



TOWN OF FARMVILLE

CODE OF ORDINANCES

CHAPTER 4

BUILDINGS AND STRUCTURES

Section 1.0 OFFICER OF BUILDING INSPECTOR

1.1 Creation, Appointment

The office of building inspector is hereby created and shall be filled by appointment by the Town Manager under Chapter 2, Section 3.2.3.7.

1.2 Inspections Department

For the purposes of Sections GS 160A-411 through GS 160A-440, as amended from time to time, of the General Statutes of North Carolina, it shall be deemed the department of inspections and the building inspector shall be the director of inspections. The building inspector shall cooperate with the Division of Engineering of the State Department of Insurance and all State, County and local departments or divisions in the administration and enforcement of the provisions of the North Carolina State Building Code within the Town as provided in G.S. 143-139.

1.3 Rights of Entry

In the performance of official duties, the building inspector and the inspector's deputies and assistants shall have the right to enter upon and within public and private premises at all reasonable hours upon proper identification and in compliance with all applicable provisions of the law.

Section 2.0 DILAPIDATED STRUCTURES

2.1 Duty of Building Inspector

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

Such unsafe condition may be caused by defective construction, overloaded structural parts, decay, susceptibility to fire, or any other hazardous conditions or circumstances.

The Building Inspector shall have authority, and it shall be his duty, to declare all such

buildings or structures unsafe and to take appropriate action to have such conditions corrected or removed.

Such declaration by the Building Inspector shall be in writing and shall constitute an order of condemnation for the purposes of this ordinance.

2.2 Duty of Owner

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

2.3 Notice of Hearing

Before any building or structure may be ordered to be demolished and removed as provided in Section 3, herein the Building Inspector shall notify the owner or owners thereof, in writing, by certified or registered mail to the last known address of such owner, or by personal service of such notice by said Building Inspector or his assistant or by posting notice as hereinafter provided, that said building or structure is in such condition as appears to constitute a fire or safety hazard or dangerous to life, health, or other property, or to be a public nuisance, and that a hearing will be held before said Building Inspector at a designated place at a time not less than ten (10) days after the date of such written notice, at which time and place the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer such evidence as he may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for the hearing and a notice of the hearing is published one time in a newspaper having general circulation in the Town at least one week prior to the date fixed for such hearing. Such notice shall state the address or location of the building or structure and the time, place and purpose of the hearing.

2.4 Order to Remedy or Demolish

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

2.5 Appeals

The owner of any building or structure ordered by the Building Inspector to be demolished and removed, or who is directed by the Building Inspector to take any other steps to abate a nuisance or remove hazards found by the Building Inspector to exist, shall have the right of appeal from such orders to the Board of Commissioners; provided, such owner gives notice of appeal to the Building Inspector at the time of the hearing at which the order is made, or within ten (10) days after such order is made, files with the Building Inspector a written notice of such appeal. Notice of appeal shall state the grounds therefore. Unless an appeal is taken within the time and in the manner herein prescribed, the action of the Building Inspector shall be deemed final, subject only to such action as the Board of Commissioners may take as herein elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this section, it shall be the duty of the Building Inspector to report the same to the Town Clerk who shall cause the matter to be placed on the agenda for action by the Board of Commissioners at its next ensuing regular meeting. The Board of Commissioners shall have the right to continue the hearing of the appeal from time to time, in its discretion.

2.6 Report of Noncompliance

In the event the owner does not appeal from the final order or direction of the Building Inspector requiring that the building or structure be demolished and removed or the taking of such other steps as may be required to abate the nuisance and remove the hazards, and fails or refuses to comply with such order and direction, it shall be the duty of the Building Inspector to file written report thereof with the Town Clerk who shall cause such report to be placed on the agenda for action by the Board of Commissioners at its next ensuing regular meeting or to some subsequent meeting to which the Board of Commissioners may continue the same. The Building Inspector shall mail a copy of said report by certified or registered mail to the owner at his last known address, or have a copy of said report delivered to said owner. Said report shall specify the date of the meeting of the Board of Commissioners for which the matter will be docketed for action.

2.7 Order of Board of Commissioners

In all cases referred to in this ordinance which reach the Board of Commissioners for action, either upon appeal of the owner from the ruling of the Building Inspector or upon report of the Building Inspector that the owner fails or refuses to comply with his order or direction, the Board of Commissioners shall hear the matter, and if it finds and determines that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or to be dangerous to life, health, or other property, or is a public nuisance, and that the owner of said building or structure has failed or refused to abate the nuisance and has failed or refused to have said building or structure demolished and removed or has failed or refused to take such other steps as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to abate the nuisance and remove the hazards, and specially assess the cost of such work against the lot or parcel of land on which the building or structure was situated; and such assessment shall constitute a specific lien upon said lot or parcel of land, which may be enforced by an action instituted in the name of the Town of Farmville in the nature of an action to foreclose a mortgage as provided by G.S. 105-414 in the case of ad valorem taxes and local improvement assessments.

