

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

BRIEFING DRAFT

MEETING DATE: APRIL 15, 2021

AGENDA ITEM NUMBER: 22

**SUBJECT: ORDINANCE REVISING CHAPTER 1 (GENERAL PROVISIONS), CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS), CHAPTER 9 (EMERGENCY MANAGEMENT), CHAPTER 20 (STREETS), AND CHAPTER 25 (APPEARANCE COMMISSION) OF THE FORSYTH COUNTY CODE**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:**

**SUMMARY OF INFORMATION:**

ATTACHMENTS:

YES

NO

SIGNATURE: \_\_\_\_\_

COUNTY MANAGER

DATE: \_\_\_\_\_

**ORDINANCE REVISING CHAPTER 1 (GENERAL PROVISIONS), CHAPTER 7 (BUILDINGS AND BUILDING REGULATIONS), CHAPTER 9 (EMERGENCY MANAGEMENT), CHAPTER 20 (STREETS), AND CHAPTER 25 (APPEARANCE COMMISSION) OF THE FORSYTH COUNTY CODE**

**WHEREAS** the North Carolina General Assembly has modified portions of Chapters 153A (Counties), and 160A (Cities and Towns) of the North Carolina General Statutes into a new Chapter 160D, entitled, Local Planning and Development Regulation;

**WHEREAS** citations to Chapters 153A and 160A of the North Carolina General Statutes contained in the Forsyth County Code must be updated to reference the relevant portions of new Chapter 160D; and

**WHEREAS** in reviewing the County Code, County Staff identified technical errors and omissions, including two technical changes in Section 7 that staff recommends correcting: (1) incorporation of the term Abandoned Structure as set forth in N.C.G.S. 160D-1201 into the County's minimum housing code; and (2) inclusion of provisions allowing for the filing of a lis pendens under N.C.G.S. 1-120.2, and all other technical changes are not substantive;

**NOW THEREFORE, BE IT ORDAINED**, by the Forsyth County Board of Commissioners that the following chapters of the Forsyth County Code shall be amended as shown on Attachment A: Chapter 1 entitled, General Provisions, Chapter 7 entitled, Buildings and Building Regulations, Chapter 9 entitled, Emergency Management, Chapter 20 entitled, Streets, and Chapter 25 entitled, Appearance Commission; and

**BE IT FURTHER ORDAINED**, that this ordinance shall become effective July 1, 2021.

Adopted this 15<sup>th</sup> day of April 2021.

## Chapter 1 - GENERAL PROVISIONS

[\[1\]](#)

Footnotes:

Sec. 1-1. - How Code designated and cited.

The provisions in the following chapters and sections shall constitute and be designated the "Forsyth County Code" and may be so cited.

**Editor's note**— Sec. 1 of an ordinance and resolution adopted by the Town of Rural Hall on June 10, 1974, Sec. 1 of an ordinance and resolution adopted by the Town of Walkertown on August 23, 1984; and Sec. 1 of an ordinance and resolution adopted by the Village of Clemmons on December 3, 1986; and Secs. 1—3, of an ordinance and resolution adopted by the Town of Lewisville on August 15, 1991; and Secs. 1—3, adopted by the Village of Tobacoville on September 23, 1991, provided substantially as follows:

All of the ordinances and actions of the Board of County Commissioners of Forsyth County having the effect of Ordinances shall continue and remain in effect within the incorporated and jurisdictional limits of the Towns of Rural Hall and Walkertown and the Village of Clemmons and the Town of Lewisville and the Village of Tobacoville, shall be fully applicable and enforceable within the towns, village and jurisdictional limits as in the unincorporated areas of the County.

County Ord. No. 9-91, adopted August 26, 1991, acknowledged receipt of the Town of Lewisville ordinance and resolution and agreed to such continuation and enforcement.

County Ord. No. 13-91, adopted September 23, 1991, acknowledged receipt of the Village of Tobacoville ordinance and resolution and agreed to such continuation and enforcement.

It should be noted that County Ord. No. 18-86, adopted December 15, 1986, acknowledged receipt of the Village of Clemmons ordinance and resolution and agreed to such continuation and enforcement. Subsequently, Ord. No. 8-91, adopted Aug. 12, 1991, provided as follows:

1.

The Board of Commissioners of Forsyth County hereby amends its Resolution and Ordinance adopted December 15, 1986, by relinquishing its jurisdiction for planning and the regulation of development within the corporate limits of the Village of Clemmons, other than set forth in section 2. below, pursuant to the provisions of Article ~~192~~ of Chapter ~~160A160D~~ of the North Carolina General Statutes, ~~effective 12:00 a.m. midnight, August 31, 1991.~~

2.

By agreement with the Village of Clemmons, the Board of Commissioners retains jurisdiction over enforcement of the State Building Code and local building code enforcement, including Chapter 7 of the

Forsyth County Code, as provided in ~~Part 4 of~~ Article ~~1811 and~~ Article 2, Section 202 of Chapter ~~153A160D~~ of the North Carolina General Statutes, including the retention of fees for those services.

3.

Except as provided in section 1. above, the agreement between Forsyth County and the Village of Clemmons dated July 1, 1987, for services furnished by the County to the Village remains in effect.

The Town of Bethania adopted Ord. No. One and Resolution on June 12, 1995, which provided that all ordinances and actions having the effect of ordinances of Forsyth County shall be applicable within the town and the jurisdictional limits thereof. Subsequently, Forsyth County adopted a resolution on June 26, 1995, approving an agreement between the county and the Town of Bethania for services to be provided to the town and acknowledging receipt of the town's Ord. No. One. Such agreement is not set out at length herein, but is on file and available for inspection in the offices of the town clerk and the clerk of the county board of commissioners.

The Town of Lewisville by Res. No. 95050 adopted Sept. 15, 1995, requested that Forsyth County Board of Commissioners relinquish jurisdiction for planning, zoning, and regulation of development within the incorporated limits of the town; hence, the county adopted a resolution on Sept. 25, 1995, ~~to provide that the county waives the two year notice requirement of G.S. 160A-360(q) in order that~~ allowing the Town of Lewisville may to assume jurisdiction for planning, zoning and subdivision regulation effective at 12:01 a.m. on Nov. 1, 1995, within the incorporated town limits; and that all other county ordinances continue to apply within the town limits, including building code enforcement, and the county will continue to retain the fees and charges pursuant to such ordinances.

(Ord. No. 19-2018, 12-20-18)

**State Law reference**— Authority of county to adopt and issue a code of its ordinances, G.S. 153A-49; pleading and proving county ordinances, G.S. 153A-50.

Sec. 1-2. - Definitions and rules of construction.

In the construction of this Code and of all ordinances of the board of county commissioners, the following definitions and rules shall be observed, unless inconsistent with the manifest intent of the board of county commissioners, or unless the context clearly requires otherwise:

*Board.* The terms "board," or "board of county commissioners" and "board of commissioners" shall mean the Board of County Commissioners of Forsyth County, North Carolina.

*Code.* The term "Code" or "this Code" shall mean the Forsyth County Code, as designated in section 1-1.

*County.* The words "the county" or "this county" shall mean the County of Forsyth, State of North Carolina.

*Gender.* A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, associations and corporations, as well as to males.

*G.S.* The designation "G.S." appearing in the text or in the state law references shall refer to the General Statutes of North Carolina, as amended.

*Highway.* The word "highway" shall include any street, alley, highway, avenue or public square, bridge, viaduct, tunnel, causeway, and sidewalk lying within the highway right-of-way, dedicated or devoted to public use.

*Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*Month.* The word "month" shall mean a calendar month.

*N.C. Admin. Code, NCAC.* These terms refer to the North Carolina Administrative Code.

*Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

*Number.* Any word importing the singular number only may extend and be applied to several persons and things as well as to one (1) person and thing.

*Oath.* The word "oath" shall be construed to include an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in like cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn."

*Officers, departments, etc.* Where reference is made to any department, officer or agency, it shall be construed as if followed by the words "of Forsyth County, North Carolina."

*Official time standard.* Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the county.

*Or/and.* "Or" may be read "and," and "and" may be read "or" if the sense requires it.

*Owner.* The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

*Person.* The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate, as well as to individuals.

*Personal property.* The words "personal property" include every species of property except real property as herein defined.

*Preceding/following.* The words "preceding" and "following" mean next before and next after respectively.

*Property.* The word "property" shall include real and personal property.

*Real property.* The term "real property" shall include lands, tenements and hereditaments.

*Shall.* The word "shall" is mandatory.

