.~~

~~ARTICLE V. - ENERGY CONSERVATION⁽⁵⁾~~

~~Footnotes:~~

~~—(5)—~~

~~Editor's note — Ord. No. 1-78, § 1, adopted Feb. 6, 1978, specifically amended the Code by Art V, §§ 7-90—7-94, as herein set out.~~

~~Sec. 7-90. — Authority. Reserved.~~

~~This article is adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and Section 153A-134 of the General Statutes of North Carolina.~~

~~(Ord. No. 1-78, § 1, 2-6-78)~~

~~Sec. 7-91. - Required license. Reserved.~~

~~No person, firm or corporation may for a consideration install, alter, or restore within the County of Forsyth any insulation or other materials or energy utilization equipment designed or intended to meet the state building code requirements for insulation and energy utilization standards who is not either:~~

- ~~(a) Licensed as a contractor under Chapter 87 of the General Statutes;~~
- ~~(b) Working under the supervision of a registered architect or professional engineer;~~
- ~~(c) An owner working upon his own building; or~~
- ~~(d) Licensed to install insulation or energy utilization equipment by the city of Winston-Salem pursuant to Chapter 4 of the Code of the city of Winston-Salem, North Carolina.~~

~~(Ord. No. 1-78, § 1, 2-6-78)~~

~~Sec. 7-92. - Required permit; fee. Reserved.~~

~~No person, firm or corporation may, for a consideration, install, alter or restore any insulation or other materials or energy utilization equipment designed or intended to meet the state building code requirements for insulation and energy utilization without first securing a permit from the inspections superintendent of the city of Winston-Salem for each building. For each permit issued, the following fees shall be paid, except where an inspection fee is otherwise required under the county Code and no additional inspection trips are required for insulation inspection, in which event no insulation permit fee shall be required:~~

- ~~(a) For installation of insulation or energy utilization equipment in an existing residential building \$5.00~~
- ~~(b) For installation of insulation or energy utilization equipment in an existing commercial building 10.00~~
- ~~(c) For installation of insulation or energy utilization equipment in an existing industrial building 25.00~~
- ~~(d) For each extra trip or recall inspection for permits issued under (a), (b), and (c) 5.00~~
- ~~(e) For an inspection on existing insulation or energy utilization equipment in a building, upon request of the owner 7.50~~

~~*Double Fee:* Work performed without a permit or in violation of the requirements of this article shall be subject to a late fee equal in amount to the fees specified for the work, and in addition thereto, at the discretion of the inspections superintendent. The late fee shall not be construed as a penalty, but as a charge for additional administrative expense.~~

~~(Ord. No. 1-78, § 1, 2-6-78)~~

~~Sec. 7-93. - Inspections. Reserved.~~

~~The insulation contractor must call the inspections division office for an inspection when the installation begins and upon its completion. An inspection must also be called in when part of the insulation will be covered up before the entire insulation installation is completed, or when the installation has been disapproved and has been corrected.~~

~~(Ord. No. 1-78, § 1, 2-6-78)~~

~~Sec. 7-94. - Penalties. Reserved.~~

~~Any person, firm, or corporation violating the provisions of this article shall be subject to all the applicable punishment, penalties, and equitable relief provided for by Section 153A-123 of the General Statutes and Chapter 703, North Carolina Session Laws of 1977.~~

~~(Ord. No. 1-78, § 1, 2-6-78)~~

Secs. 7-~~8795~~ -7-99. - Reserved.

ARTICLE VI. - ~~ELECTRICITY~~ ELECTRICAL PERMITS AND INSPECTIONS

Sec. 7-100. - Office of electrical inspector designated; duties; ~~conflict of interests~~.

- (a) The electrical inspectors of the City of Winston-Salem are hereby designated as county electrical inspectors to perform inspection services, collect inspection fees and enforce the electrical regulations referred to and provided for in this chapter, and such services shall be performed by the inspections division of the ~~public works~~ Planning and Development Services Department of the City of Winston-Salem, subject to the approval of the ~~board of aldermen~~ City Council of the City of Winston-Salem and the execution of an appropriate agreement between the County and the City of Winston-Salem.
- ~~(b) Inspectors shall keep complete records of all permits issued, inspections and reinspections made, fees collected, and other official work performed in accordance with the provisions of this chapter.~~
- ~~(c) It shall be unlawful for the electrical inspector, or any of his assistants, to engage in the business of the sale, installation or maintenance of electric wiring, devices, appliances or equipment, either directly or indirectly, and he shall have no financial interest in any concern engaged in any such business at any time while holding such office as herein provided for.~~

(Ord. No. 2-81, § 10, 7-27-81)

~~Sec. 7-101. - Adoption of local option rules. Reserved.~~

~~The following local option rules adopted by the North Carolina Building Code Council in June, 1978, are hereby adopted; the rules are intended to apply to permanent buildings or structures covered by the National Electrical Code:~~

- ~~(a) All wiring on or in permanent buildings or structures located within a defined first (number one or primary) fire district shall utilize approved raceways or metal-jacketed cables such as MI or Type MC metal-clad (Type AC not allowed) as permitted by the National Electrical Code;~~
- ~~(b) All permanent buildings, wherever situated, which are required to have an emergency system power source by the state building code shall have the service conductors enclosed in approved raceway; and in addition to the above, all portions of the required emergency lighting system for the entire building shall be wired in metal raceway, nonmetallic raceways encased in not less than two (2) inches of concrete, mineral-insulated, metal-sheathed cable, or Type MC cable as permitted by the state electrical code. The total area of any specific place of assembly shall include the area of balconies and the area of connecting rooms with moveable partitions.~~

~~Exceptions to (a) and (b) above: Sound equipment, communication circuits, Class 2 and Class 3 remote control and signal circuits, and fire protection signaling circuits as permitted in the National Electrical Code.~~

- ~~(c) Each individual gasoline pump, dispenser, lighting standard or other electrical device where gasoline or other volatile flammable liquids or liquefied flammable gases are transferred to the fuel tank of any motor vehicle shall be supplied through an individual rigid metal conduit. The above is not intended to prohibit the consolidation of such individual conduits outside of the hazardous areas, or consolidation within an approved junction box flush with the dispensing island surface;~~

- ~~(d) Service equipment shall not be located in any attic, clothes closet, kitchen, storage cabinet, bathroom, toilet room, coal or trash bin; and~~
- ~~(e) All panelboards which have spare pole spaces or space over current devices and are set flush in masonry or finished walls shall be provided with at least one one-inch approved raceway or other equivalent provision for future extension. Such raceways, when required, shall be installed to the basement, crawl space, accessible ceiling space or attic, or to a junction box in the ceiling or side wall at the ceiling line.~~

~~(Ord. No. 2-81, § 10, 7-27-81)~~

~~Sec. 7-102. Permits and inspections. Reserved.~~

- ~~(a) The term "inspection" as referred to in this section shall mean the necessary scrutiny and checking of a wiring installation to determine whether or not the installation has been made in conformity with state and local laws governing wiring installations and materials. The inspector shall have and use the necessary instruments and tools for testing each installation as to insulation, continuity, polarity, etc. No rough-in work will be considered complete until all joints are properly made, soldered and taped, nor until all service switches, control switches, circuit cabinets and receptacles, together with their appropriate trims and covers, are properly placed and the grounding connections have been made.~~
- ~~(b) No electrical wiring, devices, appliances or equipment shall be installed within or on any building, structure or premises, nor shall any alteration or addition be made in any such existing wiring, devices, appliances or equipment without securing a permit therefor and having an inspection thereof made by the electrical inspector, except as stated in paragraphs (1) and (2) below:
 - ~~(1) No permit shall be required for minor repair work, such as replacement of lamps, or the connection of portable devices to suitable receptacles which have been permanently installed.~~
 - ~~(2) No permit shall be required for the installation, alteration or repair of electrical wiring, devices, appliances and equipment installed by or for an electrical public service corporation for the use of such corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such corporation in the operation of signals or the transmission of intelligence.~~~~
- ~~(c) Any person may be permitted to perform electrical work upon his own property, except property intended for rent, sale or gift, provided he first makes application for and obtains a permit from the electrical inspector to do the specific work contemplated, provided the applicant satisfies the electrical inspector that he is competent to perform the work for which a permit is requested in a manner which will meet the statutory and ordinance requirements. If so satisfied, the electrical inspector shall issue a permit to the applicant personally to perform the particular work for which application was made. Such permit shall extend to the applicant only and shall not authorize the applicant to employ the services of any other person to assist him unless such other person is a qualified contractor. The permit granted the applicant shall automatically expire upon completion of the work for which application was made and the permit issued. All work done under such permit shall be subject to regular electrical inspection requirements and fees, and shall be required to satisfy all statutory and ordinance requirements and regulations applicable to such work.~~
- ~~(d) In lieu of an individual permit for each installation or alteration, an annual permit shall, upon application therefor, be issued to any person, firm or corporation regularly employing one or more electricians for the installation and maintenance of electrical wiring, devices, appliances and equipment on premises owned or occupied by the applicant for the permit. The application for such annual permit shall be made in writing to the electrical inspector and shall contain a description of the premises within which work is to be done under the permit. The person, firm or corporation to which an annual permit is issued shall keep a record of all electric wiring, devices, appliances and equipment installed under said permit, and the electrical inspector shall have access to such record. Each annual permit shall expire on December thirty first of the year in which it was issued. At regular periods the electrical inspector shall visit all premises where work may be done under annual permits and shall inspect all electrical wiring, devices, appliances and equipment installed under such a~~

~~permit since the date of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this chapter, after the fee required has been paid. Upon inspection, if the installation is not found to be fully in conformity with the provisions of this chapter, the electrical inspector shall at once forward to the person, firm or corporation, a written notice stating the defects which have been found.~~

- ~~(e) No permit, except an annual permit or personal permit as outlined in subsection (c) above for the installation or alteration of any electric wiring, devices, appliances or equipment, shall be issued to any person, firm or corporation unless such person, firm or corporation is the holder of an electrical contractor's license issued by the North Carolina State Board of Examiners of Electrical Contractors.~~
- ~~(f) When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the wiring shall notify the electrical inspector, and such parts of the wiring installation shall not be concealed until they have been inspected and approved by the electrical inspector; provided that on large installations, where the concealment of parts of the wiring proceeds continuously, the person, firm or corporation installing the wiring shall give the electrical inspector due notice, and inspections shall be made periodically during the progress of the work.~~
- ~~(g) Upon completion of any installation for which a permit and inspection is required, it shall be the duty of the person installing same to notify the electrical inspector, who shall inspect the installation within twenty-four (24) hours of the time such notice is given or as soon thereafter as practicable.~~
- ~~(h) Where the electrical inspector finds the installation to be in conformity with the provisions of the public safety laws of the state governing electrical wiring installations and materials of this chapter, he shall issue a certificate of approval in duplicate, one for the utility furnishing the electrical service and one for the property owner.~~
- ~~(i) When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for cause. A preliminary certificate of approval may be issued authorizing the connection and use of certain specific portions of an incompletd installation; such certificate shall be revocable at the discretion of the electrical inspector.~~

~~(Ord. No. 2-81, § 10, 7-27-81)~~

Sec. 7-103. - Permit fee schedules.

~~Before any permit is granted for the installation or alteration of electrical equipment, the person making application for such permit shall pay to the city a fee in the following amount:~~

~~Schedule I. Fees for new residential construction, additions to existing residential structures and alterations to single family/townhouse structures are established by section 7-18(b).~~

~~Schedule II. Nonresidential construction and additions, alterations and repairs to existing residential buildings.~~

(1) Rough hot outlets and fixtures:

1-50.....\$24.00

51-100....\$47.00

101-500 outlets.....\$122.00

Over 500 outlets, each additional 100 outlets or part thereof.....\$26.00

(2) Appliances and equipment (including but not limited to ranges, furnaces, dishwashers, subpanels, etc.), each appliance.....\$7.50

(3) General:

Temporary saw service.....\$65.00

Change of service:

Residential.....\$84.00

Commercial.....\$102.00

Reconnect current:

Residential.... \$65.00

Commercial.....\$84.00

Temporary current:

Individual meters.....\$75.00

Gang meters, per gang.....\$100.00

Manufactured homes or trailers, and modular homes.....\$65.00

Swimming pools.....\$138.00

Bonding only.....\$65.00

Signs:

Freestanding, off/on premise, each sign..... \$70.00

Christmas tree lots.....\$70.00

Transmission towers.....\$70.00

(4) Other (each):

CATV amplifiers.....\$7.50

Gasoline dispensers.....\$7.50

Welding machines.....\$7.50

Generators\$7.50

Control wiring, per device..... \$7.50

Room air conditioners\$7.50

Heat cables, wall or baseboard heat.....\$7.50

Electric signs, wall, roof, or projecting, each.....\$7.50

Outdoor lighting, each circuit.....\$7.50

Duct banks, per 50 feet or part thereof.....\$7.50

(5) Electric heat and air conditioning (when not a part of a mechanical system change-out):

a. Residential:

Each heating unit.....\$24.00

Each air conditioning unit.....\$24.00

b. Commercial:

Each heating unit.....\$42.00

Each air conditioning unit.....\$42.00

(6) Motors and horsepower (not a component of a listed unit): Each motor.....\$19.00

(7) Minimum fee: The total of fees due for any permit shall be not less than.....\$65.00

(Ord. No. 2-81, § 10, 7-27-81; Ord. No. 3-81, § 2, 9-28-81; Ord. No. 12-87, § 8, 7-27-87; Ord. No. 5-90, § 6, 5-14-90; Ord. No. 10-92, § 4, 11-23-92; Ord. No. 1-99, § 1, 1-11-99; Ord. No. 3-2001, § 5, 10-8-2001; Ord. No. 2-2003, § 7, 6-23-03; Ord. No. 2-2004, § 6, 11-22-04; Ord. No. 1-2014, § 4, 9-23-13)

~~Sec. 7-104. - Repealed. Reserved.~~

~~Editor's note — Ord. No. 2-2003, § 8, adopted June 23, 2003, repealed § 7-104, which pertained to extra inspection and derived from Ord. No. 2-81, § 10, adopted July 27, 1981; Ord. No. 12-87, § 9, adopted July 27, 1987; Ord. No. 5-90, § 7, adopted May 14, 1990.~~

~~Sec. 7-105. - Bond in lieu of inspection fees. Reserved.~~

~~Licensed electrical contractors, in lieu of paying their inspection fees daily, may when approved by the inspections director post a performance bond in an amount of not less than twenty five hundred dollars (\$2,500.00) or a cash bond of not less than one hundred dollars (\$100.00). Any account which is not paid within thirty (30) days of the billing date will be charged a late fee of two (2) percent of the outstanding balance. There will be a reasonable charge assessed to establish a bonded account and a reasonable yearly maintenance charge for continuation of the account. A reasonable charge will be assessed for foreclosure of a delinquent bonded account.~~

~~(Ord. No. 2-85, § 7, 1-31-85; Ord. No. 2-2003, § 9, 6-23-03)~~

Sec. 7-106. - Fee for after-hours inspections.

