

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 291
SENATE BILL 309

AN ACT TO AUTHORIZE THE CREATION AND ORGANIZATION OF A
HOUSING APPEALS BOARD TO WHICH APPEALS MAY BE TAKEN FROM
THE DECISION OF THE BUILDING INSPECTOR UPON ANY PROVISION OF
THE HOUSING CODE OF THE TOWN OF MOUNT AIRY IN SURRY
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. (a) The Town Board of Commissioners of the Town of Mount Airy may provide for the creation and organization of a Housing Appeals Board to which appeals may be taken from the decision of the building inspector upon any provision of the housing code of the Town.

(b) The Housing Appeals Board shall consist of five members to serve for three-year staggered terms. It shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings.

(c) An appeal from any decision or order of the building inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the Town. Any appeal from the building inspector to the Appeals Board shall be taken within such reasonable time as shall be prescribed by the Board by general rule and shall be taken by filing with the building inspector and with the secretary of the Board a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any notice of appeal, the building 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 building inspector refusing to allow the person aggrieved thereby to do any act, his decision shall remain in force until modified or reversed. When any appeal is from a decision of the building inspector requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement of the building inspector until the hearing by the board, unless the building inspector certifies to the Board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except by a restraining order, which may be granted for due cause shown and upon not less than one day's written notice to the building inspector, by the Board or by the Superior Court of Surry County.

(d) The Appeals Board shall fix a reasonable time for the hearing of all appeals 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 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 building inspector; but the concurring vote of three members of the Board shall be necessary to reverse or modify any decision of the building 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 housing code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done.

(e) Every decision of the Appeals Board shall be subject to review by the Superior Court of Surry County by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(f) If a person fails to comply with an order of the building inspector or, upon appeal, an order of the Appeals Board to repair, alter, improve, vacate, close or demolish a building or dwelling, the building inspector may cause such building or dwelling to be repaired, altered, improved, vacated, closed or demolished; provided, that the duties of the building inspector as set forth herein shall not be exercised until the Housing Appeals Board shall have, by resolution or other written decree, ordered the inspector to proceed to effectuate the above purposes with respect to the particular property or properties involved; and such order shall further provide that the amount of costs incurred as a result of the exercise of such duties shall become a lien against the real property involved.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 22nd day of April, 1969.