

CLAY COUNTY BOARD OF COMMISSIONERS

TO ESTABLISH

THE CLAY COUNTY DEPARTMENT OF INSPECTIONS

WHEREAS, it is the legal and moral responsibility of the governing board of our county to protect the well being of its citizens through proper and adequate inspections hereinafter described; and

WHEREAS, it is more feasible for a single department to provide qualified personnel to carry out the inspections hereinafter described; now

THEREFORE, BE IT RESOLVED, that a County Department of Inspections be established under the authority of the County Board of Commissioners, pursuant to G.S. 153, Article 27; and

BE IT FURTHER RESOLVED that the following ordinance be duly entered upon the County Ordinance Book;

ARTICLE I. ADOPTION OF REGULATORY CODES BY REFERENCE

(Authority G.S. 153, Article 27, G.S. 153-345)

Section 1-1. SCOPE OF ORDINANCE AND CODES. The provisions of this ordinance and of the regulatory codes herein adopted shall apply to the following:

- (A) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use, and occupancy of every building or structure of any appurtenances connected or attached to such building or structure, except hereinafter excluded by the attached fee schedule;
- (B) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;
- (C) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning, and refrigeration systems, fuel burning equipment and appurtenances thereof;
- (D) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof;

The adoption of this ordinance and the codes herein adopted by reference shall constitute a resolution within the meaning of G. S. 153 -Article 27, G. S. 153-345 making the regulatory codes herein adopted applicable to dwellings and out buildings used in connection therewith and to apartment buildings used exclusively as the residence of not more than two families, throughout CLAY County.

Section 1-2. BUILDING CODE ADOPTION. The 1967 edition of the North Carolina State Building Code, Volume I, General Construction, as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein as the Building Code of Jackson County to the extent such Code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in building or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed.

Section 1-3. PLUMBING CODE ADOPTED. The 1968 Edition of the North Carolina State Plumbing Code (North Carolina State Building Code, Volume II, Plumbing) as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though herein as set forth as the Plumbing Code of CLAY County.

Section 1-4. HEATING CODE ADOPTED. The 1971 edition of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating) as adopted and published by the North Carolina Building Code Council and as amended, is hereby adopted by reference as fully as though set forth herein as the Heating Code for CLAY County.

Section 1-5. ELECTRICAL CODE ADOPTED. The 1967 Edition of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical), adopting by reference the 1965 edition of the National Electrical Code of the National Fire Protection Association as adopted by the North Carolina Building Code Council and as amended, is hereby adopted by the reference as fully as though set forth herein as the Electrical Code for CLAY County.

~~Section 1-6. RESIDENTIAL BUILDING CODE. The 1968 Edition or later edition of the North Carolina Uniform Residential Building Code, as adopted by the North Carolina Building Inspectors Association, and a published by the North Carolina Building Code Council is hereby adopted by reference as fully as though set forth herein as the Residential Building Code for one and two family residential buildings in CLAY County.~~

Section 1-7. AMENDMENTS TO CODES. Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein shall be effective in CLAY County at the time such amendments are filed with CLAY County Department of Inspectors as provided in Section 1-9.

Section 1-8. COMPLIANCE WITH CODES.

(A) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished, or moved shall conform to the requirements, minimum standards, and other provisions of either the North Carolina State Building Code, General Construction, Volume I or the North Carolina Uniform Residential Building Code, whichever is applicable, or both if both are applicable.

(B) Every building or structure intended for human habitation, occupancy, or use shall have plumbing, plumbing systems, or plumbing fixtures installed, constructed, altered, extended, repaired, or reconstructed in accordance with the minimum standards, requirements, and other provisions of the North Carolina Plumbing Code (North Carolina State Building Code, Volume III, Plumbing).

(C) All mechanical systems consisting of heating, ventilating, air conditioning, and refrigeration systems, fuel burning equipment, and appurtenances shall be installed, erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Heating Code (North Carolina State Building Code, Volume III, Heating)

(D) All electrical wiring, installations and appurtenances shall be erected, altered, repaired, used and maintained in accordance with the minimum standards, requirements, and other provisions of the North Carolina Electrical Code (North Carolina State Building Code, Volume IV, Electrical).