2.8 When Notice of Hearing Required

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

2.9 Presumption of Danger to Public

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

2.10 Violations; Penalties

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

Section 3.0 BUILDING CODE

The Board of Commissioners hereby adopts the North Carolina State Building Code in its entirety and the provisions thereof as amended from time to time are hereby incorporated in and made a part of this Section.

The Town Clerk as well as the Building Inspector shall maintain in their respective offices at all times or currently in effect, each volume of and supplement with amendments thereto, the North Carolina State Building Code.

Section 4.0 PERMIT AND INSPECTION FEES

4.1 The Board of Commissioners may from time to time, by resolution not in conflict with State law, promulgate schedules of fees which shall be charged for permits and certificates issued or to be issued and for inspections made or to be made by the Building Inspector. A current fee schedule shall be maintained on file in the office of the Building Inspector and in the office of the Town Clerk for information and use by the public during all regular business hours; no permit or certificate shall be issued or inspection made for which a fee is prescribed until such fee has been paid.

4.2 The Town of Farmville hereby adopts by reference Chapter 4 of the Standard Fire Prevention Code, Current edition.
(amended 02/06/2007)
(amended May 5, 1992)

Section 5.0 INSULATION INSTALLERS

5.1 Authority

This ordinance is adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and Section 160A-194 of the General Statutes of North Carolina.

5.2 Licensing

5.2.1 License Required. On and after January 1, 1978, no person, firm or corporation may for a consideration install, alter, or restore within the Town 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 to do the proposed work 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 under this ordinance.

5.2.2 Applications: Every person desiring a license under this ordinance shall submit an application for such license to the building inspector conforming to the following requirements:

5.2.2.1 Form of Application. Each application shall be a written statement upon forms provided by the building inspector.

5.2.2.2 Contents of Application. Each application shall contain the following information:

1. Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;
2. Names and home addresses of the partners, if a partnership;
3. Names and home addresses of the officers and directors, if a corporation;
4. Place where the proposed business is to be located;
5. Complete record of all convictions of felonies or acts involving dishonesty, fraud, or deceit by the applicant or any employee, partner, officer, or director of the applicant, whether in this or any other state or jurisdiction;
6. Complete record of all licenses held by the applicant or any employee, partner, officer, or director of the applicant authorizing activities of the type authorized herein or other activities involving construction, alteration, or modification of buildings and structures;
7. Information as to the circumstances in which any local, state, or federal government or agency has refused, suspended, or revoked a license of the type described in paragraph (f) to the applicant or any employee, partner, officer, or director of the applicant.

5.2.2.3 Fees. Each application shall be accompanied by a fee in the amount of \$10.00 for such license, such amount to be for the fiscal year and prorated to \$5.00 if obtained in the second half of the fiscal year.

5.2.2.4 False Statements. False statements on any application for a license shall be ground for immediate revocation or denial of such license.

5.2.3 Procedure for Issuance

5.2.3.1 Review by Town Officers. A copy of each application received by the building inspector shall be promptly forwarded to the police department for review. Such officers shall promptly make any comments and recommendations pertaining to the application and forward them to the building inspector.

5.2.3.2 Licensing Agency. The application and any comments and recommendations relating thereto shall be considered by the building inspector, which shall then issue or deny the license pursuant to the following standards.

5.2.3.3 Standards. The building inspector shall issue the license unless he shall find that the applicant or any employee, partner, officer, or director of the applicant:

1. Has been convicted within the last three years of a felony or act involving dishonesty, fraud, or deceit, whether in this or any other state or jurisdiction;
2. Has been refused a license to do the type of work authorized herein or has had such a license suspended or revoked by any local, state or federal government or agency and such government or agency has not subsequently granted or restored such license;
3. Has knowingly made a false statement in the application;
4. Has failed to post the bond or other security required.

5.2.4 Bond Required

5.2.4.1 Before a license shall be issued to any applicant, the

applicant shall post a bond with the Town in the amount of \$1,000. In lieu of posting a bond, the applicant may deposit a cashier's check or cash in the same amount.

5.2.4.2 The security required by this section shall be available to indemnify any person for any damage which may accrue by reason of the applicant's failure to properly provide or install insulation, energy utilization equipment or other materials designed or intended to meet the State Building Code standards for insulation and energy utilization.

5.2.5 Termination and Renewal of Licenses.

All licenses issued hereunder shall terminate on the last day of the fiscal year for which issued. Renewal of such licenses shall be pursuant to the same procedures and requirement set forth for initial issuance.

5.2.6 Suspension; Revocation

5.2.6.1 The building inspector may suspend or revoke any license issued hereunder at any time upon a showing that the applicant or any employee, partner, officer, or director of the applicant has (a) knowingly made a false statement in the application or a license, or (b) violated the State Building Code requirements as to insulation or energy utilization equipment or materials whether in this or any other jurisdiction, or (c) been convicted of an act involving dishonesty, fraud, or deceit with respect to any contract entered into for work requiring this license.

