

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Drinking in public
- 130.02 Loitering
- 130.03 Water tampering

§ 130.01 DRINKING IN PUBLIC.

No person shall consume, serve, or drink wine, beer, whiskey, or alcoholic beverages of any kind on the public streets, boulevards, alleys, or in public buildings.
(1973 Code, § 11.1) Penalty, see § 10.99

§ 130.02 LOITERING.

Loitering anywhere inside the town limits between the hours of 11:00 p.m. and 7:00 a.m. is prohibited.
(Ord. passed 7-1-1975) Penalty, see § 10.99

§ 130.03 WATER TAMPERING.

(A) No person shall touch, tamper, or in any manner manipulate or turn the cut-off on the water mains forming a part of the water system of the town, nor shall any person tamper with or harm in any manner whatsoever any water or sewer line, main, or any appurtenance thereto. No person shall throw or deposit any material or substance in any water or sewer line that will in any manner obstruct the line.

(B) The fire hydrants are for the use of the Fire Department for fighting fires, and are not to be used by any unauthorized person for any purpose without permission from the Board.

(C) It shall be unlawful for any person or persons, other than a person authorized by the town officials, to cut on the town supply of water.

(D) Anyone caught tampering with the water system will be charged.
(1973 Code, § 6.7) Penalty, see § 10.99

§130.04 CURFEW FOR MINORS AND YOUNG ADULTS.

AN ORDINANCE ESTABLISHING A CURFEW FOR MINORS AND YOUNG ADULTS FOR THE TOWN OF BAILEY, NORTH CAROLINA

PURPOSE OF CURFEW

The purpose of this subchapter shall be to establish a curfew in the Town, regulating the movement of minors and young adults because of the particular vulnerability of children, their inability to make decisions in an informed mature manner and the importance of the parental role in child rearing. It shall also promote the health, safety and welfare of both minors and adults in the town by creating an environment offering protection and security for all concerned.

DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FUNCTION

Any event including but not limited to activities involving the free exercise of religion, speech, assembly and activities sponsored by the town, a church, the Nash County Public Schools, or other non-profit or community organization.

GUARDIAN

Any person having legal custody of a minor such as:

- (1) A natural or adopted parent;
- (2) A legal guardian;
- (3) A person who stands in loco parentis; or
- (4) A person to whom legal custody has been given by the court.

PUBLIC PLACE

Any street, alley, highway, sidewalk, park, playground, or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include any store, shop, restaurant, tavern, café, amusement or entertainment of the general public.

MINOR

A person who had not reached his/her sixteenth birthday.

YOUNG ADULT

A person who has reached his sixteenth birthday, but has not reached his eighteenth birthday and is not married, emancipated or a member of the Armed Forces of the United States.

CURFEW ESTABLISHED

A curfew applicable to minors and young adults is established and shall be enforced as set forth in this subchapter.

TIME LIMITS

It is unlawful for any minor or young adult to be on or remain upon any public place as defined in this subchapter in the town between 11:00pm and 5:30am Sunday through Thursday and between 12:00am and 5:30am Friday through Saturday.

EXCEPTIONS

The restrictions shall not apply to any minor or young adult who is traveling between his/her home and his/her place of employment, church, municipal building or school where a function is being held or while accompanied by the minor's guardian, or who is responding to an emergency.

RESPONSIBILITY OF GUARDIAN

It is unlawful for any guardian to allow or permit such minor to be in or upon, or remain in or upon a public place within the town within the curfew hours set, except as otherwise provided.

ENFORCEMENT

(A) When a minor is found to be in violation of this subchapter, the officer will complete the applicable juvenile custody report. After completing the report, the officer will take the juvenile to the residence of his/her guardian. A written warning shall be issued to the guardian of said minor and a copy of the written warning attached to the juvenile report.

(1) The written warning shall describe the action of the minor that constitutes a violation of this subchapter, advises the guardian that if the guardian allows and permits or has allowed and permitted the minor to commit a second or subsequent violation of this subchapter to occur, then the guardian will be subject to criminal prosecution. The written warning shall also advise the guardian that in all cases in which the minor is under 12 years of age a report will be made to the County Department of Social services.

(2) A copy of the written warning shall be attached to the juvenile custody report and turned in with the officer's police department records system.

(3) The Chief of Police or his designee shall review all reports on a daily basis. If a juvenile custody report has been filed pertaining to a violation of this subchapter, the Chief of Police or his designee will examine the appropriate records and determine if the violation is a first offense or if it is a second or subsequent offense.

(B) If upon checking the appropriate records, the juvenile is found to be a first offender, the record will be filed and no further action will be taken. If the juvenile is found to have a record of prior violations of this subchapter, the guardian described in division (A) shall be subject to a criminal citation. The reporting officer will be notified and the appropriate action will be taken. A copy of any such action shall be added to the appropriate file within the police department records system, serving as a part of the case files for any criminal action.

(C) If the juvenile is under 12 years of age, a report will be made and a copy forwarded to the County Department of Social Services.

AIDING AND ABETTING BY AN ADULT OR GUARDIAN

It shall be a violation of this subchapter for any adult or guardian to allow, permit, encourage, aid or abet a minor in the violation, except otherwise provided.

REFUSAL OF GUARDIAN TO TAKE CUSTODY OF A MINOR

If any guardian refused to take custody of his/her minor child found to be in violation of this subchapter, the officers with physical custody of said minor shall contact the County Department of Social Services and release the minor to that agency pending further investigation by the Police Department and the Department of Social Services. The guardian will be subject to a criminal citation.

PENALTY

The punishment for a violation of this ordinance by any guardian of said minor or any young adult as defined by this ordinance shall be guilty of a misdemeanor as defined by NC General Statute 14-1(A).

This ordinance shall be in full force and effect from and after its adoption.

Duly adopted the Town Council of the town of Bailey, at its regular meeting of the 21 day of August, 2006.

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS
- 151. BUILDINGS AND BUILDING REGULATIONS
- 152. UNSAFE BUILDINGS
- 153. MOBILE HOMES, TRAILERS, AND MOBILE HOME
PARKS

CHAPTER 150: GENERAL PROVISIONS

Section

Planning Board

- 150.01 Creation
- 150.02 Members
- 150.03 Organization and rules
- 150.04 Staff and finances
- 150.05 General powers and duties
- 150.06 Purposes in view
- 150.07 Miscellaneous powers and duties

PLANNING BOARD

§ 150.01 CREATION.

A Town Planning Board for the Town of Bailey, North Carolina, is hereby created under the authority of G.S. § 160A-361.
(1973 Code, § 12.1)

§ 150.02 MEMBERS.

(A) The Town Planning Board shall consist of five members who shall be persons of recognized experience and qualifications. At the time of their appointment, members shall hold no other official municipal government position except on a zoning board, zoning board of appeals, or housing authority board. The Mayor may appoint two ex officio members to the Board, who shall have no vote but who shall act as advisors to the Planning Board.

(B) The citizen members shall be appointed by the Town Board upon creation of the Planning Board to hold office as follows: two members for one year, two members for two years, and one member for three years. Thereafter, members shall be appointed for a term of three years. All members of the

Planning Board shall serve without compensation. Members may, after a public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office. The Mayor shall file a written statement of reasons for the removal. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Board of Commissioners.

(1973 Code, § 12.2)

§ 150.03 ORGANIZATION AND RULES.

Within 30 days after appointment, the Planning Board shall elect its Chairperson from amongst the appointed citizen members and create and fill the other offices as it may determine. The term of office for the Chairperson shall be two years. The Planning Board shall hold at least one regular meeting in each month which shall be open to the public. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(1973 Code, § 12.3)

§ 150.04 STAFF AND FINANCES.

The Planning Board may contract with city planners, engineers, architects, and other consultants for services as it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Commissioners, and no indebtedness for which the town shall be liable shall be contracted by the Planning Board unless an appropriation is made by the Board of Commissioners for those purposes, and then only to the extent of the appropriation. The Planning Board shall have the right to accept gifts and donations for the exercise of its functions and for giving publicity to its work, and may expend the money received from the donations and gifts as in its judgment may appear best.

(1973 Code, § 12.4)

§ 150.05 GENERAL POWERS AND DUTIES.

It shall be the function and duty of the Planning Board to make and adopt a suggested master plan for the physical development of the municipality or modified parts of the plan as the Planning Board and Board of Commissioners may deem best. The plan, with the accompanying maps, plats, charts, and descriptive matter, may show the Planning Board's recommendations for the development of the territory; including, among other things, the general location, character, and extent of streets, viaducts, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; the general location of public buildings and other public property; and the general location and extent of utilities and terminals, whether publicly or

privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. The Planning Board may from time to time recommend amendments, extensions, or additions to the plan.

(1973 Code, § 12.5)

§ 150.06 PURPOSES IN VIEW.

(A) In the preparation of the plan or modified plan or parts thereof, the Planning Board shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory.

(B) The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

(1973 Code, § 12.6)

§ 150.07 MISCELLANEOUS POWERS AND DUTIES.

(A) (1) Before the adoption by the Planning Board of the plan, or any part, amendment, extension, or addition, the Planning Board shall hold at least one public hearing thereon.

(2) The Planning Board shall have power to promote public interest in and understanding of the plan and to that end may hold public hearings, publish and distribute copies of the plan or of any report, and may employ other means of publicity and education as it may determine.

(3) Members of the Planning Board, when duly authorized by the Planning Board, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the Planning Board may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to the attendance.

(4) All officers and employees of the town shall render reasonable assistance and any information to the Planning Board as may be requested by the Planning Board for its work.

(B) The Planning Board shall from time to time, and at least annually, submit reports, in writing, to the Board of Commissioners giving information regarding the condition of the town and any plans or proposals for the development of the town and estimates of the cost thereof, and these reports shall contain other recommendations as the Planning Board feels should have immediate attention.

(1973 Code, § 12.7)

CHAPTER 151: BUILDINGS AND BUILDING REGULATIONS

Section

151.01 Adoption by reference

§ 151.01 ADOPTION BY REFERENCE.

The Buildings and Building Regulations ordinance is adopted by reference and incorporated herein.

CHAPTER 152: UNSAFE BUILDINGS

Section

- 152.01 Inspection Department
- 152.02 Duties and responsibilities
- 152.03 Joint Inspection Department
- 152.04 Financial support
- 152.05 Conflicts of interest
- 152.06 Failure to perform duties
- 152.07 Permits
- 152.08 Time limitations on validity of permits
- 152.09 Changes in work
- 152.10 Inspections of work in progress
- 152.11 Stop orders
- 152.12 Revocation of permits
- 152.13 Certificates of compliance
- 152.14 Periodic inspections
- 152.15 Defects in buildings to be corrected
- 152.16 Unsafe buildings condemned
- 152.17 Removing notice from condemned building
- 152.18 Action in event of failure to take corrective action
- 152.19 Order to take corrective action
- 152.20 Appeal; finality of order if not appealed
- 152.21 Failure to comply with order
- 152.22 Equitable enforcement
- 152.23 Records and reports
- 152.24 Appeals in general
- 152.25 Restrictions within primary fire limits
- 152.26 Restrictions within secondary fire limits

§ 152.01 INSPECTION DEPARTMENT.

The town is authorized to create an Inspection Department, and shall appoint one or more Inspectors who may be given the titles of Building Inspector, Electrical Inspector, Plumbing Inspector, Housing

Inspector, Zoning Inspector, Heating-Air Conditioning Inspector, Fire Prevention Inspector, or Deputy or Assistant Inspector, or any other titles as may be generally descriptive of the duties assigned. The Department may be headed by a Superintendent or Director of Inspections.

(1973 Code, § 8.28)

Statutory reference:

Similar provisions, see G.S. § 160A-411

§ 152.02 DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of an Inspection Department and of the Inspectors therein shall be to enforce, within their territorial jurisdiction, state and local laws relating to:

(A) The construction of buildings and other structures;

(B) The installation of facilities such as plumbing systems, electrical systems, heating systems, refrigeration systems, and air conditioning systems;

(C) The maintenance of buildings and other structures in a safe, sanitary, and healthful condition; and

(D) Other matters that may be specified by the Board. These duties shall include the receipt of applications for permits and the issuance or denial of permits, the making of any necessary inspections, the issuance or denial of certificates of compliance, the issuance of orders to correct violations, the bringing of judicial actions against actual or threatened violations, the keeping of adequate records, and any other actions that may be required in order to adequately enforce those laws. The Board shall have the authority to enact reasonable and appropriate provisions governing the enforcement of those laws.

