

TITLE XV: LAND USAGE

Chapter

- 150. **BUILDING REGULATIONS**
- 151. **PLANNING**
- 152. **SUBDIVISION REGULATIONS**
- 153. **ZONING CODE**



CHAPTER 150: BUILDING REGULATIONS

Section

Adoption of Codes by Reference

- 150.001 Scope of subchapter and codes
- 150.002 Building Code adopted
- 150.003 Amendments to codes
- 150.004 Compliance with codes
- 150.005 Copies of codes filed with Clerk

Inspection Department

- 150.020 Organization of Department
- 150.021 General duties of Department and inspectors
- 150.022 Conflicts of interest
- 150.023 Reports and records
- 150.024 Inspection procedure
- 150.025 Oversight not to legalize violation
- 150.026 Powers of inspection officials

Enforcement

- 150.040 Registration of contractors
- 150.041 Bond required of contractors
- 150.042 Permits required
- 150.043 Application for permit
- 150.044 Plans and specifications
- 150.045 Limitations on issuance of permits
- 150.046 Issuance of permit
- 150.047 Revocation of permits
- 150.048 Time limitations on validity of permits
- 150.049 Changes in work
- 150.050 Permit fees
- 150.051 Duty of Inspection Department; zoning, buildings, housing

Minimum Housing Standards

- 150.065 Finding; purpose
- 150.066 Definitions
- 150.067 Minimum standards of fitness for dwellings and dwelling units
- 150.068 Minimum standards for structural condition

Bethel - Land Usage

- 150.069 Basic plumbing, heating and electrical equipment and facilities
- 150.070 Ventilation
- 150.071 Space, use and location
- 150.072 Safe and sanitary maintenance
- 150.073 Control of insects, rodents and infestations
- 150.074 Rooming houses; exceptions
- 150.075 Responsibilities of owners and occupants
- 150.076 Powers and duties of Building Inspector
- 150.077 Inspections; duty of owners and occupants
- 150.078 Procedure for enforcement
- 150.079 Methods of service of complaints and orders
- 150.080 In Rem action by Inspector; placarding
- 150.081 Costs a lien in premises
- 150.082 Alternative remedies
- 150.083 Zoning Board of Adjustment to hear appeals
- 150.084 Conflict with other provisions
- 150.085 Violations

Repair, Closing or Demolition of Abandoned Structures

- 150.100 Finding; intent
- 150.101 Duties of Town Manager, Chief of Police or other designated town official
- 150.102 Powers of Town Manager, Chief of Police or other designated town official
- 150.103 Standards for enforcement
- 150.104 Procedure for enforcement
- 150.105 Vacated and closed structures
- 150.106 Methods of service of complaints and orders
- 150.107 In Rem action by Town Manager, Chief of Police or designated town official; placarding
- 150.108 Costs; a lien on premises
- 150.109 Alternative remedies

150.999 Penalty

Statutory references:

Adoption of published technical code by reference, see G.S. § 160A-76(b)

Effect upon local codes, see G.S. § 143-138(e)

Electrical wiring of houses, buildings and structures, see G.S. § 143-143.2

Minimum housing standards, see G.S. §§ 160A-441 et seq.

North Carolina State Building Code, see G.S. § 143-138

Repair or demolition of dwellings unfit for human habitation, see G.S. §§ 160A-441 et seq.

ADOPTION OF CODES BY REFERENCE**§ 150.001 SCOPE OF SUBCHAPTER AND CODES.**

(A) The provisions of this subchapter and of the regulatory codes herein adopted shall apply to the following:

(1) The location, design, materials, equipment, construction, reconstruction, alteration, repair, maintenance, moving, demolition, removal, use and occupancy of every building or structure or any appurtenances connected or attached to such building or structure;

(2) The installation, erection, alteration, repair, use and maintenance of plumbing systems consisting of house sewers, building drains, waste and vent systems, hot and cold water supply systems, and all fixtures and appurtenances thereof;

(3) The installation, erection, alteration, repair, use and maintenance of mechanical systems consisting of heating, ventilating, air conditioning and refrigeration systems, fuel burning equipment and appurtenances thereof; and

(4) The installation, erection, alteration, repair, use and maintenance of electrical systems and appurtenances thereof.

(B) The adoption of this subchapter and the codes herein adopted by reference shall constitute a resolution within the meaning of G.S. § 143-138(d), making the regulatory codes herein adopted applicable to dwellings and outbuildings used in connection therewith and to apartment buildings used exclusively as the residence of not more than two families.

(Prior Code, § 10-11)

§ 150.002 BUILDING CODE ADOPTED.

The entirety of the current edition of the State Building Code, as adopted by the State Building Code Council and as amended, including the Building, Energy, Fire Prevention, Mechanical, Plumbing and Residential Codes, is hereby adopted by reference as fully as though set forth herein as the building code of the town to the extent such code is applicable for safe and stable design, methods of construction, minimum standards and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired or otherwise constructed or reconstructed.

(Prior Code, § 10-12)

§ 150.003 AMENDMENTS TO CODES.

Amendments to the regulatory codes adopted by reference herein, which are from time to time adopted and published by the agencies or organizations referred to herein, shall be effective in the town at the time such amendments are filed with the Town Clerk as provided in § 150.005.

(Prior Code, § 10-13)

§ 150.004 COMPLIANCE WITH CODES.

(A) All buildings or structures which are hereafter constructed, reconstructed, erected, altered, extended, enlarged, repaired, demolished or moved shall conform to the requirements, minimum standards and other provisions of the State Building Code.

Bethel - Land Usage

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

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

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

(Prior Code, § 10-14)

§ 150.005 COPIES OF CODES FILED WITH CLERK.

An official copy of each regulatory code adopted herein, and official copies of all amendments thereto, shall be kept on file in the office of the Town Clerk. Such copies shall be the official copies of the codes and the amendments.

(Prior Code, § 10-15)

INSPECTION DEPARTMENT**§ 150.020 ORGANIZATION OF DEPARTMENT.**

The Town Inspection Department shall be the County Inspection Department.
(Prior Code, § 10-29)

§ 150.021 GENERAL DUTIES OF DEPARTMENT AND INSPECTORS.

(A) It shall be the duty of the Inspection Department to enforce all of the provisions of this chapter and of the regulatory codes adopted herein, and to make all inspections necessary to determine whether or not the provisions of this chapter and such codes are being met.

(B) The State Building Code shall be enforced by the Building Inspector. The State Plumbing Code shall be enforced by the Plumbing Inspector. The State Heating Code shall be enforced by the Heating/Air Conditioning Inspector. The State Electrical Code shall be enforced by the Electrical Inspector.

(Prior Code, § 10-30)

§ 150.022 CONFLICTS OF INTEREST.

No officer or employee of the Inspection Department shall be financially interested in the furnishing of labor, material or appliances for the construction, alteration or maintenance of a building or any part thereof, or in the

making of plans or specifications therefor, unless he or she is the owner of such building. No officer or employee of the Inspection Department shall engage in any work which is inconsistent with his or her duties or with the interests of the town.

(Prior Code, § 10-31)

§ 150.023 REPORTS AND RECORDS.

The Inspection Department, and each inspector, shall keep complete, permanent and accurate records in convenient form of all applications received, permits issued, inspections and re-inspections made, and all other work and activities of the Inspection Department. Periodic reports shall be submitted to the Council, and to other agencies, as required.

(Prior Code, § 10-32)

§ 150.024 INSPECTION PROCEDURE.

(A) *Inspections.*

(1) The Inspection Department shall inspect all buildings and structures and work therein for which a permit of any kind has been issued as often as necessary in order to determine whether the work complies with this chapter and the appropriate codes. When deemed necessary by the appropriate inspector, materials and assemblies may be inspected at the point of manufacture or fabrication, or inspections may be made by approved and recognized inspection organizations; provided, no approval shall be based upon reports of such organizations unless the same are in writing and certified by a responsible officer of such organization.

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

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

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

(c) *Fire-proofing inspection.* To be made after all areas required to be protected by fireproofing are lathed, but before the plastering or other fireproofing is applied.

(d) *Final inspection.* To be made after building or structure has all doors hung, fixtures set and ready for occupancy, but before the building is occupied.

(B) *Calls for inspection.* Request for inspections may be made to the office of the Inspection Department or to the appropriate inspector. The Inspection Department shall make inspections as soon as practicable after request is made therefor, provided such work is ready for inspection at the time the request is made. Re-inspections may be made at the convenience of the Inspector. No work shall be inspected until it is in proper

and completed condition ready for inspection. All work which has been concealed before the inspection and approval shall be uncovered at the request of the Inspector and placed in condition for proper inspection. Approval or rejection of the work shall be furnished by the appropriate inspector in the form of a notice posted on the building or given to the permit holder or his or her agent. Failure to call for inspections or proceeding without approval at each stage of construction shall be deemed a violation of this subchapter.

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

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

(Prior Code, § 10-33)

§ 150.025 OVERSIGHT NOT TO LEGALIZE VIOLATION.

No oversight or dereliction of duty on the part of any inspector or other official or employee of the Inspection Department shall be deemed to legalize the violation of any provision of this chapter or any provision of any regulatory code herein adopted.

(Prior Code, § 10-34)

§ 150.026 POWERS OF INSPECTION OFFICIALS.

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

(B) *Right-of-entry.* With an appropriate warrant or permission from the owner or occupant, inspectors shall have the right of entry on any premises within the jurisdiction of the regulatory codes herein adopted at reasonable hours for the purpose of inspection or enforcement of the requirements of this chapter and the regulatory codes, upon presentation of proper credentials.

(C) *Stop orders.* Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered or repaired in a hazardous manner, or in violation of any provision of this chapter or any other town ordinance, or in violation of any provision of any regulatory code herein adopted, or in violation of the terms of the permit or permits issued therefor, or in such manner as to endanger life or property, the

appropriate inspector may order such work to be immediately stopped. Such order shall be in writing to the owner of the property or to his or her agent, or to the person doing the work, and shall state the reasons therefor and the conditions under which the work may be resumed.
(Prior Code, § 10-35)

ENFORCEMENT

§ 150.040 REGISTRATION OF CONTRACTORS.

Every person carrying on the business of building contractor, plumbing contractor, heating-air conditioning contractor or electrical contractor within the town shall register at the office of the Inspection Department, giving name and place of business.
(Prior Code, § 10-59)

§ 150.041 BOND REQUIRED OF CONTRACTORS.

Every person required to register at the office of the Inspection Department under § 150.040 shall also give a good and sufficient bond in the sum of \$1,000, to be approved by the Town Attorney, conditioned upon faithful performance of duty in doing any work which he or she may have contracted to do, and to indemnify the town against loss in any manner whatsoever for any unskillful or negligent work or conduct in the performance of the duties imposed by the provisions of this chapter or any regulatory code herein adopted, or any damage to any utility lines, streets or sidewalks in the town or for any damage which may accrue to any person by reason of any default of the contract, or for the payment of any inspection or other fees required by this subchapter.
(Prior Code, § 10-60)

§ 150.042 PERMITS REQUIRED.

(A) *Building permit.* No person shall commence or proceed with the construction, reconstruction, alteration, repair, removal or demolition of any building or other structure, or any part thereof, without a written permit therefor from the Building Inspector; provided, however, that no building permit shall be required for work the total cost of which does not exceed \$100 and which does not involve any change of the structural parts or the stairways, elevators, fire escapes or other means of egress of the building or the structure in question. Board of Health approval of property for septic tank is required where sewage system cannot be connected to town sewer. In all cases of removal or demolition of a building or structure a good and sufficient bond in the sum of \$500 shall be posted by the property owner or by his or her contractor at the time of application for a permit, to ensure complete removal or demolition, including all rubble and debris. Failure on the part of the property owner or his or her contractor to completely demolish, remove and clear the premises, after 30 days' notice by the Building Inspector, shall be cause for forfeiture of such bond.