Section 1-9. COPIES OF CODES FILED WITH CLERK. An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the Department of CLAY County. Such copies shall be the official copies of the codes and the amendments.

ARTICLE II.

Section 2-1. ORGANIZATION OF DEPARTMENT. The Department of Construction Standards & Permits shall consist of a building inspector, a plumbing inspector, a heating-air conditioning inspector, an electrical inspector, a housing inspector, a fire prevention inspector, and such other inspectors or deputy or assistant inspectors as may be authorized by the governing body. Separate functions may be combined under one inspector.

Section 2-2. GENERAL DUTIES OF DEPARTMENT.

It shall be the duty of the Department to enforce all of the provisions of this ordinance and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this ordinance and such codes are being met. It shall be an additional duty of the Department to enforce provisions of subdivision, flood plain, minimal housing, erosion control, and such other ordinances as may be adopted.

The North Carolina State Building Code, Volume I, General Construction, and the North Carolina Uniform Residential Building Code shall be enforced by the building inspector; the North Carolina Plumbing Code shall be enforced by the plumbing inspector, the North Carolina Heating Code shall be enforced by the heating-air conditioning inspector; the North Carolina State Electrical Code shall be enforced by the electrical inspector.

Section 2-3. CONFLICTS OF INTEREST. No officer or employee of the Department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building or any part thereof, or in the making of plans or specifications therefor, unless he is the owner of such building. No officer or employee of the Department shall engage in any work which is inconsistent with his duties or with the interests of CLAY County.

Section 2-4. REPORTS AND RECORDS. The Department and each inspector, shall keep complete, permanent, and accurate records in convenient form of all applications received, permits issued, inspections and re-inspections, and all other work and activities of the Department. Periodic reports shall be submitted to the Governing Body, and to other agencies, as required.

Section 2-5. INSPECTION PROCEDURE

(A) Inspections. The Department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this ordinance and the appropriate codes.

When deemed necessary by the appropriate inspector, materials, and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations, provided, no approval shall be based upon reports of such organizations unless the same are in writing and certified by a responsible officer of such organization.

All holders of permits, or their agents, shall notify the Department and the appropriate inspector at each of the following stages of construction so that approval may be given before work is continued:

(1) Foundation Inspection. To be made after trenches are excavated and the necessary reinforcement and forms are in place, and before concrete is placed. Drilled footings, piles, and similar types of foundations shall be inspected as installed.

(2) Framing Inspections. To be made after all structural framing is in place and all roughing in of plumbing and electrical and heating has been installed, after all fire blocking, chimneys, bracing, and vents are installed, but before any of the structure is enclosed or covered. Poured in place concrete structural elements shall be inspected before each pour of any structural member.

(3) Fireproofing Inspection. To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

(4) Final Inspection. To be made after building or structure has all doors hung, fixtures set, and ready for occupancy, but before the building is occupied. A certified of occupancy may be issued at the conclusion of this inspection.

(B) CALLS FOR INSPECTION. Request for inspecting may be made to the Department or to the appropriate inspector. The Department shall make inspections as soon as practicable after request is made therefore, provided such work is ready for inspection at the time the request is made.

Reinspections may be made at the convenience of the inspector. No work shall be inspected until it is in proper and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspectors in the form of a notice posted on the building or given to the permit holder or his agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this ordinance.

(C) STREET OR ALLEY LINES. Where the applicant for a permit proposes to erect any building or structure on the line of any street, alley or other public place, he shall secure a survey of the line of such street, alley or other public place, adjacent to the property upon which such building or structure is to be erected before proceeding with construction of such building or structure. It shall be the duty of the building inspector to see that the building does not encroach upon such street, alley or other public places.

(D) CERTIFICATE OF OCCUPANCY. No new building or part thereof shall be occupied, and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied and no change of occupancy shall be made in any existing building or part thereof, until the Department has issued a certificate of occupancy therefor. A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building. Application for a certificate of occupancy may be made by the owner or his agent after all final inspections have been made for new buildings, on in the case of existing buildings, after supplying the information and data necessary to determine compliance with this ordinance for the occupancy intended. The Department shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all respects conforms to the provisions of this ordinance, the regulatory codes, and the zoning ordinance for the occupancy intended.

