

## Chapter 150. Building Regulations

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### ***GENERAL PROVISIONS***

#### **§ 150.01 BUILDING PERMIT ON LOTS LARGER THAN ONE ACRE REQUIRED.**

Before any building permit is granted on a land area larger than one acre, satisfactory proof must be provided to the town official granting the permit that the soil erosion control ordinance(s) of the county applying to that land area shall have been complied with.  
(’72 Code, § 6-2)

#### **§ 150.02 INSTALLATION OF SMOKE DETECTORS REQUIRED.**

(A) Every dwelling unit, whether located within a single-family dwelling, a duplex, a multi-family dwelling, a condominium, or a town house, shall contain at least one operable smoke detector installed in accordance with the manufacturer's recommendations.

('72 Code, § 6-3A)

(B) It shall be unlawful for anyone to rent or lease to another a dwelling unit, whether located within a single family dwelling, a duplex, or a multi-family dwelling, condominium or town house, unless that dwelling unit has in it at least one operable smoke detector installed in accordance with the manufacturer's recommendations.

('72 Code, § 6-3B) (Ord. 619, passed 4-9-90) Penalty, see § 150.99

## ***BUILDING CODE***

### **§ 150.15 ADOPTION BY REFERENCE.**

The town does hereby adopt the Building Code of the State of North Carolina pursuant to G.S. § 143-138(b), specifically making it adaptable to the following types of buildings:

(A) Dwellings and out-buildings used in connection therewith;

(B) Apartment buildings used exclusively as the residence of not more than two families; and

(C) Temporary buildings or sheds used for construction purposes exclusively, not exceeding 20 feet in any direction and not used for living quarters.

('72 Code, § 6-1) (Ord. 5, passed 4-13-73)

## ***INSTALLATION CONTRACTORS; LICENSING***

### **§ 150.30 PURPOSE.**

This subchapter is to license insulation contractors and others who install materials and equipment designed to meet the energy conservation standards of the State Building Code.

('72 Code, § 6-4) (Ord. 24, passed 2-13-78)

### **§ 150.31 STATUTORY AUTHORIZATION.**

This subchapter is adopted pursuant to Chapter 703, North Carolina Session Laws of 1977, and G.S. § 160A-194.

('72 Code, § 6-4-1) (Ord. 24, passed 2-13-78)

### **§ 150.32 REQUIRED LICENSE.**

No person, firm, or corporation may for a consideration install, alter, or restore within the town any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization standards who is not either:

(A) Licensed as a contractor to do the proposed work under G.S. Chapter 87,

(B) Working under the supervision of a registered architect or professional engineer,

(C) An owner working upon his own building, or

(D) Licensed under this subchapter.

('72 Code, § 6-4-2) (Ord. 24, passed 2-13-78) Penalty, see § 150.99

### § 150.33 APPLICATIONS.

Every person desiring a license under this subchapter shall submit an application for a license to the Town Clerk conforming to the following requirements:

(A) *Form of application.* Each application shall be a written statement upon forms provided by the Town Clerk.

(B) *Contents of application.* Each application shall contain the following information:

(1) Name and home address of the applicant, if an individual, or home office address, if a corporation or partnership;

(2) Names and home addresses of the partners, if a partnership;

(3) Names and home addresses of the officers and directors, if a corporation;

(4) Place where the proposed business is to be located;

(5) Complete record of all convictions of felonies or acts involving dishonesty, fraud, or deceit by the applicant or any employee, partner, officer, or director of the applicant, whether in this or any other state or jurisdiction;

(6) Complete record of all licenses held by the applicant or any employee, partner, officer, or director of the applicant authorizing activities of the type authorized herein or other activities involving construction, alteration, or modification of buildings and structures; and

(7) Information as to the circumstances in which any local, state, or federal government or agency has refused, suspended, or revoked a license of the type described in division (B)(6) of this section to the applicant or any employee, partner, officer, or director of the applicant.