*Signature or subscription.* The word "signature" or "subscription" shall include a mark properly witnessed when a person cannot write.

*State.* The words "the state" or "this state" shall be construed to mean the State of North Carolina.

*Street.* The term "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, squares, bridges, viaducts, tunnels, causeways, sidewalks lying within the street right-of-way, and all other public highways.

*Tenant or occupant.* The word "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Written or in writing.* The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

*Year.* The word "year" shall mean a calendar year.

(Ord. No. 19-2018, 12-20-18)

**State Law reference**— Similar rules of construction, G.S. 12-3.

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. This section shall not apply to the zoning ordinance, as set out in chapter 23 of this Code.

(Ord. No. 19-2018, 12-20-18)

Sec. 1-4. - Certain ordinances and resolutions not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following ordinances or resolutions, which are not included herein:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the county, or authorizing the issuance of any bonds of the county or any evidence of the county's indebtedness;
- (2) Any appropriation ordinance or resolution or ordinance or resolution providing for the levy of taxes or for an annual budget, or prescribing salaries, retirement benefits, and other compensation for county officers and employees;
- (3) Any ordinance or resolution granting any franchise, permit or other right;
- (4) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;
- (5) Any ordinance or resolution authorizing or otherwise relating to any public improvement project or work;
- (6) Any ordinance or resolution zoning or rezoning specific property or amending the zoning map;
- (7) Any temporary or special ordinance or resolution or ordinance or resolution of limited interest or transitory nature;

and all such ordinances and resolutions are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(Ord. No. 19-2018, 12-20-18)

**State Law reference**— Authority to omit ordinances of the types enumerated above from the Code, G.S. 153A-49.

Sec. 1-5. - Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

(Ord. No. 19-2018, 12-20-18)

Sec. 1-6. - Amendments or additions to Code.

- (a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "That section \_\_\_\_\_ of the Forsyth County Code is hereby amended to read as follows: . . . ." The new provisions shall then be set out in full as desired.
- (b) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Forsyth County Code is hereby amended by adding a section, to be numbered \_\_\_\_\_, which said section reads as follows: . . . ." The new section shall then be set out in full as desired.

(Ord. No. 19-2018, 12-20-18)

Sec. 1-7. - Supplementation of Code.

- (a) By contract or by county personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of county commissioners. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board of county commissioners during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
  - (1) Organize the ordinance material into appropriate subdivisions;
  - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
  - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
  - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Ord. No. 19-2018, 12-20-18)

**State Law reference**— Authority to maintain Code by replacement pages, G.S. 153A-49.

Sec. 1-8. - General penalty; continuing violations.

Wherever in this Code or in any ordinance of the county any act is prohibited or is made or declared to be unlawful or an offense or a class 3 misdemeanor, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a class 3 misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00) for each separate violation. Each day any violation of this Code or any ordinance shall continue shall constitute a separate offense, unless otherwise specified.

If any person shall violate an ordinance of the county regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00), except where state law or provisions of this Code specify a different penalty.

(Ord. No. 19-2018, 12-20-18)

**State Law reference**— Violations of county ordinances deemed misdemeanors punishable as prescribed above, G.S. 14-4. See also G.S. 153A-123, prescribing alternate methods for enforcement of ordinances.

Sec. 1-9. - Alternate remedies for enforcement.

In addition to the provisions of section 1-8, any provision of this Code or other ordinance of the county may be enforced by any one (1) or more of the remedies authorized by G.S. 153A-123.

(Ord. No. 19-2018, 12-20-18)

Sec. 1-10. - Entry and inspection.

Any authorized personnel, representative, or official of the county charged with the enforcement of an ordinance or ordinances of Forsyth County contained in the Code shall have the right, after exhibiting proper identification, to peacefully enter and inspect property for the purpose of determining if a violation or violations of such ordinance or ordinances of the county exist due to conditions existing upon property; provided that such entry shall be with the permission, freely given, of the owner or occupant of said property; and if such owner or occupant shall refuse to grant the right to enter and inspect, said personnel, representative, or official of the county shall have all the remedies allowed and provided by law, including Article 4A of Chapter 15 of the North Carolina General Statutes entitled "Administrative Search and Inspection Warrants" and any amendments or successor statutes thereto. No application for a warrant shall be made under this section without the approval of the county attorney.

(Ord. No. 19-2018, 12-20-18)

Sec. 1-11. - Assault.

If any person shall willfully and unlawfully assault any authorized personnel, representative, or official of the county while discharging or attempting to discharge a duty of his position or office in the enforcement of an ordinance or ordinances of Forsyth County contained in the Code, such person shall be guilty of a misdemeanor. No legal proceedings shall be initiated under this section without the approval of the county attorney.

(Ord. No. 19-2018, 12-20-18)

Sec. 1-12. - Severability of parts of Code.

It is hereby declared to be the intention of the board of county commissioners that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the board of county commissioners without the incorporation into this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

(Ord. No. 19-2018, 12-20-18)

## Chapter 7 - BUILDINGS AND BUILDING REGULATIONS<sup>41</sup>

### Footnotes:

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**Editor's note**— Ord. No. 05-2019, adopted Oct. 10, 2019, amended Ch. 7 in its entirety to read as herein set out. Former Ch. 7, §§ 7-1—7-116, pertained to similar subject matter and derived from Res. of 2-1-60; Res. of 1-7-63; Res. of 9-13-65; Ord. No. 11-19-73, Div. A, §§ 1—5, 7—12, 14—16, Div. B, §§ 1—5, Div. C, §§ 1, 2, Div. D, §§ 1, 2, 6, Div. E; Ord. of 8-5-74; Ord. No. 8-75, §§ 1—3, 10-20-75; Ord. No. 1-78, § 1, 2-6-78; Ord. No. 2-81, §§ 1—5, 7—10, 7-27-81; Ord. No. 3-81, §§ 1, 2, 9-28-81; Ord. No. 7-84, §§ 1—3, 9-10-84; Ord. No. 2-85, §§ 4—7, 1-31-85; Ord. No. 12-87, §§ 1—8, 7-27-87; Ord. No. 5-90, §§ 1—6, 5-14-90; Ord. No. 5-92, §§ 1, 2, 5-26-92; Ord. No. 10-92, §§ 1—4, 11-23-92; Ord. No. 8-93, § 1, 12-20-93; Ord. No. 2-95, § 1, 7-10-95; Ord. No. 3-95, §§ 1, 2, 7-10-95; Ord. No. 1-96, §§ 1, 2, 6-24-96; Ord. No. 1-99, § 1, 1-11-99; Ord. No. 4-99, §§ 1, 2, 6-17-99; Ord. No. 3-2001, §§ 1—5, 10-8-01; Ord. No. 2-2003, §§ 2—7, 9, 6-23-03; Ord. No. 2-2004, §§ 1—3, 5, 6, 11-22-04; Ord. No. 1-2014, §§ 1—4, 9-23-13; Ord. No. 1-2015, § 1, 8-10-15; Ord. No. 1-2016, §§ 1—4, 6-13-16; Ord. No. 2-2016, § 1, 6-13-16.

### ARTICLE I. - IN GENERAL

#### Sec. 7-1. - Definition.

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

(Ord. No. 05-2019, 10-10-19)

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

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

(Ord. No. 05-2019, 10-10-19)

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

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

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

**Federal law reference**— Compliance of federal buildings with local building codes and zoning laws, consideration of local laws and cooperation with local officials required, 40 U.S.C. § 3312.

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

- (a) In addition to other remedies specified in this article, the building inspector may maintain in the name of Forsyth County an action of injunction to restrain any violation of the building codes adopted by this article.
- (b) *Fee for stop work order.* When a lawful stop work order is issued under G.S. ~~453A-364~~[160D-404\(b\)](#), a fee of two hundred twenty-five dollars (\$225.00) shall be paid for it to be lifted, in addition to other requirements to comply with the building code.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-4. - Extra inspection.

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

(Ord. No. 05-2019, 10-10-19)

Sec. 7-5. - Double fee.

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

(Ord. No. 05-2019, 10-10-19)

Sec. 7-6. - Violations and penalties.