(1973 Code, § 8.29)

Statutory reference:

Similar provisions, see G.S. § 160A-412

§ 152.03 JOINT INSPECTION DEPARTMENT.

(A) (1) The Board may enter into and carry out contracts with another municipality, county, or combination thereof, under which the parties agree to create and support a joint Inspection Department for the enforcement of state and local laws specified in the agreement.

(2) The governing boards of the contracting parties are authorized to make any necessary appropriations for this purpose.

(B) In lieu of a joint Inspection Department, the Board may designate an Inspector from any other municipality or county to serve as a member of its Inspection Department, with the approval of the governing body of the other county. The Inspector shall, while exercising the duties of the position, be considered a municipal employee.

(C) The Board may request the Board of County Commissioners of the county in which the town is located to direct one or more County Building Inspectors to exercise their powers within part or all of the town's jurisdiction, and they shall thereupon be empowered to do so until the Board officially withdraws its requests in the manner provided in G.S. § 160A-360(g).

(1973 Code, § 8.30)

Statutory reference:

Similar provisions, see G.S. § 160A-413

§ 152.04 FINANCIAL SUPPORT.

The Board may appropriate for the support of the Inspection Department any funds that it deems necessary. It may provide for paying Inspectors fixed salaries or it may reimburse them for their services by paying over, part, or all of any fees collected. It shall have power to fix reasonable fees for issuance of permits, inspections, and other services of the Inspection Department.

(1973 Code, § 8.31)

Statutory reference:

Similar provisions, see G.S. § 160A-414

§ 152.05 CONFLICTS OF INTEREST.

(A) No member of an Inspection Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of any building within the town's jurisdiction or any part or system thereof, or in the making of plans or specifications therefor, unless he or she is the owner of the building.

(B) No member of an Inspection Department shall engage in any work that is inconsistent with his or her duties or with the interest of the town.

(1973 Code, § 8.32)

Statutory reference:

Similar provisions, see G.S. § 160A-415

§ 152.06 FAILURE TO PERFORM DUTIES.

No member of an Inspection Department shall willfully fail to perform the duties required of him or her by law, or shall willfully improperly issue a permit, nor shall give a certificate of compliance

without first making the inspections required by law, or shall willfully improperly give a certificate of compliance.

(1973 Code, § 8.33) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-416

§ 152.07 PERMITS.

(A) Without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to the work, no person shall commence or proceed with:

(1) The construction, reconstruction, alteration, repair, removal, or demolition of any building or structure;

(2) The installation, extension, or general repair of any plumbing system;

(3) The installation, extension, alteration, or general repair of any heating or cooling equipment system; or

(4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment, without first securing from the Inspection Department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other state or local laws applicable to the work.

(B) A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable state and local laws. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and, if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by a duly licensed contractor.

(1973 Code, § 8.34) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-417

§ 152.08 TIME LIMITATIONS ON VALIDITY OF PERMITS.

A permit issued pursuant to § 152.07 shall expire by limitation six months, or any lesser time fixed by ordinance of the Board, after the date of issuance, if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

(1973 Code, § 8.35) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-418

§ 152.09 CHANGES IN WORK.

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the Inspection Department.

(1973 Code, § 8.36) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-419

§ 152.10 INSPECTIONS OF WORK IN PROGRESS.

As the work pursuant to a permit progresses, local Inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable state and local laws and of the terms of the permit. In exercising this power, members of the Inspection Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(1973 Code, § 8.37)

Statutory reference:

Similar provisions, see G.S. § 160A-420

§ 152.11 STOP ORDERS.

Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any state or local building law, or in a manner that endangers life or property, the appropriate Inspector may order the specific part of

the work that is in violation or presents a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. The owner or builder may appeal from a stop order to the North Carolina Commissioner of Insurance within a period of 5 days after the order is issued. Notice of appeal shall be given, in writing, to the Commissioner of Insurance, with a copy to the local Inspector. The Commissioner of Insurance shall promptly conduct a hearing at which the appellant and the Inspector shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible. Pending the ruling by the Commissioner of Insurance on an appeal, no further work shall take place in violation of a stop order. Violation of a stop order shall constitute a misdemeanor.

(1973 Code, § 8.38)

Statutory reference:

Similar provisions, see G.S. § 160A-421

§ 152.12 REVOCATION OF PERMITS.

The appropriate Inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

(1973 Code, § 8.39)

Statutory reference:

Similar provisions, see G.S. § 160A-422

§ 152.13 CERTIFICATES OF COMPLIANCE.

(A) At the conclusion of all work done under a permit, the appropriate Inspector shall make a final inspection and, if he or she finds that the completed work complies with all applicable state and local laws and with the terms of the permit, he or she shall issue a certificate of compliance.

(B) No new building or part thereof may be occupied, and no addition or enlargement of an existing building may be occupied, and no existing building that has been altered or moved may be occupied, until the Inspection Department has issued a certificate of compliance.

(C) A temporary certificate of compliance may be issued permitting occupancy for a stated period of specified portions of the building that the Inspector finds may safely be occupied prior to final completion of the entire building.

(1973 Code, § 8.40) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-423

§ 152.14 PERIODIC INSPECTIONS.

The Inspection Department shall make periodic inspections, subject to the Board's directions, for unsafe, unsanitary, or otherwise hazardous and unlawful conditions in structures within its territorial jurisdiction. In addition, it shall make inspections when it has reason to believe that the conditions may exist in a particular structure. In exercising this power, members of the Department shall have a right to enter on any premises within the jurisdiction of the Department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials.

(1973 Code, § 8.41)

Statutory reference:

Similar provisions, see G.S. § 160A-424

§ 152.15 DEFECTS IN BUILDINGS TO BE CORRECTED.

When a local Inspector finds any defects in a building, or finds that the building has not been constructed in accordance with the applicable state and local laws, or that a building because of its condition is dangerous or contains fire hazardous conditions, it shall be his or her duty to notify the owner or occupant of the building of its defects, hazardous conditions, or failure to comply with law. The owner or occupant shall each immediately remedy the defects, hazardous conditions, or violations of law in the property he or she owns.

(1973 Code, § 8.42) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-425

§ 152.16 UNSAFE BUILDINGS CONDEMNED.

Every building which shall appear to the Inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes shall be held to be unsafe, and the Inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the building.

(1973 Code, § 8.43)

Statutory reference:

Similar provisions, see G.S. § 160A-426

§ 152.17 REMOVING NOTICE FROM CONDEMNED BUILDING.

No person shall remove any notice that has been affixed to any building or structure by a local Inspector of any municipality and that states the dangerous character of the building or structure. (1973 Code, § 8.44) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-427

§ 152.18 ACTION IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION.

If the owner of a building or structure that has been condemned as unsafe pursuant to § 152.16 shall fail to take prompt corrective action, the local Inspector shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service, that:

(A) The building or structure is in a condition that appears to constitute a fire or safety hazard or to be dangerous to life, health, or other property;

(B) A hearing will be held before the Inspector at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(C) Following the hearing, the Inspector may issue the order to repair, close, vacate, or demolish the building or structure as appears appropriate. (1973 Code, § 8.45)

§ 152.19 ORDER TO TAKE CORRECTIVE ACTION.

If, upon a hearing held pursuant to the notice prescribed in § 152.18, the Inspector shall find that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he or she shall make an order, in writing, directed to the owner of the building or structure requiring the owner to remedy the defective conditions by repairing, closing, vacating, or demolishing the building or structure or taking other necessary steps within the period, not less than 60 days, as the Inspector may prescribe.

(1973 Code, § 8.46)

Statutory reference:

Similar provisions, see G.S. § 160A-429

§ 152.20 APPEAL; FINALITY OF ORDER IF NOT APPEALED.

(A) Any owner who has received an order under § 152.19 may appeal from the order to the Board by giving notice of appeal, in writing, to the Inspector and to the Town Clerk within ten days following issuance of the order.

(B) In the absence of an appeal, the order of the Inspector shall be final.

(C) The Board shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(1973 Code, § 8.47)

Statutory reference:

Similar provisions, see G.S. § 160A-430

§ 152.21 FAILURE TO COMPLY WITH ORDER.

If the owner of a building or structure fails to comply with an order issued pursuant to § 152.19 from which no appeal has been taken, or fails to comply with an order of the Board following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(1973 Code, § 8.48)

Statutory reference:

Similar provisions, see G.S. § 160A-431

§ 152.22 EQUITABLE ENFORCEMENT.

Whenever any violation is denominated a misdemeanor, the town, either in addition to or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct, or abate the violation or to prevent the occupancy of the building or structure involved.

(1973 Code, § 8.49)

Statutory reference:

Similar provisions, see G.S. § 160A-432

§ 152.23 RECORDS AND REPORTS.

(A) The Inspection Department shall keep complete, permanent, and accurate records in a convenient form of all applications received, permits issued, inspections and reinspections made, defects found, certificates of compliance granted, and all other work and activities of the Department.

(B) Periodic reports shall be submitted to the Board and to the Commissioner of Insurance as they shall by ordinance, rule, or regulation require.

(1973 Code, § 8.50)

Statutory reference:

Similar provisions, see G.S. § 160A-433

§ 152.24 APPEALS IN GENERAL.

(A) Unless otherwise provided by law, appeals from any order, decision, or determination by a member of a local Inspection Department pertaining to the State Building Code or other state building laws shall be taken to the Commissioner of Insurance or other official specified in G.S. § 143-139, by filing a written notice with him or her and with the Inspection Department within a period of ten days after the order, decision, or determination.

(B) Further appeals may be taken to the State Building Code Council or to the courts as provided by law.

(1973 Code, § 8.51)

Statutory reference:

Similar provisions, see G.S. § 160A-434

§ 152.25 RESTRICTIONS WITHIN PRIMARY FIRE LIMITS.

Within the primary fire limits, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved (either into the limits or from one place to another within the limits), except upon the permit of the local Inspection Department approved by the Commissioner of Insurance. The Board may make additional regulations for the prevention, extinguishment, or mitigation of fires within the primary fire limits.

(1973 Code, § 8.52) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-436

§ 152.26 RESTRICTIONS WITHIN SECONDARY FIRE LIMITS.

Within any secondary fire limits, no frame or wooden building or structure or addition thereto shall be erected, altered, repaired, or moved, except in accordance with any rules and regulations established by ordinance.

(1973 Code, § 8.53) Penalty, see § 10.99

Statutory reference:

Similar provisions, see G.S. § 160A-437

CHAPTER 153: MOBILE HOMES, TRAILERS, AND MOBILE HOME PARKS

Section

- 153.01 Definitions
- 153.02 Conformance with regulations required
- 153.03 Permits to build or alter mobile home parks; approval of plans
- 153.04 Preliminary plan
- 153.05 Final plan
- 153.06 Licenses and maintenance permits for mobile home park operation
- 153.07 Specifications for mobile home parks
- 153.08 Utilities; fire prevention; health
- 153.09 Recreation areas
- 153.10 Mobile home and trailer parking and storage
- 153.11 Mobile home sales within mobile home parks
- 153.12 Mobile home additions
- 153.13 Registration
- 153.14 Nonconforming mobile home parks
- 153.15 Allowance of mobile homes outside mobile home parks

§ 153.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING INSPECTOR. The Building Inspector of the Town of Bailey or any other person duly authorized to act on his or her behalf.

MAINTENANCE PERMIT. A certificate valid for one year that authorizes the maintenance and operation of a mobile home park. Maintenance permits shall be granted by the Building Inspector only if the provisions of this chapter are satisfactorily complied with.

MOBILE HOME. Any vehicle or structure designed to be transported by self-contained wheel and axle assembly and intended for human occupancy as a single-family dwelling for unlimited periods of time. The vehicle shall contain as an integral part of its construction kitchen facilities and a completely equipped bathroom consisting of a flush toilet, laboratory, and bathtub or shower.

MOBILE HOME PARK. Any site or tract of land, of contiguous ownership, upon which mobile home spaces are provided for mobile home occupancy according to the requirements set forth in this chapter, whether or not a charge is made for the service.

MOBILE HOME SPACE. A plot of land within a mobile home park designed for the accommodation of one mobile home, and shall consist of an area of not less than 3,600 square feet with a minimum width of 70 feet.

MOBILE HOME STAND. The portion of the mobile home space intended for occupancy by the mobile home proper, consisting of a rectangular plot of ground 12 feet by 60 feet with concrete patio a minimum of six feet by six feet, and concrete walk to private drive.