In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.
- (2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Ord. No. 1-2016, § 4, 6-13-16)

Secs. 7-107—7-110. - Reserved.

ARTICLE VII. - MINIMUM HOUSING CODE^[6] STANDARDS

Footnotes:

~~—(6)—~~

~~Editor's note—Pursuant to Ord. No. 8-93, § 1, adopted Dec. 20, 1993, provisions pertaining to a minimum housing code have been codified as Art. VII, substantive sections thereof being designated by the editor as §§ 7-111—7-116.~~

Sec. 7-111. - Authority, Scope, and jurisdiction.

~~This code shall be construed to secure the beneficial interests and purposes thereof (which are public safety, health, and general welfare) through structural strength, sanitation, adequate light and ventilation, and safety to the life and property from fire and other hazards incident to the construction, alteration, repair, demolition and removal, use and occupancy of all dwellings or premises used as such.~~

~~Pursuant to North Carolina General Statute §160A-441, it is hereby declared that there exist in Forsyth County dwellings which are unfit for human habitation for reasons which include, but are not limited to, dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light, and safely maintained facilities, and other conditions rendering them substandard, unsafe, unsanitary, dangerous, and/or detrimental to the health, safety, and welfare of the residents of Forsyth County.~~

~~As expressly authorized by North Carolina General Statutes, Chapter 160A, Article 19, Part 6 (Minimum Housing Standards), the purpose of this article is to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, and to provide for the repair or demolition of all structures designed or utilized for such purposes but found to be substandard or unfit under the terms of this article, and to impose requirements upon owners and occupants for maintaining these minimum standards.~~

~~This code article shall apply to all existing housing and to all housing hereafter constructed places of habitation within the unincorporated areas of Forsyth County and to those municipalities within the county who choose to adopt the code. Portable, mobile or demountable buildings and structures when used or intended to be used for housing within the county shall be subject to this code. This article establishes minimum requirements for the initial and continued occupancy of all buildings used for human habitation and does not replace or modify requirements otherwise established for the construction, repair, alteration or use of buildings, equipment, or facilities except as provided in this article.~~

(Ord. No. 8-93, § 1, 12-20-93)

State Law Reference: Authority to provide for minimum housing standards, G.S. §160A-441, et seq.

Sec. 7-112. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

~~Alter or alteration shall mean any change or modification in construction or occupancy.~~

~~Approved shall mean approved by the housing administrator.~~

~~Approved sewage disposal system shall mean a sewage disposal system approved by the public health department or served by a public sewer system.~~

~~Approved water supply shall mean a water supply approved by the public health department or a public sewer system.~~

Basement shall mean a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Building shall mean any structure built for the support, shelter, or enclosure of persons, animals, ~~chattels, or property of any kind. The term building shall be construed as if followed by the words "or part thereof."~~

Cellar shall mean a portion of a building located partly or entirely underground having an inadequate access to light and air from windows located partly or wholly below level of the adjoining ground.

~~*Deteriorated* shall mean that a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all the minimum standards established by this article, at a cost not in excess of sixty five (65) percent of its value, as determined by findings of the housing administrator.~~

~~*Dilapidated* shall mean that a dwelling is unfit for human habitation and cannot be repaired, altered, or improved to comply with all the minimum standards established by this article at a cost not in excess of sixty five (65) percent of its value, as determined by findings of the housing administrator.~~

Dwelling shall mean any building, structure, manufactured home or mobile home, or part thereof, which is wholly or partly used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S.160A-383.5, shall be considered dwellings for purposes of this Article, provided that any ordinance provision of this Article requiring minimum square footage shall not apply to such structures.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating whether or not such unit is occupied or vacant.

~~*Exit* shall mean a clear and unobstructed route of departure from the interior of a building or structure to the exterior at street or grade level.~~

~~*Extermination* shall mean the control and elimination of insects, rodents, or other pests by eliminating their harboring places; by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by other recognized and legal pest elimination methods approved by the housing administrator.~~

~~*Family* shall mean one (1) or more persons living together and having common living, sleeping, cooking, and eating facilities.~~

~~*Floor space* shall mean the total square feet of space of all habitable rooms.~~

~~*Garbage* shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.~~

Governing body shall mean Forsyth County Board of Commissioners.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, but excluding bathrooms, water closet compartments, laundries, heater rooms, foyers and/or communicating corridors, closets and storage spaces.

Housing administrator and designated persons and public officer shall mean a housing administrator for the Forsyth County Chief Building Administrator or designee(s) who are certified to do building inspections, with the responsibility of enforcing this article in the unincorporated areas of Forsyth County as well as those municipalities in which the ordinances of Forsyth County apply.

Infestation shall mean the presence, within or around a dwelling of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.

~~*May as used in this code shall mean permissible.*~~

Manufactured home or "mobile home" shall mean a structure as defined by G.S. 143-145(7).

Multiple dwelling shall mean any building or portion thereof, which is designed, built, rented, leased, subleased or otherwise contracted, let or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in their respective residences and shall include but not be limited to flats and apartments.

Occupant shall mean any person living, sleeping, cooking and eating in, or having actual possession of a dwelling, ~~or dwelling unit,~~ or rooming unit.

Operator/landlord shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are rented, leased, subleased, or otherwise contracted.

Owner shall mean the holder(s) of the title in fee simple, and every mortgagee of record.

Parties in interest shall mean all individuals, associations, and corporations, who have interests of record in a dwelling and any who are in possession thereof.

Person shall mean and include any individual, firm, corporation, association, organization or partnership or any other legal entity.

Place of habitation shall mean and include all dwellings, dwelling units, rooming houses, habitable rooms, apartments, apartments houses, multi-family dwellings, and any other structure used for human habitation, which is occupied under a lease or holds a legal tenancy.

~~Plumbing shall mean the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and public or private water supply systems to their connection with any point of public disposal.~~

Premises shall mean a lot, plot, or parcel of land including the buildings, dwellings and structures within the definitions as defined herein.

Public authority shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city, county, or State relating to health, fire, building regulations, or other activities concerning dwellings in Forsyth County.

Removal shall mean the demolition and approved disposal of the entire building. The premises shall be free and clear of any debris; and in a manner as not to leave any holes or pockets, which may retain water.

~~Required as used in this code shall mean mandatory.~~

Residential occupancy shall mean buildings in which families or households live or in which sleeping accommodations are provided. Such buildings shall include, but not be limited to the following: dwellings, multiple dwellings, and lodging houses, and all dormitories.

Rooming house shall mean any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

~~Rubbish shall mean combustible and noncombustible waste material except garbage, and the term shall include but not be limited to ashes, paper, rags, cartons, wooden boxes, rubber, leathers, tin cans, metals, mineral matter, glass, crockery, and dust.~~

~~Shall as used in this code shall mean mandatory.~~

~~Should, as used in this code shall mean recommended.~~

~~Stairway shall mean one (1) or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.~~

~~Story shall mean that part of a building comprised between a floor and the floor or roof above.~~

~~Structure shall mean that which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term structure shall be construed as if followed by the words "or part thereof."~~

~~Substandard shall mean any condition existing in any housing, building, or structure which does not meet the standards of fitness of this code.~~

~~Supplied shall mean paid for, furnished, provided by, or under control of the owner or operator.~~

~~Unfit for human habitation is defined by section 7-114. shall mean that a dwelling is not suitable to be occupied because any of the following conditions exist:~~

1. Lack of connection to a potable/approved water supply if required, and to a public sewer or other approved sewage disposal system;
2. Damage from fire, wind, or other causes to such extent as to render the dwelling unsafe;
3. Interior walls or studs which list, lean or buckle to such an extent as to render the dwelling unsafe;
4. Floors or roofs which are overloaded or have insufficient strength to be reasonably safe for the purpose used;
5. Lack of proper electrical, heating, or plumbing facilities which constitute an imminent health or safety hazard;
6. Lack of proper ventilation or sanitation to such an extent as to render the dwelling unsafe due to health or safety hazards; and/or
7. Other conditions rendering such dwellings unsafe, unsanitary, dangerous, and/or detrimental to the health, safety, and welfare of the residents of Forsyth County.

~~Ventilation shall mean the process of supplying and removing air by natural or mechanical means to or from any dwelling unit. Mechanical ventilation shall mean ventilation by power driven devices. Natural ventilation shall mean ventilation by opening to outer air through windows, skylights, doors, louvers or stacks with or without wind driven devices.~~

~~Meaning of certain words. When the words "dwelling," "dwelling unit," "multiple" or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof."~~

~~{Ord. No. 8-93, § 1, 12-20-93}~~

Sec. 7-113. - Minimum standards of fitness for dwellings, dwelling units, and manufactured homes.

Standards for dwellings, dwelling units, rooming units, and manufactured homes shall be:

- a) Every dwelling, dwelling unit, and rooming unit used or intended to be used for human habitation shall comply with the applicable North Carolina State Building Codes and with all standards of fitness for human habitation and the requirements as set forth herein.
- b) No person shall occupy, let to another for occupancy, or used for human habitation any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards of fitness for human habitation as set forth in this article.
- c) Every manufactured home used for human habitation shall comply with all applicable codes, at the time of manufacture, and with all regulations promulgated by the North Carolina State Building Code Council, and with the standards set forth in this article.

~~No person shall occupy as owner-occupant or let to another person for residential occupancy any dwelling or dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating, therein, which does not comply with the following requirements:~~

~~(a) For base equipment facilities:~~

- ~~(1) Sanitary facilities required. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet, all in good working condition and properly connected to an approved water supply and sewage disposal system.~~
- ~~(2) Location of sanitary facilities. All required sanitary facilities shall be located within the dwelling unit and be accessible to the occupants. The water closet, tub or shower, shall be located in a room affording privacy to the user.~~
- ~~(3) Hot and cold water supply. Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water as determined by the housing administrator. All water shall be supplied through an approved pipe distribution system connected to an approved water supply.~~
- ~~(4) Heating facilities.
 - ~~a. Every dwelling unit shall have heating facilities which shall be installed in accordance with the appropriate building, gas, or electrical code and shall be capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit therein to a temperature of at least seventy (70) degrees Fahrenheit at a distance of three (3) feet above floor when temperature is twenty (20) degrees Fahrenheit outside.~~
 - ~~b. Where a central heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or vents, whereby heating appliances may be connected so as to furnish a minimum temperature of seventy (70) degrees Fahrenheit at a distance of three (3) feet above floor when temperature is twenty (20) degrees Fahrenheit outside.~~~~
- ~~(5) Cooking equipment. All cooking equipment shall be installed in accordance with the appropriate building, gas, or electrical code and shall be maintained in a safe and good working condition.~~
- ~~(6) Cabinet and kitchen storage. Each dwelling unit should contain a minimum of four (4) square feet counter top, twenty-five (25) square feet of storage and five (5) square feet of drawer space.~~
- ~~(7) Smoke detector systems. Each occupied dwelling unit shall be required to contain at least one (1) approved operable smoke detector installed outside each sleeping area on, or near the ceiling. The detector shall be electrically or battery operated and provide an audible alarm. The term operable is defined as being when a working battery is installed in the detector or the electricity is on. The occupant head of household is responsible for maintaining a lawful source of electricity.~~
- ~~(8) Fire protection. No person shall occupy as owner-occupant or allow another to occupy, any building or structure which does not comply with the applicable provisions of the fire prevention code of the applicable governing body.~~

~~(b) Minimum requirements for natural light and ventilation:~~

- ~~(1) Habitable rooms.
 - ~~a. Every habitable room shall have at least one (1) window or skylight facing directly to the outside, with a minimum total window/skylight area of eight (8) square feet for every habitable room.~~~~

~~b. The area of the window/skylight that can be opened in every habitable room shall be equal to at least forty five (45) percent of the required window area, or the room shall have other mechanical ventilation.~~

~~(2) Bathroom. Every bathroom should comply with the ventilation requirements for habitable rooms.~~

~~(c) Minimum requirements for electrical systems:~~

~~(1) All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electrical power in accordance with the electrical code of the State of North Carolina, for existing dwellings.~~

~~(2) The minimum capacity of the service supply and the main disconnect switch shall be sufficient to carry the total load required in accordance with the electrical code of the State of North Carolina, for existing dwellings.~~

~~(3) Electric lights and outlets required. Every dwelling shall be adequately and safety wired for electric lights and convenient receptacles. Every habitable room shall have provision for adequate lighting and other necessary electrical service, with kitchen, bath, hall and exits having ceiling and/or wall mounted fixtures.~~

~~(4) Lights in public halls and stairways. Every public hall and stairway in every multiple dwelling containing five (5) or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.~~

~~(d) Minimum requirements for the exterior and interior of structures:~~

~~(1) Foundation. The building's foundation, walls, piers, or other elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.~~

~~(2) Exterior walls. The exterior walls shall be substantially weathertight, watertight, and shall be maintained in sound condition and good repair.~~

~~(3) Roofs. Roofs shall be maintained in a safe manner and capable of supporting the normal load placed thereon and be substantially weathertight and watertight and be maintained in sound condition and good repair.~~

~~(4) Chimney. The chimney shall be maintained in a safe and sound condition showing no loose brick or mortar, or may be properly closed down and sealed off.~~

~~(5) Means of egress. Every dwelling unit shall have two (2) safe, unobstructed means of egress with minimum ceiling height of seven (7) feet leading to a safe and open space at the ground level, except where one (1) means of egress is permitted by the state building code.~~

~~(6) Stairs. Every inside and outside stair shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound and good repair.~~

~~(7) Storage/closet. Every dwelling unit should contain storage and/or closet facilities.~~

~~(8) Porches and appurtenances. Every outside porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.~~

~~(9) Exterior windows and doors of habitable area. Every window, door (including basement or cellar door and hatchway) shall be substantially weathertight, watertight, rodent proof and shall be kept in sound working condition. Exterior doors shall have workable locks.~~