(B) *Plumbing permit.* No person shall commence or proceed with the installation, extension or general repair of any plumbing system without a written permit therefor from the Plumbing Inspector; provided, however, no permit shall be required for minor repairs or replacements on the house side of a trap to an installed system of

plumbing if such repairs or replacements do not disrupt the original water supply or the waste or ventilating systems. Board of Health approval of property for septic tank is required where sewage system cannot be connected to the town sewer.

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

(D) *Electrical permit.* No person shall commence or proceed with the installation, extension, alteration or general repair of any electrical wiring, devices, appliances or equipment without a written permit therefor from the Electrical Inspector; provided, however, no permit shall be required for minor repair work such as the replacement of lamps or the connection of portable devices to suitable receptacles which have been permanently installed; provided further, no permit shall be required for the installation, alteration or repair of the electrical wiring, devices, appliances and equipment installed by or for an electrical public utility corporation for the use of such corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such corporation in the operation of signals or the transmission of intelligence.
(Prior Code, § 10-61) Penalty, see § 10.99

§ 150.043 APPLICATION FOR PERMIT.

(A) Written application shall be made for all permits required by this subchapter, and shall be made on forms provided by the Inspection Department.

(B) Such application shall be made by the owner of the building or structure affected or by his or her authorized agent or representative, and, in addition to such other information as may be required by the appropriate inspection to enable him or her to determine whether the permit applied for should be issued, shall show the following:

- (1) Name, residence and business address of owner;
- (2) Name, residence and business of authorized representative or agent, if any; and

(3) Name and address of the contractor, if any, together with evidence that he has obtained a certificate from the appropriate state licensing board for such contractors, if such be required for the work involved in the permit for which application is made.

(Prior Code, § 10-62)

§ 150.044 PLANS AND SPECIFICATIONS.

Detailed plans and specifications shall accompany each application for permit when the estimated total cost of the building or structure is in excess of \$20,000, and for any other building or structure where plans and specifications are deemed necessary by the appropriate inspector in order for him or her to determine whether the proposed work complies with the appropriate regulatory codes. Plans shall be drawn to scale with sufficient clarity to indicate the nature and extent of the work proposed, and the plans and specifications together shall contain information sufficient to indicate that the work proposed will conform to the provisions of this subchapter

and the appropriate regulatory codes. Where plans and specifications are required, a copy of the same shall be kept at the work until all authorized operations have been completed and approved by the appropriate inspector. (Prior Code, § 10-63)

§ 150.045 LIMITATIONS ON ISSUANCE OF PERMITS.

(A) No building permit shall be issued for any building or structure the estimated total cost of which is more than \$20,000, unless the work is to be performed by a licensed general contractor.

(B) No building permit shall be issued for any building or structure, other than a one- or two-family dwelling, the estimated total cost of which is more than \$20,000, unless the plans bear the State seal of a registered architect or a registered engineer.

(C) Where any provision of the state statutes or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for such work shall be issued unless it is to be performed by such licensed specialty contractor.

(D) Where detailed plans and specifications are required under this subchapter, no building permit shall be issued unless such plans and specifications have been provided. (Prior Code, § 10-64)

§ 150.046 ISSUANCE OF PERMIT.

When proper application for a permit has been made, and the appropriate inspector is satisfied that the application and the proposed work comply with the provisions of this subchapter and the appropriate regulatory codes, he or she shall issue such permit, upon payment of the proper fee or fees as hereinafter provided in § 150.050. (Prior Code, § 10-65)

§ 150.047 REVOCATION OF PERMITS.

The appropriate inspector may revoke and require the return of any permit by notifying the permit holder in writing stating the reason for such revocation. Permits shall be revoked for any material departure from the approved application, plans or specifications; for refusal or failure to comply with proper orders of the Inspector; for refusal or failure to comply with requirements of this subchapter and the appropriate regulatory codes; or for false statements or misrepresentations made in securing such permit. (Prior Code, § 10-66)

§ 150.048 TIME LIMITATIONS ON VALIDITY OF PERMITS.

(A) All permits issued under this subchapter shall expire by limitation six months after the date of issuance if the work authorized by the permit has not been commenced.

(B) If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire.

(C) No work authorized by any permit which has expired shall thereafter be performed until a new permit therefor has been secured.
(Prior Code, § 10-67)

§ 150.049 CHANGES IN WORK.

After a permit has been issued, changes or deviations from the terms of the application and permit, or changes or deviations from the plans or specifications involving any work under the jurisdiction of this subchapter or of any regulatory code adopted herein, shall not be made until specific written approval of such changes or deviations has been obtained from the appropriate inspector.
(Prior Code, § 10-68)

§ 150.050 PERMIT FEES.

(A) Fees for permits shall be based upon the total estimated cost of the proposed work, including all subcontracts if any, but in no case shall the total estimated cost be less than the market value of similar completed work in the town as determined by the appropriate inspector or inspectors. Permit fees collected by the town shall be as set out in the schedule of fees which is on file in the town office and hereby made a part hereof

(B) A penalty of \$10 will be assessed anyone who actually begins construction without securing a proper building permit pursuant to the State Building Code.
(Prior Code, § 10-69) (Ord. passed 4-3-1984)

§ 150.051 DUTY OF INSPECTION DEPARTMENT; ZONING, BUILDINGS, HOUSING.

(A) *Enforcement of zoning ordinance.*

(1) If the Inspection Department is charged with enforcement of a zoning ordinance, then no permit for alteration, repair or construction of any building or structure shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with applicable provisions of the zoning ordinance.

(2) If the Inspection Department is not charged with enforcement of a zoning ordinance, then no permit for alteration, repair or construction of any building or structure shall be issued until a zoning permit has first been issued by the appropriate official charged with enforcement of the zoning ordinance.
(Prior Code, § 10-97)

(B) *Condemnation, repair and demolition of unsafe buildings.* The Inspection Department shall be charged with enforcing the provisions of G.S. §§ 160A-426 through 160A-434, relating to the condemnation, repair and demolition of unsafe buildings, upon the direction of the governing body.
(Prior Code, § 10-123)

(C) *Enforcement of Housing Code.* The Inspection Department shall be responsible for the enforcement of any ordinance or codes adopted by the governing body relating to the repair, closing and demolition of dwellings unfit for human habitation, pursuant to state law.
(Prior Code, § 10-145)

(D) *Enforcement of uniform standards.* The Inspection Department shall, upon the direction of the governing body, be responsible for enforcing the North Carolina Uniform Standards Code for Mobile Homes, being G.S. §§ 143-144 et seq., including any design and construction standards incorporated therein by reference. (Prior Code, § 10-174)

Statutory references:

Exercise of municipal power authorized to provide for repair, closing or demolition of unsafe buildings, see G.S. § 160A-441
Ordinance authorized concerning repair, closing and demolition upon order of public officer, see G.S. § 160A-443(5)(b)

MINIMUM HOUSING STANDARDS

§ 150.065 FINDING; PURPOSE.

(A) Pursuant to G.S. § 160A-441, it is hereby declared that there exist in the town dwellings which are unfit for human habitation due to dilapidation; defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by state law, it is the purpose of this subchapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. § 160A-444. (Prior Code, § 10-202) (Ord. passed 7-1-1983)

§ 150.066 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Whenever the words dwelling, dwelling unit, rooming house, rooming unit, premises are used in this subchapter, they shall be construed as though they were followed by the words "or any part thereof".

BASEMENT. A portion of a dwelling which is located partly underground, having direct access to light and air from windows located above the level of the adjoining ground.

CELLAR. A portion of a dwelling which is located partly or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

DETERIORATED. A dwelling is unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this subchapter at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DILAPIDATED. A dwelling is unfit for human habitation and cannot be repaired, altered or improved to comply with all of the minimum standards established by this subchapter except at a cost in excess of 50% of its value, as determined by finding of the Inspector.

DWELLING. Any building, structure or part thereof which is wholly or partly used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. Temporary housing, as hereinafter defined, shall not be regarded as a **DWELLING**. The term shall include within its meaning the terms rooming house and rooming unit, as hereinafter defined.

DWELLING UNIT. 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.

EXTERMINATION. The control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.

GARBAGE. The organic waste resulting from the handling, preparation, cooking and consumption of food.

GENDER. Words having a masculine gender shall include the feminine and neuter genders.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

INFESTATION. 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.

INSPECTOR. The Building Inspector of the town or any authorized agent of the Inspector.

MULTIPLE DWELLING. Any dwelling containing more than two dwelling units.

OCCUPANT. Any person over one year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

OWNER. Any person who alone, jointly or severally with others shall:

(1) Have title to any dwelling, dwelling unit or rooming unit, with or without accompanying actual possession thereof;

(2) Be a mortgagee of record for any dwelling, dwelling unit or rooming unit; or

(3) Have charge, care or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual **OWNER** shall be bound to comply with the

provisions of this subchapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

PARTY or PARTIES IN INTEREST. All persons who have interests of record in a dwelling, dwelling unit or rooming unit and any persons who are in possession thereof.

PERSON. Any individual, corporation, firm, partnership, association, organization or other legal entity.

PLUMBING. All of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catchbasins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

PUBLIC AUTHORITY. The town housing authority or any officer who is in charge of any department or branch of the government of the town or county or the state relating to health, fire, building regulations or other activities concerning dwellings in the town.

ROOMING HOUSE. Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or brother of the owner or operator.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

RUBBISH (NON-ORGANIC WASTE MATERIALS). The term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass and dust.

SUPPLIED. Paid for, furnished or provided by, or under the control of, the owner or operator.

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

UNFIT FOR HUMAN HABITATION. Conditions exist in a dwelling, dwelling unit, rooming house or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this subchapter.

(Prior Code, § 10-203) (Ord. passed 7-1-1983)

§ 150.067 MINIMUM STANDARDS OF FITNESS FOR DWELLINGS AND DWELLING UNITS.

(A) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.068 through 150.073.

(B) No person shall occupy as owner-occupant, or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of §§ 150.068 through 150.073.

(Prior Code, § 10-204) (Ord. passed 7-1-1983)

§ 150.068 MINIMUM STANDARDS FOR STRUCTURAL CONDITION.

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

(A) Walls or partitions or supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.

(B) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.

(C) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.

(D) Steps, stairs, landings, porches or other parts of appurtenances shall be maintained in such condition that they will not fail or collapse.

(E) Adequate facilities for egress in case of fire or panic shall be provided.

(F) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods, promote sanitation and cleanliness, and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.

(G) The roof, flashings, exterior walls, basement walls, floors and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather-tight and water-tight.

(H) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling or in such condition or location as to constitute a fire hazard.

(I) There shall be no use of the ground for floors, or wood floors on the ground.
(Prior Code, § 10-205) (Ord. passed 7-1-1983)

§ 150.069 BASIC PLUMBING, HEATING AND ELECTRICAL EQUIPMENT AND FACILITIES.

(A) *Plumbing system.*

(1) Each dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.

(2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet and adequate supply of both cold water and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.

(3) All plumbing fixtures shall meet the standards of the state plumbing code and shall be maintained in a state of good repair and in good working order.

(4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(B) *Heating system.* Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following.

(1) *Central and electric heating systems.* Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70°F measured at a point three feet above the floor during ordinary winter conditions.

(2) *Other heating facilities.* Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of 70°F measured three feet above the floor during ordinary winter conditions.