PRIVATE DRIVE OR DRIVEWAYS. Any street within a mobile home park, not publicly maintained, but utilized as access by the residents of the mobile home park, their guests, and the public.

TEMPORARY MAINTENANCE PERMIT. A certificate issued by the Building Inspector authorizing a nonconforming mobile home park to be maintained and operated for a period of 120 days, subject only to the provisions of this chapter made expressly applicable to the park.

TOWN. The Town of Bailey.

TRAILER. Any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time, the vehicle containing limited or no kitchen and bathroom facilities.

(Ord. passed 10-5-1976)

§ 153.02 CONFORMANCE WITH REGULATIONS REQUIRED.

It shall be unlawful for any person, firm, or corporation to park or store a mobile home or trailer, or maintain, build, or alter a mobile home park within the town, unless a final plan of the mobile home park has been approved and/or a maintenance permit has been issued, all in accordance with the requirements of this chapter.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.03 PERMITS TO BUILD OR ALTER MOBILE HOME PARKS; APPROVAL OF PLANS.

(A) No person shall construct or engage in the construction of any mobile home park or make any addition or alteration to a mobile home park that either alters the number of sites for mobile homes

within the park or affects the facilities required therein, until he or she first secures a permit authorizing the construction, addition, or alteration. The construction, addition, or alteration shall be done in accordance with the plans and specifications submitted with the application and approved by the proper authorities.

(B) Procedure for the applicant securing the permit and assuring the town that the requirements of the permit are complied with shall consist of the following.

(1) For the construction or alteration of a mobile home park that affects the number of sites within the park, a preliminary plan consisting of the information prescribed in § 153.04 shall be prepared and submitted to the Town Board for approval. No plan is required to be prepared and approved for issuance of a permit to make minor facility improvements in an existing mobile home park where the number of mobile home sites within the park is not affected. When no plan is required, application for a building permit may be made directly to the Building Inspector. When a preliminary plan is required, the applicants must first secure the approval of the Town Board before making the application. All building permit applications shall be made upon forms supplied by the Building Inspector, and shall be accompanied by the preliminary plans of the park.

(2) If the application contains the required information and the requirements of this chapter would be complied with, the permit shall be issued. Building permits shall be nontransferable, except with the written consent of the Building Inspector.

(3) The Building Inspector shall make an examination of the construction at any reasonable time to determine whether work is being done according to approved plans and specifications, and the owner shall make available any records, test data, or other information essential to that determination.

(4) It is recommended that before filing a preliminary plan of the proposed mobile home park for review, a sketch plan may be submitted to the Town Board for its suggestions.

(5) After the preliminary plan has been approved, six copies of the final plan shall be submitted to the Town Board for certification of compliance with the preliminary plan.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.04 PRELIMINARY PLAN.

The preliminary plan shall be drawn to the scale of not less than 1 inch equal to 40 feet, and shall show the following on one or more sheets:

- (A) A site plan of the proposed mobile home park;
- (B) The name of the mobile home park, and the names and addresses of the owner or owners;
- (C) Date, approximate north arrow, and scale;

(D) The boundary line of the tract with accurate linear and angular dimensions drawn to scale and the area of the park in square feet or acres;

(E) A location map of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewer, culverts, drainpipes, and any new utility easements;

(F) Proposed name, location, and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, mobile home spaces, mobile home stands, and building lines within the park;

(G) When deemed necessary by the Town Board, profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than one inch equal to four feet vertical;

(H) Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drainfields, and water and storm drainage) showing feasible connections to existing and proposed utility systems;

(I) Location and number of garbage and trash receptacles;

(J) Proposed storm drainage for the entire mobile home park, including all proposed grading and sewer installations;

(K) A detailed plan of all electrical installations prepared to meet the National Electrical Code and local code or ordinance;

(L) Where public water or public sewer is not available within the one-mile extraterritorial zoning limit, a written statement from the County Health Department shall be submitted with the preliminary mobile home park plan, indicating that the mobile home park has adequate land area and suitable topography to accommodate the proposed methods of water supply and sewage disposal; and

(M) All mobile home parks within the town limits must be connected to town water and sewer systems, when available.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.05 FINAL PLAN.

(A) The final plan shall be drawn in black ink upon linen, in sheets either 15 inches by 18 inches or 20 inches by 24 inches in size, to a scale of not less than 1 inch equal to 40 feet.

(B) It shall contain the following:

(1) A site plan of the proposed mobile home park;

(2) The name of the mobile home park, the names and addresses of the owner or owners, and the designer of the park;

(3) Date, approximate north arrow, and scale;

(4) The boundary line of the tract with accurate linear and angular dimensions drawn to the scale;

(5) The names, locations, and dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, mobile home spaces, parking spaces, and electrical plan; and

(6) A detailed drawing to a scale of not less than one inch equal to five feet of a typical mobile home space showing the location for the mobile home stand.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.06 LICENSES AND MAINTENANCE PERMITS FOR MOBILE HOME PARK OPERATION.

(A) *Licenses and maintenance permits.*

(1) It shall be unlawful for any person to maintain or operate a mobile home park within the jurisdiction of this chapter, unless that person shall first obtain a maintenance permit as defined in § 153.01 from the Building Inspector, except that the maintenance or operation of a mobile home park may be continued under a temporary maintenance permit, as defined in § 153.01, for the period of time and under the conditions as are prescribed in subsections (4) and (5) below. All mobile home parks within the town limits are required to obtain a business privilege license from the town.

(2) No maintenance permit shall be issued for any mobile home park not in operation upon the effective date of this chapter until the final plan has been approved by the Planning Board, as provided in § 153.03(B)(5).

(3) The maintenance permit shall be issued and may subsequently be renewed if the Building Inspector shall find that the applicable provisions of this chapter and all other town ordinances are satisfactorily complied with. The permit shall be valid for one year from the date of issuance.

(4) A temporary maintenance permit may be issued by the Building Inspector permitting the park to be maintained and operated for a period of 120 days subject only to the provisions of this chapter, made expressly applicable to the owner(s), lessee, or agent.

(5) The temporary permit may be renewed one time for a period of 120 days if the Building Inspector is satisfied that:

(a) The owner, lessee, or agent shall have diligently endeavored to make the existing park conform satisfactorily to the requirements and specifications of this chapter; and

(b) Failure to make the existing park conform satisfactorily to the requirements and specifications was due to causes beyond the control of the owner, lessee, or agent.

(B) *Revocation of licenses and maintenance permits.* The Building Inspector, after due notice, may suspend or revoke the license and maintenance permit of any owner or operator of a mobile home park for violating the provisions of this chapter.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.07 SPECIFICATIONS FOR MOBILE HOME PARKS.

(A) Every mobile home park within the town limits shall be located on a tract of land not less than two acres in size.

(B) Each mobile home space shall be clearly established on the ground by permanent markers or monuments.

(C) No more than one mobile home may be parked on any mobile home space.

(D) The supports of all mobile homes parked within an authorized park shall rest upon an adequate footing.

(E) No mobile home stand shall be located closer than 30 feet from a public street right-of-way or exterior park boundary. No mobile home stand shall be located less than 25 feet from another mobile home stand, a mobile home addition, or any other structure, or less than ten feet from the edge of any driveway.

(F) A driveway and parking space sufficient to accommodate at least one automobile shall be constructed at each mobile home space, and they shall be paved or covered with crushed stone or other suitable material.

(G) The mobile home stand and the mobile home space shall be graded to provide adequate storm drainage away from the mobile home, and so that there will exist no more than two feet difference between the chassis of the mobile home and the finished grade of the mobile home stand.

(H) The mobile home stand shall be located on ground so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

(I) The mobile home park shall have private driveways or streets paved with crushed stone or other material, not less than 30 feet wide and sufficiently lighted at night. All mobile home spaces shall have a driveway or street.

(J) All 30 foot wide (minimum) private drives shall connect with a public street and/or another 30 foot wide (minimum) private drive.

(K) No mobile home space shall have direct vehicular access to a public street.

(L) Closed ends of dead-end streets shall be provided with a vehicular turning circle at least 80 feet in diameter, measured on the center line of the street.

(M) Each mobile home stand shall have adequate access, for both the mobile home and autos, with a minimum width of 20 feet, unless more is deemed necessary because of topographical conditions or street curvature.

(N) Signs for identification of mobile home parks: one or not more than two signs with a total area of not more than 1/2 square feet for each mobile home space and in no case larger than 50 feet, located on private property, but no closer than five feet to any property line. Only indirect nonflashing lighting may be used for illumination, and the sign must be constructed in a manner so as to prevent a direct view of the light source from any public right-of-way.

(O) The mobile home park shall have a planting strip five feet wide (minimum) adjacent to the park boundary extending along the entire perimeter of the mobile home park. It shall be planted with evergreen shrubbery and adequately landscaped with grass in a manner so as to be harmonious with the landscaping of the adjacent properties and in keeping with the general character of the surrounding neighborhood.

(P) The mobile home park shall provide all utilities required by this chapter.

(Q) Recreation areas shall be provided as required by this chapter.

(R) The mobile home park may have a central structure containing a retail sales counter or coin-operated machines for the park residents' use only, provided they are completely enclosed within a building and there is no exterior advertising.

(S) All bathing and laundry facilities and toilets shall be in conformity with the mobile home park regulations of the County Board of Health and the applicable Plumbing Code for the structure.

(T) All mobile home parks abutting any residential zone shall have a chain link fence of a minimum height of five feet extending the full length of the property line of the mobile home park so abutting. (Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.08 UTILITIES; FIRE PREVENTION; HEALTH.

(A) *Utilities.* It is mandatory that all utilities be installed according to the town codes.

(B) *Mobile home stand utilities.* Each mobile home stand shall be equipped with plumbing and electrical connections.

(C) *Mobile home equipment.* Each mobile home shall have a flush toilet, lavatory, bathtub or shower, adequate hot water facilities, cooking facilities, and electric wiring, and shall be required to connect with the utilities provided at each mobile home space.

(D) *Water supply.* Each mobile home park shall obtain water from the town water supply when available. The water supply shall be adequate for the park requirements. The drinking, cooking, laundry, and general bathroom water supply for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.

(E) *Sewage disposal.* Each mobile home park shall be provided with an adequate sewage disposal system, either by connection to a public sewage system when available, or septic tank system constructed in compliance with the County Board of Health when a public sewage system is not available.

(F) *Garbage and refuse disposal.* All garbage and refuse in every mobile home park shall be stored in suitable watertight and fly-tight receptacles which shall be kept covered with closely fitting covers. It shall be the duty of the mobile home park operator to personally make certain that all garbage and refuse are regularly disposed of in a sanitary manner.

(G) *Fire prevention.* In addition to the fire prevention regulations of the town, the operator of a mobile home park is responsible for informing each mobile home occupant of the location of the nearest fire alarm box, and the location of an accessible telephone to be used to report fires.

(H) *Health regulations.* All county health regulations shall apply to mobile home parks within the jurisdiction of the town except where the regulations are in conflict with the provisions of this chapter, in which case the more restrictive provisions shall apply.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.09 RECREATION AREAS.

Adequate and suitable recreation areas to serve the needs of the anticipated population shall be provided and shall consist of at least the following:

(A) One or more playgrounds for children containing a minimum of 20% of total areas in mobile home parks; and

(B) No single playground shall contain less than 5,000 square feet.
(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.10 MOBILE HOME AND TRAILER PARKING AND STORAGE.

It shall be unlawful to park or otherwise store a mobile home or trailer within the town, except as follows:

(A) At a safe, lawful, and nonobstructive location on a street, alley, highway, or other public place, provided that the trailer or mobile home shall not be parked overnight;

(B) Within a mobile home park properly licensed by the town, provided that no more than one mobile home or trailer, whether occupied or not, shall be parked on any one mobile home space. No mobile home park shall permit a trailer as defined in this chapter to locate within its boundaries for periods greater than one week if used for any dwelling purposes whatsoever; and

(C) On any other lot or plot, provided that:

(1) A storing permit for any mobile home or trailer to be parked or stored for longer than 48 hours shall be obtained from the Building Inspector;

(2) The mobile home or trailer shall be parked outside of any authorized mobile home park and used for temporary construction offices; and

(3) This section shall not be construed to prohibit the parking and/or storing for the purpose of sale of any mobile home or trailer by any owner or licensed dealer upon any lot, piece, or parcel of land on which sale of the vehicle is permitted and/or licensed under the codes and ordinances.
(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.11 MOBILE HOME SALES WITHIN MOBILE HOME PARKS.