- ~~(10) — Basement/cellar/crawl space windows, doors and hatchways shall be kept in sound working condition and substantially rodent proof.~~
 - ~~(11) — Doors. Every bathroom and bedroom shall have a door in good working condition, with a privacy lock on the door.~~
 - ~~(12) — Screens. Every window or other device with opening to outdoor space, shall have screens that are tight fitting and free of holes and shall not be nailed to sash. Dwellings containing central heating furnaces and adequate cooling equipment for mechanically ventilating the building year round are not required to have screens on doors or window openings.~~
 - ~~(13) — Interior floors, walls, and ceilings. Every floor, wall, or 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 may cause to be placed thereon free from cracks and holes which permit air excessively to penetrate room. There shall be allowed as finishes no cardboard or other highly combustible material.~~
 - ~~(14) — Structural supports. Every structural element of the dwelling unit shall be structurally sound and have no deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.~~
 - ~~(15) — Protective railings and handrails. Protective railings should be required on any unenclosed structure over thirty-six (36) inches above adjacent finish grade. Exterior and interior stairwells with more than four (4) risers shall have handrails located in accordance with requirements of the building code. Handrails or protective railing shall be capable of bearing normally imposed loads and be maintained in safe and sound condition.~~
 - ~~(16) — Residential accessory structures. Garages, storage buildings and other accessory structures shall be maintained and kept in a safe and sound structural condition.~~
- ~~(e) — *Minimum space and use requirements:*~~
- ~~(1) — Required space and use in sleeping rooms. In every dwelling unit at least eighty (80) square feet of bedroom floor space shall be provided for the first occupant; at least twenty (20) square feet of additional bedroom floor space shall be provided for the second occupant; and at least thirty (30) square feet of additional bedroom floor space shall be provided for each occupant over the number of two (2) (children one (1) year of age and under shall not be counted).~~
 - ~~(2) — Required space in dwelling unit. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.~~
 - ~~(3) — Occupancy of dwelling unit below grade. Basement or cellar space shall not be used as a habitable room or dwelling unit unless meeting all specifications for habitable rooms.~~
- ~~(f) — *Sanitation requirements:*~~
- ~~(1) — Sanitation and cleanliness. Every occupant of a dwelling unit shall be responsible for maintaining it in a clean and sanitary condition, and the occupant shall avoid creating unclean, unsanitary or unsafe conditions in the common areas. Every owner of a multiple dwelling shall maintain in a clean and sanitary condition the common areas of a dwelling and premises thereof.~~
 - ~~(2) — Garbage and rubbish storage. Every person who occupies and controls a dwelling unit shall dispose of all rubbish and garbage in a clean and sanitary manner by placing it in proper storage facilities. In the case of single family and two family dwellings, the persons who occupy and control the dwellings shall be responsible for providing the approved receptacles for disposing of garbage and rubbish. In the case of multifamily housing the~~

~~owner shall be responsible for providing the approved receptacles for the storage of garbage and rubbish.~~

- ~~(3) Extermination. Every occupant of a single dwelling and every owner of a building containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, or other pests within the building or premises, by a generally accepted method.~~
- ~~(4) Use and operation of supplied plumbing fixtures. Every occupant of a dwelling unit shall be responsible for the exercise of reasonable care in the proper use and operation of plumbing fixtures.~~

~~Tenant to maintain dwelling unit. The tenant shall:~~

- ~~(1) Keep that part of the premises which he occupies and uses as clean and safe as the conditions of the premises permit and cause no unsafe or unsanitary conditions in the common area and remainder of the premises which he uses.~~
- ~~(2) Dispose of all ashes, rubbish, garbage, and other waste in a clean and safe manner.~~
- ~~(3) Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits.~~
- ~~(4) Not deliberately or negligently destroy, deface, damage, or remove any part of the premises or knowingly permit any person to do so.~~

~~(Ord. No. 8-93, § 1, 12-20-93)~~

~~Sec. 7-114. - Residential buildings unfit for human habitation. Minimum standards for structural condition.~~

~~The housing administrator may determine that a residential building is unfit for human habitation if he finds that any of the following conditions exist in such building:~~

- ~~(1) Interior walls or vertical studs which list, lean, or buckle to such extent as to render the building unsafe.~~
- ~~(2) Supporting members or members which show thirty three (33) percent or more damage or deterioration, or nonsupporting, enclosing or outside walls or covering which show fifty (50) percent or more of damage or deterioration.~~
- ~~(3) Floors or roofs which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.~~
- ~~(4) Such damage by fire, wind, or other causes as to render the building unsafe.~~
- ~~(5) Dilapidation, decay, unsanitary conditions, or disrepair which is dangerous to the health, safety, or welfare of the occupants or other people.~~
- ~~(6) Inadequate facilities for egress in case of fire or panic.~~
- ~~(7) Defects significantly increasing the hazards of fire, accident, or other calamities.~~
- ~~(8) Lack of adequate ventilation, light, heating, or sanitary facilities to such extent as to endanger the health, safety, or general welfare of the occupants or other residents.~~
- ~~(9) Lack of proper electrical, heating or plumbing facilities required by this chapter which constitutes a health or a safety hazard.~~

~~(Ord. No. 8-93, § 1, 12-20-93)~~

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

- a) Walls, partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, buckle, and shall not be rotten, 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 and be in a condition which is structurally sound and safe for the purpose used;
- c) Foundations, foundation wall, piers or other foundation supports shall be in a condition which is structurally sound and safe for the purpose used. The foundation shall be on firm, reasonably dry ground, and there shall be no water standing or running under the building;
- d) Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse; and
- e) Adequate facilities for egress in case of fire or emergency shall be provided.

~~Sec. 7-115. - Application of North Carolina Uniform Residential Building Code. Minimum standards for basic plumbing, heating and electrical equipment and facilities.~~

~~Repairs, alterations and/or additions shall be performed in a manner which complies with the state residential building code.~~

~~(Ord. No. 8-93, § 1, 12-20-93)~~

Standards for basic plumbing, heating and electrical equipment and facilities shall be:

- a) Plumbing systems.
 - 1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system. All said connections shall be constructed in an approved manner in accordance with all applicable regulations. An occupied dwelling to which the water supply has been turned off for nonpayment or which does not otherwise have potable water supplied to the tap is not considered to be connected to a potable water supply.
 - 2) Each dwelling unit shall contain a kitchen sink, lavatory, tub or shower, toilet, and adequate supply of both cold water and hot water.
 - 3) All existing plumbing fixtures, water lines and sewer lines shall meet the standards of the NC State Building Codes, at the time installed, and shall be maintained in a state of good repair and in good working order, and be adequately protected from freezing.
 - 4) All existing required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants. The toilet and tub or shower shall be located in a room or rooms affording privacy for the user.
- b) Heating systems.
 - 1) Central heating systems. Every central heating system shall have and maintain sufficient capacity to heat all habitable rooms, bathrooms and toilet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point of three (3) feet above the floor when temperature is twenty (20) degrees Fahrenheit or higher outside.

- 2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling unit shall have adequate heating appliances installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and toilet compartments so as to furnish a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point of three (3) feet above the floor when temperature is twenty (20) degrees Fahrenheit or higher outside. In addition, each dwelling unit so equipped shall be provided with sufficient chimney, flues, gas vents and/or fireplaces in accordance with the provisions of the North Carolina State Building Codes. Portable or unvented room heaters are not permitted as a primary source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.
- c) Electrical systems.
 - 1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles in each room located on separate walls, and also one (1) electric light switched at each outside entrance, connected in such manner as determined by the National Electric Code. There shall be installed in every bathroom, toilet room, laundry room and furnace room at least one (1) supplied ceiling or wall-type electric light fixture, with a switch. Electrical outlets in dwellings which have been ordered by the housing administrator to be repaired shall conform to the minimum standards set forth in this article.
 - 2) Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched 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 National Electrical Code.

Sec. 7-116. - Enforcement procedures. Minimum standards for ventilation.

- a) Habitable rooms. Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device, such as air conditioning, as will adequately ventilate the room, unless otherwise approved by the housing administrator. Windows that can be opened must have operable screens in homes without central heating and cooling systems. Window frames and glass shall be reasonably weather tight, with no cracked or broken glass.
- b) Smoke Detectors and Carbon Monoxide Detectors. Smoke detectors shall be required on each floor level, outside of each sleeping area in the immediate vicinity of the bedroom and the kitchen area. Additionally, carbon monoxide detectors shall be required in all homes with attached garages and homes heated with fossil fuels.
- c) Any bathroom lacking a window that opens must contain a properly installed mechanical fan that moves interior air and moisture through an approved system to the exterior of the dwelling.

Sec. 7-117. - Minimum standards for sanitation.

- a) Resistance to weather damage and rodent infestation. Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof and kept in sound and good

repair. Every floor, interior wall and ceiling shall be substantially rodent proof, kept in sound condition and good repair. Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and kept in sound working condition and good repair. All exterior doors shall have an apparatus for opening and closing the door on both sides, a locking mechanism which cab be opened from both sides of the door and kept in sound repair.

- b) Infestation. Owners and renters shall, by generally accepted methods of pest control, be responsible for maintaining the premises free of any insects, rodents or other pests within the premises.
- c) Garbage and rubbish storage and disposal. Property owners and/or occupants shall not allow the accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, the accumulation of stagnant water, or the inhabitation of rats, mice, snakes, or vermin of any kind which may be dangerous or prejudicial to the public health.
- d) Drainage. Every yard shall be properly graded and maintained to ensure thorough drainage away from the dwelling unit to prevent the accumulation of stagnant water.
- e) Egress. Every dwelling unit shall be provided with adequate and unobstructed means of egress (exit) as required by the NC State Building Code.
- f) Noxious weeds and tall grass. Yards and areas surrounding a dwelling shall be kept free of species of weeds or plant growth which are noxious or detrimental to health or provide breeding places for insect or rodent infestation.

Cross reference— Definitions, 19-1; Enforcement of regulations and laws pertaining to solid waste and recovered material management, 19-2; Generator of garbage, refuse, and reecovered material, 19-4; Storage, 19-5.

Sec. 7-118. - Minimum space requirement.

- a) Minimum Space Requirements.
 - 1. Required space and use in sleeping rooms. In every dwelling unit at least eighty (80) square feet of bedroom floor space shall be provided for the first occupant; at least twenty (20) square feet of additional bedroom floor space shall be provided for the second occupant; and at least thirty (30) square feet of additional bedroom floor space shall be provided for each occupant over the number of two (2) (children one (1) year of age and under shall not be counted).
 - 2. Required space in dwelling unit. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.
 - 3. Occupancy of dwelling unit below grade. Basement or cellar space shall not be used as a habitable room or dwelling unit unless meeting all specifications for habitable rooms.

4. Cabinet and kitchen storage. Each dwelling unit should contain a minimum of 4 square feet of counter top, 25 square feet of storage and 5 square feet of drawer space.

Sec. 7-119. - Minimum standards applicable for rooming houses.

All minimum standards and requirements of this article shall be applicable to rooming houses, and to every person who operates a rooming house, who occupies or lets to another for occupancy any rooming unit in any rooming house, and to bed and breakfast establishments, except as provided in the following paragraphs.

- a) Toilet, hand lavatory and bath facilities. At least one (1) toilet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar or uninhabitable basement.
- b) Minimum floor areas. Every room occupied for sleeping purposes by one (1) occupant shall have the minimum floor space as required by state residential building codes.
- c) Sanitary conditions. The operator of a 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. The operator shall be further responsible for the sanitary maintenance of the entire premises of the entire structure or building within which the rooming house is contained and leased or occupied by the operator.
- d) Sanitary facilities. Every toilet, flush urinal, lavatory basin and bathtub or shower required by paragraph a) of this section 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.

Sec. 7-120. - Designation of Housing Administrator, powers and duties.

The Housing Administrator shall enforce the provisions of this article and exercise the duties and powers herein prescribed. The duties and powers of the Housing Administrator are:

- a) To inspect dwelling conditions in the county in order to determine which dwellings 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 such entries shall be made in accordance with this article and state law, and such shall be made in a manner to cause the least possible inconvenience to the persons in possession;

- d) To take such action, together with other appropriate departments and agencies, as may be necessary to effect rehabilitation of housing which is deteriorated;
- e) To appoint and affix the duties of the officers, agents, and employees necessary to carry out the purpose of this article;
- f) To keep a record of the results of inspections made pursuant to the provisions of this article, including a list of all those dwelling inspected and not in compliance with the housing administrator's report;

Sec. 7-121. - Access to premises for inspections.

For the purposes of making inspections, the housing administrator 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, dwelling units, or rooming units or the person in charge thereof, shall give the housing administrator free access to such dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purpose 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 effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article. If the occupant or owner refuses the housing administrator admittance, then the housing administrator may obtain an administrative inspection warrant.

Sec. 7-~~116~~122. - Enforcement procedures.

- a) Whenever a petition is filed with the housing administrator by a public authority or by at least five (5) residents of the county charging that any dwelling is unfit for human habitation, or whenever it appears to the housing administrator (on his own motion) that any dwelling is unfit for human habitation, the housing administrator shall, if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings notification stating the charges in that respect, and:
 - 1. Containing a notice that a hearing will be held before the housing administrator (or designated agent) at a place within the county in which the property is located and,
 - 2. Set not less than ten (10) days nor more than thirty (30) days after the serving of the complaint;
 - 3. That the owner and parties 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; and
 - 4. That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing administrator.
- b) Dwelling unfit for human habitation. If after notice and hearing, the housing administrator determines that the dwelling under consideration is unfit for human habitation, he/she shall state in writing his/her findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:

1. Deteriorated/Suitable for Repair. If the repair, alteration or improvement of the dwelling can be made at a cost not in excess of sixty (60%) percent of the value as estimated by the housing administrator, the owner is required, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation. The order may require that the property be vacated and closed if continued occupancy during the time allowed for repair will prevent 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 further orders under this article for failure to make repairs; or
 2. Dilapidated/Unsuitable for Repair. If the repair, alteration or improvement of the dwelling cannot be made at a cost not in excess of sixty (60%) percent of its value as estimated by the housing administrator, requiring the owners, within the time specified in the order, to demolish and remove such dwelling.
 3. Notwithstanding any other provision of law, if the dwelling is located in a historic district and the historic district commission determines, after a public hearing as provided by this article, 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. 160A, Part 3C.
- c) If Deteriorated - Owner Fails to Repair.
1. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing administrator may cause the dwelling to be repaired, altered or improved or to be vacated and closed; and the housing administrator may cause to be posted on the main entrance of any dwelling so closed, 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."
Occupation of a building so posted shall constitute a Class 1 misdemeanor.
The duties of the housing administrator as set forth in this subdivision shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of G.S. 160A, Part 6, with respect to the particular property or properties which the housing administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
 2. If the housing administrator has issued an order, ordering a dwelling to be repaired, but said dwelling has been vacated and closed, and remains unrepaired for a period of one (1) year from the date of the order, then the housing administrator may ask the governing body to enact an ordinance finding the following:
 - a. That the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation, and
 - b. That the continuation of the dwelling in its vacated and closed status would be harmful to the health, safety, morals, and welfare of the County in that the dwelling:
 1. Would continue to deteriorate;
 2. Would create a fire and safety hazard;
 3. Would be a threat to children and vagrants;

4. Would attract persons intent on criminal activities;
 5. Would cause or contribute to blight and the deterioration of property values in the area; and
 6. Would render unavailable, property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state.
3. The governing board may, after the expiration of such one-year period, enact an ordinance and serve notice on the owner, requiring the owner demolish and remove the dwelling within ninety (90) days, and authorizing the housing administrator to demolish the dwelling on behalf of the County should the owner fail to do so and execute appropriate subsequent legal action as may be necessary to hold the owner responsible for the costs of the demolition and transportation and proper disposal of the resulting debris.
 4. This ordinance shall be recorded with the Forsyth County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this article, the housing administrator shall effectuate the purpose of this article.
- d) *If Dilapidated - Owner Fails to Demolish.* If the owner fails to comply with an order to remove or demolish the dwelling, the housing administrator may cause such dwelling to be removed or demolished. The duties of the housing administrator set forth in this article shall not be exercised until the governing body shall have by ordinance ordered the housing administrator to proceed to effectuate the purpose of this article with respect to the particular property or properties which the housing administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such article shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing standards. For the purposes of this section, a period of 90 days following the date of the housing administrator's order shall constitute a reasonable opportunity. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- e) *Liens.* That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the housing administrator 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 in the same manner as the lien for a special assessment. If the dwelling is removed or demolished by the housing administrator, he/she shall make commercially reasonable efforts to sell the materials of value of the dwelling, and personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the housing administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way, the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.
- f) *Refusal to vacate.* If any occupant fails to comply with an order to vacate a dwelling, the housing administrator may file a civil action in the name of the county to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejection and shall be commenced by filing a complaint in naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the housing

administrator produces a certified copy of any ordinance adopted by the governing board pursuant to subsection (d) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The summons and complaint shall be served as provided in G.S. 42-29. The judgment ordering that the premises be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be stayed as provided in G.S. 7A-228 and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the governing board ordered the housing administrator to proceed to exercise his/her duties under the preceding subsections of this section to vacate and close or remove and demolish the dwelling.