Section 2-6. OVERSIGHT NOT TO LEGALIZE VIOLATION. No oversight or dereliction of duty on the part of any inspector or other official or employee of the Department shall be deemed to legalize the violation of any provision of this ordinance or any provision of any regulatory code herein adopted.

Section 2-7. POWERS OF INSPECTION OFFICIALS.

(A) Authority. Inspectors are hereby authorized, empowered and directed to enforce all the provisions of this ordinance and the regulatory codes herein adopted.

(B) Right of Entry. Inspectors shall have the right of entry on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this ordinance and the regulatory codes, upon presentation of proper credentials.

(C) Stop Orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in violation of any provision of this ordinance or any other ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such manner as to endanger life or property, the appropriate inspector may order such work to be immediately stopped. Such order shall be in writing to the owner of the property or to his agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed.

ARTICLE III. ENFORCEMENT.

Section 3-1. REGISTRATION OF CONTRACTORS. Every person carrying on the business of building contractor, plumbing, contractor, heating-air conditioning contractor, or electrical contractor within CLAY County shall register at the office of the Department giving name and place of business.

Section 3-2. BOND REQUIRED OF CONTRACTORS. Every person required to register at the office of the Department under the preceding section shall also give a good and sufficient bond in the sum of _____ to be approved by the CLAY County Attorney, conditioned upon faithful performance of duty in doing any work which he may have contracted to do, and to indemnify the County of CLAY against loss in any manner whatsoever for any unskillful or negligent work or conduct in the performance of the duties imposed by the provision of this ordinance or any regulatory code herein adopted, or any damage to any utility lines, streets, or sidewalks in CLAY County or for the use of defective or improper material in such work, or for any damage which may occur to any person by reason of any default of the contract, or for the payment of any inspection or other fees required by this ordinance.

Section 3-3. PERMITS REQUIRED.

(A) Building Permit. No person shall commence or proceed with the construction, reconstruction, alteration, repair, remove, or demolition of any building or other structure, or any part thereof, without permit therefor from the Building Inspector; provided, however, that no building permit shall be required for work the total cost of which does not exceed that shown in the fee schedule and which does not involve any change of the structural parts or the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. Local Board of Health approval of property for septic tanks required where sewage system cannot be connected to city or county sewer.

In all cases of removal or demolition of a building or structure, a good and sufficient bond in the sum of \$ _____ shall be posted by the property owner or by his contractor at the time of application for a permit, to insure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his contractor to completely demolish, remove and clear the premises, after thirty (30) days notice by the Building Inspector, shall be cause for forfeiture of such bond.

(B) Plumbing Permit. No person shall commence or proceed with the installation, extension or general repair of any plumbing service without a written permit therefor from the Plumbing Inspector; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of plumbing if such repairs or replacements do not disrupt the original water supply for the waste or ventilating systems. Local Board of Health approval of property for septic tank required where sewage system cannot be connected to city or county sewer.

(C) Heating-Air Conditioning Permit. No person shall commence or proceed with the installation, extension, alteration or general repair of a heating or cooling equipment system without a written permit therefor from the heating-air conditioning inspector; provided, however, no permit shall be required for minor repairs or minor burner services or filter replacements of warm air furnaces or cooling system.

(D) Electrical Permit. No person shall commence or proceed with the installation, extension, alteration, or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the Electrical Inspector; provided, however, no permit shall be required for minor repair work such as the replacement of lamps or the connection or portable devices to suitable receptacles which have been permanently installed; provided, further no permit shall be required for the installation, alteration, or repair of the electrical wiring, devices, appliances and equipment installed by or for an electrical public utility corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such corporation in the operation of signals or the transmission of intelligence.

Section 3-4. APPLICATION FOR PERMIT. Written application shall be made for all permits required by this ordinance, and shall be made on forms provided by the Department. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative, and, in addition to such other information as may be required by the appropriate inspector to enable him to determine whether the permit applied for should be issued, shall show the following:

- (A) Name, residence and business address of owner;
- (B) Name, residence, and business of authorized representative or agent, if any;
- (C) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which application is made.