It shall be unlawful to sell on a commercial basis mobile homes or trailers within a mobile home park, except that an individual mobile home owner shall be exempt from this section in that he or she be allowed to sell the mobile home in which he or she maintains occupancy.
(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.12 MOBILE HOME ADDITIONS.

No living compartment or structure other than a "Florida Room," or other prefabricated structure specifically designed for mobile home use or extension, shall be added to any mobile home parked within the jurisdiction of this chapter.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.13 REGISTRATION.

(A) It shall be the duty of the operator of the mobile home park to keep an accurate register containing a record of all mobile home owners, mobile homes, and occupants of the mobile home park. The register shall contain the following:

- (1) Name and address of owner and occupant;
- (2) The mobile home space in which the mobile home is parked;
- (3) Date of entering the park; and
- (4) Date of leaving the park.

(B) The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

(Ord. passed 10-5-1976) Penalty, see § 10.99

§ 153.14 NONCONFORMING MOBILE HOME PARKS.

The Town Board is empowered to grant and issue a permit authorizing a nonconforming mobile home park to be maintained and operated, upon its determination that the nonconforming mobile home park is necessary and proper for the security of merchants within the corporate limits of the Town of Bailey. The Board shall determine a security need upon a written application which may be made directly to the Town Board. The application shall show the information required in § 153.04.

(Ord. passed 10-5-1976)

§ 153.15 ALLOWANCE OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS.

Notwithstanding the above, mobile homes shall be allowed outside of mobile home parks under the following conditions and in the following areas.

(A) Mobile homes are allowed on the following lots in the Town of Bailey: being lots 17, 18, 19, 20, 21, 22, 23, and 24 in Block 13 of the Town of Bailey, the area being north of Vance Street (unopened), west of Nash Street, east of Jackson Street, and south of an alley.

(B) Only one mobile home shall be allowed on each lot.

(C) The mobile homes allowed shall be at least 60 feet by 12 feet in size.

(D) The mobile homes allowed shall be no older than five years at the time the mobile home is placed on the lot.

(E) The axles and wheels of the mobile homes shall be removed and the mobile home shall be underpinned.

(F) The mobile homes shall be connected to town water and sewer services.

(G) The mobile homes and the owners shall comply with all regulations of the Town of Bailey, the North Carolina State Building Code, North Carolina Regulations for Mobile Homes and Modular Housing, and Nash County Regulations.

(Ord. passed 12-1-1987) Penalty, see § 10.99

ORDINANCE

AN ORDINANCE OF THE TOWN OF BAILEY, NORTH CAROLINA AMENDING CHAPTER XV (15), LAND USAGE BUILDINGS AND BUILDING REGULATIONS, OF THE BAILEY TOWN CODE OF ORDINANCES, BY ADDING CHAPTER 154, COMMERCIAL PROPERTY MAINTENANCE AND SAFETY

NOW THEREFORE, be it ordained by the Town Council of the Town of Bailey, North Carolina, as follows

SECTION 1. That Chapter 6, Buildings and Building Regulation, of the Code of Ordinances of the Town of Bailey, is hereby amended to add Article IV, Commercial Property Maintenance and Safety, which shall read as follows:

Article IV. Commercial Property Maintenance and Safety

- Sec. 154-101. Purpose.
- Sec. 154-102. General Interpretations.
- Sec. 154-103. Definitions.
- Sec. 154-104. Applicability and Compliance.
- Sec. 154-105. Duty to Comply.
- Sec. 154-106. Maintenance Standards for Non-Residential Buildings and Structures.
- Sec. 154-107. Demolition and Non-Residential Buildings.
- Sec. 154-108. Duties of Code Enforcement Official.
- Sec. 154-109. Powers of the Code Enforcement Official.
- Sec. 154-110. Inspections.
- Sec. 154-111. Procedure for Enforcement.
- Sec. 154-112. Limitations on Orders and Ordinances - Historic Landmark or Historic District.
- Sec. 154-113. Limitations on Orders and Ordinances - Vacant Manufacturing Facility or Vacant Industrial Warehouse.
- Sec. 154-114. Vacated and Closed Non-Residential Buildings or Structures.
- Sec. 154-115. Methods of Service of Complaints and Orders.
- Sec. 154-116. In Rem Action by the Code Enforcement Official.
- Sec. 154-117. Costs, a Lien on Premises.
- Sec. 154-118. Filing of Ordinances.
- Sec. 154-119. Alternative Remedies.
- Sec. 154-120. Board of Adjustment to Hear Appeals.
- Sec. 154-121. Temporary Injunction Remedy for Aggrieved Person.
- Sec. 154-122. Conflict with Other Provisions.
- Sec. 154-123. Violations; Penalty.

Sec. 6-101. **Purpose.** In order to protect the health, safety, and welfare of the town and its citizens, this code to established minimum standards of maintenance, sanitation, and safety relating to non-residential buildings or structures, as expressly authorized by North Carolina General Statute §160A-439. This code provides for the repair, closing, or demolition of non-residential buildings or structures as a result of a public necessity caused by conditions that are dangerous to the public health, safety, and welfare. It is the further purpose of this code to preserve the character and integrity of the community and to promote the comfort, happiness, and safety of community residents.



Sec. 6-102. General Definitions and Interpretations. Unless specifically defined in two sections, words used in this Commercial Property Maintenance and Safety code shall have their respective customary dictionary definitions. For the purpose of these regulations certain words, terms, or phrases used herein are interpreted and defined as follows:

Words used in the *present tense* shall include the *future tense*.

Words used in the *singular* shall include the *plural* and words used in the *plural* shall include the *singular*.

The words "*shall*" and "*will*" always indicate *MANDATORY*. The words "*should*" and "*may*" always indicate *OPTIONAL*. The word "*lot*" includes the words "*plot*" and/or "*parcel*".

The word "*building*" includes the word "*structure*".

The word "*person*" includes a "*firm, association, organization, partnership, trust, company, corporation, and/or individual*".

The word "*use*" includes the terms "*arranged, designed, and/or intended*" for a use, activity, and/or purpose.

The term "*Zoning Map*" shall always indicate the *OFFICIAL ZONING MAP* of the Town of Bailey, North Carolina.

The term "*Town Council*" shall always indicate the *TOWN COUNCIL* for the Town of Bailey, North Carolina.

The "*Board of Adjustment or BOA*" shall always indicate the *BAILEY BOARD OF ADJUSTMENT*.

Sec. 6-105. Definitions. The following definitions shall apply in the interpretation and enforcement of this Commercial Property Maintenance and Safety code and its amendments plus any and all ordinances made a part of this code by reference thereto.

- (a) *Basic structural elements* means the parts of a building which provide the principal strength, stability, integrity, shape, and safety of the building, including, but not limited to plates, studs, joists, rafters, stringers, stairs, sub-flooring, flooring, sheathing, lathing, roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry, and all other essential components.
- (b) *Building* means any structure, place, or any other construction built for the shelter or enclosure of persons, animals, chattels, or property of any kind or any part of such structure, shelter, or property.
- (c) *Code enforcement official* shall mean a code enforcement coordinator or officer of the Town of Bailey or any agent of the code enforcement official who is authorized by the code enforcement official to enforce the provisions of this code.
- (d) *Commercial Business* means any business or enterprise which produces and/or

offers for sale products and/or services which, in any manner, conducts commerce within the town limits of the Town of Bailey.

- (e) *Deterioration* means the condition of a building or part thereof, characterized by holes, breaks, rot, crumbling, rusting, peeled or peeling paint, or other evidence of physical decay or loss of structural integrity.
- (f) *Mixed Occupancy* means any building that is used for two or more occupancies classified by different occupancy use groups.
- (g) *Non-residential* means any building or structure or portion of a building or structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing, place, living space, or sleeping space for one (1) or more human beings, either permanently or transiently.
- (h) *Nuisance* means
 - (1) Any public nuisance known as common law or in equity jurisprudence, or as provided by the State of North Carolina, or the ordinances of the Town of Bailey; or
 - (2) Any condition including an attractive nuisance which may prove detrimental to human health or safety whether in a building, on the premises of a building, or part of a building or upon an occupied lot; or
 - (3) Physical conditions dangerous to human life or detrimental to health of persons in, on, or near the premises where the condition exists; or
 - (4) Unsanitary conditions or conditions that are dangerous to public health, well-being, or the general welfare; or
 - (5) Fire hazards or other safety hazards.
- (i) *Occupant* shall mean any person who is a tenant or has actual possession of a non-residential building or structure or part thereof.
- (j) *Operator* shall mean any person who has charge, care, or control of premises or a part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the premises are actually occupied or not.
- (k) *Owner* shall mean any person who alone, or jointly, or severally with others:
 - (1) Shall have title in fee simple to any non-residential building or structure, with or without accompanying actual possession thereof; or
 - (2) Shall have charge, care, or control of any non-residential building or structure as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code and of the rules and regulations adopted pursuant thereto, to the same extent as if he/she were the owner.

- (l) *Parties in Interest* means all individuals, associations, and corporations that have interests of record in a building or any that are in possession thereof; or shall have charge, care, or control of any building, as owner or agent of the owner, operator, or as executor, executrix, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this code, and of the rules and regulations adopted pursuant thereto, to the same extent as if he/she were the owner.
- (m) *Premises* means any lot or parcel of land inclusive of any building, structures, or improvements, located thereon, under control by the same owner or operator.
- (n) *Safe* means a condition which is not likely to do harm to humans or to real or personal property.
- (o) *Story* means that portion of a building between the surface of any interior floor and the ceiling next above. A basement is considered a story only when its ceiling is over six (6) feet above the average level of the finished ground surface adjacent to the exterior walls of the front entrance and/or side street entrance of the building.
- (p) *Structurally sound* means substantially free from flaw, defect, decay or deterioration to the extent that the building or structure or structural member is capable of adequately or safely accomplishing the purpose for which it was intended or designed.
- (q) *Structure* means anything constructed or placed upon a property which is supported by the ground or which is supported by any other structure, except a currently operable licensed vehicle.
- (r) *Structure, Abandoned* means any structure, whether designed and intended for non-residential or other uses, which is vacant or not in active use, regardless of purpose or reason, for the past two year period and which is determined by the code enforcement official to be unfit for occupancy based upon the standards as set forth in this code.
- (s) *Unsafe* means a condition which is reasonably likely to do harm to humans or to real or personal property if not corrected or stopped.
- (t) *Vacant manufacturing facility* means any building or structure previously used for the lawful production or manufacturing of goods, which has not been used for that purpose for at least one year and has not been converted to another use.
- (u) *Vacant industrial warehouse* means any building or structure designed for the storage of goods or equipment in connection with manufacturing processes, which has not been used for that purpose for at least one year and has not been converted to another use.
- (v) *Physical Valuation* means the estimated cost to replace the building in kind.

Sec. 6-106. Applicability and Compliance.

- (a) The provisions of this code shall apply to all non-residential buildings or structures which are now in existence or which may be built within the corporate limits of the town.
- (b) Every non-residential building or structure and the premises on which it is situated shall comply with the provisions of this code, whether or not such building or structure shall have been constructed, altered, or repaired before or after the enactment of this code, and irrespective of any permits or licenses which have been issued for the use or occupancy of the building or structure or for the installment or repair of equipment or facilities. This code establishes minimum standards for all non-residential buildings and structures and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building or structure, equipment or facilities contained therein. Where there is mixed occupancy, any non-residential use therein shall be nevertheless regulated by and subject to the provisions of this code.

Sec. 6-107. Duty to Comply. It shall be the duty of each and every owner, operator, or other party in interest of a commercial building or premises within the Town of Bailey, where applicable, to comply with the regulations and requirements set forth in this code. No license, permit, or certification of occupancy shall be issued unless and until all applicable sections of this code have been complied with. No land or building or combination thereof, shall be used in a manner inconsistent with or in conflict with the requirements of this code.