- g) Notice to Certain Housing Organizations. Whenever a determination is made that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the housing administrator, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The housing administrator or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the housing administrator to wait forty-five (45) days before causing removal or demolition.
- ~~(a) *Creation of office of housing administrator.* The housing administrator shall have such powers as may be necessary to carry out and effectuate the purposes and provisions of this article, including, without limiting the generality of the foregoing, in addition to others herein granted, the following powers:~~
- ~~(1) *Inspections.* The housing administrator is authorized to make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public, being guided in such examination of dwellings and buildings by the requirements set forth in this article.~~
 - ~~(2) *Oaths, witnesses, etc.* The housing administrator shall have the authority to administer oaths, affirmations, and to examine witnesses and receive evidence.~~
 - ~~(3) *Delegation of functions.* The housing administrator shall have the authority to delegate any of his functions and powers under this article to such officers and agents within his department as he may designate.~~
- ~~(b) *Inspections.* The housing administrator is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the unincorporated and jurisdictional areas of Forsyth County in order that he may perform his duty of safeguarding the health and safety of the occupant of dwellings and of the general public. For the purpose of making such inspections, the housing administrator is hereby authorized to enter, examine, and survey at reasonable times all dwellings, dwelling units, or rooming units and premises. The owner or occupant of every dwelling, dwelling unit, or rooming unit, or the person in charge thereof, shall upon being presented with proper credentials, give the housing administrator free access to such dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purpose of such inspections, examinations and surveys. 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 effect compliance with the provisions of this article or within any lawful order issued pursuant to the provisions of this code. If the occupant refuses admission for this purpose, admission~~

~~may be obtained through the provisions of Article 4A of Chapter 15 of the General Statutes of North Carolina.~~

- ~~(c) *Refusal to permit entry upon premises; misdemeanor.* It shall be unlawful for any owner or person in possession of premises on which housing is located in the unincorporated and jurisdictional areas of the county to refuse, after being presented with a warrant as issued under General Statute 15-27.2, to permit the housing administrator or his duly appointed agents to enter upon the said premises for the purposes of making examinations as authorized by this code. Violation of this section shall constitute a misdemeanor.~~
- ~~(d) *Nonliability of county personnel.* No officer, agent or employee of Forsyth County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this code. Any suit brought against any officer, employee or agent of Forsyth County as a result of any act required or permitted in the discharge of the duties under this code may be defended by the county attorney or retained counsel until the final determination of the proceedings therein.~~
- ~~(e) *Abatement hearing on charges; filing, petition and charges; investigations; time and conduct of hearing.* As provided by General Statute 160A-443, whenever a petition is filed with the housing administrator by a public authority, or by at least five (5) residents of the unincorporated or jurisdictional areas of the county, charging that any dwelling is unfit for human habitation or whenever it appears to the housing administrator (on his own motion) that any dwelling is unfit for human habitation, the housing administrator 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, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the housing administrator (or his designated agent) at a place within Forsyth County, therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of such complaint; that the owner and parties in interest shall be given a 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; and that rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing administrator.~~
- ~~(f) *Service of order, contents.*~~
- ~~(1) If, after such notice and hearing, the housing administrator determines that the dwelling under consideration is unfit for human habitation in accordance with the standards herein set forth, he shall state in writing his findings of fact in support of such determination, stating whether said building is deteriorated or dilapidated. If the housing administrator determines that the violation was proximately caused by the occupant or guest or invitee of the occupant, he shall so state in his findings of fact. The housing administrator shall issue and cause a copy of an order to be served upon all parties in interest as provided in subsection (i) below. The order shall contain a notice of right to appeal within ten (10) days to the board of adjustment.~~
- ~~a. *Deteriorated dwelling.* If the repair, alteration, or improvement of said dwelling can be made at a cost less than sixty-five (65) percent of the present value of the dwelling, the order shall require the owner, within a specified period of time, not exceeding ninety (90) days, to repair, alter, or improve such dwelling so as to render it safe. Such order may also direct and require the owner to vacate and close the dwelling unit until the repairs, alterations and improvements have been made and/or the unsafe and dangerous character of such dwelling has been corrected.~~
- ~~b. *Dilapidated dwelling.* If the repair, alteration or improvement of said dwelling, cannot be made at cost of less than sixty-five (65) percent of the present value of the dwelling, the order shall require the owner, within a specified period of time, not to exceed ninety (90) days, to either repair, alter, or improve such dwelling so as to bring it unto compliance with the standards described herein, or to demolish and remove such dwelling.~~
- ~~(2) The time period specified in subsection (g)(1) a and b for making repairs, alteration or improvements may be extended (not to exceed forty-five (45) days) by the housing administrator upon written application and for just cause shown.~~

- ~~(3) The housing administrator is hereby authorized to fix the reasonable value of any dwelling for the purpose of this section and such value shall be binding, unless the owner protests such value in writing to the housing administrator within ten (10) days after the receipt of an order. Upon such protest, the housing administrator shall nominate one (1) competent and disinterested person; the protesting party shall nominate one (1) competent and disinterested person; and the two (2) persons so nominated shall nominate a third competent disinterested person; and the three (3) persons so nominated shall serve as commissioners of appraisal. The said commissioners shall make their appraisal of value of the dwelling under consideration, shall return the appraisal to the housing administrator and the protesting party within ten (10) days after their appointment, and said appraisal shall be binding and conclusive for the purpose of this section. The cost of any such appraisal shall be paid by the protesting party to the housing administrator at the time of filing written protest.~~
- ~~(g) Demolition of dwellings following an order of the housing administrator. After the housing administrator has issued an order and the board of county commissioners has adopted an ordinance ordering a dwelling to be repaired or vacated and closed pursuant to the provisions of this section, and the owner has vacated and closed such dwelling and kept such dwelling vacated and closed, for a period of one (1) year pursuant to the order, the board of county commissioners may find that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals and welfare of the municipality in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state; then in such circumstances, after the expiration of such one-year period, the board of commissioners may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:~~
- ~~(1) Repair or demolish and remove the dwelling within ninety (90) days, if the repair necessary to render the dwelling fit for human habitation would cost less than fifty (50) percent of the present value of the dwelling; or~~
- ~~(2) Demolish and remove the dwelling within ninety (90) days if the repair necessary to render the dwelling fit for human habitation would cost in excess of fifty (50) percent of the present value of the dwelling.~~
- ~~Such order shall be recorded in the office of the register of deeds of Forsyth County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this order within the time fixed by such order, then the housing administrator shall cause such dwelling to be repaired or demolished and removed pursuant to said order.~~
- ~~(h) Procedure for repairing, closing or demolishing certain abandoned structures. In addition to the exercise of police power authorized herein with respect to dwellings, the housing administrator on behalf of the county, shall cause to be repaired, closed or demolished any abandoned structure which the board of county commissioners finds to be a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing or demolition of such structures shall be pursuant to the same provisions and procedures as are prescribed in the Forsyth County Minimum Code, for the repair, closing or demolition of dwelling, dwellings, found to be unfit for human habitation.~~
- ~~(i) Methods of service. As provided in G.S. 160A-445, complaints or orders issued by the housing administrator and/or the board of county commissioners shall be served upon persons either personally or by registered or certified mail; but if the whereabouts of such persons are unknown and the same cannot be ascertained by the housing administrator in the exercise of reasonable diligence and the housing administrator shall make an affidavit to that effect, then the serving of such complaint or order upon such person may be made by publishing the same at least once, no less than ten (10) days nor more than thirty (30) days prior to the hearing, in a newspaper of general~~

~~circulation in the county. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order.~~

- ~~(j) *Separateability.* If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.~~
- ~~(k) *Appeals, zoning board of adjustment.* The zoning board of adjustment shall hear and determine appeals from any decision or order of the housing administrator pursuant to subsection (g) above.~~
- ~~(l) *Appeals procedure.* An appeal from any decision or order of the housing administrator may be taken by any person aggrieved thereby or by any officer or board of commissioners of the county. Any appeal from the housing administrator shall be taken within ten (10) days from the rendering of the decision or issuance of the order by filing in writing with the housing administrator a notice of appeal which must specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the housing administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the decision appealed from was made.~~

~~The board of adjustment shall affix a reasonable time for hearing appeals, shall give notice to the parties and shall render its decision within a reasonable time. Any party may appear in person or by a managing agent, or by attorney. The board may reverse or affirm, wholly or in part, or may modify the decision or order appealed from, and may make any decision and order that in its opinion, ought to be made in the matter and to that end it shall have all the powers of the housing administrator, but the concurring vote of four (4) members of the board shall be necessary to reverse or modify any decision or order of the housing administrator. The board shall have power also when passing upon appeals, when practical difficulties or unnecessary hardships would result from 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.~~

~~Every decision of the board shall be subject to review by proceeding in the nature of certiorari instituted in the Superior Court of Forsyth County within fifteen (15) days of the decision of the board of adjustment, but not otherwise.~~

~~(m) *Enforcement.*~~

- ~~(1) If the owner of a dwelling found to be deteriorated fails to comply with an order to repair, or improve the dwelling, unless an appeal is taken from such order in accordance with subsections (k) and (l), the housing administrator may:
 - ~~a. Secure the issuance of a warrant charging such owner with a violation of the standards of fitness established by section 7-114 of this code.~~
 - ~~b. Cause such dwelling to be repaired, altered, or improved, and pending such repairs, alterations, or improvements, may order such dwelling vacated and closed; and~~
 - ~~c. Cause to be posted on the main entrance of any dwelling so closed, a placard with the following words:
"THIS DWELLING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPATION OF THIS DWELLING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."~~~~
- ~~(2) If the owner of a dwelling found to be dilapidated fails to comply with an order to vacate and close, or fails to remove or demolish the dwelling, unless an appeal is taken from such order in accordance with subsections (k) and (l) the housing administrator may:
 - ~~a. Secure the issuance of a warrant charging such owner with violation of this code.~~
 - ~~b. Order such dwelling to be vacated and closed and removed or demolished; and~~
 - ~~c. Cause to be posted on the main entrance of any dwelling so closed a placard with the following words:~~~~

~~"THIS DWELLING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPATION OF THIS DWELLING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."~~

- ~~(3) The housing administrator shall not repair, alter, improve, or demolish, and remove any dwelling or perform any other duties set forth in subsections (1) and (2) above, until the board of commissioners shall have ordered the housing administrator to proceed to effectuate the purpose of this code with respect to the particular property or properties which the housing administrator shall have found to be unfit for human habitation or dangerous and which property or properties shall be recorded in the office of the register of deeds of Forsyth County and shall be indexed in the name of the property owner in the grantor index.~~
- ~~(4) The amount of the cost of such repairs, alterations, or improvements or vacating and closing, or demolition and removal by the housing administrator shall be a lien against the real property upon which such cost was incurred; which lien shall be filed, have the same priority and be collected as provided by Article 10 of Chapter 160A of the North Carolina General Statutes. If the dwelling is demolished and removed by the housing administrator, he shall sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the demolition and removal and any balance remaining shall be deposited in the office of the clerk of superior court by the housing administrator, shall be secured in such manner as may be directed by such court, and entitled thereto by final decree of such court (in a special proceeding brought before the clerk of superior court for said purpose).~~
- ~~(5) If any occupant fails to comply with an order to vacate a dwelling, the public officer may file a civil action in the name of the county to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint naming as parties defendant any person occupying such dwelling. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this subsection unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the governing body has ordered the public officer to proceed to exercise his duties to vacate and close or remove and demolish the dwelling under Subsection M.~~
- ~~(n) Violations and penalties:~~
- ~~(1) It shall be unlawful for the owner of any dwelling to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and demolish and remove the same upon order of the housing administrator duly made and serve 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.~~
- ~~(2) When the housing administrator finds that a dwelling is unfit for human habitation within the meaning of this article and has notified the owner to such effect and the time limit set by the housing administrator (or in the event of appeal, the time limit set by the board of adjustment) for the correction of defects or vacating same has expired, no person shall receive rentals, offers for rent, or occupy such dwelling unfit as a human habitation, and each day such offense continues shall be deemed a separate offense. Any person violating these provisions shall be guilty of a class 3 misdemeanor, and upon conviction such offenders shall be punished by a fine of not more than five hundred dollars (\$500.00) for each separate offense, as provided by North Carolina General Statute 14-4.~~
- ~~(3) An owner who fails to comply with an order to repair, alter or improve any occupied dwelling determined unfit for human habitation pursuant to the provisions contained in subsection (f) of this section shall also be subject to a civil penalty of fifty dollars (\$50.00) for the first day following the expiration of the time period specified in the order for repair, alteration or improvement. A penalty of ten dollars (\$10.00) per day shall be imposed for each subsequent day that the dwelling remains unfit in violation of the order. If a person fails to pay the civil penalty within ten (10) days after being notified of the assessment of a civil penalty, the county attorney is authorized to institute a civil action in the name of the county to recover the penalty together with all costs in the general court of justice in the nature of a suit to collect a debt.~~

~~(o) —Violation of article. If any dwelling is erected, constructed, altered, repaired, converted, maintained, or used in violation of this article, or any valid order or decision of the housing administrator or the board of adjustment made pursuant to this article or, if payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the county attorney for institution of a civil action in the name of the county in the appropriate division of the general courts of justice for recovery of the penalty.~~

~~(p) —Nonconforming provision. This article shall be construed in accordance with Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes which shall control in event of conflict.~~

~~(q) —Timing of enforcement. This article shall not be enforced by the county until July 1, 1994.~~

~~{Ord. No. 2-95, § 1, 7-10-95; Ord. No. 3-95, §§ 1, 2, 7-10-95}~~

Sec. 7-123. - Methods of service of complaints and orders.