(C) *Electrical system.*

(1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain at least two floor or wall-type electric convenience receptacle, connected in such manner as determined by the State Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least one supplied ceiling or wall-type electric light fixture. In the event wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall-type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) 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 State Electrical Code.
(Prior Code, § 10-206) (Ord. passed 7-1-1983)

§ 150.070 VENTILATION.

(A) *General.* Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 10% of the floor area of such room. Whenever walls or other portions of structures face a window or any room and such light-obstructing structures are located less than five feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least 15% of the total floor area of such room.

(B) *Habitable rooms.* Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total openable window area in every habitable room shall be equal to at least 45% of the minimum window area size or minimum skylight-type window size as required, or shall have other approved, equivalent ventilation.

(C) *Bathroom and water closet rooms.* Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet rooms equipped with an approved ventilation system. (Prior Code, § 10-207) (Ord. passed 7-1-1983)

§ 150.071 SPACE, USE AND LOCATION.

(A) *Room sizes.* Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the State Residential Building Code.

(1) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional occupant.

(2) In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(B) *Ceiling height.* At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.

(C) *Floor area calculation.* Floor area shall be calculated on the basis of habitable room area; however, closet area and wall area within the dwelling unit may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(D) *Cellar.* No cellar shall be used for living purposes.

(E) *Basements.* No basement shall be used for living purposes, unless:

(1) The floor and walls are substantially water-tight;

(2) The total window area, total openable window area and ceiling height are equal to those required for habitable rooms; and

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or accessway. (Prior Code, § 10-208) (Ord. passed 7-1-1983)

§ 150.072 SAFE AND SANITARY MAINTENANCE.

(A) *Foundation walls, exterior walls and exterior roofs.* Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight and rodent-proof; shall be kept in sound condition and good repair; shall be capable of affording privacy; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration of moisture or the weather.

(B) *Interior floors, walls and ceilings.* Every floor, interior wall and ceiling shall be substantially rodent-proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use would cause to be placed thereon.

(C) *Windows and doors.* Every window, exterior door, basement or cellar door and hatchway shall be substantially weather-tight, water-tight and rodent-proof and shall be kept in sound working condition and good repair.

(D) *Stairs, porches and appurtenances.* Every outside and inside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.

(E) *Bathroom floors.* Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.

(F) *Supplied facilities.* Every supplied facility, piece of equipment or utility which is required under this subchapter shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.

(G) *Drainage.* Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.

(H) *Noxious weeds.* Every yard and all exterior property areas shall be kept free of species of weeds or plant growth which are noxious or detrimental to health.

(I) *Egress.* Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.

(Prior Code, § 10-209) (Ord. passed 7-1-1983)

§ 150.073 CONTROL OF INSECTS, RODENTS AND INFESTATIONS.

(A) *Screens.* In every dwelling unit, for protection against mosquitoes, flies and other insects, every door opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.

(B) *Rodent control.* Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.

(C) *Infestation.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public

parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

(D) *Rubbish storage and disposal.* Every dwelling and every dwelling unit shall be supplied with approved containers and covers for storage of rubbish as required by town ordinances, and the owner, operator or agent in control of such dwelling or dwelling unit shall be responsible for the removal of rubbish.

(E) *Garbage storage and disposal.* Every dwelling and every dwelling unit shall be supplied with an approved garbage disposal facility, which may be an adequate mechanical garbage disposal unit (mechanical sink grinder) in each dwelling unit, or an approved outside garbage can as required by town ordinances. (Prior Code, § 10-210) (Ord. passed 7-1-1983)

§ 150.074 ROOMING HOUSES; EXCEPTIONS.

All of the provisions of this subchapter, and all of the minimum standards and requirements of this subchapter, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy and any rooming unit in any rooming house, except as provided in the following divisions.

(A) *Water closet, hand lavatory and bath facilities.* At least one water closet, 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 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 be not more than one 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.

(B) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.

(C) *Sanitary conditions.* The operator of every 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. He or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

(D) *Sanitary facilities.* Every water closet, flush urinal, lavatory basin and bathtub or shower required by division (A) above 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. (Prior Code, § 10-211) (Ord. passed 7-1-1983)

§ 150.075 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) *Public areas.* Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

(B) *Cleanliness.* Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

(C) *Rubbish and garbage.* Every occupant of a dwelling or dwelling unit shall dispose of all his or her rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.

(D) *Supplied plumbing fixtures.* Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of same.

(E) *Care of facilities, equipment and structure.* No occupant shall willfully destroy, deface or impair any of the facilities or equipment, or any part of the structure of a dwelling or dwelling unit.
(Prior Code, § 10-212) (Ord. passed 7-1-1983)

§ 150.076 POWERS AND DUTIES OF BUILDING INSPECTOR.

(A) The Building Inspector is hereby designated as the officer to enforce the provisions of this subchapter and to exercise the duties and powers herein prescribed.

(B) The Building Inspector is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this subchapter.

(C) The Building Inspector shall have the following powers and duties:

(1) To investigate the dwelling conditions, and to inspect dwellings and dwelling units located in the town, in order to determine which dwellings and dwelling units are unfit for human habitation, and for the purpose of carrying out the objectives of this subchapter with respect to the repair, closing or demolition of such dwellings and dwelling units;

(2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;

(3) To keep a record of the results of inspections made under this subchapter and an inventory of those dwellings that do not meet the minimum standards of fitness herein prescribed;

(4) To administer oaths and affirmations, examine witnesses and receive evidence;

(5) To enter upon premises for the purpose of making examinations and inspections; provided, such entries shall be made in accordance with § 150.077 and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession;

(6) To appoint and fix the duties of such officers, agents and employees as he or she deems necessary to assist in carrying out the purposes of this subchapter, and to delegate any of his or her functions and powers to such officers, agents and employees; and

(7) To perform such other duties as may be prescribed herein or by the Town Council.
(Prior Code, § 10-213) (Ord. passed 7-1-1983)

§ 150.077 INSPECTIONS; DUTY OF OWNERS AND OCCUPANTS.

(A) For the purpose of making inspections, the Inspector is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming houses, rooming units and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, rooming house or rooming unit or the person in charge thereof shall give the Inspector free access to such dwelling and its premises at all reasonable times for the purposes of such inspection, examination and survey.

(B) Every occupant of a dwelling, dwelling unit, rooming house or rooming 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 subchapter or with any lawful order issued pursuant to the provisions of this subchapter. (Prior Code, § 10-214) (Ord. passed 7-1-1983)

§ 150.078 PROCEDURE FOR ENFORCEMENT

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Inspector by a public authority or by at least five residents of the town charging that any dwelling or dwelling unit is unfit for human habitation, or whenever it appears to the Inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of the complaint. The owner or any party in interest shall have 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. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) *Procedure after hearing.* After such notice and hearing, the Inspector shall state in writing his or her determination whether the dwelling or dwelling unit is unfit for human habitation, and, if so, whether it is deteriorated or dilapidated.

(1) If the Inspector determines that the dwelling or dwelling unit is deteriorated, he or she shall state in writing his or her findings of fact in support of such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this subchapter within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner to vacate and close such dwelling or dwelling unit until such repairs, alterations and improvements have been made.

(2) If the Inspector determines that the dwelling is dilapidated, he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner either to repair, alter or improve such dwelling or dwelling unit to comply with the minimum standards of fitness established by this subchapter, or else to vacate and remove or demolish the same within a specified period of time not to exceed 90 days.

(C) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any deteriorated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close the same within the time specified therein, or if the owner of a dilapidated dwelling or dwelling unit shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the same within the time specified therein, the Inspector shall submit to the Board at its next regular meeting a resolution directing the town attorney to petition the Superior Court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).

(2) *In rem remedy.* After failure of an owner of a deteriorated or dilapidated dwelling or dwelling unit to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (C)(1) above, the Inspector shall submit to the Board an ordinance ordering the Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such dwelling as provided by G.S. § 160A-443 and § 150.080.

(D) *Appeals from orders of Inspector.*

(1) An appeal from any decision or order of the Inspector may be taken by any person aggrieved thereby. Any appeal from the Inspector shall be taken within ten days from the rendering of the decision or service of the order, and shall be taken by filing with the Inspector and with the Zoning Board of Adjustment a notice of appeal, which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the Inspector refusing to allow the person aggrieved thereby to do any act, his or her decision shall remain in force until modified or reversed.

(2) When an appeal is from a decision of the Inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board, unless the Inspector certifies to the Board, after the notice of appeal is filed with him or her, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his or her requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the Inspector, by the Board, or by a court of record upon petition made pursuant to G.S. § 160A-446(f) and division (E) below.

(a) The Board shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the Inspector, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the Inspector. The Board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of 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.

(b) Every decision of the Board shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(E) *Petition to superior court by owner.* Any person aggrieved by an order issued by the Inspector or a decision rendered by the Board shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160A-446(f).
(Prior Code, § 10-215) (Ord. passed 7-1-1983)

§ 150.079 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect and the serving of such complaint or order upon such person may be made by publishing the same at least once no later than the time at which personal service would be required under the provisions of this subchapter in a newspaper having general circulation in the town. 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.
(Prior Code, § 10-216) (Ord. passed 7-1-1983)

§ 150.080 IN REM ACTION BY INSPECTOR; PLACARDING.

(A) After failure of an owner of a dwelling or dwelling unit to comply with an order of the Inspector issued pursuant to the provisions of this subchapter, and upon adoption by the Board of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(5) and § 150.078(C), the Inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered or improved to comply with the minimum standards of fitness established by this subchapter, or to be vacated and closed and removed or demolished, as directed by the ordinance of the Board, and shall cause to be posted on the main entrance of such dwelling or dwelling unit 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 misdemeanor.

(B) Each ordinance shall be recorded in the office of the Register of Deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).
(Prior Code, § 10-217) (Ord. passed 7-1-1983)

§ 150.081 COSTS A LIEN ON PREMISES.

As provided by G.S. § 160A-443(6), the cost of any repairs, alterations or improvements, or of vacating and closing, or removal or demolition, caused to be made or done by the Inspector pursuant to § 150.080 shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, having priority, and be collected in the same manner as the lien for special assessments established by state law.
(Prior Code, § 10-218) (Ord. passed 7-1-1983; Res. 99, passed 7-5-1988)

§ 150.082 ALTERNATIVE REMEDIES.

Neither this subchapter, nor any of its provisions, shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this subchapter by criminal process as authorized by G.S. § 14-4 and § 150.085, and the enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Prior Code, § 10-219) (Ord. passed 7-1-1983)

§ 150.083 ZONING BOARD OF ADJUSTMENT TO HEAR APPEALS.

(A) All appeals which may be taken from decisions or orders of the Inspector pursuant to § 150.078(D) shall be heard and determined by the Zoning Board of Adjustment. As the appeals body, the Board shall have the power to fix the times and places of its meetings, to adopt necessary rules of procedure and any other rules and regulations which may be necessary for the proper discharge of its duties. The Board shall perform the duties prescribed by § 150.078(D) and shall keep an accurate journal of all its proceedings.

(B) If the Zoning Board of Adjustment consists of more than five members, the Chairperson shall designate five members to hear appeals under this subchapter.

(Prior Code, § 10-220) (Ord. passed 7-1-1983)

§ 150.084 CONFLICT WITH OTHER PROVISIONS.

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

(Prior Code, § 10-221) (Ord. passed 7-1-1983)

§ 150.085 VIOLATIONS.

(A) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect or refuse to repair, alter or improve the same, or to vacate and close and remove or demolish the same, upon order of the Inspector duly made and served as herein provided, within the time specified in such order. Each day that any such failure, neglect or refusal to comply with such order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 150.078, to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.

(C) The violation of any provision of this subchapter shall constitute a misdemeanor, as provided by G.S. § 14-4.