Sec. 6-107. Maintenance Standards for Non-Residential Buildings and Structures. All non-residential buildings and structures shall be free of all conditions that are dangerous and injurious to the public health, safety, and welfare of occupants or members of the general public. Without limitation of the foregoing requirement, the existence of any of the following conditions shall be deemed to be dangerous to the public health, safety, and welfare for which a public necessity exists for the repair, closing, or demolition of such building or structure and must be corrected in accordance with the provisions of this code:

- (1) Interior walls, vertical studs, partitions, supporting members, sills, joists, rafters, or other basic structural members that list, lean, or buckle to such an extent as to render the building unsafe, that are rotted, deteriorated, or damaged, and that have holes or cracks which might admit rodents.
- (2) Exterior walls that are not structurally sound, have defects and damages, and are incapable of bearing imposed loads safely. Where a wall of a building has become exposed as a result of demolition of adjacent buildings, such wall must have all doors, windows, vents, or other similar openings closed with material of the type comprising the wall. The exposed wall shall be painted, stuccoed, or bricked and sufficiently weatherproofed to prevent deterioration of the wall.
- (3) Floors or roofs which have improperly distributed loads, which are overloaded, or which have insufficient strength to be reasonably safe for the purpose used. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used. Roofs shall be kept structurally sound and

shall be maintained in such a manner so as to prevent rain or other objects from penetrating into the interior of the building.

- (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 general welfare of the occupants or members of the general public.
- (6) 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 members of the general public.
- (7) Buildings and structures including their environs that have accumulations of garbage, trash, or rubbish, which creates health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary manner.
- (8) Buildings and structures that have loose and insufficiently anchored overhanging objects, which constitute a danger of falling on persons or property.
- (9) Buildings and structures including their environs that have insufficiently protected holes, excavations, breaks, projections, obstructions, and other such dangerous impediments on and around walks, driveways, parking lots, alleyways, and other areas which are accessible to and generally used by persons on or around the premises.
- (10) Buildings and structures that have cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic, or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration and repaired or replaced with like or similar material according to its original use.
- (11) Buildings and structures that have objects and elements protruding from building walls or roofs, which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects.
- (12) Chimneys, flues, and vent attachments thereto which are not structurally sound. Chimneys, flues, gas vents, or other draft-producing equipment which are in use shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight, and capable of withstanding the action of flue gases.
- (13) Exterior porches, landings, balconies, stairs, or fire escapes which are not structurally sound. All exterior porches, landings, balconies, stairs, and fire escapes shall be provided with banisters or railings properly designed and maintained to minimized the hazard of falling, and the same shall be kept sound, in good repair, and free of defects.

- (14) Cornices which are not structurally sound. Rotten or weakened portions shall be repaired and/or replaced. All exposed wood shall be treated or painted.
- (15) Improperly attached gutters or down-spouts that are located so as to cause a hazard to pedestrian, vehicular traffic, or adjacent property.
- (16) Advertising sign structures, attached or freestanding awnings, marquees and their supporting members, and other similar attachments and structures that cause a safety hazard to the occupants or members of the general public.
- (17) All exterior surfaces that may cause unsafe conditions due to a lack of maintenance. Exterior surfaces shall be painted or sealed in order to protect the underlying surface from deterioration. All exterior surfaces that have been painted shall be maintained generally free of peeling and flaking. Where fifty percent (50%) or more of the aggregate of any painted surface shall have peeling or flaking or previous paint worn away, the entire surface shall be repainted in order to prevent further deterioration.
- (18) Windows containing broken or cracked glass that could be in danger of falling or shattering. All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints, or broken or loose mullions.
- (19) All openings originally designed as windows, doors, loading docks, or other means of egress or ingress which have been temporarily closed by boarding or other manner in a non-secure manner so as to allow unauthorized admittance. If an opening is temporarily closed by boarding to secure the building or structure, the boarding shall be trim fit, sealed to prevent water intrusion, and painted or stained to properly conform with the other exterior portions of the building and the building or structure shall be maintained in a state that secures the building or structure from any unauthorized admittance from humans, animals, or birds.
- (20) Any combination of conditions which in the judgment of the code enforcement official renders any building or structure dangerous or injurious to the health, safety, or general welfare of occupants or members of the general public.

Sec. 6-109. Demolition of Non-Residential Buildings. Where a building is under the jurisdiction of this code, the building may be demolished by the owner provided that the following requirements are met:

- (1) Obtain a Certificate of Demolish from the Zoning Department;
- (2) Obtain an asbestos inspection from a licensed asbestos services company;
- (3) Remove and properly dispose of all asbestos containing materials (ACM's) by a licensed asbestos removal company;
- (4) Properly close off and disconnect all sewer, gas, water and similar taps or connections;

- (5) Grade the lot to a smooth, even, finished grade, free from building material, debris, holes, and/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with no less than twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade over any remaining debris;
- (6) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed, or bricked by such building's owner so as not to detract from the aesthetics and value for the adjacent property and weatherproofed if necessary to prevent deterioration of the wall;
- (7) Evidence (e.g. copies of trip or weight tickets or receipts) must be submitted to the code enforcement official showing that all demolition debris has been deposited in a regulated landfill equipped to handle demolition or construction debris.

Sec. 6-110. Duties of Code Enforcement Official. The code enforcement official is hereby designated as the public officer to enforce the provisions of this code and to exercise the duties and powers herein prescribed. It shall be the duty of the code enforcement official:

- (1) To investigate the conditions of non-residential buildings and structures in the town and to inspect non-residential buildings and structures located in the town in order to determine which non-residential buildings and structures are not being maintained so that the health and safety of its occupants or members of the general public are jeopardized and for the purpose of carrying out the objectives of this code with respect to such non-residential buildings and structures;
- (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to affect the repair or demolition of non-residential buildings and structures which have not been properly maintained in compliance with minimum standards established by this code.
- (3) To keep a record of the results of inspections made under this code and an inventory of those non-residential buildings and structures which have not been properly maintained in compliance with the minimum standards established by this code; and
- (4) To perform such other duties as may be herein prescribed.

Sec. 6-111. Powers of the Code Enforcement Official. The code enforcement official shall first take all reasonable non-formal actions to correct a violation of this code prior to exercising any of the powers listed herein. All non-formal attempts of communication shall be documented in detail. The code enforcement official is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this code, including the following powers in addition to others herein granted:

- (1) To investigate non-residential buildings and structures in the town to determine

1. The first part of the document is a list of the names of the members of the committee.

whether they have been properly maintained in compliance with the minimum standards established by this code so that the safety or health of the occupants or members of the general public are not jeopardized;

- (2) To administer oaths and affirmations, examine witnesses, and receive evidence;
- (3) To enter upon premises for the purpose of making examinations and inspections provided that such entries shall be made in accordance with law and in such manner as to cause the least possible inconvenience to the persons in possession; and
- (4) To appoint and fix duties of such officers, agents, and employees as the code enforcement official deems necessary to carry out the purposes of this code.

Sec. 6-112. Inspections. For the purpose of making inspections, the code enforcement official is hereby authorized to enter, examine, and survey at all reasonable times, non-residential buildings and structures. If entry upon the premises for purposes of investigation is necessary, such entry shall be made with permission of the owner, the owner's agent, a tenant, or other person legally in possession of the premises or pursuant to a duly issued administrative search warrant in accordance with G.S. 15-27.2.

Sec. 6-113. Procedure for Enforcement.

- (a) **Preliminary Investigation.** Whenever it appears to the code enforcement official that any non-residential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public are jeopardized for failure of the property to meet the minimum standards established by this code, the code enforcement official shall undertake a preliminary investigation.
- (b) **Complaint and Hearing.** If the preliminary investigation discloses evidence of a violation of the minimum standards established by this code, the code enforcement official shall issue and cause to be served upon the owner of and parties in interest in the non-residential building or structure a complaint. The complaint shall state the code violations and contain a notice that a hearing will be held before the code enforcement official at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after the serving of the complaint; that the owner and parties in interest shall be given the right to answer the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the code enforcement official.
- (c) **Procedure after Hearing.**
 - (1) If, after notice and hearing, the code enforcement official determines that the non-residential building or structure has been maintained in that the property meets the minimum standards established by this code, the code enforcement official shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof a copy of said determination.

- (2) If, after notice and hearing, the code enforcement official determines that the non-residential building or structure has not been properly maintained so that the safety or health of its occupants or members of the general public is jeopardized for failure of the property to meet the minimum standards established by this code, the code enforcement official shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order in accordance with the provisions of subsection (c)(3) and (c)(4) of this section and subject to the limitations set forth in Sections 6-114 and 6-115.
 - (3) If the code enforcement official determines that the cost of repair, alteration, or improvement of the building or structure would not exceed fifty percent (50%) of its then current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, not less than fifteen (15) and not more than one-hundred eighty (180) days, without an extension, as specified in the order, to take reasonable precaution in order to protect the safety and well-being of the public and to either (i) repair, alter, or improve the non-residential building or structure in order to bring it into compliance with the minimum standards established by this code or (ii) vacate and close the non-residential building or structure for any use.
 - (4) If the code enforcement official determines that the cost of repair, alteration, or improvement of the building or structure would exceed fifty percent (50%) of its then current value, then the code enforcement official shall state in writing the findings of fact in support of such determination and issue an order that requires the owner, not less than fifteen (15) and not more than one-hundred eighty (180) days, without an extension, as specified in the order, to take reasonable precaution in order to protect the safety and well-being of the public and to either (i) remove or demolish the non-residential building or structure or (ii) repair, alter or improve the non-residential building or structure to bring it into compliance with the minimum standards established by this code.
- (d) Failure to Comply with Orders and Ordinances.
- (1) If the owner fails to comply with an order to either (i) repair, alter, or improve the non-residential building or structure or (ii) vacate and close the non-residential building or structure, the code enforcement official shall submit to the town council an ordinance ordering the code enforcement official to cause such non-residential building or structure to be repaired, altered, or improved in order to bring it into compliance with the minimum standards established by this code or to be vacated and closed for any use. The property shall be described in the ordinance. If town council adopts the ordinance, the code enforcement official shall cause the building or structure to be vacated and closed for any use.
 - (2) If the owner fails to comply with an order to either (i) remove or demolish

the non-residential building or structure or (ii) repair, alter, or improve the non-residential building or structure, the code enforcement official shall submit to the town council an ordinance ordering the code enforcement official to cause such non-residential building or structure to be removed or demolished. No ordinance shall be adopted to require removal or demolition of a non-residential building or structure until the owner has first been given a reasonable opportunity to bring it into conformity with the minimum standards established by the town council. The property shall be described in the ordinance. If town council adopts the ordinance, the code enforcement official shall cause the building or structure to be removed or demolished.

Sec. 6-114. Limitations on Orders and Ordinances - Historic Landmark or Historic District. Notwithstanding any other provision of this code, if the non-residential building or structure is designated as a local historic landmark, listed in the National Register of Historic Places, or located in a locally designated historic district or in a historic district listed in the National Register of Historic Places and the town council determines, after a public hearing, that the non-residential building or structure is of individual significance or contributes to maintaining the character of the district, and the non-residential building or structure has not been condemned as unsafe, an order issued by the code enforcement official pursuant to Section 6-113 and an ordinance approved by town council pursuant to Section 6-113(d) may only require that the non-residential building or structure be vacated and closed until it is brought into compliance with the minimum standards established by this code.

Sec. 6-115. Limitations on Orders and Ordinances - Vacant Manufacturing Facility or Vacant Industrial Warehouse. Notwithstanding any other provisions of this code, an order issued by the code enforcement official pursuant to Section 6-113 and an ordinance approved by town council pursuant to Section 6-113(d) may not require repairs, alterations, or improvements to be made to a vacant manufacturing facility or a vacant industrial warehouse to preserve the original use. The order and ordinance may require such building or structure to be vacated and closed, but repairs may be required only when necessary to maintain structural integrity or to abate a health or safety hazard that cannot be remedied by ordering the building or structure closed for any use.

Sec. 6-116. Vacated and Closed Non-Residential Buildings or Structures.