Notices or orders issued by the housing administrator shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notice or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the housing administrator in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the housing administrator shall make an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in Forsyth County at least once no later than the time at which personal service would be required under this article. 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.

Sec. 7-124. - Appeals.

- a) Appeals, zoning board of adjustment. The zoning board of adjustment shall hear and determine appeals from any decision or order of the housing administrator pursuant to section 7-121.
- b) Appeals procedure. An appeal from any decision or order of the housing administrator may be taken by any person aggrieved thereby or by any officer or the governing body of the county. Any appeal from the housing administrator shall be taken within ten (10) days from the rendering of the decision or issuance of the order by filing in writing with the housing administrator a notice of appeal which must specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the housing administrator shall forthwith transmit to the zoning board of adjustment all the papers constituting the record upon which the decision appealed from was made.

The zoning board of adjustment shall affix a reasonable time for hearing appeals, shall give notice to the parties and shall render its decision within a reasonable time. Any party may appear in person or by a managing agent, or by attorney. The zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the decision or order appealed from, and may make any decision and order that in its opinion, ought to be made in the matter and to that end it shall have all the powers of the housing administrator, but the concurring vote of four (4) members of the board shall be necessary to reverse or modify any decision or order of the housing administrator. The board shall have power also when passing upon appeals, when practical difficulties or unnecessary hardships would result from 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.

Every decision of the board shall be subject to review by proceeding in the nature of certiorari instituted in the Superior Court of Forsyth County within fifteen (15) days of the decision of the board of adjustment, but not otherwise.

All appeals are subject to the remedies and procedures outlined in GS §160A-446.

(Ord. No. 2-95, § 1, 7-10-95; Ord. No. 3-95, §§ 1, 2, 7-10-95)

Sec.7-125. - Violations.

- a) The violation of any provision of this article shall constitute a Class 3 misdemeanor as provided by G.S. §14-4.
- b) In cases where the housing administrator determines that violations of the article exist, but those violations do not rise to the level of making the dwelling unfit for human habitation, the housing administrator shall not be required to give notice and hold a hearing in the same manner as for unfit dwellings.
- c) Violations which do not result in a finding of a dwelling unfit for human habitation remain subject to penalties and enforcement. The administrator may issue warnings and notices of violations, and may swear out criminal charges for violation of the article.
- d) In addition to the remedies otherwise provided by this article, this article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction, including injunction and order of abatement.

Sec. 7-126. - Alternate remedies.

- a) Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of Forsyth County to define and declare nuisances, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other article or laws.
- b) Remedies may include all remedies authorized by G.S. § 160A-446, including institution of an action with the court to prevent the unlawful erection, construction, reconstruction, alteration or use of a dwelling, to correct or abate the violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Sec. 7-127. - 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 Forsyth County, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of Forsyth County shall prevail.

Chapter 7 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 7-1. - Definition.

Unless indicated to the contrary, the term "building inspector," as used in this chapter, shall mean the inspection division of the Planning and Development Services Department of the City of Winston-Salem or such other agency of said city as performs inspection services for the county pursuant to an agreement entered into under the terms of this chapter.

(Res. of 2-1-60)

Sec. 7-2. - State building codes adopted.

As is consistent with the North Carolina General Statutes, the North Carolina State Building Codes, and the National Electrical Code as adopted by the Building Code Council, as amended from time to time, shall constitute the building codes applicable in the county. These adopted codes and amendments thereto shall constitute the building codes applicable to the areas of the county outside of the corporate limits of the City of Winston-Salem and the Town of Kernersville.

(Ord. of 11-19-73, Div. A; Ord. No. 2-81, § 1, 7-27-81; Ord. No. 2-85, § 4, 1-31-85)

Editor's note— The Town of Rural Hall provided in § 2 of Ord. and Res. of June 10, 1974, the Village of Clemmons provided in § 30.01 of Ord. and Res. of Dec. 3, 1986, and the Town of Lewisville provided in § 22 of Ord. and Res. of August 15, 1991, that the building codes adopted by the board of county commissioners of Forsyth County shall be applicable within the incorporated and jurisdictional limits of the Town and of the Village.

Cross reference— Adoption of state provisions relative to heating, air conditioning, refrigeration and ventilation, 7-52.

State Law reference— Building code, G.S. § 143-138 et seq.; authority of county to adopt by reference, G.S. § 153A-47.

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 U.S.C. § 3312).

Sec. 7-3. - Actions to restrain violations of building codes.

- (a) In addition to other remedies specified in this article, the building inspector may maintain in the name of Forsyth County an action of injunction to restrain any violation of the building codes adopted by this article.
- (b) *Fee for stop work order.* When a lawful stop work order is issued under G.S. 153A-361, a fee of two hundred twenty-five dollars (\$225.00) shall be paid for it to be lifted, in addition to other requirements to comply with the building code.

(Res. of 2-1-60; Ord. No. 2-2003, § 2, 6-23-03)

Sec. 7-4. - Extra inspection.

The fees shown in this chapter for specific items shall entitle the permit holder to the appropriate number of inspection trips for the installation of those work items, and for one (1) additional inspection trip per permit for re-inspection of corrected work or disapproved work. For inspection trips required in excess

of the one (1) additional trip, a fee of forty dollars (\$40.00) shall be imposed for each additional trip. This section shall apply to all types of inspections covered by this chapter.

(Ord. No. 8-75, § 2, 10-20-75; Ord. No. 2-81, § 2, 7-27-81; Ord. No. 12-87, § 1, 7-27-87; Ord. No. 5-90, § 1, 5-14-90; Ord. No. 2-2003, § 3, 6-23-03)

Sec. 7-5. - Double fee.

Work performed without a permit and in violation of the requirements of this chapter shall be subject to a late fee equal in amount of the fees specified for the work and in addition thereto, at the discretion of the inspections division senior staff. The late fee shall not be construed as a penalty, but as a charge for additional administrative expense. This section shall apply to all types of work done and permits therefor covered by this chapter.

(Ord. No. 8-75, § 3, 10-20-75)

Sec. 7-6. - Violations and penalties.

If any person shall violate this ordinance, chapter or code or any provision thereof, he shall be guilty of a Class 1 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.

(Ord. No. 5-92, § 1, 5-26-92)

State law reference: G.S. §153A-357.

Sec. 7-7. - Permit fee refund policy.

Permit fees may be refunded prior to the first inspection on the permit. The request for refund must be received in writing and within six (6) months of the issue date of the permit. An administrative fee of twenty-five dollars (\$25.00) will be charged for each permit fee refunded. Zoning review and any plan review fees for building and grading permits may not be refunded.

(Ord. No. 2-2004, § 1, 11-22-04)

Sec. 7-8. - Bond in lieu of inspection fees.

Licensed plumbing, mechanical, and electrical contractors, in lieu of paying their inspection fees daily may, when approved by the City of Winston-Salem, post a performance bond in an amount of not less than twenty-five hundred dollars (\$2,500.00) Any account which is not paid within thirty (30) days of the billing date will be charged a late fee of two (2) percent of the outstanding balance. There will be a reasonable charge assessed to establish a bonded account and a reasonable yearly maintenance charge for continuation of the account. A reasonable charge will be assessed for foreclosure of a delinquent bonded account.

(Ord. No. 2-85, § 7, 1-31-85; Ord. No. 2-2003, § 9, 6-23-03)

Sec. 7-9. - Permits, inspection, and enforcement.

(a) There shall be a joint city/county department of Planning and Development Services. This office shall serve as the planning and inspections agency for the purposes of North Carolina General Statutes Chapter 153A-352 and Chapter 160A-412 and said office shall operate in accordance with joint resolutions adopted by the Board of County Commissioners and the City Council, and in accordance with applicable state law.

(b) A joint inspection department created by two or more units of government shall have the authority to enforce the code in all areas of legal jurisdiction of all units of government supporting the joint department.

(c) The responsibility for administration and enforcement of the code has been allocated to local code enforcement officials under the supervision of State officials as designated within Section 203 of the State Building Code.

(d) Inspection department shall:

1. Receive applications and supporting data for permits;
2. Issue or deny permits;
3. Make all necessary inspections;
4. Identify technical provisions found to be inconsistent with the inspection;
5. Issue or deny certificates of compliance and certificates of occupancy;
6. Issue stop work orders or orders to correct violations;
7. Maintain adequate records of permits issued or denied, inspections made, corrections ordered and certificates issued; and
8. Take other actions that may be required to adequately enforce the code.

(e) No state or local government employee shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Official's Qualification Board as specified by applicable state law.

(f) Unless he or she is the owner of the building, no officer or employee of an inspection department shall be financially interested or employed by a business that is financially interested in furnishing labor, material, or appliances for the construction, alteration, or maintenance of any building within the county's territorial jurisdiction or any part or system thereof, or in making plans or specifications therefor. No member of any inspection department or other individual or an employee of a company contracting with a county to conduct inspections may engage in any work that is inconsistent with his or her duties or with the interest of the county, as determined by the county.

(g) The code enforcement officer shall have the right to enter buildings or premises as prescribed in G.S. § 153A-360 and G.S. § 153A-364.

(h) As outlined in G.S. § 153A-361, a county code enforcement official is authorized to issue stop work orders. The statute outlines: 1) when a stop work order can be issued; 2) how the stop work order is to be issued; and 3) how the stop work order may be appealed.

(i) A county code enforcement official is authorized to condemn an unsafe building as prescribed in G.S. § 153A-366.

(j) It shall be unlawful for any person to commence or proceed with the construction, alteration, repair, or movement to another site, removal or demolition of any building; install, extend, or repair any plumbing system; install, extend, or repair any heating or cooling equipment; or install, extend, alter, or repair any electrical wiring, devices, appliances, or equipment without first securing from the Inspection Division with jurisdiction over the site of the work each permit required by the North Carolina State Building Codes and other applicable state or local laws or ordinances or regulation applicable to the work.

(k) Per G.S. § 153A-358, a permit expires 6 months, or any lesser time fixed by local ordinances, after the date of issuance if the work authorized by the permit has not commenced. If after commencement, the work is discontinued for a period of 12 months, the permit immediately expires. No work authorized by a permit that has expired may be performed until a new permit has been issued.

(l) After a permit has been issued, no change or deviation from the terms of the application, the plans and specifications, or the permit, except if the change or deviation is clearly permissible under the State Building Code, may be made until specific written approval of the proposed change or deviation has been obtained from the inspection division.

(m) A permit application shall be filed with the Inspection Division on a form furnished for that purpose. The Inspection Division shall make available a list of information which must be submitted with the building permit application, including a complete building code summary and a permit application information sheet.

(n) Where required by law, no permit shall be issued unless the construction documents (drawings and specifications), bear the North Carolina seal of a registered design professional. Construction documents shall include the name and address of the business entity (individual, corporation or partnership) with whom the registered design professional is affiliated.

(o) Where required by law, that general construction, plumbing, mechanical, electrical, fire protection or gas work be performed by an appropriately licensed individual, no permit for such type work shall be issued to an unlicensed person or firm.

(p) It shall be the duty of every person who contracts for the installation or repair of a building or service system to comply with state or local rules and regulations concerning licensing. It shall be the contractor's responsibility to conform to the technical codes for all installations or repairs of a building or service system.

(q) In accordance with state law, the Inspection Division shall examine each application for a permit to determine if it is in compliance with the requirements of the technical codes and other pertinent laws and ordinances. If the inspection department is satisfied that the work described in the application conforms to the requirements of the technical codes and other pertinent laws and ordinances, it shall issue a permit to the applicant. If the application does not conform to the requirements of the technical codes and other pertinent laws and ordinances, the application shall be returned to the applicant with the reasons for refusal stated.

(r) Permits shall be required for the installation, connection of units, foundations, utility connections or alterations of buildings or components manufactured off the site and labeled by a third-party agency accredited and listed by the Building Code Council.

(s) Third party certification agencies shall be accredited and listed by the Building Code Council. Inspection and certification of buildings or components manufactured off the site and labeled by a third-party agency shall be accepted by the inspection department without further inspection. Permits and fees may be required for any installation, connection of units, foundations, utility connections or alterations of such work.

(t) A permit issued shall be construed as permission to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a permit shall not prevent the inspection department from requiring correction of errors in plans, construction or violations of this code.

(u) The code enforcement official shall revoke, in writing, a permit or approval issued under the provisions of this chapter or the technical code for, but not limited to:

1. Any substantial departure from the approved application, drawings or specifications;
2. Refusal or failure to comply with the requirements of any applicable State or local laws;
3. Any false statement or misrepresentation as to the material facts in the application or plans on which the permit or approval was based.

(v) The code enforcement official may revoke a permit upon determination that the work for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter or the technical codes.

(w) A permit shall not be issued until the fees prescribed by the local governing authority have been paid. No amendment to a permit shall be released until the additional fee, if any, has been paid.

(x) If any person commences any work on a building or service system before obtaining the necessary permit, he or she shall be subject to a penalty as established by the local governing board.

(y) The inspection division shall make periodic inspections as specified in G.S. § 153A-364.

(z) Inspections of schools for fire hazards shall be in accordance with G.S. § 115C-525(b).

(aa) A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the inspection department has issued a certificate of compliance. The certificate of compliance shall not be issued until all required service systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the inspection department.

(bb) Upon satisfactory completion of a building, plumbing, mechanical, electrical, fire protection or gas system, or portion thereof, a certificate of compliance shall be issued. The certificate of compliance represents that a structure or system is complete and for certain types of permits is permission granted for connection to a utility system. The certificate of compliance shall not be construed to grant authority to occupy a building.

(cc) A temporary/partial certificate of compliance may be issued permitting occupancy for a stated period for specific portions of a building or service system that the inspector finds safe for occupancy prior to final completion of the entire building or system.