(D) In addition to the penalty established by division (C) above, and the remedies provided by other provisions of this subchapter, this subchapter may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

(Prior Code, § 10-222) (Ord. passed 7-1-1983) Penalty, see § 150.999

REPAIR, CLOSING OR DEMOLITION OF ABANDONED STRUCTURES

§ 150.100 FINDING; INTENT.

It is hereby found that there exist within the town abandoned or vacated structures which the Town Council finds to be hazardous to the health, safety and welfare of the residents of the town due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, frequent use by individuals engaging in illegal activity, frequent use by vagrants as living quarters in the absence of sanitary facilities, or otherwise seen by the Town Council seen as a nuisance to the overall well-being of the entire community. Therefore, pursuant to the authority granted by G.S. § 160A-441, it is the intent of this subchapter to provide for the repair, closing or demolition of any such abandoned or vacated structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation.

(Ord. passed 12-3-2002)

§ 150.101 DUTIES OF TOWN MANAGER, CHIEF OF POLICE OR OTHER DESIGNATED TOWN OFFICIAL.

(A) The Town Manager, Chief of Police or other designated town official are hereby designated as the town officers to enforce the provisions of this subchapter.

(B) It shall be the duty of these individuals:

(1) To locate abandoned structures within the town and determine which structures are in violation of this subchapter;

(2) To take such action pursuant to this subchapter as may be necessary to provide for the repair, closing or demolition of such structures;

(3) To keep an accurate record of all enforcement proceedings begun pursuant to the provisions article; and

(4) To perform such other duties as maybe prescribed herein or assigned to him or her by the Town Council.

(Ord. passed 12-3-2002)

§ 150.102 POWERS OF TOWN MANAGER, CHIEF OF POLICE OR OTHER DESIGNATED TOWN OFFICIAL.

The Town Manager, Chief of Police or other designated town official are authorized to exercise such powers as may be necessary to carry out the intent and provisions of this subchapter, including the following powers in addition to others herein granted:

(A) To investigate the conditions of buildings within the town in order to determine which structures are abandoned or vacant and in violation of this subchapter;

(B) To enter upon premises for the purpose of making inspections;

(C) To administer oaths and affirmations, examine witnesses and receive evidence; and

(D) To designate such other officers, agents and employees of the town as he or she deems necessary to carry out the provisions of this subchapter.

(Ord. passed 12-3-2002)

§ 150.103 STANDARDS FOR ENFORCEMENT.

(A) Every abandoned or vacated structure within the town shall be deemed in violation of this subchapter whenever such structure constitutes a hazard to the health, safety or welfare of the town citizens, as a result of:

(1) The attraction of insects or rodents;

(2) Conditions creating a fire hazard;

(3) Dangerous conditions constituting a threat to children;

(4) Frequent use by individuals performing illegal activities;

(5) Frequent use by vagrants as living quarters in the absence of sanitary facilities; or

(6) Detriment to the overall aesthetics and property values within the community.

(B) In making the preliminary determination of whether or not an abandoned or vacated structure is in violation of this subchapter, the Town Manager, Chief of Police or other designated town official may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

(1) Holes or cracks in the structure's floors, walls, ceilings or roof which might attract or admit rodents and insects, or become breeding places for rodents and insects;

(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;

(3) Violations of the State Building Code, the State Electrical Code, the Fire Prevention Code, which constitute a fire hazard in such structure;

(4) The collection of garbage, rubbish or combustible material which constitutes a fire hazard in such structure;

(5) The use of such structure or nearby grounds or facilities by children as a play area;

(6) Violations of the State Building Code which might result in danger to children using the structure or nearby grounds or facilities as a play area; and

(7) Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking or eating.

(Ord. passed 12-3-2002)

§ 150.104 PROCEDURE FOR ENFORCEMENT.

(A) *Preliminary investigation; notice; hearing.* Whenever a petition is filed with the Town Manager, Chief of Police or other designated town official by at least five residents of the city charging that any structure exists in violation of this subchapter or whenever it appears to the town personnel mentioned above, upon inspection, that any structure exists in violation hereof, he or she shall, if his or her preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such structure a complaint stating the charges and containing notice that a hearing will be held before a town official named above at a place therein fixed, not less than ten nor more than 30 days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint an answer to the complaint and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing the petition relating to such structure. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the town official.

(B) *Procedure after hearing.* After such notices and hearing, the Town Manager, Chief of Police or designated town official shall state in writing his or her determination whether such structure violates this subchapter. If the Town Manager, Chief of Police or designated town official determine that the dwelling is in violation, he or she shall state in writing his or her findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter and improve such structure or else remove or demolish the same within a specified period of time not to exceed 90 days.

(C) *Failure to comply with order.*

(1) *In personam remedy.* If the owner of any structure shall fail to comply with an order of the Town Manager, Chief of Police or designated town official within the time specified therein, the town official mentioned above may submit to the Town Council at its next regular meeting a resolution directing the Town Attorney to petition the superior court for an order directing such owner to comply with the order of the Town Manager, Chief of Police or designated town official.

(2) *In rem remedy.* After failure of an owner of a structure to comply with an order of the Town Manager, Chief of Police or designated town official within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the preceding division (C)(1) above, the Town Manager, Chief of Police or designated town official shall submit to the Town Council an ordinance ordering the town officials

mentioned above to cause such structure to be removed or demolished, as provided in the original order of the Town Manager, Chief of Police or designated town official and pending such removal or demolition, to placard such dwelling as provide by G.S. § 160A-443.

(D) *Petition to superior court by owner.* Any person aggrieved by an order issued by the Town Manager, Chief of Police or designated town official shall have the right, within 30 days after issuance of the order to petition the superior court for a temporary injunction restraining the above mentioned town officials pending a final disposition of the cause, as provided by G.S. § 160A-446(f).
(Ord. passed 12-3-2002)

§ 150.105 VACATED AND CLOSED STRUCTURES.

(A) If the Town Council have adopted an ordinance, or the Town Manager, Chief of Police or designated town official shall have issued an order, ordering an abandoned structure to be repaired, altered or improved as provided in § 150.104, and if the owner has vacated and closed such structure and kept such structure vacated and closed for a period of one year pursuant to the ordinance or order, then, if the Town Council shall find that the owner has abandoned the intent and purpose to repair, alter or improve the structure and that the continuation of the structure in its vacated and closed status would be inimical to the health, safety, morals and welfare of the city in that the structure would continue to deteriorate, and would create a fire and safety hazard would be a threat to children and vagrants, would attract persons intent on criminal activities, and would cause or contribute to blight and the deterioration of property values in the area, then in such circumstances, the Town Council may, after the expiration of such one-year period, enact an ordinance and serve such ordinance on the owner, setting forth the following:

(1) If it is determined that the repair of the structure can be made at a cost not exceeding 50% of the then current value of the structure, the ordinance shall require that the owner either repair or demolish and remove the structure within 90 days; or

(2) If it is determined that the repair of the structure cannot be made at a cost not exceeding 50% of the then current value of the structure, the ordinance shall require that the owner demolish and remove the structure within 90 days.

(B) An ordinance adopted pursuant to this section shall be recorded in the office of the Register of Deeds of the county and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this subchapter, the Town Manager, Chief of Police or designated town official shall effectuate the purpose of this subchapter. The cost of repair or demolish and remove the dwelling shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have priority and be collected in the same manner as the lien for special assessments established by G.S. § 160A, Art. 10.
(Ord. passed 12-3-2002)

§ 150.106 METHODS OF SERVICE OF COMPLAINTS AND ORDERS.

(A) Complaints and orders issued by the Town Manager, Chief of Police or designated town official under this subchapter shall be served upon persons either personally or by registered or certified mail and, in conjunction therewith, may be served by regular mail. When the manner of service is regular mail in conjunction with registered or certified mail, and the registered or certified is unclaimed or refused, but the regular mail is

not returned by the post office within ten days after mailing, service shall be deemed sufficient. The person mailing the notice or order by regular mail shall certify that fact and the date thereof, and such certificate shall be conclusive in the absence of fraud.

(B) If the identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Town Manager, Chief of Police or designated town official in the exercise of reasonable diligence, and the town official makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper have general circulation in the town at least once no later than the time at which personal service would be required under the provisions of this subchapter. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

(C) Each owner of rental property located within the town shall authorize a person residing in the county to serve as his or her agent of the purpose of accepting service of process under this section. The owner shall provide, on a form supplied by the Town Clerk, the authorized agent's name and address. The owner shall notify the Town Clerk of any changes in the information provided not less than ten days after such changes have occurred. Nothing in this division (C) shall be interpreted to require an owner to designate an agent to accept service of process where the owner of the rental property resides with the county. The initial failure of an owner to authorize an agent, as required in this division (C), will not result in the imposition of a civil penalty as hereinafter authorized, however, a civil penalty will be imposed if an owner fails to authorize an agent and fails to provide to the Town Clerk, on the form supplied by the Town Clerk, the authorized agent's name and address not less than ten days after being notified by the representing town official that such designation is required under this division (C).

(Ord. passed 12-3-2002) Penalty, see § 150.999

Statutory reference:

Service of complaints and orders, see G.S. § 160A-445

§ 150.107 IN REM ACTION BY TOWN MANAGER, CHIEF OF POLICE OR DESIGNATED TOWN OFFICIAL; PLACARDING.

(A) After failure of an owner of a structure to comply with an order of the Town Manager, Chief of Police or designated town official issued pursuant to the provisions of this subchapter, and upon adoption of the Town Council of an ordinance authorizing and directing him or her to do so, as provided by G.S. § 160A-443(s) and § 150.104, the town official shall proceed to cause such structure to be removed or demolished, as directed by the ordinance of the Town Council and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor.

(B) Each such ordinance shall be recorded in the office of the Register of Deeds of the county, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160A-443(5).
(Ord. passed 12-3-2002)

§ 150.108 COSTS; A LIEN ON PREMISES.

(A) As provided by G.S. § 160A-443(6), the amount of the cost of any removal or demolition caused to be made or done by the Town Manager, Chief of Police or designated town official pursuant to this subchapter shall be a lien against the real property upon which such cost was incurred.

(B) Such lien shall be filed, have the same priority and be enforced and the costs collected as provide by G.S. § 160A, Art. 10.
(Ord. passed 12-3-2002)

§ 150.109 ALTERNATIVE REMEDIES.

Neither this subchapter, nor any of its provisions, shall be construed to impair or limit in anyway the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this subchapter by criminal process, and the enforcement of any remedy provide herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.
(Ord. passed 12-3-2002)

§ 150.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any violation of the provisions of § 150.106(C), or a failure to comply with any of its requirements will subject the offender to a civil penalty in the amount of \$50. Each ten-day period of part thereof in which a violation continues shall be considered a separate violation for the purpose of the civil penalty provided by this division (B).
(Ord. passed 12-3-2002)

CHAPTER 151: PLANNING

Section

- 151.01 Planning Board created
- 151.02 Membership and vacancies; attendance
- 151.03 Organization, rules, meetings and records
- 151.04 Jurisdiction and voting
- 151.05 General powers and duties
- 151.06 Basic studies
- 151.07 Comprehensive plans
- 151.08 Zoning amendments
- 151.09 Subdivision regulations
- 151.10 Public facilities
- 151.11 Miscellaneous powers and duties
- 151.12 Annual report; analysis of expenditures; budget request

Statutory references:

- Planning agency, see G.S. § 160A-361*
- Subdivision regulation, see G.S. § 160A-371*
- Supplemental powers, see G.S. § 160A-363*

§ 151.01 PLANNING BOARD CREATED.

Pursuant to G.S. §§ 160A-361 and 160A-362, there is hereby created a Planning Board of the town, to perform the functions and the duties herein prescribed.
(Prior Code, § 38-1) (Ord. passed 2-10-1980)

§ 151.02 MEMBERSHIP AND VACANCIES; ATTENDANCE.