Section 3-5. PLANS AND SPECIFICATIONS. Detailed plan and specifications shall accompany each application for permit when the estimated total cost of the building or structure is in excess of \$10,000.00 and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this ordinance and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector.

Section 3-6. LIMITATIONS: ISSUANCE OF PERMITS

(A) No building permit will be issued for any building or structure the estimated total cost of which is more than \$30,000.00, unless the work is to be performed by a licensed general contractor pursuant to G.S. _____. Provided, however, that all persons presently engaged in contracting in CLAY County, North Carolina, on the effective date of this ordinance who do not hold such license shall be granted a grace period to July 1, 1985 from and after the effective date of this ordinance within which to obtain same.

(B) Where any provision of the General Statutes of North Carolina or of any ordinance required that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such licensed specialty contractor.

(C) Where detailed plans and specifications are required under this ordinance, no building permit shall be issued unless such plans and specifications have been provided.

Section 3-7. ISSUANCE OF PERMIT. When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this ordinance and the appropriate regulatory codes, he shall issue such permit, upon payment of the proper fee or fees as hereinafter provided in Section 3-11.

Section 3-8. 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 such revocation. Permits shall be revoked for any material departure from the approved application, plans, or specifications; for refusal or failure to comply with requirements of this ordinance and the appropriate regulatory codes; or for false statements or misrepresentations made in securing such permit.

Section 3-9. TIME LIMITATIONS ON VALIDITY OF PERMITS. All permits issued under this ordinance shall expire by limitation six months 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 twelve months, the permit therefor shall immediately expire. No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been issued.

Section 3-10. CHANGES IN WORK. After a permit has been issued, changes or deviations from the plans or specifications involving any work under the jurisdiction of this ordinance or of any regulatory code adopted herein, shall not be made until specific written approval of such changes or deviations has been obtained from the appropriate inspector.

Section 3-11. PERMIT FEES. Fees for permits shall be based upon the total estimated cost of the proposed work, including all subcontractors, if any, but in no case shall the total estimated cost be less than the market value of similar completed work in CLAY County as determined by the appropriate inspector or inspectors. Permit fees shall be established by the Board of County Commissioners and duly posted at the office of the Department. The initially established fees are attached; they shall be reviewed annually by the Board of County Commissioners.

ARTICLE IV ENFORCEMENT OF HOUSING CODE AND CONDEMNATION PROCEDURES

Section 4-1. DUTY OF INSPECTION DEPARTMENT. The Department shall be responsible for the enforcement of any ordinances or codes adopted by the governing body relating to the repair, closing and demolition of dwellings unfit for human habitation, pursuant to Part 6, Article 19, Chapter 160A, of the General Statutes of North Carolina.

Section 4-2. DUTY OF BUILDING INSPECTOR. Any building or structure or part thereof, partially destroyed or otherwise, which is found by the building inspector to be in such a dilapidated state of disrepair or other substandard condition as to be dangerous to life, health or other property, or to constitute a fire or safety hazard or a public nuisance shall be declared by the building inspector to be unsafe, pursuant to Article 27, Chapter 153, of the General Statutes of North Carolina, Sections 153-358 to 153-364.

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

The building inspector shall have authority, and it shall be his duty to declare all such buildings or structures unsafe and to take appropriate action to have such conditions corrected or removed.

Such declaration by the building inspector shall constitute an order of condemnation for the purposes of this article.

Section 4-3. DUTY OF OWNER: PROCEDURE. Whenever any building or structure has been condemned by the building inspector, and the existence of such building or structure in a dilapidated state of disrepair or other substandard condition is found and determined by the building inspector or, upon appeal from or report by the building inspector as hereafter provided, by the CLAY County Board of Commissioners, to be dangerous to life, health, or other property, or in such condition as to constitute a fire or safety hazard or a public nuisance, the owner or owners of such building or structure shall be required to demolish and remove the same and remedy such conditions under the regulations and procedures herein provided; and in the event such owner fails or refuses to do so within the time directed by the building inspector or by the Board of Commissioners, as hereinafter provided, the Board of Commissioners may cause the same to be demolished and removed or cause such other steps to be taken as it may find to be necessary to suppress and abate the nuisance and remove the fire or safety hazard and to danger to life, health, or other property found to exist, and specially assess the cost and expense of doing said work against the lot or parcel of land on which the said building or structure is located.

