

**ORDINANCE NO. 2019 – 14 TC 424
TC-8-19**

**AN ORDINANCE TO AMEND THE PART 10
RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO MODIFY REGULATIONS
RELATED TO APPEALS FROM MINIMUM HOUSING STANDARDS
DETERMINATIONS AND TO REMOVE REGULATIONS FOR PLUMBING
EXAMINING BOARD AND LICENSING AND MECHANICAL EXAMINING BOARD
AND LICENSING**

WHEREAS, North Carolina General Statute §160A-446, provides that City Council may either (i) create a housing appeals board to hear appeals from decisions made by the City’s inspectors tasked with determining whether dwellings meet the City’s minimum housing standards for human habitation, or (ii) provide the Board of Adjustment with the authority to hear such appeals;

WHEREAS, pursuant to its authority to do so under N.C.G.S. §160A-446, City Council created the Housing Appeals Board to hear minimum housing standards appeals;

WHEREAS, due to the infrequency of minimum housing standards appeals, City Council now wishes to dissolve the Housing Appeals Board and to provide for such appeals to be heard by the Board of Adjustment;

WHEREAS, the proposed amendments will dissolve the Housing Appeals Board and provide the Board of Adjustment with the authority to hear the minimum housing standards appeals;

WHEREAS, due to the State of North Carolina issuing the license for the plumbing and mechanical trades, the proposed amendments will dissolve the Plumbing Examining Board and the Mechanical Examining Board;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 10.1.3.B. of the Raleigh Unified Development Ordinance, Specific Approval Authority, is hereby amended to insert a new subsection 5 and language, as shown below with underlined text:

Sec. 10.1.3.B.

5. Appeals from decisions or orders related to minimum housing code standards pursuant to the terms of Section 11.6.11.

Section 2. Section 11.6.11. of the Raleigh Unified Development Ordinance, Housing Appeals Board; Creation, Composition, Powers and Procedures, is hereby repealed and replaced with the following underlined text:

Sec. 11.6.11. Board of Adjustment to Hear Appeals

An appeal from any decision or order of the inspector pursuant to this Article may be made by the person aggrieved thereby or by any officer, board or commission of the City. Any such appeal shall be made to the Board of Adjustment and governed by the procedures set forth in G.S. 160A-446.

Section 3. Section 11.3.2. of the Raleigh Unified Development Ordinance, Plumbing, is hereby repealed. Subsequent sections shall be renumbered accordingly.

Section 4. Section 11.3.3. of the Raleigh Unified Development Ordinance, Mechanical, is hereby repealed. Subsequent sections shall be renumbered accordingly.

Section 5. Where the changes in this ordinance cause a section reference to change, all applicable cross-references throughout the Raleigh Unified Development Ordinance shall also be changed.

Section 6. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 7. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. This text change has been reviewed by the Raleigh City Planning Commission.

Section 9. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 10. This ordinance shall be enforced as provided in N.C.G.S. §160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the Fifty Dollar (\$50.00) limit in N.C.G.S. §14-4(a) or similar limitations.

Section 11. This ordinance is effective 5 days after adoption.

ADOPTED: October 15, 2019

EFFECTIVE: October 20, 2019

DISTRIBUTION: Management Team

Prepared by the City Attorney's Office and Department of City Planning