(A) The Planning Board shall consist of nine members.

(1) Five members shall be citizens and residents of the town, and shall be appointed by the Town Council; three members shall be citizens of the county who reside outside the town but within the extraterritorial jurisdiction of the town as specified by an extraterritorial boundary ordinance adopted pursuant to G.S. § 160A-360(b), and shall be appointed by the Town Council, and one member shall be appointed by the Edgecomb County Town Council.

(2) The members of the Planning Board shall serve for terms of three years each, such terms to be initially staggered as follows: two members for one year, three members for two years and four members for three years.

(3) Thereafter, member vacancies shall be appointed for a term of three years for each member appointed.

(B) Vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Faithful attendance at meetings of the Board is to be considered a prerequisite to continued membership, and the Town Council may remove and replace any member continually delinquent in his duty to attend.

(Prior Code, § 38-2) (Ord. passed 2-10-1980; Ord. passed 11-14-1989)

§ 151.03 ORGANIZATION, RULES, MEETINGS AND RECORDS.

(A) The Planning Board shall elect a Chairperson, and create and fill such other offices as it may determine. The term of the Chairperson and other officers shall be one year, with eligibility for reelection.

(B) The Board shall adopt rules for transaction of its business and shall keep a record of its member's attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record.

(C) The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a quorum of four members for the purpose of taking any official action.
(Prior Code, § 38-3) (Ord. passed 2-10-1980)

§ 151.04 JURISDICTION AND VOTING.

(A) The three members appointed to the Planning Board by the Town Council as representatives of the extraterritorial area outside the town shall have equal rights, privileges and duties with the other members of the Board in all matters pertaining to the regulation of such area, both in preparation of the original regulations and in consideration of any proposed amendments to such regulations.

(B) On all matters pertaining to the regulation of the area within the corporate limits, only those Board members appointed by the Town Council of the town to represent the area within the corporate limits shall vote. For taking action on any matter pertaining to the extraterritorial zoning area, there shall be present a quorum of at least two members from the extraterritorial area.

(C) For the taking of action on any matter pertaining to the area within the corporate limits, there shall be present a quorum of at least three of the members appointed to represent the area within the corporate limits of the town.
(Prior Code, § 38-4) (Ord. passed 2-10-1980)

§ 151.05 GENERAL POWERS AND DUTIES.

It shall be the duty of the Planning Board, in general, to:

(A) Make studies of the area within its jurisdiction and surrounding area;

(B) Determine objectives to be sought in the development of the study area;

(C) Prepare and adopt plans for achieving those objectives;

(D) Develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans that the Town Council may direct;

(E) Advise the Town Council concerning the use and amendment of means for carrying out plans;

(F) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Council may direct; and

(G) Perform any other related duties that the Town Council may direct.
(Prior Code, § 38-5) (Ord. passed 2-10-1980)

§ 151.06 BASIC STUDIES.

(A) As background for its comprehensive plans and any ordinances it may prepare, the Planning Board may gather maps and aerial photographs of human-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the community, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

(B) In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may include, but are not limited to, studies of housing, commercial and industrial facilities, parks, playgrounds and recreational facilities, public and private utilities, and traffic, transportation and parking facilities.

(C) All officials of the town shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examination or surveys and maintain necessary monuments thereon.
(Prior Code, § 38-6) (Ord. passed 2-10-1980)

§ 151.07 COMPREHENSIVE PLANS.

(A) The comprehensive plans, with the accompanying maps, plats, charts and descriptive matter, shall be and show the Planning Board's recommendations to the Town Council for the development of the area, including, among other things, the general location, character and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields and other public ways, grounds and opens; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, power, gas, sanitation, transportation, communication and other purposes; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, properties, utilities or terminals.

(B) The comprehensive plans and any ordinances or other measures to effectuate the plans shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town and its environs which will, in accordance with present and future needs, best promote health, safety, morals and the general welfare, as well as efficiency and economy in the process of development, including,

among other things, adequate provision for traffic, the promotion of safety from fire and other things, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, the wise and efficient expenditure of public funds, and the adequate provision of public utilities, services and other public requirements.
(Prior Code, § 38-7) (Ord. passed 2-10-1980)

§ 151.08 ZONING AMENDMENTS.

The Planning Board may initiate, from time to time, proposals for amendment of the zoning ordinance and map, based upon its studies and plans. In addition, it shall review and make recommendations to the Town Council concerning all proposed amendments to the zoning ordinance and map.
(Prior Code, § 38-8) (Ord. passed 2-10-1980)

§ 151.09 SUBDIVISION REGULATIONS.

(A) The Planning Board shall review, from time to time, the existing regulations for the control of land subdivision in the area and submit to the Town Council its recommendations, if any, for the revision of said regulations.

(B) The Planning Board shall review and make recommendations to the Town Council concerning all proposed plats of land subdivision.
(Prior Code, § 38-9) (Ord. passed 2-10-1980)

§ 151.10 PUBLIC FACILITIES.

The Planning Board shall review with the town officials and report its recommendations to the Town Council upon the extent, location and design of all public structures and facilities, on the acquisition and disposal of public properties, on the establishment of building lines, mapped street lines and proposals to change existing street lines; however, whether or not there is a recommendation from the Planning Board, the Town Council may, if it deems wise, take final action on any such matter at any time.
(Prior Code, § 38-10) (Ord. passed 2-10-1980)

§ 151.11 MISCELLANEOUS POWERS AND DUTIES.

(A) The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the plans. Before recommending any such plans to the Town Council, the Planning Board shall hold at least one public hearing thereon.

(B) The Planning Board shall have power to promote interest in and an understanding of its recommendations, and to that end, it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.
(Prior Code, § 38-11) (Ord. passed 2-10-1980)

§ 151.12 ANNUAL REPORT; ANALYSIS OF EXPENDITURES; BUDGET REQUEST.

The Planning Board shall, in May of each year, submit in writing to the Town Council a report of its activities, and an analysis of the expenditures to date for the current fiscal year; and shall submit to the Town Council for budget consideration its requested budget of funds needed for operation during the ensuing fiscal year. (Prior Code, § 38-12) (Ord. passed 2-10-1980)

CHAPTER 152: SUBDIVISION REGULATIONS

Section

General Provisions

- 152.001 Authority and enactment clause
- 152.002 Purpose
- 152.003 Title
- 152.004 Jurisdiction
- 152.005 Interpretation
- 152.006 Conflict
- 152.007 Conformance prerequisite to acceptance of streets, extension of public services and the like
- 152.008 Conformance with official plans
- 152.009 Amendments
- 152.010 Waivers
- 152.011 Grounds for waivers
- 152.012 Enforcement
- 152.013 Administrator
- 152.014 Administrative fees
- 152.015 Effect of plat on dedication

Definitions

- 152.030 Word interpretation
- 152.031 Rules of construction
- 152.032 Definitions

Procedures for Plat Approval

- 152.045 Exclusion determination
- 152.046 Coordination with other procedures
- 152.047 Minor subdivision qualifications
- 152.048 Minor subdivision review and approval procedures
- 152.049 Major subdivisions
- 152.050 Sketch design plan
- 152.051 Preliminary plat review and approval procedures
- 152.052 Final plat review and approval procedures
- 152.053 Recordation of final plat
- 152.054 Dedication and acceptance

Standards of Design

- 152.065 General
- 152.066 Suitability of the land
- 152.067 Lots
- 152.068 Streets
- 152.069 Blocks
- 152.070 Utilities and stormwater management
- 152.071 Sidewalks
- 152.072 Townhouses
- 152.073 Planned unit developments
- 152.074 Conservation subdivision
- 152.075 Buffer areas
- 152.076 Sites for public uses
- 152.077 Placement of monuments
- 152.078 Coordination with zoning requirements and other official municipal ordinances and plans
- 152.079 Coordination with state and federal requirements

Sureties and Improvements Guarantees

- 152.095 Generally
- 152.096 Owners' associations

Information Required with Subdivision Applications

- 152.110 Number of review and filing copies to be submitted
 - 152.111 Required information on minor, sketch and major subdivisions
 - 152.112 Documents and written information in addition to maps and plans
- Appendix A: Certificates

GENERAL PROVISIONS**§ 152.001 AUTHORITY AND ENACTMENT CLAUSE.**

(A) By the authority of G.S. Ch. 160A, Art. 19, Part 2, the Town Council does hereby exercise the powers and authority to regulate the subdivision of land within its corporate limits and extraterritorial jurisdiction.

(B) This chapter shall invalidate and supersede all previous ordinances pertaining to the matters herein.
(Ord. passed 2- -2004, § 1-1)

§ 152.002 PURPOSE.

The purpose of this chapter shall be to promote the health, safety and welfare of the people within the subdivision jurisdiction of the town and to provide for the orderly growth and efficient development of the town.
(Ord. passed 2- -2004, § 1-2)

§ 152.003 TITLE.

This chapter shall be known as the "Subdivision Ordinance of the Town of Bethel, North Carolina", and may be cited as the "Subdivision Ordinance".
(Ord. passed 2- -2004, § 1-3)

§ 152.004 JURISDICTION.

The regulations contained herein, as provided in G.S. § 160A-360, shall govern each subdivision of land within the corporate limits of the town as now or hereafter established, and each subdivision of land situated within the extraterritorial jurisdiction of the town as established by an ordinance and map adopted by the Town Council in accordance with G.S. § 160A-360.
(Ord. passed 2- -2004, § 1-4)

§ 152.005 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.
(Ord. passed 2- -2004, § 1-5)

§ 152.006 CONFLICT.

(A) This chapter is not intended to interfere with, annul or abrogate any other ordinance, rule or regulation, statute or other provision of law applicable to the town. Where any provisions of this chapter impose limitations different from those imposed by any other provision of this chapter or any other ordinance, rule or regulation, or other provision or law, whichever provisions are more restrictive or impose higher standards shall control.

(B) This chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this document are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this chapter shall govern. Where the private provisions impose more restrictive or higher standards than this chapter then such private provisions shall be operative and supplemental to these regulations.

(C) If any part or provision of these regulations or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which such judgment shall have been rendered. Such judgment shall not affect or impair the validity of the remainder of this chapter even without any such part, provision or application.
(Ord. passed 2- -2004, § 1-6)

§ 152.007 CONFORMANCE PREREQUISITE TO ACCEPTANCE OF STREETS, EXTENSION OF PUBLIC SERVICES AND THE LIKE.

No street shall be maintained by the town, no street dedication accepted for ownership and maintenance, no building permits issued nor shall water, sewer or other public facilities or services be extended to or connected with any subdivision for which a plat is required to be approved unless and until the requirements set forth in this chapter have been met.

(Ord. passed 2- -2004, § 1-7)

§ 152.008 CONFORMANCE WITH OFFICIAL PLANS.

All subdivisions shall comply with the principles, goals and objectives of the town Land Use Plan, as amended from time to time and all other officially adopted plans and policies of the town. In addition, proposed subdivisions must comply with the requirements of the zoning regulations of the town.

(Ord. passed 2- -2004, § 1-8)

§ 152.009 AMENDMENTS.

This chapter may be amended by the following procedures.

(A) *Proposed amendments.* Proposed amendments may be initiated by the Planning and Zoning Board, Town Council, Board of Adjustment or by one or more interested parties. An application for an amendment shall contain a description of the proposed subdivision regulation to be amended. Such application shall be filed with the town not later than 15 days prior to the Planning and Zoning Board meeting. A fee as established by the Town Council shall be paid by the applicant for an amendment to cover the administrative expenses involved. This fee shall not apply to amendments initiated by any Town Council.