- (a) If the town council has adopted an ordinance or the code enforcement official has issued an order requiring the building or structure to be repaired, altered, or improved or vacated and closed and the building or structure has been vacated and closed for a period of two (2) years pursuant to the ordinance or order, then if the town council finds that the owner has abandoned the intent and purpose to repair, alter, or improve the building or structure and that the continuation of the building or structure in its vacated and closed status would be inimical to the health, safety, and welfare of the town in that it would continue to deteriorate, would create a fire or safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, or would cause or contribute to blight and the deterioration of property values in the area, then town council may, after the expiration of the two (2) year period, adopt an ordinance and serve such ordinance on the owner, setting forth the

following:

- (1) The ordinance shall require that the owner either (i) demolish and remove the non-residential building or structure within ninety (90) days or (ii) repair, alter, or improve the non-residential building or structure to bring it into compliance with the minimum standards established by this code within ninety (90) days.
- (2) The ordinance shall require that if the owner does not either (i) demolish and remove the non-residential building or structure within ninety (90) days or (ii) repair, alter, or improve the non-residential building or structure to bring it into compliance with the minimum standards established by this code within ninety (90) days, then the code enforcement official shall demolish and remove the non-residential building or structure.
- (b) In the case of a vacant manufacturing facility or a vacant industrial warehouse, the building or structure must have been vacated and closed pursuant to an order or ordinance for a period of five (5) years before town council may take action under this section.
- (c) If the owner fails to comply with the requirements of the ordinance within ninety (90) days, the code enforcement official shall demolish and remove the non-residential building or structure.

Sec. 6-117. Methods of Service of Complaints and Orders.

- (a) Complaints or orders issued by the code enforcement official under this code shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner of service is by regular mail in conjunction with registered or certified mail, and 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, service shall be deemed sufficient. The person mailing the complaint or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.
- (b) If the identities of any owner or the whereabouts of persons are unknown and cannot be ascertained by the code enforcement official in the exercise of reasonable diligence, and the code enforcement official makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the town at least once no later than the time at which personal service would be required under the provisions of this code. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Sec. 6-118. In Rem Action by the Code Enforcement Official. After failure of an owner of a non-residential building or structure to comply with an order of the code enforcement official issued pursuant to the provisions of this code and upon adoption by the town council of an ordinance authorizing and directing the owner to do so, as provided by G.S. 163A-439(f) and Section 6-113(d) of this code, the code enforcement official shall proceed to cause such non-residential building or structure to be repaired, altered, or improved to comply with the minimum standards established by this code, or to be vacated and closed or to be removed or demolished, as directed by the ordinance of the town council. The code enforcement official may cause to be posted on the main entrance of any non-residential building or structure which is to be vacated and closed a placard with the following words: "This building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful." Any person who occupies or knowingly allows the occupancy of a building or structure so posted shall be guilty of a Class 3 misdemeanor.

Sec. 6-119. Costs, a Lien on Premises.

- (a) The amount of the cost of such repairs, alterations or improvements or vacating and closing, or demolition and removal by the code enforcement official 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 Code 10, section 160A-216 et seq., G. S. Chapter 160A. If the structure is demolished and removed by the Town, the Town of Bailey may sell the marketable materials of such structure 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 Superior Court by the Town, and shall be secured in such manner as may be directed by such Court, and shall be disbursed by such Court to the persons found to be entitled thereto by final order or decree of such Court (in a special proceeding brought before the Clerk of Superior Court for said purpose.)
- (b) If the non-residential building or structure is removed or demolished by the code enforcement official, the code enforcement official shall offer for sale the recoverable materials of the building or structure and any personal property, fixtures, or appurtenances found in or attached to the building or structure and shall credit the proceeds of the sale, if any, against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the code enforcement official, 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.
- (c) Nothing in this section shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided herein prevent the enforcement of the other remedies provided herein.
- (d) Nothing in this section shall be construed to impair or limit in any way the power of the code enforcement official in the proper enforcement of the duties of his/her office, as assigned, nor shall the enforcement of one remedy provided herein prevent the enforcement of other remedies provided or cited herein.

Sec. 6-120. Filing of Ordinances. An ordinance adopted by town council pursuant to Sections 6-113(d) or 6-116 of this code shall be recorded in the office of the Register of Deeds of Nash County and shall be indexed in the name of the property owner in the grantor index, as provided by G. S. 160A- 439(t) and (g).

Sec. 6-121. Alternative Remedies. Neither this code nor any of its provisions shall be construed to impair or limit in any way the power of the Town of Bailey to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this code by criminal process as authorized by G. S. 14-4, and Section 6-125 of this code, and the enforcement of any remedy provided herein or in other ordinances or laws.

Sec. 6-122. Board of Adjustment to Hear Appeals.

- (a) All appeals which may be taken from decisions or orders of the code enforcement official pursuant to this code shall be heard and determined by the board of adjustment. As the appeals body, the board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties.
- (b) Appeals shall be subject to the following:
 - (1) An appeal from any decision or order of the code enforcement official may be taken by any person aggrieved thereby. Any appeal from the code enforcement official shall be taken within ten (10) days from the rendering of the decision or service of the order, and shall be taken by filing with the code enforcement official and with the board of adjustment a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the code enforcement official shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When the appeal is from a decision of the code enforcement official refusing to allow the person aggrieved thereby to do any act, the code enforcement official's decision shall remain in force until modified or reversed. When any appeal is from a decision of the code enforcement official requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the board, unless the code enforcement official certifies to the board, after the notice of appeal is filed, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant) a suspension of the requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown upon not less than one (1) day's written notice to the code enforcement official, by the board, or by a court of record upon petition made pursuant to G. S. 160A-446(t) and this section.
 - (2) The board shall fix a reasonable time for the hearing of all appeals, shall give notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The board may

reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the code enforcement official, but the concurring vote of four-fifths of the members of the board shall be necessary to reverse or modify any decision or order of the code enforcement official. The board shall have power also in passing upon appeals, in any case when practical difficulties or unnecessary hardships would result from carrying out the strict letter of this code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done.

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

Sec. 6-123. Temporary Injunction Remedy for Aggrieved Person. Any person aggrieved by an order issued by the code enforcement coordinator and officer or a decision rendered by the board of adjustment shall have the right within thirty (30) days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the code enforcement official pending a final disposition of the cause, as provided by G. S. 160A-446(t).

Sec. 6-124. Conflict with Other Provisions. In the event any provision, standard, or requirement of this code is found to be in conflict with any other ordinance or code of the town, the provisions which establish the higher standard or more stringent requirement for the promotion and protection of health and safety of the citizens of the town shall prevail.

Sec. 6-125. Violations; Penalty.

- (a) It shall be unlawful for the owner of any non-residential building or structure to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the code enforcement coordinator and officer duly made and served in accordance with the provisions of this code, within the time specified in such order, and each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any non-residential building or structure, with respect to which an order has been issued pursuant to section 152A.079 of this code, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration, improvement, or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (b) The violations of any provision of this code shall constitute a misdemeanor, as provided by G. S. 14-4.
- (c) In addition to or in lieu of the other remedies provided by this code, any owner of a non-residential building or structure that fails to comply with an order of the code enforcement official within the time specified therein, shall be subject to a

civil penalty in the amount of fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense in the calendar year, and two hundred fifty dollars (\$250.00) for the third and subsequent offenses in the calendar year. Each subsequent offense after the third will be subject to a civil penalty of \$250.00. Each thirty (30) day period or part thereof in which a violation is allowed to persist will constitute a separate and distinct offense.

SECTION 2. EFFECTIVE DATE: This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED this 21 day of September 2020.

Attest:


Kellie Glover, Town Clerk


Thomas Richards, Mayor

TABLE OF SPECIAL ORDINANCES

Table

I. FRANCHISES

TABLE I: FRANCHISES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
---	9-3-1985; 10-1-1985	Franchise granted to Mid-Atlantic Cable Corporation of North Carolina, Inc., to own, operate, and maintain a cable television system in the town for a period of 15 years from and after the date of acceptance of the ordinance
---	9-3-1985; 10-1-1985	Consent given to the assignment by Kountry Kablevision of North Carolina, Inc., and Kountry Kable of Nash County, Inc., to Mid-Atlantic Cable Corporation of North Carolina, Inc., of the franchise to own, operate, and maintain a community antenna television system in the town
---	11-5-1986; 12-2-1986; 1-1-1987	Consent given to the assignment by Mid-Atlantic Cable Corporation of North Carolina, Inc., to Nash County Cablevision, Inc., of the franchise to own, operate, and maintain a community antenna television system in the town
---	3-7-1989	Consent given to the assignment of the franchise to own, operate, and maintain a community antenna television system in the town to C4 Media Cable South, LP; and any collateral assignment of the franchise and/or a pledge of the assets of the cable system, and/or a pledge of the partnership interests of C4 Media Cable South, LP, to any of its lenders

Bailey - Table of Special Ordinances

PARALLEL REFERENCES

References to North Carolina Code

References to 1973 Code

References to Resolutions

References to Ordinances

REFERENCES TO NORTH CAROLINA CODE

<i>G.S. Cites</i>	<i>2004 Code</i>
7A-227	96.40
7A-228	96.40
14-4	10.99, 92.51, 94.99
14-4(b)	70.99
20-4.01(11a)	111.01
20-4.01(21b)	111.01
42-29	96.40
42-30	96.40
105-236(2)	110.13
105-236(3)	110.13
105-236(4)	110.13
105-249	110.13, 110.15
105-249.2	110.13
143-138(e)	30.10
143-139	152.24
159-7	31.02
159-7 <i>et seq.</i>	34.01
160A-68	30.01
160A-69	30.07, 31.01
160A-70	30.01, 30.06
160A-71	30.03
160A-72	30.05
160A-74	30.04
160A-75	30.09, 30.25
160A-76	30.10
160A-78	30.28
160A-146	31.03
160A-171	31.02
160A-175	10.99
160A-193	92.50
160A-207	110.15
160A-285	33.06
160A-286	33.07

Bailey - Parallel References

<i>G.S. Cites</i>	<i>2004 Code</i>
160A-360(g)	152.03
160A-361	150.01
160A-400.14(a)	96.39
160A-411	152.01
160A-412	152.02
160A-413	152.03
160A-414	152.04
160A-415	152.05
160A-416	152.06
160A-417	152.07
160A-418	152.08
160A-419	152.09
160A-420	152.10
160A-421	152.11
160A-422	152.12
160A-423	152.13
160A-424	152.14
160A-425	152.15
160A-426	152.16
160A-427	152.17
160A-429	152.19
160A-430	152.20
160A-431	152.21
160A-432	152.22
160A-433	152.23
160A-434	152.24
160A-436	152.25
160A-437	152.26
160A-441—450	96.01
160A-442	96.03
160A-446	96.42
163-279 <i>et seq.</i>	30.01
1033(h)(3)	110.13
7508	110.13
7508A	110.13

REFERENCES TO 1973 CODE

<i>1973 Code</i>	<i>2004 Code</i>
1.5	10.99
1.7	30.29
2.1	30.01
2.2	30.01
2.3	30.02
2.4	30.03
2.5	30.04
2.6	30.05
2.7	30.06
2.8	30.07
2.9	30.08
2.10	30.09
2.11	30.10
2.12	30.25
2.13	30.26
2.14	30.27
2.15	30.28
2.16	31.01
2.17	31.02
2.18	31.03
2.20	34.01
2.21	34.02
2.22	32.01
2.23	32.02
3.1	33.01
3.2	33.02
3.3	33.03
3.4	33.04
3.5	33.05
3.6	33.06
3.7	33.07
3.8	33.08
4.5	90.01

Bailey - Parallel References

<i>1973 Code</i>	<i>2004 Code</i>
4.6	90.02
4.7	90.03
4.8	90.04
4.9	90.05
4.10	90.06
4.11	90.07
4.12	90.25
4.13	90.26
4.14	90.27
4.15	90.28
4.16	90.29
4.17	90.30
5.1	91.001
5.2	91.002
5.3	91.003
5.4	91.004
5.5	91.005
5.6	91.006
5.7	91.007
5.8	91.008
5.9	91.020
5.10	91.040
5.11	91.041
5.12	91.042
5.13	91.043
5.14	91.044
5.15	91.045
5.16	91.046
5.17	91.047
5.18	91.021
5.19	91.022
5.20	91.023
5.21	91.024
5.24	91.060
5.25	91.061
5.26	91.062
5.27	91.063
5.28	91.064

<i>1973 Code</i>	<i>2004 Code</i>
5.29	91.065
5.30	91.066
6.1	51.01
6.2	51.02
6.4	51.04
6.5	51.05
6.6	51.06
6.7	51.07, 130.03
6.8	51.08
6.9	51.09
6.10	51.10
6.11	51.11
6.12	51.12
7.2	70.01
7.3	70.01
7.4	70.01
7.5	70.01
7.6	70.01
7.7	70.01
7.8	70.01
7.9	70.01
7.10	70.01
7.11	70.01
7.12	70.01
7.13	70.01
7.14	70.01
7.15	70.01
7.16	70.15
7.17	70.16
7.18	70.17
7.19	70.18
7.20	70.19
7.21	70.20
7.22	70.21
7.23	70.22
7.24	70.23
7.25	70.24