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

(Ord. No. 05-2019, 10-10-19)

**State Law reference**— G.S. ~~453A-357~~[160D-1110](#).

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

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

(Ord. No. 05-2019, 10-10-19)

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

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

(Ord. No. 05-2019, 10-10-19)

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

- (a) There shall be a joint city/county department of planning and development services. This office shall serve as the planning and inspections agency for the purposes of G.S. [chapter 153A-352](#) and [chapter 160A-412-160D-402](#) and said office shall operate in accordance with joint resolutions adopted by the board of county commissioners and the city council, and in accordance with applicable state law.
- (b) A joint inspection department created by two or more units of government shall have the authority to enforce the code in all areas of legal jurisdiction of all units of government supporting the joint department.
- (c) The responsibility for administration and enforcement of the code has been allocated to local code enforcement officials under the supervision of state officials as designated within section 203 of the state building code.
- (d) Inspection department shall:
  - (1) Receive applications and supporting data for permits;
  - (2) Issue or deny permits;
  - (3) Make all necessary inspections;
  - (4) Identify technical provisions found to be inconsistent with the inspection;
  - (5) Issue or deny certificates of compliance and certificates of occupancy;
  - (6) Issue stop work orders or orders to correct violations;
  - (7) Maintain adequate records of permits issued or denied, inspections made, corrections ordered and certificates issued; and
  - (8) Take other actions that may be required to adequately enforce the code.
- (e) No state or local government employee shall enforce any provision of the North Carolina State Building Codes who does not possess an appropriate valid certificate issued by the North Carolina Code Official's Qualification Board as specified by applicable state law.
- (f) Unless he or she is the owner of the building, no officer or employee of an inspection department shall be financially interested or employed by a business that is financially interested in furnishing labor, material, or appliances for the construction, alteration, or maintenance of any building within the county's territorial jurisdiction or any part or system thereof, or in making plans or specifications therefor. No member of any inspection department or other individual or an employee of a company contracting with a county to conduct inspections may engage in any work that is inconsistent with his or her duties or with the interest of the county, as determined by the county.

- (g) The code enforcement officer shall have the right to enter buildings or premises as prescribed in ~~G.S. 153A-360 and G.S. 153A-364~~ G.S. 160D-403(e), G.S. 160D-1117, and G.S. 160D-1207.
- (h) As outlined in G.S. ~~153A-364~~160D-404(b) and G.S.160D-1114, a county code enforcement official is authorized to issue stop work orders. ~~The statute~~These statutes outlines: 1) when a stop work order can be issued; 2) how the stop work order is to be issued: and 3) how the stop work order may be appealed.
- (i) A county code enforcement official is authorized to condemn an unsafe building as prescribed in G.S. ~~153A-366~~ 160D-1119.
- (j) It shall be unlawful for any person to commence or proceed with the construction, alteration, repair, or movement to another site, removal or demolition of any building; install, extend, or repair any plumbing system; install, extend, or repair any heating or cooling equipment; or install, extend, alter, or repair any electrical wiring, devices, appliances, or equipment without first securing from the inspection division with jurisdiction over the site of the work each permit required by the North Carolina State Building Codes and other applicable state or local laws or ordinances or regulation applicable to the work.
- (k) Per G.S. ~~153A-358~~160D-403(c) and 160D-1111 a permit expires six (6) months, or any lesser time fixed by local ordinances, after the date of issuance if the work authorized by the permit has not commenced. If after commencement, the work is discontinued for a period of twelve (12) months, the permit immediately expires. No work authorized by a permit that has expired may be performed until a new permit has been issued.
- (l) After a permit has been issued, no change or deviation from the terms of the application, the plans and specifications, or the permit, except if the change or deviation is clearly permissible under the state building code, may be made until specific written approval of the proposed change or deviation has been obtained from the inspection division.
- (m) A permit application shall be filed with the inspection division on a form furnished for that purpose. The inspection division shall make available a list of information which must be submitted with the building permit application, including a complete building code summary and a permit application information sheet.
- (n) Where required by law, no permit shall be issued unless the construction documents (drawings and specifications), bear the North Carolina seal of a registered design professional. Construction documents shall include the name and address of the business entity (individual, corporation or partnership) with whom the registered design professional is affiliated.
- (o) Where required by law, that general construction, plumbing, mechanical, electrical, fire protection or gas work be performed by an appropriately licensed individual, no permit for such type work shall be issued to an unlicensed person or firm.
- (p) It shall be the duty of every person who contracts for the installation or repair of a building or service system to comply with state or local rules and regulations concerning licensing. It shall be the contractor's responsibility to conform to the technical codes for all installations or repairs of a building or service system.
- (q) In accordance with state law, the inspection division shall examine each application for a permit to determine if it is in compliance with the requirements of the technical codes and other pertinent laws and ordinances. If the inspection department is satisfied that the work described in the application conforms to the requirements of the technical codes and other pertinent laws and ordinances, it shall issue a permit to the applicant. If the application does not conform to the requirements of the technical codes and other pertinent laws and ordinances, the application shall be returned to the applicant with the reasons for refusal stated.
- (r) Permits shall be required for the installation, connection of units, foundations, utility connections or alterations of buildings or components manufactured off the site and labeled by a third-party agency accredited and listed by the building code council.

- (s) Third party certification agencies shall be accredited and listed by the building code council. Inspection and certification of buildings or components manufactured off the site and labeled by a third-party agency shall be accepted by the inspection department without further inspection. Permits and fees may be required for any installation, connection of units, foundations, utility connections or alterations of such work.
- (t) A permit issued shall be construed as permission to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Issuance of a permit shall not prevent the inspection department from requiring correction of errors in plans, construction or violations of this Code.
- (u) The code enforcement official shall revoke, in writing, a permit or approval issued under the provisions of this chapter or the technical code for, but not limited to:
  - (1) Any substantial departure from the approved application, drawings or specifications;
  - (2) Refusal or failure to comply with the requirements of any applicable state or local laws;
  - (3) Any false statement or misrepresentation as to the material facts in the application or plans on which the permit or approval was based.
- (v) The code enforcement official may revoke a permit upon determination that the work for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter or the technical codes.
- (w) A permit shall not be issued until the fees prescribed by the local governing authority have been paid. No amendment to a permit shall be released until the additional fee, if any, has been paid.
- (x) If any person commences any work on a building or service system before obtaining the necessary permit, he or she shall be subject to a penalty as established by the local governing board.
- (y) The inspection division ~~shall~~may make periodic inspections as specified in G.S. ~~453A-364160D-1117~~ and G.S. 160D-1207.
- (z) Inspections of schools for fire hazards shall be in accordance with G.S. 115C-525(b).
- (aa) A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the inspection department has issued a certificate of compliance. The certificate of compliance shall not be issued until all required service systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the inspection department.
- (bb) Upon satisfactory completion of a building, plumbing, mechanical, electrical, fire protection or gas system, or portion thereof, a certificate of compliance shall be issued. The certificate of compliance represents that a structure or system is complete and for certain types of permits is permission granted for connection to a utility system. The certificate of compliance shall not be construed to grant authority to occupy a building.
- (cc) A temporary/partial certificate of compliance may be issued permitting occupancy for a stated period for specific portions of a building or service system that the inspector finds safe for occupancy prior to final completion of the entire building or system.
- (dd) Upon satisfactory completion of a building and after the final inspection, the inspection department may issue a certificate of occupancy. The certificate of occupancy shall state the occupancy may be safely occupied.
- (ee) A certificate of occupancy for any existing building may be obtained by applying to the inspection department and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, the code enforcement official may require detailed drawings and inspections to determine compliance with the applicable codes. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a certificate of occupancy shall be issued. The certificate shall state the approved occupancy type.

- (ff) No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the technical codes until approved by the inspection department and a certificate of compliance is issued.
- (gg) The inspection department may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems.
- (hh) Whenever a stop order has been issued by an inspection department involving alleged violations of the state building codes, the owner or builder may appeal in writing to the commissioner of insurance, or his or her designee, within five (5) days after the date the order is issued, with a copy of the appeal to the inspection department. No further work may take place in violation of a stop order. The commissioner, or his or her designee, shall promptly conduct an investigation. The inspection department and the owner or builder shall be permitted to submit relevant evidence for the investigation. The commissioner of insurance, or his or her designee, shall provide a written statement of the decision setting forth the facts found, the decision reached and the reasons for the decision. In the event of dissatisfaction with the decision, the person affected shall have the option of appealing as set forth in the statutes.
- (ii) When required by the code enforcement official, signs stating the occupant load determined in accordance with occupant load specified in the technical codes shall be posted by the owner of the building in each assembly room, auditorium or room used for a similar purpose where fixed seats are not installed. The seating capacity shall be determined in accordance with the technical codes and signs posted at locations approved by the code enforcement official. It shall be unlawful to remove or deface such notice or to permit more than this legal number of people within such space.