(B) *Action by the Planning and Zoning Board.* The Planning and Zoning Board shall consider and make recommendations to the Town Council concerning each proposed subdivision ordinance amendment. If no recommendation is received from the Planning and Zoning Board within 60 days of first submission to the town, the proposed amendment shall be deemed to have been approved by the Planning and Zoning Board.

(C) *Action by the Town Council.* No amendment shall be adopted by the Town Council until after public notice and hearing. Notice of public hearing shall be published once a week for two successive calendar weeks in the local newspaper, said notice to be published for the first time no less than ten days or more than 25 days prior to the date fixed for said hearing.

(Ord. passed 2- -2004, § 1-9)

§ 152.010 WAIVERS.

The Planning and Zoning Board may recommend and the Town Council may authorize a waiver if such waiver can be made without destroying the intent of this chapter. Any waiver thus authorized is required to be entered in writing in the minutes of the Planning and Zoning Board and the Town Council with the reasoning on which the departure was justified set forth. In approving waivers, the Town Council may require such conditions

as will, in its judgment, secure substantially the objectives of the standards or requirements of this chapter. In order for a waiver to be granted, a simple majority vote by the Town Council is required. A fee as established by the Town Council shall be paid by the applicant for a waiver to cover the administrative expenses involved. (Ord. passed 2- -2004, § 1-10)

§ 152.011 GROUNDS FOR WAIVERS.

Standards in this subchapter may be waived under one of the following circumstances.

(A) *Physical hardship*. Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this subchapter would cause unusual and unnecessary hardship on the subdivider.

(B) *Equal or better performance*. Where, in the opinion of the Town Council, a waiver will result in equal or better performance in furtherance of the purposes of this chapter.

(C) *Unintentional error*. Where through an unintentional error by the applicant, his or her agent, or the reviewing staff, there is a minor violation of a standard in this subchapter, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties. (Ord. passed 2- -2004, § 1-10.1)

§ 152.012 ENFORCEMENT.

(A) No owner or agent of the owner of any land located within the territorial jurisdiction of the town shall subdivide land in violation of these regulations or transfer or sell land by reference to, exhibition of or any other use of a plat before the plat has been properly approved under these regulations and recorded in the office of the County Register of Deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from these regulations. The Register of Deeds shall not record a plat of any subdivision unless the plat has been approved in the manner prescribed by these regulations.

(B) The town, through its attorney or other official designated by the Town Council, may enjoin illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this chapter shall be subject, upon conviction, to fine or imprisonment as provided by the state statutes. (Ord. passed 2- -2004, § 1-11)

§ 152.013 ADMINISTRATOR.

The Town Manager shall designate such agent or office of the town as Administrator of this chapter as shall be determined appropriate. (Ord. passed 2- -2004, § 1-12)

§ 152.014 ADMINISTRATIVE FEES.

The Town Council shall set a fee schedule for the administration of this chapter. The Administrator shall be responsible for collecting such fees. All fees relating to recording of documents shall be borne directly by the subdivider.

(Ord. passed 2- -2004, § 1-13)

§ 152.015 EFFECT OF PLAT ON DEDICATION.

(A) Pursuant to G.S. § 160A-374, the approval of a plat shall not be deemed to constitute or effect the acceptance by the town or public of the dedication of any street or other ground, public utility line or public facility shown on the plat; however, the Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction.

(B) Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the town shall not place on the town any duty to open, operate, repair or maintain any street, utility line or other land or facility, and the town shall in no event be held to answer in any civil action or proceeding for failure to open, repair or maintain any street located outside its corporate limits.

(Ord. passed 2- -2004, § 1-14)

DEFINITIONS**§ 152.030 WORD INTERPRETATION.**

Words not defined in this chapter shall be given their ordinary and common meaning.
(Ord. passed 2- -2004, § 2-1)

§ 152.031 RULES OF CONSTRUCTION.

For purposes of this chapter, the following rules of construction shall apply.

(A) Words used in the present tense include the future tense.

(B) Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

(C) The words "shall", "will" and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision.

(D) Words used in the male gender include the female gender.

(E) Any reference to a subchapter or section shall mean a subchapter or section of this chapter, unless otherwise specified.

(Ord. passed 2- -2004, § 2-2)

§ 152.032 DEFINITIONS.

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

ACCESS EASEMENT. An easement which grants the right to cross property.

ADMINISTRATOR. The person/office authorized by § 152.013 who is responsible for administering and enforcing this chapter.

ALLEY. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the rear or side of properties otherwise abutting a street.

BASE FLOOD ELEVATION. Elevation at which there is a 1% annual chance of being equaled or exceeded by flood waters. The **1% ANNUAL CHANCE FLOOD** is also known as the **100-YEAR FLOOD**.

BLOCK. The land lying within an area bounded on all sides by streets, railroads, public parks, bodies of water or a combination thereof.

BUFFER. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The **BUFFER** is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams and rivers.

BUFFER STRIP. An area reserved, in accordance with the provisions of § 152.075, by the subdivider and delineated on a subdivision plat for the planting of trees and shrubs by future lot owners.

BUILDING. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered a separate **BUILDING**.

BUILDING SETBACK LINE. A line establishing the minimum allowable distance between the principal building and the street right-of-way line or the property line.

CAMPGROUND SUBDIVISION. An area subdivided into lots for the temporary location of recreational vehicles, campers, tents or travel trailers but not for manufactured homes and permanent structures.

COLLECTOR STREET. A street whose principal function is to carry traffic between cul-de-sac, local and subcollector streets, and streets of higher classification, but which may also provide direct access to abutting properties.

COMMON AREA(S). All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

CONDOMINIUM. Portions of real estate which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a **CONDOMINIUM** unless the undivided interests in the common elements are vested in the unit owners.

CORNER LOT. A lot abutting upon two or more streets at their intersection.

CUL-DE-SAC STREET. A short local street having one end open to traffic and the other end permanently terminated by a vehicular turnaround.

DEDICATION. A gift by a property owner to another being received for the transfer. The **DEDICATION** is made by written instrument and is completed with a written acceptance.

DEVELOPER. The legal or beneficial owners of a parcel or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DOUBLE FRONTAGE LOT. A lot having frontage on two parallel or approximately parallel streets.

DRAINAGE EASEMENT. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

DRAINAGE WAY. Any natural or human-made channel that carries surface runoff from precipitation.

DWELLING. One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents are not **DWELLING** units.

DWELLING, FOUR-FAMILY. A building on one lot arranged and designed to be occupied by four families living independently of each other.

DWELLING, SINGLE-FAMILY. A building arranged and designed to be occupied by one family.

DWELLING, THREE-FAMILY. A building on one lot arranged and designed to be occupied by three families living independently of each other.

DWELLING, TOWNHOUSE. A single-family attached dwelling, dwelling situated on its own individual lot, generally within a development containing drives, walks and open space in common areas. Ownership is passed in fee-simple subject only to party wall rights by agreements set forth in the restrictive covenants.

DWELLING, TWO-FAMILY (DUPLEX). A building on one lot arranged and designed to be occupied by two families living independently of each other.

EASEMENT. A grant by the property owner for use by the public, corporation or person(s), of a strip of land for specified purposes.

EXTRATERRITORIAL JURISDICTION (ETJ). The portion of the town planning jurisdiction that lies outside of the corporate limits of the town.

FLAG LOT. A lot that is composed of a narrow “flagpole” strip extending from the street and much wider “flag” section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a **FLAG LOT**, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

100-YEAR FLOODPLAIN. Areas which are susceptible to inundation during a 100-year flood. The determination of the **100-YEAR FLOODPLAIN** shall be based upon information provided by the Federal Emergency Management Agency (FEMA) or produced under the cooperative technical state (CTS) agreement between the state and FEMA in its flood hazard boundary map (FHBM) or flood insurance study (FIS) and its accompanying flood maps such as the flood insurance rate map(s) (FIRM) and/or the flood boundary floodway map(s) (FBFM), for the county. The land lying within these areas shall have the boundaries surveyed and the plat recorded in the county registry in the county office of the Register of Deeds. In the absence of 100-year flood data, other flood data may be used if approved by, FEMA, the National Flood Insurance Program, the County Floodplain Administrator and the town.

FLOODWAY. Channel of a stream and any adjacent area that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.

FRONTAGE ROAD. A local street or road that is parallel to a full or partial access controlled facility and functions to provide vehicular access to adjacent land.

INTERIOR LOT. A lot other than a corner lot.

LOCAL RESIDENTIAL STREET. A street whose primary function is to provide access to abutting properties.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word **LOT** includes **PLOT**, **PARCEL** or **TRACT**.

LOT AREA. The total area circumscribed by boundaries of a lot except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street or private right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street.

LOT COVERAGE. The portion of a lot covered by building(s) and/or structure(s).

LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

LOT OF RECORD. A lot, plot, parcel or tract recorded in the Office of the County Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MAJOR SUBDIVISIONS. A subdivision involving four lots or more or any other subdivision not qualifying as a minor subdivision.

MAJOR THOROUGHFARE STREET. Major thoroughfares consist of interstate, other freeway, expressway or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

MANUFACTURED HOME. A residential dwelling unit built to the most recent standards of the U.S. Department of Housing and Urban Development as amended and supplemented, composed of one or more components, each of which was substantially assembled in a manufacturing plant not more than 15 years from the date of the town's issuance of a zoning compliance certificate, and designed to be transported to the home site on its own chassis. Travel trailers and campers shall not be classified as **MANUFACTURED HOMES**.

MANUFACTURED HOME PARK. A residential use in which two or more manufactured homes are located on a single lot or tract.

MANUFACTURED HOME SUBDIVISION. A residential subdivision containing manufactured homes situated on their individual lot.

MARGINAL ACCESS STREET. A service street that runs parallel to a major thoroughfare, minor thoroughfare or collector street which, for purposes of safety, provides access to abutting properties and separation of through traffic.

MINIMUM REQUIREMENTS. All sizes, setbacks and other requirements of this chapter are minimum requirements and may be increased.

MINOR SUBDIVISIONS. A subdivision involving three lots or less fronting on an existing approved public street, not requiring any new public or private street for access to the interior of the property, not requiring extension of public water or sewer line, and not requiring a waiver from any requirement of this chapter.

MINOR THOROUGHFARE STREET. Minor thoroughfares collect traffic from collector, subcollector and local streets and carry it to the major thoroughfare system. **MINOR THOROUGHFARES** may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

MODULAR HOME. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A **MODULAR HOME** may consist of two or more sections, or a series of panels or room sections erected or joined together on the site. A **MODULAR HOME** is transported to a building site on a carrier, and then either craned or rolled from the carrier onto a foundation. A "carrier" is not a steel frame or chassis permanently attached to the structure and serving as part of the permanent foundation.

OFFICIAL MAPS AND PLANS. Any maps and plans officially adopted by the Town Commissioners as a guide for development in the town.

OPEN SPACE. An area (land and/or water) generally lacking in human-made structures and reserved for enjoyment or for the preservation of natural benefits.

OWNER. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

OWNER'S ASSOCIATION. An organization of homeowners or property owners owning real property, residing, or operating a business within a particular subdivision or development whose major purpose is to maintain and provide community facilities, services or land for common use of the residents or property owners of the subdivision or development.

PARCEL. Land intended as a unit for transfer of ownership, for development, or both.

PLANNED UNIT DEVELOPMENT (PUD). A permitted use designed to provide developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or common building sites. Common open space must be an element of the plan related to affecting the long-term value of the entire development.

PLAT. A surveyed map or plan of a parcel of land which is to be, or which has been, subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of §§ 152.110 through 152.112, which is presented for town approval and subsequent recordation in the County Register of Deeds Office.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other requirements of §§ 152.110 through 152.112, which is presented for preliminary approval.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the buildable lot on which it is located or, in a group housing development, of the building site on which it is located.