Bailey - Parallel References

<i>1973 Code</i>	<i>2004 Code</i>
7.26	70.35
7.27	70.36
7.28	70.37
7.29	70.38
7.30	70.39
7.31	70.40
7.32	70.41
7.33	71.01
7.34	71.02
7.35	71.03
7.36	71.04
7.37	71.05
7.38	71.06
7.39	71.07
7.40	71.08
7.41	71.09
7.42	71.10
7.43	71.11
7.44	72.01
7.46	72.25
7.47	72.26
7.48	72.27
7.49	72.28
7.50	72.29
7.51	72.13
7.54	72.40
7.55	Chapter 76, Schedule I
7.56	72.41
7.57	72.42
7.58	72.43
7.59	72.44
7.60	72.45
7.61	72.02
7.62	72.03
7.63	72.04
7.64	72.05
7.65	72.06
7.66	72.07

<i>1973 Code</i>	<i>2004 Code</i>
7.67	72.08
7.68	72.09
7.69	72.10
7.70	72.11
7.71	72.12
7.72	74.01
7.73	74.02
7.74	74.03
7.75	74.04
7.76	74.05
7.77	74.06
7.78	74.07
7.79	74.08
7.80	74.09
7.81	75.01
7.82	75.02
7.83	75.03
7.84	75.04
7.85	75.05
7.86	75.06
7.87	75.07
7.88	75.08
7.89	75.09
7.90	75.10
7.91	75.11
7.92	75.12
7.93	73.01
7.94(b)	73.02
7.95	73.02
7.96	73.03
7.98	73.16
7.99	73.17
7.101	73.18
7.102	73.19
7.103	73.20
7.104	73.21
7.105	73.35
7.106	73.36

Bailey - Parallel References

<i>1973 Code</i>	<i>2004 Code</i>
7.108	73.37
7.109	73.38
7.110	Chapter 77, Schedule I
7.111	Chapter 77, Schedule I
7.112	Chapter 77, Schedule I
7.113	Chapter 77, Schedule I
7.114	Chapter 77, Schedule I
8.28	152.01
8.29	152.02
8.30	152.03
8.31	152.04
8.32	152.05
8.33	152.06
8.34	152.07
8.35	152.08
8.36	152.09
8.37	152.10
8.38	152.11
8.39	152.12
8.40	152.13
8.41	152.14
8.42	152.15
8.43	152.16
8.44	152.17
8.45	152.18
8.46	152.19
8.47	152.20
8.48	152.21
8.49	152.22
8.50	152.23
8.51	152.24
8.52	152.25
8.53	152.26
9.1	92.15
9.2	92.16
9.3	92.17
9.4	92.18
9.5	92.19

<i>1973 Code</i>	<i>2004 Code</i>
9.6	92.20
9.7	92.21
9.8	92.22
9.9	92.23
9.10	92.24
9.11	92.25
9.12	92.25
9.13	92.26
9.14	92.27
9.15	92.28
9.17	92.29
9.25	50.01
9.26	50.02
9.27	50.03
9.28	50.04
9.29	50.05
9.30	50.06
9.31	50.07
9.32	50.08
9.33	50.09
9.34	50.10
9.35	50.11
9.36	93.01
9.37	93.02
9.38	93.03
9.39	93.04
9.40	93.05
9.41	93.06
9.42	93.07
9.43	93.08
9.44	93.09
9.45	93.10
9.46	93.11
9.47	93.12
9.48	93.13
9.50	93.15
9.51	93.16
10.10	111.01

Bailey - Parallel References

<i>1973 Code</i>	<i>2004 Code</i>
10.11	111.02
10.12	111.03
10.13	111.04
10.14	111.05
10.15	111.06
10.16	111.07
10.17	111.08
10.18	111.09
10.19	111.10
10.20	111.11
10.21	111.12
10.22	111.13
10.25	112.01
10.26	112.02
10.27	112.03
10.28	112.04
10.29	112.05
10.30	112.06
10.31	112.07
10.32	112.08
10.33	113.01
10.34	113.02
10.35	113.03
10.36	113.04
10.37	113.05
10.38	113.06
10.39	113.07
10.40	113.08
11.1	130.01
11.2	92.01
11.3	92.01
11.4	92.02
11.5	92.03
11.6	92.04
11.7	92.04
11.8	94.01
11.9	94.19

<i>1973 Code</i>	<i>2004 Code</i>
11.9(c)	94.99
11.10	94.02
11.11	95.01
11.12	95.01
11.13	95.02
11.14	95.03
11.15	95.04
11.16	95.05
11.17	95.05
11.18	95.06
11.19	95.07
11.20	95.06
11.21	95.08
12.1	150.01
12.2	150.02
12.3	150.03
12.4	150.04
12.5	150.05
12.6	150.06
12.7	150.07

REFERENCES TO RESOLUTIONS

<i>Res. No.</i>	<i>Date Passed</i>	<i>2004 Code</i>
—	2-7-1995	114.01

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>2004 Code</i>
---	--	110.01—110.15, 110.99
---	12-6-1960	51.11
---	9-2-1974	Chapter 76, Schedule I
---	7-1-1975	130.02
---	10-5-1976	153.01—153.14
---	11-9-1976	112.06
---	9-4-1979	91.021
---	4-6-1982	70.55—70.57
---	11-3-1982	92.46—92.48
---	8-2-1983	51.03
---	1-3-1984	112.06
---	2-7-1984	93.14
---	6-4-1985	70.99; Chapter 77, Schedule I
---	9-3-1985	T.S.O. I
---	10-1-1985	T.S.O. I
---	11-5-1986	T.S.O. I
---	12-2-1986	T.S.O. I
---	1-1-1987	T.S.O. I
---	12-1-1987	153.15
---	3-7-1989	T.S.O. I
---	9-3-1996	96.01—96.03, 96.20—96.24, 96.35—96.44, 96.60
---	10-1-1996	70.99, 73.15
---	3-4-1997	10.99
---	11-4-2003	51.04; Chapter 76, Schedule II

INDEX

INDEX

ABANDONED VEHICLES (See also PARKING; TRAFFIC)

- Costs of removal; notice to owner, 95.04
- Definitions, 95.01
- Disposition of junked motor vehicles; proceeds of sale, 95.06
- Disposition of unidentified vehicles, 95.07
- Duty of owner to remove, 95.02
- Immunity, 95.08
- Removal by town, 95.03
- Sale of abandoned motor vehicles; proceeds of sale, 95.05

ANIMALS AND FOWL

- Animals at large, 94.01
- Dogs and Cats
 - Citation of owner or keeper in lieu of impoundment, 94.17
 - Disturbing the peace, 94.22
 - Female dogs in heat prohibited at large, 94.20
 - Impoundment, 94.15
 - Inoculation, registration, and tagging of dogs, 94.18
 - Redemption of impounded dogs and cats; disposition of unredeemed dogs or cats, 94.16
 - Running at large prohibited, 94.19
 - Vicious dogs at large prohibited, 94.21
- Penalty, 94.99
- Pig pens, 94.02

BICYCLES (See also TRAFFIC)

- Carrying articles, 75.09
- Clinging to vehicles, 75.08
- Effect of regulations, 75.01
- Emerging from alley or driveway, 75.07
- Lamps and other equipment on bicycles, 75.12
- Obedience to traffic-control devices, 75.03
- Parking, 75.10
- Riding on bicycles, 75.04
- Riding on roadways and bicycle paths, 75.05
- Riding on sidewalks, 75.11
- Speed, 75.06
- Traffic laws apply to persons riding bicycles, 75.02

BOARD OF COMMISSIONERS

Board of Commissioners

- Committees, 30.08
- Franchises; technical ordinances, 30.10
- Mayor not to vote, except to break tie, 30.07
- Mayor to preside over Board, 30.06
- Minutes, 30.05
- Organizational meeting, 30.01
- Quorum, 30.04
- Regular meetings, 30.02
- Special meetings, 30.03
- Voting, 30.09

Town Ordinances

- Damaging ordinances prohibited, 30.29
- Effective date, 30.25
- Official copy, 30.27
- Ordinance book, 30.28
- Ordinances confined to one subject, 30.26

BOWLING ALLEYS (See POOL ROOMS AND BOWLING ALLEYS)

BUILDINGS AND BUILDING REGULATIONS, 151.01 (See also UNSAFE BUILDINGS)

BUSINESS LICENSING

Business License Taxes

- Application; false statements unlawful, 110.05
- Change in place of business, 110.10
- Collection of unpaid tax, 110.15
- Definitions, 110.01
- Display of license required, 110.09
- Duration; due date, 110.04
- Effect of license, 110.12
- Exemptions, 110.13
- License tax levied, 110.02
- Multiple businesses, 110.07
- No abatement of tax, 110.11
- Proration of tax; seasonal businesses, 110.06
- Schedule of license taxes, 110.16
- Separate places of business, 110.08
- Tax Collector; duties, 110.03
- Unlawful to conduct business without license, 110.14
- Penalty, 110.99

CEMETERIES

- Burial regulated, 93.15
- Cemetery use, 93.03
- Cleanliness, 93.12
- Conduct, 93.10
- Covenants; general regulations, 93.13
- Damage to gravestones and the like prohibited, 93.16
- Deed for lot, 93.01
- Family monument, 93.05
- Landscaping, 93.07
- Lot charges, 93.14
- Plantings, 93.04
- Pruning or cutting of trees and shrubbery, 93.06
- Structures, 93.08
- Superintendent, 93.02
- Transfer of lots, 93.09
- Vehicles, 93.11

CHARTER

- Corporate limits, Charter Section 2
- Jurisdiction of Mayor, Charter Section 3
- Mayor and Board of Commissioners, Charter Section 4
- Town incorporated; corporate name; corporate powers, Charter Section 1

CODE OF ORDINANCES; GENERAL PROVISIONS

- Application to future ordinances, 10.03
- Captions, 10.04
- Definitions, 10.05
- Effective date of ordinances, 10.15
- Errors and omissions, 10.10
- General penalty, 10.99
- Interpretation, 10.02
- Official time, 10.11
- Ordinances repealed, 10.13
- Ordinances unaffected, 10.14
- Ordinances which amend or supplement code, 10.17
- Reasonable time; computing time, 10.12
- Reference to offices, 10.09
- Reference to other sections, 10.08
- Repeal or modification of ordinances, 10.16
- Rules of interpretation, 10.06
- Section histories; statutory references, 10.18
- Severability, 10.07
- Title of code, 10.01

DRUNKENNESS, PUBLIC, 130.01

FINANCE AND PURCHASING

Disbursement of funds, 34.01

Purchasing, 34.02

FIRE BOMBS, 92.04

FIRE PREVENTION AND PROTECTION

Fire Department

Fire protection outside of town, 90.07

Following fire equipment, 90.01

Giving false alarm of fire forbidden, 90.05

Interfering with fire alarm system, 90.04

Interfering with firefighters or any fire apparatus, 90.02

Only firefighters may ride on trucks without permission, 90.03

Protection of fire hose, 90.06

Fire Hazards

Buildings constituting fire hazards, 90.30

Depositing of wood shavings prohibited, 90.29

Encumbrances before or on fire exit, 90.25

Exit signs in theaters and motion picture houses, 90.26

Lots kept free from fire hazards, 90.28

Passageways in places of public assemblage to be kept open; exit doors not to be fastened, 90.27

FIREARMS, 92.02

FRANCHISES, T.S.O. I

HEALTH AND SANITATION

Businesses kept in sanitary condition, 92.25

Butchering restricted, 92.22

County ambulance ordinance adopted by reference, 92.29

Human and animal waste; dead animals, 92.18

Milk, 92.21

Planting and protection of trees, 92.20

Protection of foods from flies, 92.24

Removal of stagnant waters, 92.23

Right of entry, 92.17

Septic tanks regulated, 92.19

Serving of drinks and ice cream, 92.26

HEALTH AND SANITATION (Cont'd)

- Spitting prohibited, 92.27
- Town water tank, 92.28
- Unlawful to interfere with Health Officer, 92.16
- Unlawful to violate county health regulations, 92.15