Section 4-4. NOTICE AND HEARING. Before any building or structure may be ordered to be demolished and removed as provided in Section 4-3 herein, the building inspector shall notify the owner or owners thereof, in writing, by certified or registered mail to the last known address of such owner, or by personal service of such notice by said building inspector or his assistant or by posting notice as hereinafter provided, that said building or structure is in such condition as appears to constitute a fire or safety hazard or danger to life, health or other property, or to be a public nuisance, and that a hearing will be held before said building inspector at a designated place at a time not less than ten (10) days after the date of such written notice, at which time and place the owner shall be entitled to be heard in person or by counsel upon all legal or factual questions relating to the matter and shall be entitled to offer such evidence as he may desire which is relevant or material to the questions sought to be determined or the remedies sought to be effected. If the name or whereabouts of the owner cannot, after due diligence, be discovered, the notice herein referred to shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least ten days prior to the date fixed for the hearing and a notice of the hearing published in a newspaper one time having general circulation in CLAY County at least one week prior to the date fixed for such hearing. Such notice shall state the address or location of the building or structure and the time, place and purpose of the hearing.

Section 4-5. ORDER TO REMEDY OR DEMOLISH. If, upon such hearing, the building inspector shall find that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard or to be dangerous to life, health or other property, or is a public nuisance, he shall make an order in writing, directed to the owner of said building or structure, requiring the owner to remedy such conditions so found to exist by demolishing and removing said buildings or structure or taking such other steps as may be necessary to abate the nuisance, and remove the hazards, within such period, not less than sixty (60) days, as the building inspector may prescribe.

Section 4-6. APPEAL: FINALTY OF ORDER IF NOT APPEALED. The owner of any building or structure ordered by the building inspector to be demolished and removed, or who is directed by the building inspector to take any other steps to abate a nuisance or remove hazards found by the building inspector to exist, shall have the right to appeal from such orders to the Board of Commissioners for the County of CLAY, provided, such owner gives notice of appeal to the building inspector at the time of the hearing at which the order is made, or within ten (10) days after such order is made, files with the building inspector a written notice of such appeal. Notice of appeal shall state the grounds therefor. Unless an appeal is taken within the time and in the manner herein prescribed, the action of the building inspector shall be deemed final, subject only to such action as the Board of Commissioners may take as herein elsewhere provided. Where an appeal has been properly taken and notice thereof given in accordance with the provisions of this section, it shall be the duty of the building inspector to report the same to the Board of Commissioners who shall cause the matter to be placed on the agenda for action by the Board at its next ensuing regular meeting. The Board of Commissioners shall, in its discretion, have the right to continue the hearing of the appeal from time to time.

~~Section 4-7. REPORT WHEN OWNER FAILS TO COMPLY . In the event the owner does not appeal from the final order or direction of the building inspector requiring that the building or structure be demolished and removed, or in the event the taking of such other steps were required to abate the nuisance and remove the hazards, and the owner fails or refuses to comply with such order and direction, it shall be the duty of the building inspector to file a written report thereof with the Clerk to the Board of Commissioners who shall cause such report to be placed on the agenda for action by the Board of Commissioners at its next ensuring regular meeting or to some subsequent meeting to which the Board of Commissioners may continue the same. The building inspector shall mail a copy of said report by certified or registered mail to the owner at his last known address, or have a copy of said report delivered to said owner. Said report shall specify the date of the meeting of the Board of Commissioners for which the matter will be docketed for action.~~

