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CHAPTER 150: BUILDING REGULATIONS

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BUILDING REGULATIONS

Sec 150.10. Building Codes Adopted

A. The 2006 International Building, Residential, Plumbing, Mechanical, Fuel Gas and Energy Code, the 2006 Edition of the National Electrical Code (NFPA -70), the 2006 North Carolina Administration and Enforcement Requirements Code, North Carolina Accessibility Code 2006 Edition, Volume 8 North Carolina Regulations for Modular Construction 1994 Edition, and North Carolina Regulations for Manufactured and Mobile Homes 1995 Edition with 1996 Amendments, and the North Carolina Rehabilitation Code, and any subsequent updates or editions of those guidelines as provided by the State of North Carolina are hereby adopted by reference and shall control construction and installation of improvements within the Town and its extraterritorial jurisdiction, the same as if set out at length herein.

B. In addition the Town adopts locally the following recommended practices of the International Residential Code the same as if set out at length herein:

1. Appendix F: Radon Control Methods
2. Appendix G: Swimming Pools, Spas, and Hot Tubs
3. Appendix M: Wood Decks
4. Appendix O: Construction Practice for Slab on Grade

Sec 150.11. Plumbing Code Addition

Water Line Leak Prevention and Shut-off Valves

In order to minimize leaks and conserve water, the Town of Black Mountain requires a test of 100lbs of pressure on all water supply piping to structures in new construction. A shut-off valve shall be required between the Town meter and the structure it is serving and within three feet (3') of the Town's meter in order to isolate or shut-off all water to the structure without accessing the Town's meter per Chapter V Section 52.26 of the Town's Public Works Regulations. This allows temporary shut-off of water to address leaks, for seasonal rental properties or if the structure is to remain unoccupied for an extended period.

Sec 150.12 Copies of Codes and Green Building Guidelines to be maintained

Copies of cited codes, the North Carolina Green Builder Program Guidelines and the LEED™ (Leadership in Energy and Environmental Design) Green Building Rating System of the U.S. Green Building Council shall be maintained within the Building Inspections Office for reference.

Sec 150.13 Application for a Building Permit

Applications for building permits shall include a site plan or plot plan drawn to scale showing:

1. The actual dimensions and shape of the lot to be built upon.
2. Exact sizes, location, and dimensions of the proposed building or alteration.
3. Location of the lot with respect to adjacent rights-of-way.
4. Location and dimensions of off-street parking and ingress and egress to such space.

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5. Any other information as may be lawfully required by the Building Inspector and Zoning Administrator, including location of existing and proposed uses of buildings and land; number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing in conformance with and provided for the enforcement of this chapter. The site plan shall be retained by the Planning Department.

Sec. 150.14 Town Zoning Authorization and Building Permit Required

- A. Permit required before work is begun.** Failure to obtain a written permit prior to beginning of construction shall constitute a violation of this article and subject the offender to a civil penalty as set out in Section 150.99. Penalties may be waived in cases of emergency repairs or hardship as determined by the Building Inspector. Questions concerning whether or not specific work or jobs need a permit should be directed to the Town Building Inspector's office.
- B. Zoning, Stormwater and Fire Safety authorization required.** No building permit will be issued until the Town Zoning Administrator has provided his or her authorization that the proposed structure is compliant with the Zoning District in which it is located and all other applicable regulations, including storm water, parking, and other site plan requirements, and until the Town Fire Prevention Inspector has provided his or her authorization that the project is compliant with the Town Fire District Ordinance.
- C. Permits issued for approved lots only.** The building permit shall not be issued for construction on new lots which are created by the subdivision of land unless the subdivision has been approved. The subdivision preliminary plat approved by the Planning Board must be provided to the Building Inspector before any building permit is issued for infrastructure construction.
- D. Failure to obtain a written permit.** Failure to obtain a written permit shall constitute a violation of this article and subject the offender to a civil penalty as set out in Section 150.99.
- E. False statements.** False statements on any application for a license or permit shall be grounds for immediate revocation or denial of such license or permit.

Sec 150.15 Certificates of Occupancy and Compliance

- A. At the conclusion of all work done under a permit, the Town Building Inspector shall make a final inspection, and, if the completed work is within compliance, shall issue a certificate of occupancy and compliance. No newly constructed building may be occupied until the Building Inspector has issued this certificate. A temporary certificate of compliance may be issued permitting occupancy for a stated period of specific portions of a building.

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- B. When a commercial building or leased space changes ownership or business type, a Certificate of Occupancy and Compliance is required to ensure fire and building safety and zoning compliance.
- C. Any application for a Certificate of Occupancy shall be accompanied by payment of such fee as the Town Board of Aldermen may establish, and such application will not be processed until such fee is paid.

Sec 150.16 Business Privilege License Required

Any person, firm or corporation conducting construction, renovation, mechanical work, or installation for remuneration within the jurisdiction of the Town of Black Mountain must have a Business Privilege License issued by the Town in accordance with Title XI: Business Regulations.