LOITERING, 130.02

MASSAGE ESTABLISHMENTS, 114.01

MINIMUM HOUSING CODE

- Definitions, 96.03
- Enforcement Standards
 - Residential buildings unfit for human habitation, 96.60
- Minimum Housing Code Enforcement Officer
 - Abatement—hearing on charges; filing; petition and charges; investigations; time and conduct of hearing, 96.38
 - Contract for repairs and demolition, 96.43
 - Creation of public office, 96.35
 - Enforcement, 96.40
 - Inspections, 96.37
 - Methods of service, 96.41
 - Powers generally, 96.36
 - Right of appeal, 96.42
 - Service of order, contents, 96.39
- Minimum Standards—For Base Equipment and Facilities
 - Application of North Carolina Uniform Residential Building Code, 96.24
 - General, 96.20
 - General requirements for the exterior and interior of structures, 96.22
 - Minimum requirements for electrical system, 96.21
 - Row houses, 96.23
- Preamble, 96.01
- Scope, 96.02

MOBILE HOMES, TRAILERS, AND MOBILE HOME PARKS

- Allowance of mobile homes outside mobile home parks, 153.15
- Conformance with regulations required, 153.02
- Definitions, 153.01
- Final plan, 153.05
- Licenses and maintenance permits for mobile home park operation, 153.06
- Mobile home additions, 153.12

MOBILE HOMES, TRAILERS, AND MOBILE HOME PARKS (Cont'd)

- Mobile home and trailer parking and storage, 153.10
- Mobile home sales within mobile home parks, 153.11
- Nonconforming mobile home parks, 153.14
- Permits to build or alter mobile home parks; approval of plans, 153.03
- Preliminary plan, 153.04
- Recreation areas, 153.09
- Registration, 153.13
- Specifications for mobile home parks, 153.07
- Utilities; fire prevention; health, 153.08

NOISE, 92.01**PARKING (See also ABANDONED VEHICLES; TRAFFIC)**

- Angle parking; signs or markings, 73.02
- Lights on parked vehicles, 73.03
- Loading or Unloading
 - Restricted use of bus and taxicab stands, 73.38
 - Standing in freight curb loading zone, 73.36
 - Standing in passenger curb loading zone, 73.35
 - Stopping, standing, and parking of busses and taxicabs regulated, 73.37
- Standing or parking close to curb, 73.01
- Stopping, Standing, or Parking Prohibited in Specified Places
 - No stopping, standing, or parking near hazardous or congested places, 73.21
 - Parking adjacent to schools, 73.19
 - Parking for certain purposes prohibited, 73.18
 - Parking in alleys, 73.17
 - Parking not to obstruct traffic, 73.16
 - Standing and parking prohibited, 73.15
 - Standing or parking on one-way roadways, 73.20
- Stopping, standing, or parking restricted or prohibited on certain streets or spaces, Chapter 77, Schedule I

PEDDLERS AND SOLICITORS**On Private Property**

- Appeal from the refusal to issue permit, 113.04
- Application for permit, 113.02
- Duration and renewal, 113.05
- Exceptions, 113.08
- Issuance of permit; possession and exhibition, 113.03
- Permit required, 113.01
- Revocation of permit, 113.07
- Transferability, 113.06

PEDESTRIANS' RIGHTS AND DUTIES (See also TRAFFIC)

- Crossing at right angles, 74.04
- Drivers to exercise due care, 74.09
- Pedestrians soliciting rides or business, 74.08
- Pedestrians subject to traffic-control signals, 74.01
- Pedestrians to use right half of crosswalk, 74.03
- Pedestrians walking along roadways, 74.07
- Pedestrians' right-of-way in crosswalk, 74.02
- Prohibited crossing, 74.06
- When pedestrian shall yield, 74.05

PLANNING BOARD

- Creation, 150.01
- General powers and duties, 150.05
- Members, 150.02
- Miscellaneous powers and duties, 150.07
- Organization and rules, 150.03
- Purposes in view, 150.06
- Staff and finances, 150.04

POLICE DEPARTMENT

- Board to have control, 33.02
- Chief of Police, 33.03
- Extraterritorial jurisdiction of police officers, 33.07
- Oath of office; holding other offices, 33.04
- Organization, 33.01
- Powers and duties of police officers, 33.06
- Resisting police prohibited, 33.08
- Uniforms, 33.05

POOL ROOMS AND BOWLING ALLEYS

- Application for license, 112.02
- Certain prohibitions to be observed by licensee and employees, 112.05
- Form and content of license, 112.04
- License required, 112.01
- Licensee responsible, 112.07
- Revocation of licenses, 112.08
- Rules for operation of pool rooms, 112.06
- When license refused, 112.03

POSTING SIGNS, 92.03

PURCHASING (See FINANCE AND PURCHASING)

SEXUALLY-ORIENTED BUSINESSES, 114.01

SEWER (See WATER AND SEWER)

SOLICITORS (See PEDDLERS AND SOLICITORS)

SOLID WASTE

Accumulation prohibited, 50.04

Burning or burying regulated, 50.03

Containers required, 50.05

Definitions, 50.01

Location of containers, 50.07

Precollection practices, 50.06

Removal of dead animals, 50.10

Solid waste required to be deposited in approved containers, 50.02

Special or bulk collections regulated, 50.09

Transportation by private citizens, 50.11

Unlawful to displace containers, 50.08

STREETS AND SIDEWALKS

Damage to bridges and culverts, 91.007

Damage to lights and signs, 91.008

Damage; Repair, Construction;

Excavations; leaving unprotected, 91.004

House moving, 91.006

Obstructing Streets and Sidewalks

Assembly on sidewalk, 91.020

Construction near sidewalks, 91.023

Display of goods prohibited, 91.021

Placing objects on streets and sidewalks, 91.022

Sheds and awnings, 91.024

Parades and Demonstrations

Additional regulations applicable to picketing, 91.046

Certain activities prohibited, 91.043

Definitions, 91.040

Exceptions, 91.047

Interference prohibited, 91.045

Permit required, 91.041

Requirements and issuance of permits, 91.042

Revocation of permit, 91.044

Permit to dig in streets, 91.001

Sidewalk construction, 91.002

STREETS AND SIDEWALKS (Cont'd)

- Street Designations; Property Numbering, 91.080
- Street repair, 91.003
- Streets not to be damaged, 91.005
- Use and Cleanliness
 - Bicycles on sidewalks prohibited, 91.063
 - Moving structures upon streets, 91.065
 - Playing ball on streets prohibited, 91.064
 - Snow and ice removal, 91.062
 - Throwing or burning trash on street prohibited, 91.060
 - Tree trimmings, 91.061
 - Use of nails and tacks restricted, 91.066

TAXICABS

- Application required, 111.03
- Board issues certificates, 111.04
- Burden of proof, 111.08
- Definitions, 111.01
- Determination of convenience and necessity, 111.06
- Duration of certificate, 111.05
- Failure to begin operations, 111.09
- Hearing; notices, 111.07
- No person to hold more than one certificate, 111.13
- Revocation of certificate, 111.11
- Substitution of vehicles, 111.12
- Transfer of certificate, 111.10
- Unlawful to operate without certificate, 111.02

TOWN OFFICERS AND EMPLOYEES

- Office of Clerk-Treasurer, 31.02
- Office of Mayor, 31.01
- Other officers and employees, 31.03

TOWN POLICIES

- Emergencies
 - Enforcement, 32.02
 - State of emergency; curfew authorized, 32.01

TRAFFIC (See also ABANDONED VEHICLES; BICYCLES; PARKING; PEDESTRIANS' RIGHTS AND DUTIES)

- Authority to sign one-way streets and alleys, 72.13
- Clinging to vehicles, 72.11

TRAFFIC (Cont'd)

- Controlled access, 72.12
- Crossing fire hose, 72.03
- Definitions, 70.01
- Drivers in a procession, 72.05
- Driving through funeral or other procession, 72.04
- Enforcement of and Obedience to Traffic Regulations
 - Authority of Police and Fire Department officials, 70.35
 - Authorized emergency vehicles, 70.40
 - Obedience to Police and Fire Department officials, 70.36
 - Operation of vehicles and streetcars on approach of authorized emergency vehicles, 70.41
 - Persons propelling push carts or riding animals, 70.37
 - Public employees to obey traffic regulations, 70.39
 - Use of coasters, roller skates, and similar devices restricted, 70.38
- Following fire apparatus prohibited, 72.02
- Funeral processions to be identified, 72.06
- General speed regulations, 72.01
- Intersections where stop required, Chapter 76, Schedule I
- Limitations on backing, 72.09
- One-way streets, Chapter 76, Schedule II
- Penalty, 70.99
- Registration and License Tax
 - Operation of a motor vehicle without registration plate unlawful, 70.57
 - Registration deadline and period of registration, 70.56
 - Registration of resident motor vehicles and payment of license tax, 70.55
- Riding on motorcycles, 72.10
- Special Stops Required
 - Authority to erect stop signs, 72.40
 - Emerging from alley, driveway, or building, 72.43
 - Obedience to signal indicating approach of railroad train, 72.45
 - Signs to bear the word "Stop", 72.41
 - Stop when traffic obstructed, 72.44
 - Vehicles and streetcars to stop at stop signs, 72.42
- Traffic Administration
 - Drivers' files to be maintained, 70.21
 - Duties of Traffic Division, 70.16
 - Emergency and experimental regulations, 70.24
 - Police administration, 70.15
 - Records of traffic violations, 70.17
 - Traffic accident reports, 70.20
 - Traffic accident studies, 70.19

TRAFFIC (Cont'd)

Traffic Administration (Cont'd)

Traffic Division to designate method of identifying funeral processions, 70.23

Traffic Division to investigate accidents, 70.18

Traffic Division to submit annual traffic safety report, 70.22

Traffic-Control Devices

Authority to establish play streets, 71.10

Authority to install traffic-control devices, 71.01

Display of unauthorized signs, signals, or markings, 71.08

Flashing signals, 71.07

Interference with official traffic-control devices or railroad signs or signals, 71.09

Obedience to official traffic-control devices, 71.03

Pedestrian-control signals, 71.06

Specifications for traffic-control devices, 71.02

Traffic lanes, 71.11

Traffic-control signal legend, 71.05

When traffic-control devices required for enforcement purposes, 71.04

Turning Movements

Authority to place restricted turn signs, 72.27

Limitations on turning around, 72.29

Obedience to no-turn signs, 72.28

Required position and method of turning at intersections, 72.25

Turning markers, 72.26

Vehicles shall not be driven on a sidewalk, 72.08

When permits required for parades and processions, 72.07

TRAILERS (See MOBILE HOMES, TRAILERS, AND MOBILE HOME PARKS)

UNSAFE BUILDINGS

Action in event of failure to take corrective action, 152.18

Appeal; finality of order if not appealed, 152.20

Appeals in general, 152.24

Certificates of compliance, 152.13

Changes in work, 152.09

Conflicts of interest, 152.05

Defects in buildings to be corrected, 152.15

Duties and responsibilities, 152.02

Equitable enforcement, 152.22

Failure to comply with order, 152.21

Failure to perform duties, 152.06

Financial support, 152.04

UNSAFE BUILDINGS (Cont'd)

- Inspection Department, 152.01
- Inspections of work in progress, 152.10
- Joint Inspection Department, 152.03
- Order to take corrective action, 152.19
- Periodic inspections, 152.14
- Permits, 152.07
- Records and reports, 152.23
- Removing notice from condemned building, 152.17
- Restrictions within primary fire limits, 152.25
- Restrictions within secondary fire limits, 152.26
- Revocation of permits, 152.12
- Stop orders, 152.11
- Time limitations on validity of permits, 152.08
- Unsafe buildings condemned, 152.16

WATER AND SEWER

- Board to regulate water and sewer system, 51.01
- Nonpayment of bills, 51.12
- Owners of more than one house, 51.11
- Permit for connection required, 51.02
- Private water supply regulated, 51.08
- Separate connection required, 51.03
- Tampering with or obstructing water and sewer lines prohibited, 51.07
- Use of town water, 51.05
- Water and sewer rates, 51.06
- Water and sewer required, 51.04
- Water and Sewer Superintendent, 51.09
- Work on water and sewer system, 51.10

WATER TAMPERING, 130.03

WEEDS

- Charges become a lien, 92.50
- Complaint and investigation, 92.46
- Cost incurred by owner, 92.49
- Failure of owner to abate nuisance, 92.48
- Notice to abate nuisance, 92.47
- Procedure is alternative to other authorized procedures, 92.51
- Uncontrolled growth of weeds and accumulation of refuse declared a public nuisance, 92.45