Section 4-8. ORDER OF BOARD OF COMMISSIONERS: ASSESSMENT OF COSTS. In all cases referred to in this ordinance which reach the Board of Commissioners for action, either upon appeal of the owner from the ruling of the building inspector or upon report of the building inspector that the owner fails or refuses to comply with his order or direction, the Board shall hear the matter, and if it finds and determines that the building or structure in question is in such a dilapidated or substandard state of disrepair as to constitute a fire or safety hazard, or to be dangerous to life, health or other property, or is a public nuisance, and that the owner of said building or structure has failed or refused to abate the nuisance and has failed or refused to take such other steps as may be necessary to abate the nuisance and remove the hazards found to exist, it may cause the demolition and removal of such building or structure to be done, or effect such other remedies as may be necessary to abate the nuisance and remove the hazards, and specially assess the cost of such work against the lot or parcel of land on which the building or structure was situated; and such assessment shall constitute a specific lien upon said lot or parcel of land, which may be enforced by an action instituted in the name of Jackson County in the nature of an action to foreclose a mortgage as provided by North Carolina General Statutes in the case of as valorem taxes and local improvement assessments.

Section 4-9. WHEN NOTICE OF BOARD OF COMMISSIONERS HEARING REQUIRED. In cases in which the building inspector has been unable to give the owners actual notice of hearing in the manner hereinabove provided, and has given such notice by posting and publishing the same as authorized in Section 4-4, and the owner has failed or refused to comply with the order or direction of the building inspector to demolish and remove the building or structure, or take such other remedial action as will remove the hazards, and such case is referred to the Board of Commissioners for action, the Board shall, before taking action, cause to be posted on the outside of the building or structure in question at least ten (10) days prior to the date fixed for hearing, and published one time in a newspaper having general circulation in Jackson County at least one week prior to the date fixed for such hearing, a written notice stating the address or location of the building or structure involved and the time, place and purpose of the hearing, and such information as the Board may deem advisable.

Section 4-10. PRESUMPTION OF DANGER TO PUBLIC. In all cases in which the Board of Commissioners under authority of this Article, causes the demolition and removal of any building or structure to be carried out, or directs such other remedial steps to be taken as may be necessary to abate the nuisance and remove the hazards, it shall be conclusively presumed that the public nuisance and the fire and safety hazard and danger to life, health or other property, created and maintained by the continued presence of said building or structure in such condition as is found to exist, constitute a clear and present danger amounting to a situation of emergency involving the public health, safety and general welfare, which requires entry upon private property for the summary abatement and removal of such danger, in the public interest.

Section 4-11. WILLFUL FAILURE OR REFUSAL TO COMPLY WITH ORDER. It shall be unlawful for any person willfully to fail or refuse to comply with any final order or direction of the building inspector or the Board of Commissioners made by virtue of this Article, and any person violating this Article shall, upon conviction, be punished as provided by North Carolina General Statutes for the violation of County ordinances, and every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or the Board of Commissioners made by virtue of this Article, shall constitute a separate and distinct offense.

Section 4-12. CONSTRUCTION OF ARTICLE. It is the legislative intent of the Board of Commissioners in enacting this Article that each section and subdivision is separate and divisible from any other section, and if any provision hereof should be held or declared by a court of competent jurisdiction to be invalid for any reason, such decision or holding shall not affect the validity of any other section or provision hereof.

This Article is in addition to, and not in substitution for, any other ordinance affecting the same subject matter.

ARTICLE V. ADOPTION BY MUNICIPALITIES

Section 5-1. Municipalities within Clay County may by resolution of their governing board, adopt the provisions of this ordinance. The County Department will then assume responsibility for inspections and enforcement of such codes within the respective municipality.

Section 5-2. The municipalities of Clay County may amend any of the adopted codes by increasing but not by decreasing any requirement or provision.

ARTICLE VI. MISCELLANEOUS.

Section 6-1. All ordinances or resolutions of the Board in conflict with this ordinance are hereby repealed. Except as the extent that such resolution or ordinances are in conflict with this ordinance, the same are still in full force and effect.

This is the 8th day of April, 1985.

BOARD OF COMMISSIONERS
CLAY COUNTY, NORTH CAROLINA

Harold E. Lane

Hubert Cook

Dan McFlanery

ATTEST:
(SEAL)

Steve Potts