PRIVATE DRIVE. A vehicular travel way not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two or more principal buildings in a group housing development.

PRIVATE SEWER. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

PRIVATE STREET. A vehicular travel way not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system. The platting of such streets requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

PRIVATE WATER. A system which provides for the supply and/or distribution of potable water for use by a development, project or owner, and which is not operated or maintained by a government organization or utility district.

PUBLIC SEWER. A system which provides for the collection and treatment of sanitary sewage from more than one property, and is owned and operated by a government organization or sanitary district and is approved by the Division of Water Quality of the State Department of Environmental Health and Natural Resources.

PUBLIC STREET. A dedicated public right-of-way for vehicular traffic which:

- (1) Has been accepted by the town or the NCDOT for maintenance; or

(2) Is not yet accepted but in which the roadway design and construction have been approved under public standards for vehicular traffic.

PUBLIC WATER. A system which provides distribution of potable water to 15 or more service connections or which serves 25 or more customers on a regularly basis, is owned and operated by a government organization or utility district, and is approved by the Division of Environmental Health, State Department of Environmental Health and Natural Resources.

RECREATIONAL VEHICLE (TRAVEL TRAILER/CAMPER). A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

RESERVATION. An obligation shown on a plat to keep property free from development for a stated period of time or indefinitely. It is neither a dedication nor a conveyance.

REVERSE FRONTAGE LOT. A through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

SETBACK. The minimum required horizontal distance between a structure or activity and the property line or the street right-of-way line.

SETBACK, FRONT. Any setback from a street or road.

SETBACK, INTERIOR. A setback from any property line not alongside a street.

SETBACK, REAR. A setback from an interior property line lying on the opposite side of the lot from the front street setback.

SETBACK, SIDE. Any interior property line setback other than a rear setback.

SETBACK, SIDE CORNER. A street setback on a corner lot other than a front setback. For purposes of this chapter, the Administrator shall determine which setback is the front setback.

SIGHT DISTANCE AREA, HORIZONTAL. The area formed by extending lines from the point of intersection of intersecting streets along the centerline of such streets for a distance of 40 feet and connecting the ends of such lines by a straight line to form the base for a triangle. Each of the two sides of the triangle will be 40 feet in length.

SIGHT DISTANCE AREA, VERTICAL. The area between three feet and ten feet above the horizontal area measured from the level of the point of intersection of the centerlines of the intersecting streets.

SIGHT DISTANCE EASEMENT. An easement which grants to the town the right to maintain unobstructed view across property located at a street intersection.

SINGLE-TIER LOT. A lot which backs upon a limited access highway, a railroad, a physical barrier or a non-residential use and to which access from the rear of the lot is usually prohibited.

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORMWATER BUFFER AREA. Land within 30 feet of intermittent and perennial streams, natural lakes and ponds shown on either the most recent version of the county soil survey prepared by the Natural Resources Conservation Service or a 1:24,000 scale topographic map prepared by the U.S. Geologic Survey, and that exist on the ground.

STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

STREET. A dedicated and accepted public right-of-way for vehicular traffic.

STREET RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines and communication lines.

SUBDIVIDER. Any person, firm, corporation or duly authorized agent who subdivides or develops any land deemed to be a subdivision as defined herein.

SUBDIVISION. Any division of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose of sale or building development, whether immediate or future, and shall include any division of land involving the dedication of a new street or a change in an existing street, but the following shall not be included within this definition or be subject to the regulations established within:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) The division of a tract in single ownership, the entire area of which is no greater than two acres, into not more than three lots where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality.

THOROUGHFARE PLAN. A plan adopted by the Town Council for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

THROUGH LOT. A lot abutting two streets that do not intersect at the corner of the lot.

TOWN. The Town of Bethel, North Carolina.

TOWN COUNCIL. The Town of Bethel Town Council.

TOWNHOUSES. A group of single-family attached dwellings, each dwelling situated on its own individual lot, generally within a development containing drives, walks and open space in common areas. Ownership is passed in fee-simple subject only to party wall rights by agreements set forth in the restrictive covenants.

TOWNHOUSE LOT. A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home or unit in a nonresidential group development.

TRACT. All continuous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

UTILITY EASEMENT. An easement which grants to the town or other utility provider the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

WAIVER. Official permission from the Town Council to depart from the requirements of this chapter (see § 152.010).

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps and unenclosed porches but including covered porches.
(Ord. passed 2- -2004, § 2-3)

PROCEDURES FOR PLAT APPROVAL

§ 152.045 EXCLUSION DETERMINATION.

(A) If a proposed division of land meets one or more of the exclusions under the definition of "subdivision" in § 152.032, the owner may submit to the Administrator maps, deeds or other materials in sufficient detail to permit a conclusive determination by the Administrator.

(B) An owner of land who wishes to record a plat of such a division of land shall obtain a certificate of exception (see Appendix A) from the Administrator.
(Ord. passed 2- -2004, § 3-1)

§ 152.046 COORDINATION WITH OTHER PROCEDURES.

To lessen the time required to attain all necessary approvals and to facilitate the processing of applications, an applicant may start the subdivision approval process simultaneously with other applications for approvals required for the particular project.
(Ord. passed 2- -2004, § 3-2)

§ 152.047 MINOR SUBDIVISION QUALIFICATIONS.

The Administrator shall approve or disapprove minor subdivision plats in accordance with the provisions of this section. A minor subdivision, as defined in § 152.032, is a subdivision involving three lots or less. (Ord. passed 2- -2004, § 3-3)

§ 152.048 MINOR SUBDIVISION REVIEW AND APPROVAL PROCEDURES.

(A) The applicant for minor subdivision plat approval is encouraged to confer with the Administrator prior to submitting a minor subdivision plat for a determination of whether the approval process authorized by this section can be and should be utilized.

(B) The Administrator may require the applicant to submit whatever information is necessary to make this determination.

(1) The applicant for minor subdivision plat approval shall submit to the Administrator a plat drawn in waterproof ink on a sheet made of material and of a size that will be acceptable to the County Register of Deeds office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 100 feet. The applicant shall also submit three prints of the plat, to be distributed to and reviewed by the town departments, as well as any required application form and required fee. If the minor subdivision plat is to be reviewed by the Town Council as provided for in division (B)(3) below, five additional prints of the plat shall be required.

(2) The minor subdivision plat shall contain the following information:

(a) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the County Registry;

(b) The name of the subdivision owner or owners;

(c) The township, county and state where the subdivision is located;

(d) The name of the surveyor and his registration number and the date of survey;

(e) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;

(f) All of the additional information required by G.S. § 47-30, G.S. § 39-32.3, and §§ 152.110 through 152.112; and

(g) All of the applicable certificates required in Appendix A.

(3) The Administrator shall take expeditious action on an application for minor subdivision plat approval. A decision shall be rendered by the Administrator within ten days after receipt of the proposed minor subdivision plat. If no decision is rendered by the Administrator within the required ten-day period, the applicant may appeal to the Town Council for review of the application under the major subdivision approval process.

Either the Administrator or the applicant may at any time refer the application to the Town Council for review under the major subdivision approval process.

(4) Subject to division (B)(2) above, the Administrator shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in § 152.032 or the application or the proposed subdivision fails to comply with any other applicable requirement of this chapter.

(5) If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

(6) Approval of any plat is contingent upon the plat being recorded within 30 days after the date the certificate of approval is signed by the Administrator or his or her designee. Failure to record the approved plat within the specified 30-day period shall render the plat null and void.

(Ord. passed 2- -2004, § 3-4)

§ 152.049 MAJOR SUBDIVISIONS.

(A) A major subdivision, as defined in § 152.032, is a subdivision involving four or more lots. When a subdivision is to be developed in stages, a sketch design plan and a preliminary plat shall be submitted for the entire development. A final plat may be submitted for each stage. A minor subdivision plat may also be reviewed and approved under the major subdivision process upon the referral of the Administrator or the minor subdivision plat applicant.

(B) The procedures for the review of a major subdivision involve:

(1) Sketch design plan review by the town staff;

(2) Preliminary plat review by the town staff, review by the Planning and Zoning Board and Planning and Zoning Board recommendation to the Town Council;

(3) Town Council review and action; and

(4) Final plat review by the town staff and action by the Town Council.

(Ord. passed 2- -2004, § 3-5)

§ 152.050 SKETCH DESIGN PLAN.

(A) *Submission requirements.*

(1) The subdivider shall submit to the Administrator a sketch design plan prior to submitting a preliminary plat. Sketch design plans are optional for successive phases of a previously approved subdivision.

(2) The sketch design plan shall conform to the following requirements:

(a) A minimum number of three copies of a sketch design plan shall be submitted at least ten days prior to the deadline for submission of preliminary plats;

(b) A sketch design plan shall be drawn at a scale of approximately one inch to 100 feet unless the size of property dictates a larger scale; and

(c) The sketch design plan shall depict or show:

1. A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, streets and waterways;
2. Total acreage to be subdivided, minimum lot size, street and lot layout, and acreage left in open spaces or other uses;
3. Existing uses of the land within the subdivision and adjoining it;
4. The name, address and telephone number of the owner and developer;
5. Streets and lots of adjacent developed or platted properties;
6. Zoning classifications of the tract and of adjacent properties; and
7. One hundred-year floodplain areas shall be identified.

(B) *Sketch design plan review procedures.* The Administrator and town staff shall review the sketch design plan for general compliance with this chapter. The Administrator shall then advise, within ten days, the subdivider or his or her authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats. This review shall in no way be construed as constituting an official action of approval for recording of the subdivision by the Town Council as required by these regulations.

(Ord. passed 2- -2004, § 3-6)

§ 152.051 PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURES.

(A) *Submission requirements.* The applicant for preliminary subdivision plat approval shall submit the required number of prints, at least 21 days prior to the regularly scheduled Planning and Zoning Board meeting at which the plat will be considered. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 100 feet. The applicant shall also submit any required application forms and any required fee.

(B) *Preliminary plat contents.* The preliminary plat shall be consistent in concept with the previously approved sketch plan and shall contain the following information:

- (1) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the County Registry;
- (2) The name of the subdivision owner or owners;
- (3) The township, county and state where the subdivision is located;

- (4) The name of the surveyor, surveyor's registration number and the date of survey;
- (5) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
- (6) One hundred-year floodplain areas shall be identified; and
- (7) All of the additional information required by G.S. § 47-30, G.S. § 39-32.3, § 152.074, and §§ 152.110 through 152.112.

(C) *Administrator and town staff review.* Upon receipt of the requisite copies of the proposed preliminary plat, the Administrator shall distribute the copies to the town staff for review of the plat. Following the town staff review, the Administrator shall forward the staffs findings and recommendations to the Planning and Zoning Board and to the applicant at least five days prior to the Planning and Zoning Board meeting. If the Administrator determines that the plat is incomplete, the Administrator shall notify the applicant of the deficiencies. Plats shall not be forwarded to the Planning and Zoning Board until all deficiencies have been corrected.

(D) *Planning and Zoning Board review and Town Council review and action.* The Planning and Zoning Board shall review the preliminary plat and the findings and recommendations of the Administrator and town staff, and any other reports or recommendations pertaining to the plat and shall recommend approval, approval with conditions or disapproval of the preliminary plat to the Town Council. The Planning and Zoning Board shall review and make a recommendation to the Town Council on each preliminary plat within 60 days after the first consideration by the Planning and Zoning Board.