The signs shall read as follows:

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

- (jj) In case any building or structure is constructed or its purpose altered so that it becomes in violation of the technical codes, or if the occupancy limits established are exceeded, the code enforcement official may institute any appropriate action or proceedings, including civil remedies, to:
  - (1) Prevent the unlawful erection, construction or reconstruction or alteration of purpose, or overcrowding;
  - (2) Restrain, correct or abate the violation; or
  - (3) Prevent the occupancy or use of the building, structure or land until the violation is corrected.
- (kk) It shall be unlawful for any person to erect, alter, repair or move any building or structure without first obtaining a permit from the building inspector, and before any such operations are begun the owner shall apply to the building inspector for a permit. The application for a permit shall be made upon a form supplied by the building inspector. The application and the permit shall contain a statement that the work shall be done in accordance with the provisions of this Code and all other laws pertaining to the work. No permit shall be required for any construction, installation, repair, replacement, or alteration costing fifteen thousand dollars (\$15,000.00) or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing.

(Ord. No. 05-2019, 10-10-19)

**State Law reference**— Permits. ~~G.S. 153A-357, et seq.~~ Chapter 160D articles 4 and 11 of the North Carolina General Statutes.

Secs. 7-10—7-14. - Reserved.

## ARTICLE II. - BUILDING PERMITS AND INSPECTIONS

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

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

(Ord. No. 05-2019, 10-10-19)

**State Law reference**— ~~County inspection departments Administration, Enforcement, and Appeals, G.S. 153A-351-160D, article 4 et seq.;~~ authority to contract with municipality for inspection services, ~~G.S. 153A-353~~G.S. 160D-402(c).

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

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

(Ord. No. 05-2019, 10-10-19)

**State Law reference**— Duties and responsibilities, G.S. ~~153A-352(b)~~160D-402; Architects, G.S. 83A.

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

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

(Ord. No. 05-2019, 10-10-19)

**State Law reference—** [Building permits, G.S. 153A-357](#) Administrative development approvals, [G.S. 160D-403](#) et seq.

Sec. 7-18. - Permit fees generally.

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

*Value Fee*

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

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

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

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

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

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

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

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

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

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

Manufactured home permit ..... \$100.00

Modular home permit ..... \$100.00

Commercial building evaluation ..... \$250.00

Temporary certificates of occupancy (TCO) ..... \$50.00

Plus, per unfinished trade ..... \$35.00

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

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

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

	Building**	Electrical*	Plumbing	Mechanical Electrical	Mechanical Fossil Fuel	Gas Appliance As Separate Permit

Single-family residential (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Single-family additions (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Townhouse, condo, twin home, urban home: per unit	\$206.00	\$138.00	\$162.00	\$86.00	\$100.00	\$100.00
Duplex: per unit (per sq. ft.)	\$0.15	\$0.09	\$0.09	\$0.09	\$0.09	\$100.00
Apartment, first unit:	\$206.00	\$90.00	\$71.00	\$98.00	\$100.00	\$100.00
Each additional unit in building:	\$53.00	\$55.00	\$41.00	\$23.00	\$32.00	\$12.00

\* Does not include temporary saw service.

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

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

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

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

- (c) Upon application to the inspections director, or designee, for a building permit for new nonresidential construction and residential and nonresidential additions, the permit applicant shall pay a building permit fee based on the actual cost of construction, which shall be a cost not less than seventy-five (75) percent of the square foot value for the type of construction and occupancy obtained from the most recent "Building Valuation Data" table for North Carolina published by the International Code Council, Inc. Building permit fees for new residential construction shall be as provided in subsection (b).

- (d) *Plan review fee required.* Upon application to the inspections director for any proposed construction project for which a plans review is conducted prior to the issuance of a permit, a non-refundable plans review fee shall be paid at the time the permit application is submitted according to the following schedule:

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

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

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

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

(Ord. No. 05-2019, 10-10-19)

Secs. 7-19—7-36. - Reserved.

#### ARTICLE III. - PLUMBING PERMITS AND INSPECTIONS

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

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

(Ord. No. 05-2019, 10-10-19)

**State Law reference**— ~~County inspection departments Administration, Enforcement, and Appeals~~, G.S. ~~153A-351-160D~~, article 4 et seq.; authority to contract with municipality for inspection services ~~G.S. 153A-353~~G.S. 160D-402(c).

Sec. 7-38. - Inspection fees.

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

(Ord. No. 05-2019, 10-10-19)

Sec. 7-39. - Fee for after-hours inspections.

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

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

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

(Ord. No. 05-2019, 10-10-19)

Secs. 7-40—7-49. - Reserved.

#### ARTICLE IV. - MECHANICAL PERMITS AND INSPECTIONS

Sec. 7-50. - Violations and penalties.

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

(Ord. No. 05-2019, 10-10-19)

**State Law reference**— ~~County inspection departments Administration, Enforcement, and Appeals, G.S. 153A-351-160D, article 4 et seq.;~~ authority to contract with municipality for inspection services ~~G.S. 153A-353G.S. 160D-402(c).~~

Sec. 7-51. - Fee for after-hours inspections.

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

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

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

(Ord. No. 05-2019, 10-10-19)

Sec. 7-52. - Schedule of permit fees.

- (a) *Fees for new residential construction, additions to existing residential structures, and alterations to existing single family/townhouse residential construction.* Fees for new residential construction, additions to existing residential structures, and alterations to existing single family/townhouse residential construction are set forth in section 7-18(b).
- (b) *Fees for nonresidential construction.* For nonresidential construction and alterations, the following fees shall apply:
  - (1) *Heat-producing equipment.* Permit fees for installation, conversion or replacement of the following shall be in accordance with Schedule I:
    - a. Each boiler, furnace, or air handler with electric heat, including the duct distribution system therefor when covered by the same permit, fired by fossil fuel, solid fuel, electricity or solar energy.

- b. Each floor furnace, wall circulator or heater, circulating heater, direct-fired unit heater, gas radiator, blast furnace, rotary dryer, annealing furnace, duct heater or industrial oven fired by fossil fuel, solid fuel, electricity or solar energy.
- c. Each domestic or commercial hot water system fired by fossil, solid or solar energy.
- d. Nonresidential gas-fired cooking appliances.
- e. Conversion or replacement of any of the equipment mentioned in this subsection.

## SCHEDULE I

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

Nonresidential, per unit listed above:

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

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

Residential or nonresidential:

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

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

## SCHEDULE II

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

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

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

Over 25 tons ..... \$108.00

Duct only ..... \$21.00

Residential or nonresidential:

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

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

### SCHEDULE III

Exhaust systems, each (cubic feet per minute):

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

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

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

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

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

### SCHEDULE IV

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

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

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

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

### SCHEDULE V

Refrigeration units:

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

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

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

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

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

(Ord. No. 05-2019, 10-10-19)

Secs. 7-53—7-99. - Reserved.

### ARTICLE V. - ELECTRICAL PERMITS AND INSPECTIONS

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

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

(Ord. No. 05-2019, 10-10-19)

Sec. 7-101. - Permit fee schedules.

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

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

(1) Rough hot outlets and fixtures:

1—50 ..... \$24.00

51—100 ..... \$47.00

101—500 outlets ..... \$122.00

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

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

(3) General:

Temporary saw service ..... \$65.00

Change of service:

Residential ..... \$84.00

Commercial ..... \$102.00

Reconnect current:

Residential ..... \$65.00

Commercial ..... \$84.00

Temporary current:

Individual meters ..... \$75.00

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

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

Swimming pools ..... \$138.00

Bonding only ..... \$65.00

Signs:

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

Christmas tree lots ..... \$70.00

Transmission towers ..... \$70.00

(4) Other (each):

CATV amplifiers ..... \$7.50

Gasoline dispensers ..... \$7.50

Welding machines ..... \$7.50

Generators ..... \$7.50

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

Room air conditioners ..... \$7.50

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

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

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

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

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

a. Residential:

Each heating unit ..... \$24.00

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

b. Commercial:

Each heating unit ..... \$42.00

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

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

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

(Ord. No. 05-2019, 10-10-19)

Sec. 7-102. - Fee for after-hours inspections.

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

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

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

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

(Ord. No. 05-2019, 10-10-19)

Secs. 7-103—7-110. - Reserved.

#### ARTICLE VI. - MINIMUM HOUSING STANDARDS

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

Pursuant to G.S. ~~160A-441~~160D-1201, it is hereby declared that there exist in Forsyth County dwellings which are unfit for human habitation for reasons which include, but are not limited to, dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light, and safely maintained facilities, and other conditions rendering them substandard, unsafe, unsanitary, dangerous, and/or detrimental to the health, safety, and welfare of the residents of Forsyth County.