(dd) Upon satisfactory completion of a building and after the final inspection, the inspection department may issue a certificate of occupancy. The certificate of occupancy shall state the occupancy may be safely occupied.

(ee) A certificate of occupancy for any existing building may be obtained by applying to the inspection department and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, the code enforcement official may require detailed drawings and inspections to determine compliance with the applicable codes. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued. The certificate shall state the approved occupancy type.

(ff) No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the technical codes until approved by the inspection department and a certificate of compliance is issued.

(gg) The inspection department may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems.

(hh) Whenever a stop order has been issued by an inspection department involving alleged violations of the State Building Codes, the owner or builder may appeal in writing to the Commissioner of Insurance, or his or her designee, within 5 days after the date the order is issued, with a copy of the appeal to the inspection department. No further work may take place in violation of a stop order. The Commissioner, or his or her designee, shall promptly conduct an investigation. The inspection department and the owner or builder shall be permitted to submit relevant evidence for the investigation. The Commissioner of Insurance, or his or her designee, shall provide a written statement of the decision setting forth the facts found, the decision reached and the reasons for the decision. In the event of dissatisfaction with the decision, the person affected shall have the option of appealing as set forth in the statutes.

(ii) When required by the code enforcement official, signs stating the occupant load determined in accordance with occupant load specified in the technical codes shall be posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose where fixed seats are not installed.

The seating capacity shall be determined in accordance with the technical codes and signs posted at locations approved by the code enforcement official. It shall be unlawful to remove or deface such notice or to permit more than this legal number of people within such space.

The signs shall read as follows:

"Any person, firm, corporation or agent who violates a provision of this code or the technical codes shall be guilty of a Class 3 misdemeanor. Each person shall be considered guilty of a separate offense for each and every portion thereof during which any violation is committed or continued, for a period of 30 days. Upon conviction of any such violation the person shall be liable to a fine not to exceed \$50.00 for each offense. Any violation incurred more than 1 year after another conviction for violation of the occupancy limits shall be treated as a first offense for the purposes of establishing and imposing penalties."

(jj) In case any building or structure is constructed or its purpose altered so that it becomes in violation of the technical codes, or if the occupancy limits established are exceeded, the code enforcement official may institute any appropriate action or proceedings, including civil remedies, to:

1. Prevent the unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding;
2. Restrain, correct or abate the violation; or
3. Prevent the occupancy or use of the building, structure or land until the violation is corrected.

(kk) It shall be unlawful for any person to erect, alter, repair or move any building or structure without first obtaining a permit from the building inspector, and before any such operations are begun the owner shall apply to the building inspector for a permit. The application for a permit shall be made upon a form supplied by the building inspector. The application and the permit shall contain a statement that the work shall be done in accordance with the provisions of this Code and all other laws pertaining to the work. No permit shall be required for any construction, installation, repair, replacement, or alteration costing fifteen thousand dollars (\$15,000.00) or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing.

(Res. of Joint City-county agreement 7/1/1963 and subsequent amendments; Res. of 2-1-60; Res. of 9-13-65; Ord. of 11-19-73, Div. E; Ord. No. 8-75, § 1, 10-20-75; Ord. No. 2-81 § 4, 7-27-81; Ord. No. 7-84, § 3, 9-10-84; Ord. No. 12-87, § 4, 7-27-87; Ord. No. 5-92 § 2, 5-26-92; Ord. No. 1-96, § 2, 6-24-96).

State Law Reference: Permits, G.S. § 153A-357, et seq.

Secs. 7-10—7-14.- Reserved.

ARTICLE II. - BUILDING PERMITS AND INSPECTIONS

Sec. 7-15. - Inspectors designated; agreement with Winston-Salem for inspection services.

- (a) The building inspectors of the City of Winston-Salem are hereby designated as county building inspectors to perform inspection services, collect inspection fees and enforce the building regulations referred to and provided for in this chapter, and such services shall be performed by the inspections division of the Planning and Development Services Department of the City of Winston-Salem, subject to the approval of the City Council of the City of Winston-Salem and the execution of an appropriate agreement between Forsyth County and the City of Winston-Salem.
- (b) The county shall enter into an appropriate agreement with the City of Winston-Salem authorizing the inspections division of the Planning and Development Services Department of the City of Winston-

Salem to perform inspection services and enforce the building regulations adopted by this chapter. Such agreement shall be effective upon being approved by both the City Council of the City of Winston-Salem and the Board of Commissioners of the County of Forsyth.

(Res. of 2-1-60)

State Law reference— County inspection departments, G.S. § 153A-351 et seq.; authority to contract with municipality for inspection services, G.S. § 153A-353.

Sec. 7-16. - General inspections for enforcement of building codes and correction of violations.

Subject to the limitations of State law, as the work pursuant to a permit progresses, local inspectors shall make as many inspections of the work as may be necessary to satisfy them that it is being done according to the provisions of the applicable State and local laws and local ordinances and regulations and of the terms of the permit. In exercising this power, each member of the inspection division has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action. If a permit has been obtained by an owner exempt from licensure under provisions within State law, no inspection shall be conducted without the owner being personally present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the N.C. General Statutes.

State Law reference— Duties and responsibilities, G.S. § 153A-352(b); Architects, G.S. § 83A.

Sec. 7-17. - Permit to be kept at work site and produced upon request.

Permits and all approved stamped plans and revisions provided for in this article shall be kept at all times at the premises on which the construction work is being done, and shall be produced promptly at the request of any building inspector or county official vested with police authority.

(Res. of 2-1-60; Ord. No. 7-84, § 3, 9-10-84)

State Law reference— Building permits, G.S. § 153A-357 et seq.

Sec. 7-18. - Permit fees generally.

- (a) *Permit fees for existing nonresidential construction.*** For all existing nonresidential construction, alterations, remodels, repairs, demolitions or expenditures for improvements on existing nonresidential buildings, other than painting, the inspections director, or designee, shall charge for each and every building on which permits are granted the following fees for inspections, based on the value of the work, such fees to be paid in advance:

Value / Fee

\$0.00 through \$5,000.00 /\$65.00

\$5,000.01 through \$50,000.00 /\$65.00

Plus, for each \$1,000.00 of value or fraction thereof over \$5,000.00 /\$4.00

\$50,000.01 through \$100,000.00 /\$232.00

Plus, for each \$1,000.00 of value or fraction thereof over \$50,000.00 /\$3.00

\$100,000.01 through \$500,000.00 /\$388.00

Plus, for each \$1,000.00 of value or fraction thereof over \$100,000.00 /\$2.60

\$500,000.01 and above /\$1,425.00

Plus, for each \$1,000.00 of value or fraction thereof over \$500,000.00 /\$2.40

Inspection of day care/adult day care/family group home facility /\$150.00

Manufactured home permit /\$100.00

Modular home permit /\$100.00

Commercial building evaluation /\$250.00

Temporary certificates of occupancy (TCO) /\$50.00

Plus, per unfinished trade /\$35.00

Foundation only permits (added to cost of permit) /\$225.00

Parking lot permit (stand alone permit) /\$150.00

(b) *Permit fees for new residential construction.* The following fees shall be charged for permits on new construction/additions of residential dwelling units, including single-family dwellings, townhouses, condominiums, duplexes and apartment buildings. Fees for new construction/additions of single-family/duplex units are based on gross square footage of building. Fees for townhouses, condominiums, twin home, urban home and apartments are calculated per unit.

	Building**	Electrical*	Plumbing	Mechanical Electrical	Mechanical Fossil Fuel	Gas Appliance As Separate Permit
Single-family residential (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Single-family additions (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Townhouse, condo, twin home, urban home: per unit	\$206.00	\$138.00	\$162.00	\$86.00	\$100.00	\$100.00
Duplex: per unit (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Apartment, first unit:	\$206.00	\$90.00	\$71.00	\$98.00	\$100.00	\$100.00
Each additional unit in building:	\$53.00	\$55.00	\$41.00	\$23.00	\$32.00	\$12.00

* Does not include temporary saw service.

Existing residential construction. The following fees shall be charged for permits on existing residential construction for alterations, remodels, repairs, demolitions, and improvements to existing single-family residential structures.

Single-family alt./repairs	Building	Electrical	Plumbing	Mechanical	Gas Fireplaces
	\$0.08	\$0.05	\$0.05	\$0.05	\$100.00

Minimum fee: \$100.00 minimum building fee + \$65.00 minimum fee per trade.

**In addition to the above fees, a homeowner's recovery fund fee is collected in accordance with G.S. 87-15.6, for all single-family dwelling permits issued to North Carolina licensed contractor.

- (c) Upon application to the inspections director, or designee, for a building permit for new nonresidential construction and residential and nonresidential additions, the permit applicant shall pay a building permit fee based on the actual cost of construction, which shall be a cost not less than seventy-five (75) percent of the square foot value for the type of construction and occupancy obtained from the most recent "Building Valuation Data" table for North Carolina published by the International Code Council, Inc. Building permit fees for new residential construction shall be as provided in subsection (b).
- (d) *Plan review fee required.* Upon application to the inspections director for any proposed construction project for which a plans review is conducted prior to the issuance of a permit, a non-refundable plans review fee shall be paid at the time the permit application is submitted according to the following schedule:

Type of Project	Fee
Nonresidential, less than 4,000 square feet	\$100.00
Nonresidential, 4,000 to 15,000 square feet	\$125.00
Nonresidential, 15,001 to 40,000 square feet	\$325.00
Nonresidential, 40,001 square feet and greater	\$800.00
Condo/apartment projects	\$500.00
Townhomes (per unit)	\$ 65.00
Cell towers/co-locates	\$ 65.00
Code item point reviews, such as exterior lighting, magnetic locks, columbarium's, signs, etc.	\$ 50.00
Parking lots	\$100.00

(e) *Fee for after-hours inspections.* In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.

(2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Res. of 2-1-60; Ord. No. 2-81, § 3, 7-27-81; Ord. No. 3-81, § 1, 9-28-81; Ord. No. 12-87, §§ 2, 3, 7-27-87; Ord. No. 5-90, § 2, 5-14-90; Ord. No. 10-92, §§ 1, 2, 11-23-92; Ord. No. 1-96, § 1, 6-24-96; Ord. No. 1-99, § 1, 1-11-99; Ord. No. 4-99, § 1, 6-17-99; Ord. No. 3-2001, §§ 1, 2, 10-8-01; Ord. No. 2-2003, § 4, 6-23-03; Ord. No. 2-2004, § 2, 11-22-04; Ord. No. 1-2014, § 1, 9-23-13; Ord. No. 1-2015, § 1, 8-10-15; Ord. No. 1-2016, § 1, 6-13-16; Ord. No. 2-2016, § 1, 6-13-16)

Secs. 7-19 - 7-36. - Reserved.

ARTICLE III. - PLUMBING PERMITS AND INSPECTIONS

Sec. 7-37. - Inspectors designated; agreement with Winston-Salem for inspection services.

(a) The plumbing inspectors of the City of Winston-Salem are hereby designated as county plumbing inspectors to perform inspection services, collect inspection fees and enforce the plumbing regulations referred to and provided for in this chapter, and such services shall be performed by the inspections division of the Planning Development Services Department of the City of Winston-Salem, subject to the approval of the City Council of the City of Winston-Salem and the execution of an appropriate agreement between the County and the City of Winston-Salem.

(Res. of 1-7-63)

State Law reference— County inspection departments, G.S. § 153A-351 et seq.; authority to contract with municipality for inspection services, G.S. § 153A-353.

Sec. 7-38. - Reserved.

Sec. 7-39. - Inspection fees.

(a) *Fee schedule.* Before a permit shall be granted for the construction or alteration of a plumbing or drainage system, as provided in the plumbing code referred to in section 7-2, the applicant shall pay to the City of Winston-Salem an inspection fee in accordance with the following schedule:

- (1) *New residential construction, residential additions and residential alterations/repairs.* Fees for new residential construction, residential additions and residential alterations/repairs are set forth in section 7-18(b).
- (2) *Nonresidential construction.* For nonresidential construction and alterations, additions and repairs to existing residential buildings, the following fees shall apply:
 - a. Plumbed fixtures, appliances, interceptors, and sewer ejectors to be installed or replaced, including but not limited to sinks, water closets, floor drains, dishwashers, disposals and water heaters.....\$10.00
 - b. Installation or replacement of building sewer or drains, per two hundred (200) feet or part thereof.....\$16.00
 - c. Installation or replacement of building water lines when not in conjunction with one of the items listed in subsection (2)(a) or (b) of this section.....\$65.00
 - d. Installation or replacement of gas outlets or gas house connections, each.....\$7.00
 - e. Installation of medical gas, per station outlet.....\$10.00
 - f. Minimum fee. The total of fees due for any permit shall not be less than.....\$65.00

(Res. of 1-7-63; Ord. of 8-5-74; Ord. No. 2-81, § 5, 7-27-81; Ord. No. 2-85, § 5, 1-31-85; Ord. No. 12-87, § 7, 7-27-87; Ord. No. 5-90, § 5, 5-14-90; Ord. No. 3-2001, § 3, 10-8-01; Ord. No. 2-2003, § 5, 6-23-03; Ord. No. 2-2004, § 3, 11-22-04; Ord. No. 1-2014, § 2, 9-23-13)

Sec. 7-40. - Fee for after-hours inspections.

In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.
- (2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Ord. No. 1-2016, § 2, 6-13-16)

Secs. 7-41- 7-49. - Reserved.

ARTICLE IV. - MECHANICAL PERMITS AND INSPECTIONS

Sec. 7-50. - Inspectors designated; agreement with Winston-Salem for inspection services.

The mechanical inspectors of the City of Winston-Salem are hereby designated as county mechanical inspectors to perform inspection services, and enforce the mechanical regulations referred to and provided for in this chapter, and such services shall be performed by the inspections division of the Planning and Development Services Department of the City of Winston-Salem, subject to the approval of the City Council of the City of Winston-Salem and the execution of an appropriate agreement between the County and the City of Winston-Salem.

State Law reference— County inspection departments, G.S. § 153A-351 et seq.; authority to contract with municipality for inspection services, G.S. § 153A-353.

DIVISION 1. - GENERALLY

Secs. 7-51 - 7-70. - Reserved.

Sec. 7-71. - Fee for after-hours inspections.

In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.
- (2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Ord. No. 1-2016, § 3, 6-13-16)

Secs. 7-72—7-85. - Reserved.

Sec. 7-86. - Schedule of permit fees.