(C) *Fees.* Each application shall be accompanied by a fee in the amount of \$25 for the license, this amount to be for the calendar year and prorated by quarters to the end of that year.

(D) *False statements.* False statements on any application for a license shall be grounds for immediate revocation or denial of that license.

('72 Code, § 6-4-3) (Ord. 24, passed 2-13-78)

### § 150.34 PROCEDURE FOR ISSUANCE.

(A) *Review by town officers.* Each application received by the Town Clerk shall be promptly forwarded to the Building Inspector for review. This officer shall promptly make any comments and recommendations pertaining to the application and forward it to the Town Board of Commissioners.

(B) *Licensing agency.* The application and any comments and recommendations relating thereto shall be considered by the Town Commissioners, who shall then issue or deny the license pursuant to the following standards.

(C) *Standards.* The Town Commissioners shall issue the license unless they shall find that the applicant or any employee, partner, officer, or director of the applicant:

(1) Has been convicted within the last three years of a felony or an act involving dishonesty, fraud, or deceit, whether in this or any other state or jurisdiction;

(2) Has been refused a license to do the type of work authorized herein or has had such a license suspended or revoked by any local, state, or federal government or agency, and that government or agency has not subsequently granted or restored the license;

(3) Has knowingly made a false statement in the application;

(4) Has failed to post the bond or other security required by § 150.35.  
(’72 Code, § 6-4-4) (Ord. 24, passed 2-13-78)

**§ 150.35 BOND REQUIRED.**

(A) Before a license shall be issued to any applicant, the applicant shall post a bond with the town in the amount of \$1,000. In lieu of posting a bond, the applicant may deposit a cashier's check or cash in the same amount.

(B) The security required by division (A) of this section shall be available to indemnify any person for any damage which may accrue by reason of the applicant's failure to properly provide or install insulation, energy utilization equipment, or other materials designed or intended to meet the State Building Code standards for insulation and energy utilization.

(’72 Code, § 6-4-5) (Ord. 24, passed 2-13-78)

**§ 150.36 TERMINATION AND RENEWAL OF LICENSES.**

All licenses issued hereunder shall terminate on the last day of the calendar year for which issued. Renewal of those licenses shall be pursuant to the same procedures and requirements set forth for initial issuance.

(’72 Code, § 6-4-6) (Ord. 24, passed 2-13-78)

**§ 150.37 SUSPENSION; REVOCATION.**

(A) The Board of Commissioners may suspend or revoke any license issued hereunder at any time upon a showing that the applicant or any employee, partner, officer, or director of the applicant has:

(1) Knowingly made a false statement in the application for a license;

(2) Violated the State Building Code requirements as to insulation or energy utilization equipment or materials, whether in this or any other jurisdiction; or

(3) Been convicted of an act involving dishonesty, fraud, or deceit with respect to any contract entered into for work requiring this license.

(B) Any licensee whose license is suspended or revoked may appeal the suspension to the Town Commissioners. After reasonable notice to the licensee, the Town Commissioners shall afford the licensee an opportunity to show why its license should not be suspended or revoked.

(’72 Code, § 6-4-7) (Ord. 24, passed 2-13-78)

**§ 150.38 NOTICE OF CHANGE OF LOCATION TO BE GIVEN.**

The location of any licensed business may be changed, provided ten days' notice thereof is given to the town, and operation at the new location does not violate any applicable state or local law, ordinance, or regulation.

(’72 Code, § 6-4-8) (Ord. 24, passed 2-13-78) Penalty, see § 150.99

**§ 150.39 REQUIRED PERMIT; FEE; EXCEPTIONS.**

(A) No person, firm, or corporation may for a consideration install, alter, or restore any insulation or other materials or energy utilization equipment designed or intended to meet the State Building Code requirements for insulation and energy utilization without first securing a special insulation and energy utilization permit from the Board of Commissioners for each item of work, which permit shall evidence compliance with the insulation and energy utilization standards of the State Building Code.