It is further declared that there exists in Forsyth County abandoned structures that constitute a health or safety hazard as a result of the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. The repair, closing, or demolition of such structures shall be made pursuant to the same provisions as are prescribed by this Code for the repair, closing, or demolition of dwellings found to be unfit for human habitation.

As expressly authorized by G.S. ~~chapter 160A, article 19, part 6~~G.S. chapter 160D, article 12 (Minimum Housing Standards), the purpose of this article is to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, and to provide for the repair or demolition of all structures designed or utilized for such purposes but found to be substandard or unfit under the terms of this article, and to impose requirements upon owners and occupants for maintaining these minimum standards.

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

(Ord. No. 05-2019, 10-10-19)

**State Law reference**— Authority to provide for minimum housing standards, G.S. ~~160A-441, et seq~~160D, article 12.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-112. - Definitions.

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

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

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

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

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

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

*Dwelling* shall mean any building, structure, manufactured home or mobile home, or part thereof, which is wholly or partly used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S. ~~460A-383-5~~160D-915, shall be considered dwellings for purposes of this article, provided that any ordinance provision of this article requiring minimum square footage shall not apply to such structures.

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

*Governing body* shall mean Forsyth County Board of Commissioners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. No. 05-2019, 10-10-19)

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

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

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

(Ord. No. 05-2019, 10-10-19)

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

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

- (1) Walls, partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean, buckle, and shall not be rotten, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents;
- (2) Floors or roofs shall have adequate supporting members and strength and be in a condition which is structurally sound and safe for the purpose used;
- (3) Foundations, foundation wall, piers or other foundation supports shall be in a condition which is structurally sound and safe for the purpose used. The foundation shall be on firm, reasonably dry ground, and there shall be no water standing or running under the building;
- (4) Steps, stairs, landings, porches, decks, balconies, or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse; and
- (5) Adequate facilities for egress in case of fire or emergency shall be provided.

(Ord. No. 05-2019, 10-10-19)

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

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

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

unit so equipped shall be provided with sufficient chimney, flues, gas vents and/or fireplaces in accordance with the provisions of the North Carolina State Building Codes. Portable or unvented room heaters are not permitted as a primary source of heating. No unvented fossil fuel burning appliances shall be allowed in sleeping areas.

(3) *Electrical systems.*

- a. Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two (2) floor or wall-type electric convenience receptacles in each room located on separate walls, and also one (1) electric light switched at each outside entrance, connected in such manner as determined by the National Electric Code. There shall be installed in every bathroom, toilet room, laundry room and furnace room at least one (1) supplied ceiling or wall-type electric light fixture, with a switch. Electrical outlets in dwellings which have been ordered by the housing administrator to be repaired shall conform to the minimum standards set forth in this article.
- b. Every public hall and stairway in every multiple dwelling unit shall be adequately lighted by switched electric lights at all times when natural daylight is not sufficient.
- c. All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the National Electrical Code.

(Ord. No. 05-2019, 10-10-19)

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

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

(Ord. No. 05-2019, 10-10-19)

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

- (a) *Resistance to weather damage and rodent infestation.* Every foundation wall, exterior wall and exterior roof shall be substantially weather tight and rodent proof and kept in sound and good repair. Every floor, interior wall and ceiling shall be substantially rodent proof, kept in sound condition and good repair. Every window, exterior door, basement, cellar door, and hatchway shall be substantially weather tight, watertight, rodent proof and kept in sound working condition and good repair. All exterior doors shall have an apparatus for opening and closing the door on both sides, a locking mechanism which can be opened from both sides of the door and kept in sound repair.
- (b) *Infestation.* Owners and renters shall, by generally accepted methods of pest control, be responsible for maintaining the premises free of any insects, rodents or other pests within the premises.
- (c) *Garbage and rubbish storage and disposal.* Property owners and/or occupants shall not allow the accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, the accumulation

of stagnant water, or the inhabitation of rats, mice, snakes, or vermin of any kind which may be dangerous or prejudicial to the public health.

- (d) *Drainage.* Every yard shall be properly graded and maintained to ensure thorough drainage away from the dwelling unit to prevent the accumulation of stagnant water.
- (e) *Egress.* Every dwelling unit shall be provided with adequate and unobstructed means of egress (exit) as required by the state building code.
- (f) *Noxious weeds and tall grass.* Yards and areas surrounding a dwelling shall be kept free of species of weeds or plant growth which are noxious or detrimental to health or provide breeding places for insect or rodent infestation.

(Ord. No. 05-2019, 10-10-19)

**Cross reference**— Definitions, 19-1; enforcement of regulations and laws pertaining to solid waste and recovered material management, 19-2; generator of garbage, refuse, and recovered material, 19-4; storage, 19-5.

Sec. 7-118. - Minimum space requirements.

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

(Ord. No. 05-2019, 10-10-19)

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

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

- (1) *Toilet, hand lavatory and bath facilities.* At least one (1) toilet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition shall be supplied for each four (4) rooms within a rooming house wherever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall not be more than one (1) story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar or uninhabitable basement.

- (2) *Minimum floor areas.* Every room occupied for sleeping purposes by one (1) occupant shall have the minimum floor space as required by state residential building codes.
- (3) *Sanitary conditions.* The operator of a rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house. The operator shall be further responsible for the sanitary maintenance of the entire premises of the entire structure or building within which the rooming house is contained and leased or occupied by the operator.
- (4) *Sanitary facilities.* Every toilet, flush urinal, lavatory basin and bathtub or shower required by subsection (1) of this section shall be located within the rooming house and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the rooming house or through any other room therein.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-120. - Designation of housing administrator, powers and duties.

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

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

(Ord. No. 05-2019, 10-10-19)

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

For the purposes of making inspections, the housing administrator is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling units, or rooming units or the person in charge thereof, shall give the housing administrator free access to such dwelling, dwelling unit, or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful order issued pursuant to the provisions of this article. If the occupant or owner refuses the housing administrator admittance, then the housing administrator may obtain an administrative inspection warrant.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-122. - Enforcement procedures.

- (a) Whenever a petition is filed with the housing administrator by a public authority or by at least five (5) residents of the county charging that any dwelling is unfit for human habitation, or whenever it appears to the housing administrator (on his own motion) that any dwelling is unfit for human habitation, the housing administrator shall, if his/her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and parties in interest in such dwellings notification stating the charges in that respect, and:
- (1) Containing a notice that a hearing will be held before the housing administrator (or designated agent) at a place within the county in which the property is located;
  - (2) Set not less than ten (10) days nor more than thirty (30) days after the serving of the complaint;
  - (3) That the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
  - (4) That the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the housing administrator.
- (b) *Dwelling unfit for human habitation.* If after notice and hearing, the housing administrator determines that the dwelling under consideration is unfit for human habitation, he/she shall state in writing his/her findings of fact in support of that determination and shall issue and cause to be served upon the owner thereof an order:
- (1) *Deteriorated/suitable for repair.* If the repair, alteration or improvement of the dwelling can be made at a cost not in excess of sixty (60) percent of the value as estimated by the housing administrator, the owner is required, within the time specified, to repair, alter or improve the dwelling in order to render it fit for human habitation. The order may require that the property be vacated and closed if continued occupancy during the time allowed for repair will prevent a significant threat of bodily harm, taking into account the nature of the necessary repairs, alterations, or improvements, the current state of the property, and any additional risks due to the presence and capacity of minors under the age of eighteen (18) or occupants with physical or mental disabilities. The order shall state that the failure to make timely repairs as directed in the order shall make the dwelling subject to the issuance of further orders under this article for failure to make repairs; or
  - (2) *Dilapidated/unsuitable for repair.* If the repair alteration or improvement of the dwelling cannot be made at a cost not in excess of sixty (60) percent of its value as estimated by the housing administrator, requiring the owners, within the time specified in the order, to demolish and remove such dwelling.
  - (3) Notwithstanding any other provision of law, if the dwelling is located in a historic district and the historic district commission determines, after a public hearing as provided by this article, that the dwelling is of particular significance or value toward maintaining the character of the district, and the dwelling has not been condemned as unsafe, the order may require that the dwelling be vacated and closed consistent with G.S. [chapter 160A, part 3C-160D, article 9, part 4.](#)
- (c) *If deteriorated—Owner fails to repair.*
- (1) If the owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the housing administrator may cause the dwelling to be repaired, altered or improved or to be vacated and closed; and the housing administrator may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words:  
*"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."*  
Occupation of a building so posted shall constitute a Class 1 misdemeanor.