- (a) *Fees for new residential construction, additions to existing residential structures, and alterations to existing single family/townhouse residential construction.* Fees for new residential construction, additions to existing residential structures, and alterations to existing single family/townhouse residential construction are set forth in section 7-18(b).
- (b) *Fees for nonresidential construction.* For nonresidential construction and alterations, the following fees shall apply:
 - (1) *Heat-producing equipment.* Permit fees for installation, conversion or replacement of the following shall be in accordance with Schedule I:
 - a. Each boiler, furnace, or air handler with electric heat, including the duct distribution system therefor when covered by the same permit, fired by fossil fuel, solid fuel, electricity or solar energy.
 - b. Each floor furnace, wall circulator or heater, circulating heater, direct-fired unit heater, gas radiator, blast furnace, rotary dryer, annealing furnace, duct heater or industrial oven fired by fossil fuel, solid fuel, electricity or solar energy.
 - c. Each domestic or commercial hot water system fired by fossil, solid or solar energy.
 - d. Nonresidential gas-fired cooking appliances.
 - e. Conversion or replacement of any of the equipment mentioned in this subsection.

SCHEDULE I

Residential, per unit listed above.....\$21.00

Nonresidential, per unit listed above:

0 to 150,000 Btu/hr or 0 to 45 kw.....\$25.00

Over 150,000 Btu/hr or over 45 kw.....\$108.00

Residential or nonresidential:

Fan coil units, unit heaters, variable air volume controls, infrared radiant heating units or heat strips in through-the-wall heat pumps having no duct work, each..... \$5.25

- (2) *Heat pumps; air conditioning.* Permit fees for installation or replacement of the following shall be in accordance with Schedule II:
 - a. Each heat pump and air conditioning unit, including major components and the duct distribution system therefor when covered by the same permit, or major component only.
 - b. Installation or replacement of duct system only.

SCHEDULE II

Residential, per unit listed above.....\$21.00

Nonresidential, per unit listed above (nominal compressor rating):

0 to 25 tons.....\$25.00

Over 25 tons.....\$108.00

Duct only.....\$21.00

Residential or nonresidential:

Fan coil units, unit heaters, variable air volume controls, infrared radiant heating units or heat strips in through-the-wall heat pumps having no duct work, each....\$5.25

(3) *Nonresidential exhaust systems.* Permit fees for installation or replacement of the following shall be in accordance with Schedule III:

- a. Each Type I or Type II hood over appliances (in other than residential use), such as dishwashers and appliances for frying, barbecuing, broiling and baking of foods, including the exhaust duct system therefor when covered by the same permit.
- b. Each exhaust system (in other than residential use) including ducts and make-up air for hoods, commercial and industrial exhaust systems, measured by the cubic feet per minute listed on each unit.

SCHEDULE III

Exhaust systems, each (cubic feet per minute):

0 to 2,000 CFM.....\$86.00

2,001 to 3,000 CFM.....\$123.00

3,000 to 5,000 CFM.....\$154.00

Over 5,000 CFM.....\$500.00

c. Each through the wall or roof exhaust with no more than ten (10) feet of attached duct, individual bathroom exhaust.....\$5.25

(4) *Gas outlets.* Permit fees for installation or replacement of gas outlets shall be in accordance with Schedule IV:

- a. Each gas or fuel outlet for appliances in residential use, including but not limited to clothes dryers, ranges and gas lights.
- b. Gas house connections.
- c. Installation of medical gas.

SCHEDULE IV

Gas or fuel outlets, each.....\$8.00

Gas house connections, each.....\$8.00

Medical gas, per station outlet.....\$10.00

(5) *Refrigeration units.* Permit fees for installation, repair or replacement of refrigeration units and refrigerant lines shall be in accordance with Schedule V:

SCHEDULE V

Refrigeration units:

0 to 10 horsepower, per system.....\$25.00

10.1 to 20 horsepower, per system.....\$63.00

Over 20 horsepower, per system.....\$270.00

Refrigeration line, per line.....\$21.00

(6) The total of fees due for any permit shall be not less than sixty-five dollars (\$65.00).

(Ord. of 11-19-73; Div. B, § 5; Ord. No. 2-81, § 9, 7-27-81; Ord. No. 7-84, §§ 1, 2, 9-10-84; Ord. No. 2-85, § 6, 1-31-85; Ord. No. 12-87, §§ 5, 6, 7-27-87; Ord. No. 5-90, §§ 3, 4, 5-14-90; Ord. No. 10-92, § 3, 11-23-92; Ord. No. 4-99, § 2, 6-17-99; Ord. No. 3-2001, § 4, 10-8-01; Ord. No. 2-2003, § 6, 6-23-03; Ord. No. 2-2004, § 5, 11-22-04; Ord. No. 1-2014, § 3, 9-23-13)

Secs. 7-87-7-99. - Reserved.

ARTICLE V. - RESERVED

ARTICLE VI. - ELECTRICAL PERMITS AND INSPECTIONS

Sec. 7-100. - Office of electrical inspector designated; duties.

(a) The electrical inspectors of the City of Winston-Salem are hereby designated as county electrical inspectors to perform inspection services, collect inspection fees and enforce the electrical regulations referred to and provided for in this chapter, and such services shall be performed by the inspections division of the Planning and Development Services Department of the City of Winston-Salem, subject to the approval of the City Council of the City of Winston-Salem and the execution of an appropriate agreement between the County and the City of Winston-Salem.

(Ord. No. 2-81, § 10, 7-27-81)

Secs. 7-101- 7-102 - Reserved.

Sec. 7-103. - Permit fee schedules.

Schedule I. Fees for new residential construction, additions to existing residential structures and alterations to single family/townhouse structures are established by section 7-18(b).

Schedule II. Nonresidential construction and additions, alterations and repairs.

(1) Rough hot outlets and fixtures:

1-50.....\$24.00

51-100....\$47.00

101-500 outlets.....\$122.00

Over 500 outlets, each additional 100 outlets or part thereof.....\$26.00

(2) Appliances and equipment (including but not limited to ranges, furnaces, dishwashers, subpanels, etc.), each appliance.....\$7.50

(3) General:

Temporary saw service.....\$65.00

Change of service:

Residential.....\$84.00

Commercial.....\$102.00

Reconnect current:

Residential.... \$65.00

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Commercial.....\$84.00

Temporary current:

Individual meters.....\$75.00

Gang meters, per gang.....\$100.00

Manufactured homes or trailers, and modular homes.....\$65.00

Swimming pools.....\$138.00

Bonding only.....\$65.00

Signs:

Freestanding, off/on premise, each sign..... \$70.00

Christmas tree lots.....\$70.00

Transmission towers.....\$70.00

(4) Other (each):

CATV amplifiers.....\$7.50

Gasoline dispensers.....\$7.50

Welding machines.....\$7.50

Generators\$7.50

Control wiring, per device..... \$7.50

Room air conditioners\$7.50

Heat cables, wall or baseboard heat.....\$7.50

Electric signs, wall, roof, or projecting, each.....\$7.50

Outdoor lighting, each circuit.....\$7.50

Duct banks, per 50 feet or part thereof.....\$7.50

(5) Electric heat and air conditioning (when not a part of a mechanical system change-out):

a. Residential:

Each heating unit.....\$24.00

Each air conditioning unit.....\$24.00

b. Commercial:

Each heating unit.....\$42.00

Each air conditioning unit.....\$42.00

(6) Motors and horsepower (not a component of a listed unit): Each motor.....\$19.00

(7) Minimum fee: The total of fees due for any permit shall be not less than....\$65.00

(Ord. No. 2-81, § 10, 7-27-81; Ord. No. 3-81, § 2, 9-28-81; Ord. No. 12-87, § 8, 7-27-87; Ord. No. 5-90, § 6, 5-14-90; Ord. No. 10-92, § 4, 11-23-92; Ord. No. 1-99, § 1, 1-11-99; Ord. No. 3-2001, § 5, 10-8-2001; Ord. No. 2-2003, § 7, 6-23-03; Ord. No. 2-2004, § 6, 11-22-04; Ord. No. 1-2014, § 4, 9-23-13)

Secs. 7-104. - 7-105. - Reserved.

Sec. 7-106. - Fee for after-hours inspections.

In addition to all other applicable permit and inspection fees, upon a request of the permit holder for any non-emergency inspection that is to be performed other than during the inspections division's regular business hours, such inspection shall be subject to the following fees:

- (1) For the first two (2) hours, or part thereof—\$200.00 per inspector.
- (2) For each hour, or part thereof, beyond the initial two (2) hours—\$100.00 per inspector.

Any such non-emergency after-hours inspection request is subject to approval by the inspections director based upon inspector availability. Nothing herein shall require or obligate the inspections division to perform inspections at any time other than during its regular business hours.

(Ord. No. 1-2016, § 4, 6-13-16)

Secs. 7-107—7-110. - Reserved.

ARTICLE VII. - MINIMUM HOUSING STANDARDS

Sec. 7-111. - Authority, scope, and jurisdiction.

Pursuant to North Carolina General Statute §160A-441, it is hereby declared that there exist in Forsyth County dwellings which are unfit for human habitation for reasons which include, but are not limited to, dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light, and safely maintained facilities, and other conditions rendering them substandard, unsafe, unsanitary, dangerous, and/or detrimental to the health, safety, and welfare of the residents of Forsyth County.

As expressly authorized by North Carolina General Statutes, Chapter 160A, Article 19, Part 6 (Minimum Housing Standards), the purpose of this article is to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, and to provide for the repair or demolition of all structures designed or utilized for such purposes but found to be substandard or unfit under the terms of this article, and to impose requirements upon owners and occupants for maintaining these minimum standards.

This article shall apply to all places of habitation within the unincorporated areas of Forsyth County and to those municipalities within the county who choose to adopt the code.

(Ord. No. 8-93, § 1, 12-20-93)

State Law Reference: Authority to provide for minimum housing standards, G.S. §160A-441, et.seq.

Sec. 7-112. - Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Approved sewage disposal system shall mean a sewage disposal system approved by the public health department or served by a public sewer system.

Approved water supply shall mean a water supply approved by the public health department or a public sewer system.

Basement shall mean a portion of a building which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

Building shall mean any structure built for the support, shelter, or enclosure of persons, animals.

Cellar shall mean a portion of a building located partly or entirely underground having an inadequate access to light and air from windows located partly or wholly below level of the adjoining ground.

Dwelling shall mean any building, structure, manufactured home or mobile home, or part thereof, which is wholly or partly used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S.160A-383.5, shall be considered dwellings for purposes of this Article, provided that any ordinance provision of this Article requiring minimum square footage shall not apply to such structures.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating whether or not such unit is occupied or vacant.

Governing body shall mean Forsyth County Board of Commissioners.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, but excluding bathrooms, water closet compartments, laundries, heater rooms, foyers and/or communicating corridors, closets and storage spaces.

Housing administrator and designated persons and public officer shall mean the Forsyth County Chief Building Administrator or designee(s) who are certified to do building inspections.

Infestation shall mean the presence, within or around a dwelling of any insects, rodents or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.

Manufactured home or "mobile home" shall mean a structure as defined by G.S. 143-145(7).

Multiple dwelling shall mean any building or portion thereof, which is designed, built, rented, leased, subleased or otherwise contracted, let or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in their respective residences and shall include but not be limited to flats and apartments.

Occupant shall mean any person living, sleeping, cooking and eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.

Operator/landlord shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are rented, leased, subleased, or otherwise contracted.

Owner shall mean the holder(s) of the title in fee simple, and every mortgagee of record.

Parties in interest shall mean all individuals, associations, and corporations, who have interests of record in a dwelling and any who are in possession thereof.

Person shall mean and include any individual, firm, corporation, association, organization or partnership or any other legal entity.

Place of habitation shall mean and include all dwellings, dwelling units, rooming houses, habitable rooms, apartments, apartment houses, multi-family dwellings, and any other structure used for human habitation, which is occupied under a lease or holds a legal tenancy.

Premises shall mean a lot, plot, or parcel of land including the buildings, dwellings and structures within the definitions as defined herein.

Public authority shall mean any housing authority or any officer who is in charge of any department or branch of the government of the city, county, or State relating to health, fire, building regulations, or other activities concerning dwellings in Forsyth County.

Removal shall mean the demolition and approved disposal of the entire building. The premises shall be free and clear of any debris; and in a manner as not to leave any holes or pockets, which may retain water.

Residential occupancy shall mean buildings in which families or households live or in which sleeping accommodations are provided. Such buildings shall include, but not be limited to the following: dwellings, multiple dwellings, and lodging houses, and all dormitories.

Rooming house shall mean any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to persons who are not husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

Unfit for human habitation shall mean that a dwelling is not suitable to be occupied because any of the following conditions exist:

1. Lack of connection to a potable/approved water supply if required, and to a public sewer or other approved sewage disposal system;
2. Damage from fire, wind, or other causes to such extent as to render the dwelling unsafe;
3. Interior walls or studs which list, lean or buckle to such an extent as to render the dwelling unsafe;
4. Floors or roofs which are overloaded or have insufficient strength to be reasonably safe for the purpose used;
5. Lack of proper electrical, heating, or plumbing facilities which constitute an imminent health or safety hazard;
6. Lack of proper ventilation or sanitation to such an extent as to render the dwelling unsafe due to health or safety hazards; and/or
7. Other conditions rendering such dwellings unsafe, unsanitary, dangerous, and/or detrimental to the health, safety, and welfare of the residents of Forsyth County.

Ventilation shall mean the process of supplying and removing air by natural or mechanical means to or from any dwelling unit. Mechanical ventilation shall mean ventilation by power driven devices.

Meaning of certain words. When the words "dwelling," "dwelling unit," "multiple" or "premises" are used in this code, they shall be construed as though they were followed by the words "or any part thereof."

Sec. 7-113. - Minimum standards of fitness for dwellings, dwelling units, and manufactured homes.

Standards for dwellings, dwelling units, rooming units, and manufactured homes shall be:

- a) Every dwelling, dwelling unit, and rooming unit used or intended to be used for human habitation shall comply with the applicable North Carolina State Building Codes and with all standards of fitness for human habitation and the requirements as set forth herein.
- b) No person shall occupy, let to another for occupancy, or used for human habitation any dwelling, dwelling unit, or rooming unit which does not comply with the minimum standards of fitness for human habitation as set forth in this article.
- c) Every manufactured home used for human habitation shall comply with all applicable codes, at the time of manufacture, and with all regulations promulgated by the North Carolina State Building Code Council, and with the standards set forth in this article.

Sec. 7-114. - Minimum standards for structural condition.

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

- a) Walls, partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, buckle, and shall not be rotten, 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 and be in a condition which is structurally sound and safe for the purpose used;
- c) Foundations, foundation wall, piers or other foundation supports shall be in a condition which is structurally sound and safe for the purpose used. The foundation shall be on firm, reasonably dry ground, and there shall be no water standing or running under the building;
- d) Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse; and
- e) Adequate facilities for egress in case of fire or emergency shall be provided.

Sec. 7-115. - Minimum standards for basic plumbing, heating and electrical equipment and facilities.