Sec. 150.17 Town Building and Zoning Inspections

- A. The Town personnel will perform or contract for all of the services relative to inspections as authorized by the Town within the corporate limits of the Town and its extraterritorial jurisdiction.
- B. The Town will collect, as consideration for the performance of the duties set forth, a fee based upon a schedule adopted by the Board of Aldermen for the Town.
- C. The Town is responsible for ensuring that all new construction complies with the zoning regulations of the Town and will issue a zoning authorization prior to the issuance of any building permit and conduct a minimum of one zoning inspection on-site, once work has commenced.
- D. Pursuant to NCGS 160A-421, whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner in violation of any State or local building law, or in a manner that endangers life or property, the Town Building Inspector may order the work be immediately stopped. The stop order shall be in writing and shall state the specific work to be stopped, the reasons, and the conditions under which the work may be resumed, and include notice of any civil penalties that may be issued.
- E. Appeals of stop work orders may be made to the North Carolina Commissioner of Insurance or his/her designee within a period of five days after the order is issued.

Sec. 150.18 Time Limitations on Permits

A permit issued shall expire after six (6) months of the date of issuance if the work authorized by the permit has not commenced. If after commencement, the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by permit that has expired shall thereafter be performed until a new permit is secured.

Sec. 150.19 Public Right-of-way to be Maintained

No building or construction material shall be placed or left on any street, alleyway, sidewalk or other public property except with the permission of the Town Manager. Permits for use of the Town right-of-way may be granted by the Town Manager only when the request will not endanger public safety, and for renewable periods of no longer than forty five (45) days. In

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issuing any such permit, the Town Manager may impose conditions as necessary in the interest of public safety and to minimize restrictions on the free and unobstructed use of streets or sidewalks.

Sec. 150.20 Building Permit Fees and Available Incentives

- A. Permit fees are established by the Board of Aldermen and are published in a schedule of Building Permit and Inspection Fees available through the Building Inspections Office.
- B. The Town provides building and permit fee incentives for construction that meets Town goals related to the environment and community development.
 - 1. To encourage energy efficient, high performance and sustainable building practices, the Town will provide a \$500 dollar rebate, for construction projects certified Bronze Level by the NC HealthyBuilt Homes Program or a Certified Level in any of the LEED rating systems.
 - 2. To encourage new home and rental development to be available at median to low income market prices, the Town will provide a 50% rebate from the calculated Building Permit Fee for construction projects that are developed by a housing agency utilizing federal or state CDBG, HOME, HUD or other grant funds designated for the purpose of affordable housing. A 50% rebate will also be provided to any developer who provides documentation that the unit on which the fee was paid was sold at a price level consistent with affordable housing guidelines as established by Buncombe County.
 - 3. For new construction that meets the criteria of both paragraphs one and two above, a 50% rebate will be provided from the Building Permit Fee and all required mechanical, electrical and plumbing inspections will be conducted for a flat, comprehensive fee of \$100 per unit.

Sec 150.21 Unsafe Buildings Condemned

- A. Pursuant to NCGS 160A-426, any **residential building or manufactured home** which shall appear to the Building Inspector to be especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.
- B. Any **Non-residential building** may be declared unsafe if it appears to the Building Inspector to be 1) vacant or abandoned and 2) in such a dilapidated condition as to cause or contribute to blight, disease, vagrancy, fire or safety hazard, to be a danger to children, or tend to attract persons intent on criminal activities or other activities which would cause a public nuisance, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building.

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- C. If after proper notification and posting the owner does not take any action to repair or rectify structures in order to address the liabilities that resulted in condemnation, the **Building Inspector shall hold a hearing** at a designated place and time at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

- D. Following the hearing, the Building Inspector may issue such order to repair, close, vacate, or demolish the structure as appears appropriate. **Corrective actions and appeals** shall continue to follow the procedures provided in the General Statutes, including but not limited to, the Town's ability to demolish structures and take a lien against the real property upon which the cost was incurred.

150.99 Penalties

Any person, firm, corporation or other entity or organization violating the provisions of Chapter 150 shall be subject to a civil penalty to be recovered by the Town in the nature of a debt if the offender does not pay the penalty within the time prescribed in a notice of violation provided to the offender. The amount of this penalty shall be \$100.00, and each day that the violation continues after notice of violation has been given to the offender shall be deemed a separate offense for purposes of imposing the penalty.

The Town, acting through its building inspector, may also enforce the provisions of Chapter 150 by any appropriate equitable remedy issuing from a court of competent jurisdiction, including but not limited to injunctions and orders of abatement.

(Ord. 0-77-16, passed 11-28-78); (Am. Ord. 0-00-06, passed 4-10-00; Am. Ord. 0-07-15, passed 11-13-07)