The duties of the housing administrator as set forth in this subdivision shall not be exercised until the governing body shall have by ordinance ordered the public officer to proceed to effectuate the purpose of G.S. ~~chapter 160A, part 6~~ 160D, article 12, with respect to the particular property or properties which the housing administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. This ordinance shall be recorded in the office of the register of deeds in the county wherein the property or properties are located and shall be indexed in the name of the property owner in the grantor index.

- (2) If the housing administrator has issued an order, ordering a dwelling to be repaired, but said dwelling has been vacated and closed, and remains unrepaired for a period of one (1) year from the date of the order, then the housing administrator may ask the governing body to enact an ordinance finding the following:
  - a. That the owner has abandoned the intent and purpose to repair, alter or improve the dwelling in order to render it fit for human habitation, and
  - b. That the continuation of the dwelling in its vacated and closed status would be harmful to the health, safety, morals, and welfare of the county in that the dwelling:
    1. Would continue to deteriorate;
    2. Would create a fire and safety hazard;
    3. Would be a threat to children and vagrants;
    4. Would attract persons intent on criminal activities;
    5. Would cause or contribute to blight and the deterioration of property values in the area; and
    6. Would render unavailable, property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this state.
- (3) The governing board may, after the expiration of such one-year period, enact an ordinance and serve notice on the owner, requiring the owner demolish and remove the dwelling within ninety (90) days, and authorizing the housing administrator to demolish the dwelling on behalf of the county should the owner fail to do so and execute appropriate subsequent legal action as may be necessary to hold the owner responsible for the costs of the demolition and transportation and proper disposal of the resulting debris.
- (4) This ordinance shall be recorded with the Forsyth County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this article, the housing administrator shall effectuate the purpose of this article.
- (d) *If dilapidated—Owner fails to demolish.* If the owner fails to comply with an order to remove or demolish the dwelling, the housing administrator may cause such dwelling to be removed or demolished. The duties of the housing administrator set forth in this article shall not be exercised until the governing body shall have by ordinance ordered the housing administrator to proceed to effectuate the purpose of this article with respect to the particular property or properties which the housing administrator shall have found to be unfit for human habitation and which property or properties shall be described in the ordinance. No such article shall be adopted to require demolition of a dwelling until the owner has first been given a reasonable opportunity to bring it into conformity with the housing standards. For the purposes of this section, a period of ninety (90) days following the date of the housing administrator's order shall constitute a reasonable opportunity. This ordinance shall be recorded in the office of the register of deeds in the county where the property or properties are located and shall be indexed in the name of the property owner in the grantor index.
- (e) *Liens.* That the amount of the cost of repairs, alterations or improvements, or vacating and closing, or removal or demolition by the housing administrator shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected in the same

manner as the lien for a special assessment. If the dwelling is removed or demolished by the housing administrator, he/she shall make commercially reasonable efforts to sell the materials of value of the dwelling, and personal property, fixtures or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition and any balance remaining shall be deposited in the superior court by the housing administrator, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court. Nothing in this section shall be construed to impair or limit in any way, the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

- (f) *Refusal to vacate.* If any occupant fails to comply with an order to vacate a dwelling, the housing administrator may file a civil action in the name of the county to remove such occupant. The action to vacate the dwelling shall be in the nature of summary ejectment and shall be commenced by filing a complaint in naming as parties-defendant any person occupying such dwelling. The clerk of superior court shall issue a summons requiring the defendant to appear before a magistrate at a certain time, date and place not to exceed ten (10) days from the issuance of the summons to answer the complaint. The summons shall be returned according to its tenor, and if on its return it appears to have been duly served, and if at the hearing the housing administrator produces a certified copy of any ordinance adopted by the governing board pursuant to subsection (d) authorizing the officer to proceed to vacate the occupied dwelling, the magistrate shall enter judgment ordering that the premises be vacated and that all persons be removed. The summons and complaint shall be served as provided in G.S. 42-29. The judgment ordering that the premises be vacated shall be enforced in the same manner as the judgment for summary ejectment entered under G.S. 42-30. An appeal from any judgment entered hereunder by the magistrate may be stayed as provided in G.S. 7A-228 and the execution of such judgment may be stayed as provided in G.S. 7A-227. An action to remove an occupant of a dwelling who is a tenant of the owner may not be in the nature of a summary ejectment proceeding pursuant to this paragraph unless such occupant was served with notice at least thirty (30) days before the filing of the summary ejectment proceeding that the governing board ordered the housing administrator to proceed to exercise his/her duties under the preceding subsections of this section to vacate and close or remove and demolish the dwelling.
- (g) *Notice to certain housing organizations.* Whenever a determination is made that a dwelling must be vacated and closed, or removed or demolished, under the provisions of this section, notice of the order shall be given by first-class mail to any organization involved in providing or restoring dwellings for affordable housing that has filed a written request for such notices. A minimum period of forty-five (45) days from the mailing of such notice shall be given before removal or demolition by action of the housing administrator, to allow the opportunity for any organization to negotiate with the owner to make repairs, lease, or purchase the property for the purpose of providing affordable housing. The housing administrator or clerk shall certify the mailing of the notices, and the certification shall be conclusive in the absence of fraud. Only an organization that has filed a written request for such notices may raise the issue of failure to mail such notices, and the sole remedy shall be an order requiring the housing administrator to wait forty-five (45) days before causing removal or demolition.
- (h) Upon the issuance of a complaint and notice of hearing or order pursuant thereto, as set forth above, the housing administrator may cause a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, to be filed in the office of the clerk of superior court for Forsyth County. This lis pendens shall comply in form and substance with the requirements of G.S. 1-120.2.

(Ord. No. 05-2019, 10-10-19)

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

Notices or orders issued by the housing administrator shall be served upon persons either personally or by registered or certified mail. When service is made by registered or certified mail, a copy of the notice or order may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within ten (10) days

after mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the housing administrator in the exercise of reasonable diligence, or, if the owners are known but have refused to accept service by certified mail, the housing administrator shall make an affidavit to that effect, then the serving of the complaint or order upon the owners or other persons may be made by publication in a newspaper having general circulation in Forsyth County at least once no later than the time at which personal service would be required under this article. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-124. - Appeals.

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

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

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

All appeals are subject to the remedies and procedures outlined in G.S. ~~460A-446~~ 160D-1208.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-125. - Violations.

- (a) The violation of any provision of this article shall constitute a Class 3 misdemeanor as provided by G.S. 14-4.
- (b) In cases where the housing administrator determines that violations of the article exist, but those violations do not rise to the level of making the dwelling unfit for human habitation, the housing administrator shall not be required to give notice and hold a hearing in the same manner as for unfit dwellings.

- (c) Violations which do not result in a finding of a dwelling unfit for human habitation remain subject to penalties and enforcement. The administrator may issue warnings and notices of violations, and may swear out criminal charges for violation of the article.
- (d) In addition to the remedies otherwise provided by this article, this article may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction, including injunction and order of abatement.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-126. - Alternate remedies.

- (a) Neither this article nor any of its provisions shall be construed to impair or limit in any way the power of Forsyth County to define and declare nuisances, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other article or laws.
- (b) Remedies may include all remedies authorized by G.S. ~~460A-446~~160D-1208, including institution of an action with the court to prevent the unlawful erection construction, reconstruction, alteration or use of a dwelling, to correct or abate the violation, to prevent the occupancy of the dwelling, or to prevent any illegal act, conduct or use in or about the premises of the dwelling.

(Ord. No. 05-2019, 10-10-19)

Sec. 7-127. - Conflict with other provisions.

In the event any provision, standard, or requirement of this article is found to be in conflict with any provision of any other ordinance or code of Forsyth County, the provision which established the higher standard or more stringent requirement for the promotion and protection of the health and safety of the residents of Forsyth County shall prevail.

(Ord. No. 05-2019, 10-10-19)

Sec. 9-27. - Financial responsibility.