Standards for basic plumbing, heating and electrical equipment and facilities shall be:

a) *Plumbing systems.*

- 1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system. All said connections shall be constructed in an approved manner in accordance with all applicable regulations. An occupied dwelling to which the water supply has been turned off for nonpayment or which does not otherwise have potable water supplied to the tap is not considered to be connected to a potable water supply.
- 2) Each dwelling unit shall contain a kitchen sink, lavatory, tub or shower, toilet, and adequate supply of both cold water and hot water.
- 3) All existing plumbing fixtures, water lines and sewer lines shall meet the standards of the NC State Building Codes, at the time installed, and shall be maintained in a state of good repair and in good working order, and be adequately protected from freezing.
- 4) All existing required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants. The toilet and tub or shower shall be located in a room or rooms affording privacy for the user.

b) *Heating systems.*

- 1) Central heating systems. Every central heating system shall have and maintain sufficient capacity to heat all habitable rooms, bathrooms and toilet compartments in every dwelling unit to which it is connected with a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point of three (3) feet above the floor when temperature is twenty (20) degrees Fahrenheit or higher outside.
- 2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling unit shall have adequate heating appliances installed and maintained in good and safe working condition and capable of safely and adequately heating all habitable rooms, bathrooms and toilet compartments so as to furnish a minimum temperature of sixty-eight (68) degrees Fahrenheit measured at a point of three (3) feet above the floor when

temperature is twenty (20) degrees Fahrenheit or higher outside. In addition, each dwelling unit so equipped shall be provided with sufficient chimney, flues, gas vents and/or fireplaces in accordance with the provisions of the North Carolina State Building Codes. Portable or unvented room heaters are not permitted as a primary source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.

c) *Electrical systems.*

- 1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles in each room located on separate walls, and also one (1) electric light switched at each outside entrance, connected in such manner as determined by the National Electric Code. There shall be installed in every bathroom, toilet room, laundry room and furnace room at least one (1) supplied ceiling or wall-type electric light fixture, with a switch. Electrical outlets in dwellings which have been ordered by the housing administrator to be repaired shall conform to the minimum standards set forth in this article.
- 2) Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched 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 National Electrical Code.

Sec. 7-116. - Minimum standards for ventilation.

- a) *Habitable rooms.* Every habitable room shall have at least one (1) window or skylight which can easily be opened, or such other device, such as air conditioning, as will adequately ventilate the room, unless otherwise approved by the housing administrator. Windows that can be opened must have operable screens in homes without central heating and cooling systems. Window frames and glass shall be reasonably weather tight, with no cracked or broken glass.
- b) *Smoke Detectors and Carbon Monoxide Detectors.* Smoke detectors shall be required on each floor level, outside of each sleeping area in the immediate vicinity of the bedroom and the kitchen area. Additionally, carbon monoxide detectors shall be required in all homes with attached garages and homes heated with fossil fuels.
- c) Any bathroom lacking a window that opens must contain a properly installed mechanical fan that moves interior air and moisture through an approved system to the exterior of the dwelling.

Sec. 7-117. - Minimum standards for sanitation.

- a) *Resistance to weather damage and rodent infestation.* Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof and kept in sound and good repair. Every floor, interior wall and ceiling shall be substantially rodent proof, kept in sound condition and good repair. Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and kept in sound working condition and good repair. All exterior doors shall have an apparatus for opening and closing the door on both sides, a locking mechanism which can be opened from both sides of the door and kept in sound repair.

- b) *Infestation*. Owners and renters shall, by generally accepted methods of pest control, be responsible for maintaining the premises free of any insects, rodents or other pests within the premises.
- c) *Garbage and rubbish storage and disposal*. Property owners and/or occupants shall not allow the accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, the accumulation of stagnant water, or the inhabitation of rats, mice, snakes, or vermin of any kind which may be dangerous or prejudicial to the public health.
- d) *Drainage*. Every yard shall be properly graded and maintained to ensure thorough drainage away from the dwelling unit to prevent the accumulation of stagnant water.
- e) *Egress*. Every dwelling unit shall be provided with adequate and unobstructed means of egress (exit) as required by the NC State Building Code.
- f) *Noxious weeds and tall grass*. Yards and areas surrounding a dwelling shall be kept free of species of weeds or plant growth which are noxious or detrimental to health or provide breeding places for insect or rodent infestation.

Cross reference— Definitions, 19-1; Enforcement of regulations and laws pertaining to solid waste and recovered material management, 19-2; Generator of garbage, refuse, and recovered material, 19-4; Storage, 19-5.

Sec. 7-118. - Minimum space requirement.

- a) *Minimum Space Requirements*.
 - 1. *Required space and use in sleeping rooms*. In every dwelling unit at least eighty (80) square feet of bedroom floor space shall be provided for the first occupant; at least twenty (20) square feet of additional bedroom floor space shall be provided for the second occupant; and at least thirty (30) square feet of additional bedroom floor space shall be provided for each occupant over the number of two (2) (children one (1) year of age and under shall not be counted).
 - 2. *Required space in dwelling unit*. Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.
 - 3. *Occupancy of dwelling unit below grade*. Basement or cellar space shall not be used as a habitable room or dwelling unit unless meeting all specifications for habitable rooms.
 - 4. *Cabinet and kitchen storage*. Each dwelling unit should contain a minimum of 4 square feet of counter top, 25 square feet of storage and 5 square feet of drawer space.

Sec. 7-119. - Minimum standards applicable for rooming houses.

All minimum standards and requirements of this article shall be applicable to rooming houses, and to every person who operates a rooming house, who occupies or lets to another for occupancy any rooming

unit in any rooming house, and to bed and breakfast establishments, except as provided in the following paragraphs.

- a) *Toilet, hand lavatory and bath facilities.* At least one (1) toilet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every laboratory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar or uninhabitable basement.
- b) *Minimum floor areas.* Every room occupied for sleeping purposes by one (1) occupant shall have the minimum floor space as required by state residential building codes.
- c) *Sanitary conditions.* The operator of a 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. The operator shall be further responsible for the sanitary maintenance of the entire premises of the entire structure or building within which the rooming house is contained and leased or occupied by the operator.
- d) *Sanitary facilities.* Every toilet, flush urinal, lavatory basin and bathtub or shower required by paragraph a) of this section 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.

Sec. 7-120. - Designation of Housing Administrator, powers and duties.

The Housing Administrator shall enforce the provisions of this article and exercise the duties and powers herein prescribed. The duties and powers of the Housing Administrator are:

- a) To inspect dwelling conditions in the county in order to determine which dwellings 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 such entries shall be made in accordance with this article and state law, and such shall be made in a manner to cause the least possible inconvenience to the persons in possession;
- d) To take such action, together with other appropriate departments and agencies, as may be necessary to effect rehabilitation of housing which is deteriorated;
- e) To appoint and affix the duties of the officers, agents, and employees necessary to carry out the purpose of this article;
- f) To keep a record of the results of inspections made pursuant to the provisions of this article, including a list of all those dwelling inspected and not in compliance with the housing administrator's report;

Sec. 7-121. - Access to premises for inspections.

For the purposes of making inspections, the housing administrator 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, dwelling units, or rooming units or the person in charge thereof, shall give the housing administrator free access to such dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purpose 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 effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article. If the occupant or owner refuses the housing administrator admittance, then the housing administrator may obtain an administrative inspection warrant.

Sec. 7-122. - Enforcement procedures.

- a) Whenever a petition is filed with the housing administrator by a public authority or by at least five (5) residents of the county charging that any dwelling is unfit for human habitation, or whenever it appears to the housing administrator (on his own motion) that any dwelling is unfit for human habitation, the housing administrator shall, if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings notification stating the charges in that respect, and:
 1. Containing a notice that a hearing will be held before the housing administrator (or designated agent) at a place within the county in which the property is located and,
 2. Set not less than ten (10) days nor more than thirty (30) days after the serving of the complaint;
 3. That the owner and parties 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; and
 4. That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing administrator.
- b) *Dwelling unfit for human habitation.* If after notice and hearing, the housing administrator determines that the dwelling under consideration is unfit for human habitation, he/she shall state in writing his/her findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:
 1. *Deteriorated/Suitable for Repair.* If the repair, alteration or improvement of the dwelling can be made at a cost not in excess of sixty (60%) percent of the value as estimated by the housing administrator, the owner is required, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation. The order may require that the property be vacated and closed if continued occupancy during the time allowed for repair will prevent 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 further orders under this article for failure to make repairs; or

2. *Dilapidated/Unsuitable for Repair.* If the repair, alteration or improvement of the dwelling cannot be made at a cost not in excess of sixty (60%) percent of its value as estimated by the housing administrator, requiring the owners, within the time specified in the order, to demolish and remove such dwelling.
 3. Notwithstanding any other provision of law, if the dwelling is located in a historic district and the historic district commission determines, after a public hearing as provided by this article, 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. 160A, Part 3C.
- c) *If Deteriorated - Owner Fails to Repair.*
1. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing administrator may cause the dwelling to be repaired, altered or improved or to be vacated and closed; and the housing administrator may cause to be posted on the main entrance of any dwelling so closed, 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."*

Occupation of a building so posted shall constitute a Class 1 misdemeanor.

The duties of the housing administrator as set forth in this subdivision shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of G.S. 160A, Part 6, with respect to the particular property or properties which the housing administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

2. If the housing administrator has issued an order, ordering a dwelling to be repaired, but said dwelling has been vacated and closed, and remains unrepaired for a period of one (1) year from the date of the order, then the housing administrator may ask the governing body to enact an ordinance finding the following:
 - a. That the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation, and
 - b. That the continuation of the dwelling in its vacated and closed status would be harmful to the health, safety, morals, and welfare of the County in that the dwelling:
 1. Would continue to deteriorate;
 2. Would create a fire and safety hazard;
 3. Would be a threat to children and vagrants;
 4. Would attract persons intent on criminal activities;
 5. Would cause or contribute to blight and the deterioration of property values in the area; and
 6. Would render unavailable, property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state.
3. The governing board may, after the expiration of such one-year period, enact an ordinance and serve notice on the owner, requiring the owner demolish and remove the dwelling within ninety (90) days, and authorizing the housing administrator to demolish the dwelling on behalf of the County should the owner fail to do so and execute appropriate subsequent legal action as may be necessary to hold the owner responsible for the costs of the demolition and transportation and proper disposal of the resulting debris.

4. This ordinance shall be recorded with the Forsyth County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this article, the housing administrator shall effectuate the purpose of this article.
- d) *If Dilapidated - Owner Fails to Demolish.* If the owner fails to comply with an order to remove or demolish the dwelling, the housing administrator may cause such dwelling to be removed or demolished. The duties of the housing administrator set forth in this article shall not be exercised until the governing body shall have by ordinance ordered the housing administrator to proceed to effectuate the purpose of this article with respect to the particular property or properties which the housing administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such article shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing standards. For the purposes of this section, a period of 90 days following the date of the housing administrator's order shall constitute a reasonable opportunity. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- e) *Liens.* That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the housing administrator 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 in the same manner as the lien for a special assessment. If the dwelling is removed or demolished by the housing administrator, he/she shall make commercially reasonable efforts to sell the materials of value of the dwelling, and personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the housing administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way, the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.
- f) *Refusal to vacate.* If any occupant fails to comply with an order to vacate a dwelling, the housing administrator may file a civil action in the name of the county to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint in naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the housing administrator produces a certified copy of any ordinance adopted by the governing board pursuant to subsection (d) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The summons and complaint shall be served as provided in G.S. 42-29. The judgment ordering that the premises be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be stayed as provided in G.S. 7A-228 and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the governing board ordered the housing administrator to proceed to exercise his/her duties under the preceding subsections of this section to vacate and close or remove and demolish the dwelling.
- g) *Notice to Certain Housing Organizations.* Whenever a determination is made that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of

the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the housing administrator, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The housing administrator or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the housing administrator to wait forty-five (45) days before causing removal or demolition.

Sec. 7-123. - Methods of service of complaints and orders.

Notices or orders issued by the housing administrator shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notice or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the housing administrator in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the housing administrator shall make an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in Forsyth County at least once no later than the time at which personal service would be required under this article. 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.

Sec. 7-124. - Appeals.

- a) Appeals, zoning board of adjustment. The zoning board of adjustment shall hear and determine appeals from any decision or order of the housing administrator pursuant to section 7-121.
- b) Appeals procedure. An appeal from any decision or order of the housing administrator may be taken by any person aggrieved thereby or by any officer or the governing body of the county. Any appeal from the housing administrator shall be taken within ten (10) days from the rendering of the decision or issuance of the order by filing in writing with the housing administrator a notice of appeal which must specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the housing administrator shall forthwith transmit to the zoning board of adjustment all the papers constituting the record upon which the decision appealed from was made.

The zoning board of adjustment shall affix a reasonable time for hearing appeals, shall give notice to the parties and shall render its decision within a reasonable time. Any party may appear in person or by a managing agent, or by attorney. The zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the decision or order appealed from, and may make any decision and order that in its opinion, ought to be made in the matter and to that end it shall have all the powers of the housing administrator, but the concurring vote of four (4) members of the board shall be necessary to reverse or modify any decision or order of the housing administrator. The board shall have power also when passing upon appeals, when practical difficulties or unnecessary hardships would result from 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.

Every decision of the board shall be subject to review by proceeding in the nature of certiorari instituted in the Superior Court of Forsyth County within fifteen (15) days of the decision of the board of adjustment, but not otherwise.

All appeals are subject to the remedies and procedures outlined in GS §160A-446.

(Ord. No. 2-95, § 1, 7-10-95; Ord. No. 3-95, §§ 1, 2, 7-10-95)

Sec.7-125. - Violations.

- a) The violation of any provision of this article shall constitute a Class 3 misdemeanor as provided by G.S. §14-4.
- b) In cases where the housing administrator determines that violations of the article exist, but those violations do not rise to the level of making the dwelling unfit for human habitation, the housing administrator shall not be required to give notice and hold a hearing in the same manner as for unfit dwellings.
- c) Violations which do not result in a finding of a dwelling unfit for human habitation remain subject to penalties and enforcement. The administrator may issue warnings and notices of violations, and may swear out criminal charges for violation of the article.
- d) In addition to the remedies otherwise provided by this article, this article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction, including injunction and order of abatement.

Sec. 7-126. - Alternate remedies.

- a) Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of Forsyth County to define and declare nuisances, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other article or laws.
- b) Remedies may include all remedies authorized by G.S. § 160A-446, including institution of an action with the court to prevent the unlawful erection, construction, reconstruction, alteration or use of a dwelling, to correct or abate the violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

Sec. 7-127. - 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 Forsyth County, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of Forsyth County shall prevail.