5.2.6.2 Any licensee whose license is suspended or revoked may appeal the suspension or revocation to the Board of Commissioners. After reasonable notice to the licensee, the Board of Commissioners shall afford the licensee an opportunity to show why its license should not be suspended or revoked.

5.2.7 Change of Location

The location of any licensed business may be changed, provided 10 day's notice thereof is given to the Town and operation at such new location does not violate any applicable State or local law, ordinance, or regulation.

5.3 Permits

5.3.1 Permits Required.

On and after January 1, 1978, 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 special insulation and energy utilization permit from the building inspector for each item of work, which permit shall evidence compliance with the insulation and energy utilization standards of the State Building Code.

5.3.2 Fees. There shall be a fee of \$3.00 for each permit issued.

5.3.3 Exceptions

The following shall not be required to obtain the permit required by subsection (a):

1. An owner working upon his own building;
2. An installer working under the supervision of a registered architect or professional engineer, when the work is being performed under a general building permit;
3. A contractor licensed to do the proposed work under Chapter 87 of the General Statutes, when the work is being performed under a general building permit.

5.4 Penalties

Any person, firm, or corporation violating the provisions of this ordinance shall be subject to all the applicable punishment, penalties, and equitable relief provided for by Section 160A-175 of the General Statutes and Chapter 703, North Carolina Session Laws of 1977.

Section 6.0 PROPERTY NUMBERING

6.1 Official Property Numbering Map

The chief building inspector shall establish and maintain an official property numbering map, with a north-south and an east-west axis, consecutive numbering of property and streets outward from the intersection of these axes, numbering of property streets following a consistent grid system insofar, as is practical, and appropriate prefix designations of streets as "north", "south", "east", or "west" when a street is intersected by a numbering axis.

6.2 Assignment of Property Numbers

The chief building inspector shall assign property numbers in keeping with the official

property numbering map to all newly improved and/or subdivided property and shall have authority to set official property numbers for all improved property within the Town, including re-numbering of existing improved property when its numbering is inconsistent with the official property numbering map.

6.3 Display of Property Numbers

Every owner or occupant of improved property shall at all times display in a conspicuous place on the street side of said property the correct property number as determined by the chief building inspector. The numerals used to display this number shall be at least 3" high, shall be readily visible and legible from the street and shall be of a color to contrast with their background.

AN ORDINANCE REGULATING AND PERMITTING THE MOVING OF BUILDINGS WITHIN THE TOWN OF FARMVILLE

Section 1 A building or part of any building shall not be moved through or across any sidewalk, street, alley or highway within the jurisdiction of the Town of Farmville without first obtaining a permit from the Building Inspector.

Section 2 Any person desiring to move a building shall first file with the Building Inspector a written application setting forth the following information:

1. the type and kind of building to be moved.
2. The original cost of such building.
3. The extreme dimensions of the length, height and width of the building.
4. Its present location and proposed new location by lot, block, subdivision and street number.
5. The approximate time such building will be upon the streets, and contemplated route that will be taken from present to new location.

Section 3 If in the opinion of the Building Inspector, the moving of any building will cause serious injury to persons or serious injury to the streets or other public improvements, or the building to be moved has deteriorated more than 50% of its original value by fire or other element, or the moving of the building will violate any of the requirements of this ordinance or of the zoning regulations, the permit shall not be issued and the building shall not be moved over the streets. Any building being moved for which a permit was granted shall not be allowed to remain in or on the streets of the Town of Farmville for more than 48 hours.

Section 4 The Building Inspector, as a condition precedent to the issuance of such permit, shall require a bond to be executed by person desiring such removal permit, with corporate surety to his satisfaction. Such bond shall be made payable to the Town of Farmville and for such amount as he prescribes. It shall indemnify the Town of Farmville against

any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways and any other public property which may be affected by the moving of a building. Such surety shall also be conditioned upon and liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay the Town of Farmville liquidated damages an amount not exceeding \$50.00 to be prescribed by the Building Inspector for each days delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby.

Section 5 Upon the issuance of said moving permit, the Building Inspector shall cause notice to be given to the Chief of the Fire Department, Utilities Department, Street Department, Telephone Company, Police Department, Cable Television, and any others whose property may be affected by such removal. The Building Inspector shall set forth in all notices the route that will be taken; time started, and approximates time of completion.

Section 6 Every building which occupies any portion of public property after sundown, shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

Section 7 The owner of any house, building or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the current North Carolina State Building Code within 90 days from the issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the Building Inspector upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for a moving permit shall be accompanied by an application for a building permit, accompanied by complete plans and specifications showing the changes or conditions of said house, building, or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent.

Amended by the Board of Commissioners on: January 2, 2007