

Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

***Cross references**—Alarm systems, Ch. 3; fire prevention and protection, Ch. 8; flood damage prevention, Ch. 9; planning, Ch. 15; solid waste management, Ch. 18; street signs and building numbers, § 19-21 et seq.

State law reference—State Building Code applicable to all municipalities, G.S. § 29-253.



Sec. 6-1. Building permit fees.

The fees required for the issuance of building permits and inspections related thereto pursuant to the State Building Code are set from time to time and a schedule of such fees is on file in the town clerk's office.

(Ord. of 10-16-78; Ord. of 4-21-80)

Sec. 6-2. Violations.

Any person who shall violate a provision of the State Building Code or shall fail to comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or of a permit or certificate issued under the provisions of the State Building Code shall be guilty of a violation, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding one (1) year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

(Ord. of 10-18-71)

Sec. 6-3. Stop-work order.

Any person who shall continue any work in or about the building after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

(Ord. of 10-18-71)

Sec. 6-4. Waiting period for demolition permits for buildings or structures over sixty years old.

(1) As authorized by G.S. § 29-406(b), there will be a ninety-day waiting period before granting any permit for the demolition of any building or structure, five hundred (500) square feet or larger, that is more than sixty (60) years old. Said waiting period shall commence on the date of newspaper publication.

(2) In the construction of this section, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases that have been given working definitions in state demolition regulations, shall be construed and understood accordingly.

(3) Any applicant for a demolition permit shall provide the following information verified under oath on a form provided by the land use department:

- (a) The name, if any, and address of the building or structure to be demolished;
- (b) The name and address of the owner of the building or structure to be demolished;
- (c) The age of the building or structure to be demolished;
- (d) The square footage of the building or structure to be demolished; and
- (e) The names and addresses of the owners of all properties adjoining the property on which the building or structure to be demolished is located according to an attached copy(s) of a pertinent portion of the current assessor's map.

(4) Within five (5) days of the filing of an application for a demolition permit for a building or structure five hundred (500) square feet or larger that is over sixty (60) years old, the applicant shall issue notices set forth in this section containing information provided in subsections (3)(a)—(c) along with a statement that an application for a demolition permit is pending, that information may be obtained from the building official, and that any objection to the demolition must be filed in writing with the building official within forty-five (45) days of publication notice to prevent the shortening of the waiting period established by town ordinance:

- (a) Publication notice delivered prepaid to a newspaper having a general circulation in the town with direction that it be published within seven (7) days of receipt;
- (b) First class mail notice to the owners, as verified from the real property records on file in the office of the assessor, of all

property adjoining the property on which the building or structure to be demolished is located;

- (c) First class mail notice to each historic district commission in the town, the Madison Historical Society, the Deacon John Grave Foundation, the Charlotte L. Evarts Memorial Archives and the residential association (if applicable) in which the building or structure is located;
- (d) Notice by posting a sign of a size no smaller than twenty-four (24) by thirty-six (36) inches on the property on which the building or structure to be demolished is located in a conspicuous place visible from a public or other accessing street. The sign shall contain the word "DEMOLITION" in capital letters no less than three (3) inches high. If there is more than one (1) building or structure proposed for demolition, a sign shall be posted on or near each of them. Said sign shall include contact information for the property owner and/or his/her agent and the building official and shall remain on the property from the time of posting until the final demolition; and
- (e) First class mail or hand delivery notice to the land use office, verifying that all the notices required in subsections (a)—(d) have been made with copies of subsections (a)—(c) notices attached and evidence of mailing for subsections (b) and (c) in the form of United States Post Office certificates of mailing included. A copy of the published legal notice shall also be forwarded to the land use office by first class mail or hand delivery within seven (7) days of publication.

(5) A separate fee for demolition applications shall be set by the board of selectmen and charged by the land use office for all demolition applications that require administrative review under this section to defray the cost of all such review.

(6) If no written objection to the granting of the demolition permit is filed with the land use office within forty-five (45) days of the publication notice set forth in subsection (4)(a), the balance of the waiting period shall be waived.

(7) The provisions of this section shall not apply to orders of the building official or the director of health for emergency applications because of hazardous buildings or structures posing a threat to public health or safety.

(Ord. of 5-8-06, §§ 1—7)