(1) If approval is granted by the Town Council, written confirmation shall be made on two copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements. Preliminary approval shall be valid for a period of 12 months from the date of approval of the plat by the Town Council unless an extension of time is applied for and granted by the Town Council or unless a longer time period is established under applicable vested rights provisions. Preliminary plats whose approval has elapsed shall be resubmitted in accordance with the provisions of this section.

(2) If the Town Council conditionally approves the preliminary plat, the conditions and reasons thereof shall be stated in writing.

(3) If the Town Council disapproves the preliminary plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this chapter with which the plat does not comply. The applicant may make the recommended revisions and submit a revised preliminary plat.

(4) If the Planning and Zoning Board fails to take action on the preliminary plat request within 60 days from the date that the plat is initially reviewed by the Planning and Zoning Board, the Administrator shall forward the application to the Town Council for review and approval. In such case, the Town Council shall follow the same review and approval procedures as established in this section.

(Ord. passed 2- -2004, § 3-7)

§ 152.052 FINAL PLAT REVIEW AND APPROVAL PROCEDURES.

(A) *Conformance with preliminary plat.* The final plat shall conform substantially to the approved preliminary plat. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Town Council following the same review and approval procedures set forth in § 152.051 for preliminary plats.

(B) *Submission requirements.* A final plat made of material and of a size that will be acceptable to the County Register of Deeds office for recording purposes shall be submitted to the Administrator 14 days prior to the Town Council meeting at which it will be heard. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one inch equals not more than 100 feet.

(C) *Final plat contents.* The final plat shall contain the following information:

- (1) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the County Registry;
- (2) The name of the subdivision owner or owners;
- (3) The township, county and state where the subdivision is located;
- (4) The name of the surveyor, surveyor's registration number and the date of survey;
- (5) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
- (6) 100-year floodplain areas shall be identified;
- (7) All of the additional information required by G.S. § 47-30, G.S. § 39-32.3, and §§ 152.110 through 152.112; and
- (8) All of the applicable certificates required in Appendix A.

(D) *Administrator and town staff review.* Upon receipt of the requisite copies of the proposed final plat, the Administrator shall distribute copies to the town staff for review of the plat. Following the town staff review, the Administrator shall forward the staffs findings and recommendations to the Town Council and to the applicant at least five days prior to the Town Council meeting. If the Administrator determines that the plat is incomplete, the Administrator shall notify the applicant of the deficiencies. Plats shall not be forwarded to the Town Council until all deficiencies have been corrected.

(E) *Required improvements.* No final plat shall be approved until all required improvements have been installed and approved or appropriate surety has been provided as set forth in §§ 152.065 through 152.080 and §§ 152.095 and 152.096.

(F) *Town Council review and action.* The Town Council shall review the final plat and the findings and recommendations of the Administrator and town staff, and any other reports or recommendations pertaining to the plat and shall approve, approve with conditions or disapprove the final plat.

(1) If approval is granted, a signed written certification to this effect shall be entered on the face of the plat in accordance with the requirements of Appendix A.

(2) If the Town Council conditionally approves the final plat, the conditions and reasons thereof shall be stated in writing.

(3) If the Town Council disapproves the final plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of this chapter with which the plat does not comply. The applicant may make the recommended revisions and submit a revised final plat.
(Ord. passed 2- -2004, § 3-8)

§ 152.053 RECORDATION OF FINAL PLAT.

Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within 30 days after the approval date of the final plat. Failure to record the approved plat within the specified 30-day period shall render the plat null and void.
(Ord. passed 2- -2004, § 3-9)

§ 152.054 DEDICATION AND ACCEPTANCE.

(A) The approval and recordation of a final plat does constitute an offer to dedicate but does not constitute dedication to and acceptance for maintenance responsibility by the town or the public of any public road, alley or utility or drainage easement shown on such plat. Improvements within such rights-of-way or easements, such as utility lines, road paving, drainage facilities or sidewalks may, however, be accepted for maintenance by the State Department of Transportation or by the private utility provider upon compliance with applicable NCDOT and private utility provider guidelines and standards.

(B) Land designed as public open space on a final plat shall be considered to be offered for dedication until such offer is officially accepted by the town.

(1) The offer may be accepted by the town through:

(a) Express action by the Town Council;

(b) Express action by an administrative officer designated by the Town Council; or

(c) Conveyance of fee simple marketable title (unencumbered financially and environmentally) of the property to the town at the time of final plat recordation.

(2) Until such dedication has been accepted, land so offered may be used for open space purposes by the owner or by the owners' association. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use.

(C) The developer shall be responsible for the maintenance of all facilities and improvements until an offer of dedication is accepted.
(Ord. passed 2- -2004, § 3-10)

STANDARDS OF DESIGN**§ 152.065 GENERAL.**

(A) *Design.* All proposed subdivisions shall comply with this subchapter, shall be designed to promote beneficial development of the community, and shall bear a reasonable relationship to the approved plans of the town. The design of all utility, stormwater, street, recreation and park improvements shall be reviewed and approved by the town staff, NCDOT or the applicable service provider.

(B) *Development name.* In no case shall the name of a proposed development duplicate or be phonetically similar to an existing development name in the town unless the proposed development lies adjacent or in proximity to the existing development.

(C) *Reasonable relationship.* All required improvements, easements and rights-of-way (other than required reservations) shall substantially benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development. Whenever a tract to be subdivided includes or adjoins any part of a thoroughfare or collector road as designated by an officially adopted Town Thoroughfare Plan, that part of such proposed public right-of-way shall be dedicated as public right-of-way within the subdivision plat in the location and to the width recommended by the Thoroughfare Plan or this subchapter.

(Ord. passed 2- -2004, § 4-1)

§ 152.066 SUITABILITY OF THE LAND.

(A) Land which the Town Council has determined, either through its own investigations or the investigations of other public agencies, to be unsuitable for development because of flooding, poor drainage, steep slopes, poor soil conditions and other such physical features which may endanger health, life or property or necessitate the excessive expenditure of public funds for the provision and/or maintenance of public services shall not be approved for subdivision unless methods are formulated by the developer for mitigating the problems created by the subdivision of such land. Any land within the 100-year floodplain or subject to the riparian buffer protection rules for the Tar-Pamlico River Basin shall be subdivided in accordance with the Conservation Subdivision regulations in § 152.074.

(B) Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the County Health Department, a structural engineer, and a soils expert determine that the land is suitable for the type of construction proposed.

(C) All subdivisions shall be consistent with the provisions of the county flood damage prevention ordinance and the required public utilities and facilities in all subdivisions shall be installed so as to minimize flood damage. (Ord. passed 2- -2004, § 4-2)

§ 152.067 LOTS.

The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following.

(A) *Conformance to other regulations.*

(1) Every lot shall have sufficient area, dimensions and street access to permit a principal building to be erected thereon in compliance with the applicable requirements of the town zoning ordinance (Chapter 153) and other requirements of this chapter. Lots not served by public water and/or sewer service shall comply with the specifications and standards of the County Health Department, but in no case shall the lot size be less than the minimum lot size required in the underlying zoning district.

(2) Lots within planned residential developments, townhouse developments or similar types of development shall comply with the applicable requirements of the zoning ordinance (Chapter 153).

(B) *Lot line configuration.* Side lines of lots should be at or near right angles or radial to street lines. No intersecting lot lines shall have an angle of less than 60 degrees.

(C) *Lot lines and drainage.* Lot boundaries shall coincide with natural and pre-existing human-made drainage ways to the extent practicable to avoid lots that can be built upon only by altering such drainage ways. (See also § 152.070(E).)

(D) *Access requirements.*

(1) *General access requirements.* All lots must have public street access and frontage meeting the requirements set forth in this chapter and in the town zoning ordinance. The following exceptions may be approved.

(a) Flag lots meeting the following requirements.

1. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures;
2. The maximum flagpole length shall be 300 feet;
3. The minimum flagpole width shall be 25 feet;
4. The maximum lot size in areas with public sewer shall be one acre. The maximum lot size without public sewer shall be three acres. (Note: the flagpole portion of lot is not used to calculate area, width, depth, coverage and setbacks of the lot or to provide off-street parking);
5. The minimum separation between the flagpole portion of the lot and that of another flag lot shall be 150 feet;
6. Where public water is available, any building on the flag lot must be within 500 feet of a hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the farthest portion of the building location;
7. Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirements shall be noted on the plat; and

8. Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot, with the conventional lot granted an access easement over the flagpole.

(b) Lots and units located in developments with owners' associations or in group developments in which permanent access is guaranteed by means of approved private streets and/or drives designed in accordance with the requirements of the town zoning ordinance.

(2) *Special access requirements for subdivisions on thoroughfares and for nonresidential subdivisions.*

(a) Subdivisions shall not be approved that permit individual residential lots with direct vehicular access to major and minor thoroughfares, as shown on the adopted thoroughfare plan; unless the Town Council determines that no practicable alternative for access exists. If reverse frontage lots are required by the Town Council, vehicular access shall be permitted only to the subordinate internal subdivision street.

(b) In order to reduce traffic congestion, commercial and industrial subdivisions may be required to provide a frontage road along major thoroughfares, as shown on the adopted thoroughfare plan, unless the Town Council determines that no practicable alternative for access exists. Where a frontage road is required, intersections with public streets shall be spaced no closer than 800 feet. Frontage roads may be permitted within the rights-of-way of existing streets subject to the approval of the NCDOT or the town, as applicable.

(E) *Water and sewage disposal.* Every lot in a subdivision shall be served by a water supply system and a sewage disposal system that:

(1) Is adequate to accommodate the reasonable needs of the proposed use of the lot; and

(2) Complies with all applicable health regulations and/or the town's specifications and standards for water and sewer facilities.

(Ord. passed 2- -2004, § 4-3)

§ 152.068 STREETS.

(A) *Conformance with thoroughfare plans.* The location and design of streets shall be in conformance with any applicable, adopted thoroughfare plan. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.

(B) *Conformance with adjoining road systems.* The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

(C) *Access to adjoining property.*

(1) Where, upon the approval of the Town Council, it is desirable to provide for street access to adjoining property, proposed streets shall be extended, dedicated, and, where appropriate, constructed to the boundary of such property. It is the intention of this section to promote the orderly development of a local street system that provides interconnection between developed or developing properties.

(2) Factors that shall be evaluated when considering requiring the extension of streets or street rights-of-way to adjoining property include:

- (a) The development potential of the adjoining land;
- (b) The physiographical and human-made characteristics of the adjoining property; and

(c) The existing and proposed local street system and traffic flow of the entire area surrounding the subdivided tract and adjoining properties.

(3) Generally, stub streets shall be required:

(a) Where the zoning and/or land use on the adjoining property are compatible with the proposed subdivision;

(b) Where there are no natural or human-made barriers that make the street extension impracticable;

(c) Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided; and

(d) Where the street extension will promote the overall orderly development of the area.

(4) All stub streets shall be designed and, where required to be built, constructed in accordance with the appropriate standards as delineated in these subdivision regulations.

(D) *Reserve strips.* Reserve strips adjoining streets rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.

(E) *Street classification.* The final determination of the classification of streets in a proposed subdivision shall be made by the town.

(F) *Public street design standards.* Public streets proposed to be dedicated to the town shall be designed in accordance with the street standards set forth by the town. Public streets proposed to be dedicated to the state shall be designed in accordance with standards and specifications of the State Department of Transportation (NCDOT). The following rights-of-way and pavement widths shall be considered minimum requirements for streets dedicated to the town.

(1) Minimum street right-of-way widths shall not be less than the following:

(a) Major thoroughfare: as determined by the town and/or NCDOT;

(b) Minor thoroughfare: 80 feet;

(c) Collector/subcollector streets: 60 feet;

(d) Local residential streets: 50 feet;

(e) Marginal access streets: 50 feet; and