- (a) *Generally; billing and collection of costs.* The spilling of hazardous materials is dangerous and prejudicial to public health and safety and shall constitute a nuisance under G.S. ~~160A-193~~ 153A-140. The property owner or the person exercising or having control over the hazardous materials that created the emergency and nuisance shall be financially responsible for any expenses incurred by the county or a volunteer fire department during the abatement, containment, and control of hazardous materials. The office of emergency management, through the county finance department, shall be responsible for billing and collecting from said owner or other persons all such costs associated with a hazardous materials response by the office of emergency management.
- (b) *Lien for payment of charges.* Failure of the person in default to pay the charges assessed shall give the county the right to levy a lien upon the land or premises where the hazardous material response arose. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes pursuant to authority in G.S. 153A-140. The expense of the action is also a lien on any other real property owned by the person in default within the county, except for the person's primary residence. The additional lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection, as it relates to the additional lien, shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

(Ord. No. 02-2019, 7-25-19)

## Chapter 20 - STREETS<sup>(1)</sup>

### Footnotes:

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**Editor's note**— Ord. No. 1-2017, § 1, adopted Jan. 23, 2017, amended Ch. 20 in its entirety to read as herein set out. Former Ch. 20, §§ 20-1—20-10, pertained to similar subject matter and derived from Ord. No. 1-2013, 3-11-13.

**Cross reference**— Provision of air quality control ordinance permitting the setting of fires for maintenance of rights-of-way, § 3-45(a)(4), (7); buildings and building regulations, Ch. 7; erosion control, Ch. 9; motor vehicles and traffic, Ch. 14; zoning ordinance, Ch. 23.

**State Law reference**— General authority of county relative to streets and roads, G.S. ~~153A-239-153A-243~~ [153A, article 12](#).

### ARTICLE I. - ADDRESS NUMBERS AND STREET NAMES

#### Sec. 20-1. - Purpose of article.

The purpose of this article is to establish a procedure for the assignment or reassignment of address numbers and street names for property in Forsyth County. The Addressing and Street Naming Guidelines and Procedures Manual, "Addressing Manual," adopted by the Addressing Technical Committee, sets forth the procedures for addressing and naming streets.

(Ord. No. 1-2017, 1-23-17)

#### Sec. 20-2. - Definition.

- (a) *Address* is defined as an identifier used to describe the specific location and can be comprised of a street number, directional prefix, street name, street type, unit type, or unit number.
- (b) *Address reference system* is defined as the set of rules for assigning street names and address numbers within a given jurisdiction.
- (c) *Master address repository*. "MAR" is defined as a database containing all the address numbers, addressing format, street naming format, street name spelling, zip codes and locations.
- (d) *Street* is defined to include road, drive, access easement, right-of-way access area, or highway.
- (e) *Subaddress* is defined as an identifier that uniquely identifies a separately occupied portion of a building or an individual building or structure on a property with a single address and multiple buildings thereon. A subaddress consists of a subaddress type (unit, suite, etc.) and subaddress identifier.

(Ord. No. 1-2017, 1-23-17)

#### Sec. 20-3. - Scope of article.

The scope of this article shall include the assignment or reassignment of all official address numbers and street names, after first complying with the provisions of G.S. 153A-239.1, if applicable, to residential, nonresidential, and other property, within the County and outside the jurisdictional limits of the City of Winston-Salem and the Town of Kernersville, including assignment of subaddresses. It shall not include the assignment of parcel identification numbers to real estate.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-4. - Role of the addressing coordinator.

- (a) The addressing coordinator is appointed by the MapForsyth Geographic Information Officer (GIO).
- (b) The duties of the addressing coordinator:
  - (1) *Assignment of address numbers.* The addressing coordinator shall assign or reassign official address numbers in accordance with this article;
  - (2) *Street naming.* The addressing coordinator shall research, verify and recommend to the county the official name, type and directional for streets within the county and outside the jurisdictional limits of the City of Winston-Salem and the Town of Kernersville;
  - (3) *Database development and maintenance.* The addressing coordinator shall maintain the Forsyth County Master Address Repository (MAR) as part of the Forsyth County Enterprise Geographic Information System (GIS). This MAR shall contain the address numbers, street names and subaddresses which have been assigned to parcels of land, buildings and their internal occupancies, or other facilities; and
  - (4) *Addressing and street naming procedures.* The addressing coordinator shall maintain the addressing manual, that sets forth the address reference system rules and other guidelines for the assignment of address numbers, street names and subaddresses throughout the county and outside the jurisdictional limits of the City of Winston-Salem and the Town of Kernersville. With the assistance of the addressing technical committee (ATC), the addressing manual may be amended from time to time to reflect new land use patterns, changes in addressing conditions and other changes as necessary.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-5. - Addressing technical committee.

- (a) The ATC shall consist of representatives of organizations within Forsyth County, the City of Winston-Salem and other municipalities and may include the following:

MapForsyth Addressing Team

Forsyth County Tax Administration

Winston-Salem Department of Transportation

Winston-Salem/Forsyth County Planning and Development Services

Winston-Salem/Forsyth County Emergency Management

Forsyth County Emergency Services

Forsyth County Sheriffs Office

Winston-Salem Fire Department

Winston-Salem Police Department

Winston-Salem Sanitation Division

City-County Utilities Division

The Town of Lewisville

The Village of Clemmons

The Town of Kernersville

The Town of Bethania

- (b) Members are responsible for actively informing the committee of actions that involve addressing or street naming in their organizations, and representing their organization on matters to be considered by the ATC.
- (c) The ATC shall:
  - (1) Assist the addressing coordinator in resolving complex addressing and street naming problems;
  - (2) Advocate to the public, elected officials, and member organizations for improvements to addressing systems and practices, including supporting requests for fiscal resources and staff;
  - (3) Convene annually to elect officers and to review the Addressing and Street Naming Guidelines and Procedures Manual; and
  - (4) Hear appeals for the public on street naming decisions.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-6. - Address reference system.

*Coordinate grid established.* The address number assignments or reassignments shall be based on a coordinate system established within Forsyth County. The meridians of such system shall begin inside Winston-Salem at the intersection of First and Main Streets, and shall be established as follows: north along N. Main Street, N. Patterson Avenue and Old U.S. 52 to the Stokes County line; west along W. First Street, Country Club Road, and Shallowford Road to the Yadkin County line; south along S. Main Street and U.S. 52 to the Davidson County line; and east along E. First Street and U.S. 421/1-40 Business to the Guilford County line. These meridians shall be the base lines for the purpose of address number assignment and determining whether a street directional is necessary. A directional is only to be used for streets that cross the aforementioned north/south or east/west meridians.

Each street running east and west, or substantially in that course, shall, for the purpose of numbering under this section, begin at the east and west side of the east/west meridian, as the case may be, with number one, increasing east and west from such initial point to the corporate limits of the county, as they now exist or may hereafter be extended.

Each street running north and south, or substantially in that course, shall, for the purpose of numbering under this section, begin at the north and south side of the north/south meridian, as the case may be, with number one, increasing north and south from such initial point to the corporate limits of the county, as they now exist or may hereafter be extended.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-7. - Addressing format.

*Address format established.* All addresses shall comply with the Federal Geographic Data Committee (FGDC) United States Thoroughfare, Landmark, and Postal Address Data Standard. Each address shall at a minimum be comprised of the following elements, in the following order:

- (1) Address number, conforming to the coordinate grid;
- (2) Directional prefix, as necessary, based on the coordinate grid referenced in section 20-6;
- (3) Street name, conforming to this article and addressing manual;
- (4) Street type, conforming to the list maintained in the addressing manual;

- (5) Subaddress type, as necessary, and conforming to the addressing manual; and
- (6) Subaddress identifier, as necessary. The subaddress identifier shall be comprised of numbers.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-8. - Street naming standards.

- (a) *Street names required.* Subject to G.S. 153A-239.1, if applicable, street names are required for planned or existing public or private streets.
- (b) All street names shall comply with the addressing manual.
- (c) *Signage.* All named streets shall be properly marked with signage in accordance with the Addressing Manual and the NCDOT Manual of Uniform Traffic Control Devices.
- (d) *Cost of signs.* A party requesting to name or rename a street shall be responsible for the cost of the sign. When Forsyth County initiates a street renaming the county shall be responsible for the cost of the street sign.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-9. - Address assignment.

The addressing coordinator shall assign or reassign an address number or subaddress in accordance with this article and the addressing manual. The addressing coordinator shall assign or reassign addresses based on the address reference system established in Forsyth County as described in section 20-6 of this article.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-10. - Display of address numbers.

- (a) *Required address display format.* Every owner or occupant in control of property with a house, building, or other structure shall affix to the house, building or other structure and display at all times the official address number assigned or reassigned to such property pursuant to this article, at a place visible from the street on which the property is addressed. All address numbers shall be displayed numerically in Arabic numerals and shall not be spelled as words. Whenever new official numbers are assigned or reassigned, they shall be displayed pursuant to the provisions of this section by the owner or occupant in control of the property within thirty (30) days following the notification of such assignment or reassignment.
  - (1) *Size and location of numbers.* The size and location of address numbers shall be in accordance with the North Carolina State Building Code.
  - (2) *Color of numbers.* All displays of official address numbers shall be of a contrasting color (i.e., light numbers on dark surfaces; dark numbers on light surfaces) to the color of the building or structure located on the subject property, and such displays shall be readable when illuminated.
  - (3) *Structures located distant from the street on which they front.* Where a house, building or other structure is located more than one hundred (100) feet from the street on which such property is accessed, or the topography or vegetation of such property prevents the address numbers from being seen from the street, the assigned address numbers shall be posted on a sign or post that is located no more than ten (10) feet from the intersection of the street and the driveway. The assigned address numbers posted shall not be less than four (4) inches in height and shall comply with the color requirements in subsection (a)(2) above.

- (b) *Maintenance.* Following the posting of the address number as required, the owner or occupant in control of the property shall maintain such numbers at all times in accordance with the standards of this article.
- (c) *Applicability to existing structures.* Owners or occupants in control of all houses, buildings or other structures within the county and outside the jurisdictional limits of the City of Winston-Salem and the Town of Kernersville shall comply with the provisions contained in this article upon its adoption.
- (d) *Noncompliance.*
  - (1) If any property owner or occupant in control of the property shall fail or refuse to comply with section 20-10, the Forsyth County Fire Marshal shall have authority, after giving five (5) days' written notice to the owner or occupant, to remove or cause to be removed any unofficial address number displayed on the property of such owner or occupant, and to properly display upon such property the official address number assigned thereto, all at the expense of the owner or occupant in control of such property.
  - (2) If any property owner or occupant in control of the property shall fail or refuse to comply with this article, the Forsyth County Fire Marshal shall have the authority, upon five (5) days' written notice to such owner or occupant, to initiate enforcement measures in accordance with section 20-11.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-11. - Violations and penalties.

- (a) *Enforcement.* The property owner or occupant in control of the property shall display the assigned address in accordance with the requirements of this article. The failure of any person, firm or corporation which is an owner or occupant in control of a house, building or other structure to have affixed thereto or to have otherwise displayed the official address number of such property in accordance with the standards contained in section 20-10 of this article shall be considered a violation of this article and an abatable nuisance. In addition to all other remedies provided by law, the Forsyth County Fire Marshal shall have authority to pursue enforcement of this article following written notice to the property owner or occupant in control of the property from the Forsyth County Fire Marshal. The property owner or occupant in control of the property shall have five (5) days from the date of written notice to correct the deficiencies listed therein.

If the individual receiving notice does not correct such deficiencies, the Forsyth County Fire Marshal shall have authority to secure injunctions and abatement orders to insure compliance through the appropriate division of the North Carolina General Court of Justice.

- (b) *Criminal enforcement.* Any person who violates this article or any provisions thereof, shall be guilty of a class 3 misdemeanor and may be fined not more than five hundred dollars (\$500.00).
- (c) *Civil enforcement.* In addition to criminal penalties, any person, firm, or corporation violating any provisions of this article shall be subject to a civil penalty of one hundred dollars (\$100.00), which can be recovered by the county in a civil action in the nature of a debt, if the offender does not pay the penalty within a prescribed period of time after being cited for violation of this article. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation by the Forsyth County Fire Marshal. Failure to correct the violation within five (5) days of the date of service of the notice, or the end of the period of any extension, may result in the assessment of a civil penalty or other enforcement action. For good cause determined by the Forsyth County Fire Marshal, the correction period may be extended by the Forsyth County Fire Marshal. Each day of continuing violation shall constitute a separate violation.
- (d) *Referral to attorneys.* If payment of penalties is not received within five (5) days after written demand for payment is made, the Forsyth County Fire Marshal may refer the matter to the county attorney, who is authorized to institute a civil action in the name of the county in the appropriate division of the North Carolina General Court of Justice for recovery of the penalty.

- (e) *Other relief.* The county attorney may secure, on behalf of the county, in addition to other remedies provided by law, injunction, mandamus, abatement, or any other appropriate relief to prevent, enjoin, abate, or address such unlawful action.

(Ord. No. 1-2017, 1-23-17)

Sec. 20-12. - Appeals process.

- (a) *Appeal of assigned address number.* Address number assignments are final and not appealable.
- (b) *Appeal of street name.* An affected party may appeal any proposed street naming or renaming decision of the Addressing Coordinator to the ATC. The property owner shall have fifteen (15) calendar days from the date of notification of a proposed street name or street name change to appeal. An appeal shall be made by filing written notice, including reasons for the requested appeal, with the addressing coordinator within the time period prescribed.

The ATC may affirm, reverse or modify the proposed street name based upon a determination as to whether the addressing coordinator's actions were in accordance with this article and the addressing manual.

- (c) *Appeal of the decision of the address technical committee.* The appeal of any decision of the ATC by a property owner shall be made to the Forsyth County Board of Commissioners (BOC). The property owner shall have fifteen (15) calendar days from the date of written notification of the decision of the ATC within which to appeal. An appeal shall be made by filing written notice, including reasons for the requested appeal, to the BOC, within the time period prescribed. The action of the BOC shall be final.

The BOC may affirm, reverse or modify the decision of the address technical committee based upon a determination as to whether the committee's actions were in accordance with this article and the addressing manual.

(Ord. No. 1-2017, 1-23-17)

Sec. 25-1. - Creation.

Pursuant to the authority conferred by G.S. ~~Chapter 160A, Article 19, Part 7~~ [chapter 160D, article 9, part 7](#), the Forsyth County Board of Commissioners and the Winston-Salem City Council, by concurrent ordinances, do hereby create and establish a joint county/city commission to be known as the Forsyth County/Winston-Salem Appearance Commission, hereinafter referred to as the commission.

(Ord. No. 7-2017, 11-9-17)

Sec. 25-3. - Responsibilities and duties of the commission.

The commission shall have the responsibilities and duties as set out in G.S. ~~160A-452~~ [160D-960](#), as amended, and other applicable law, including but not limited to the responsibility and duty:

- (1) To initiate, promote and assist in the implementation of programs of general community beautification in Forsyth County and the City of Winston-Salem;
- (2) To seek to coordinate the activities of individuals, agencies, and organizations, public and private, whose plans, activities and programs bear upon the appearance of Forsyth County and the City of Winston-Salem;
- (3) To provide leadership and guidance in matters of area or community design and appearance to individuals, public and private organizations, and agencies;
- (4) To make studies of the visual characteristics and problems of Forsyth County and the City of Winston-Salem, including surveys and inventories of an appropriate nature, and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken;
- (5) To prepare both general and specific plans for the improved appearance of Forsyth County and the City of Winston-Salem. These plans may include the entire area or any part thereof, and may include private as well as public property. The plans shall set forth desirable standards and goals for the aesthetic enhancement of Forsyth County and the City of Winston-Salem or any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces, and public and private buildings and projects; and to seek voluntary adherence to the standards and policies of its plans;
- (6) To request from the proper officials of any public agency or body, including agencies of the state and its political subdivisions, its plans for public buildings, facilities, or projects to be located within Forsyth County and the City of Winston-Salem, and to review these plans and to make recommendations regarding their aesthetic suitability to the appropriate agency, or to the planning or governing board. All plans shall be reviewed by the commission in a prompt and expeditious manner, and all recommendations of the commission with regard to any public project shall be made in writing. Copies of the recommendation shall be transmitted promptly to the planning or governing body of Forsyth County and the City of Winston-Salem and to the appropriate agency;
- (7) To encourage the review of projects proposed by the private sector including overall development plans, architectural design, and site/landscape plans. Upon request by individuals or groups of the private sector, the commission shall be available to assist in the planning review process and to report its findings to the city-county planning board.
- (8) To formulate and recommend to the city-county planning board the adoption or amendment of ordinances (including the zoning ordinance, subdivision regulations, and other local ordinances regulating the use of property) that will, in the opinion of the commission, serve to enhance the appearance of the municipality and its surrounding areas;
- (9) To direct the attention of Forsyth County and the City of Winston-Salem officials to needed enforcement of any ordinance that may in any way affect the appearance of Forsyth County and the City of Winston-Salem;

- (10) To promote public interest in and an understanding of its recommendations, studies and plans, and to that end to prepare, publish and distribute to the public such studies and reports as will, in the opinion of the commission, advance the cause of improved community appearance;
- (11) To conduct public meetings and hearings, giving reasonable notice to the public thereof;
- (12) To establish a process for the recognition of achievement and contributions relating to the appearance of the community by public agencies or by the private sector.

(Ord. No. 7-2017, 11-9-17)