(B) Fees for each permit shall be determined by the following schedule:

<b>Structure</b>	<b>New Building (1)</b>	<b>Existing Building</b>			
		<b>Ceiling</b>	<b>Floors</b>	<b>External Walls</b>	<b>All (2)</b>
One or two family dwellings					
-To 1,000 square feet	20	5	5	10	15
-Over 1,000 square feet	20	10	10	10	20
One or two family additions or outbuildings	10	—	—	—	—
Multi-family (per unit)	8	2 \$10 minimum	2 \$10 minimum	2 \$10 minimum	—
Commercial or industrial					
-To 5,000 square feet	20	10	10	20	—
-Over 5,000 to 20,000 square feet					
-Over 20,000 square feet	30	20	20	30	—
	40	20	20	40	—
Signs (No charge)					

(C) The following shall not be required to obtain the permit required by division (A) of this section:

(1) An owner working upon his own building;

(2) An installer working under the supervision of a registered architect or professional engineer, when the work is being performed under a general building permit; or

(3) A contractor licensed to do the proposed work under G.S. Chapter 87, when the work is being performed under a general building permit.  
(72 Code, § 6-4-8) (Ord. 24, passed 2-13-78)

**§ 150.40 REQUIRED FORMS.**

The following forms shall be used in accordance with §§ 150.30 through 150.39 in applying for a license, special permit, or certificate of compliance:

(A) *Insulation contractor license.*

License Number \_\_\_\_\_

**APPLICATION FOR LICENSE – INSULATION CONTRACTORS**

1. A. Name and address of applicant (if a corporation or partnership, give home office address):

B. If a partnership, list names and home addresses of all partners:

C. If a corporation, list names and home addresses of all officers and directors:

2. Location (local address) of your business:

3. If you or any employee, partner, officer, or director of your company has ever been convicted of any crime involving fraud, deceit, or dishonesty, whether in this state or in any other jurisdiction, list the crime and date of conviction:

4. List all licenses held by you or any employee, partner, officer, or director of your business which authorizes construction or repair work on buildings or structures (such as general contractor's license, plumbing and heating contractor's license, or electrical contractor's license):

5. A. Has any license of the type described in question No. 4 ever been revoked, suspended, or refused to you, or any employee, partner, officer, or director of your business? Yes\_\_\_ No\_\_\_

B. If yes, state the time, place, the state or local agency involved, and all other circumstances:

6. Any other information you wish to provide:

*I hereby certify that the information on this application is true and correct.*

Contractor: \_\_\_\_\_

Date: \_\_\_\_\_

\*\*\*\*\*

License Number \_\_\_\_\_

**INSULATION CONTRACTOR'S LICENSE**

Date: \_\_\_\_\_ License Fee: \_\_\_\_\_

This license is issued to the applicant and is conditioned on the applicant complying with the Insulation and Energy Utilization Standards of the State Building Code and all applicable state and local regulations.

Inspector: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

(B) *Application for special permit for installation of insulation.*

APPLICATION FOR SPECIAL PERMIT INSTALLATION OF INSULATION

Town of Matthews, North Carolina Date: \_\_\_\_\_

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Estimated Cost: \_\_\_\_\_ State License No. \_\_\_\_\_ or Local License No. \_\_\_\_\_

Owner: \_\_\_\_\_ New \_\_\_\_\_ Existing \_\_\_\_\_

Address: \_\_\_\_\_ Residential \_\_\_\_\_ Commercial \_\_\_\_\_

Exterior Walls Type \_\_\_\_\_ Thickness \_\_\_\_\_ R Factor \_\_\_\_\_

Ceiling \*Type \_\_\_\_\_ Thickness \_\_\_\_\_ R Factor \_\_\_\_\_

Floor Type \_\_\_\_\_ Thickness \_\_\_\_\_ R Factor \_\_\_\_\_

This is to certify that all work proposed under this permit will comply with the Insulation and Energy Utilization Standards of the State Building Code and is in compliance with all applicable state and local regulations.

Contractor \_\_\_\_\_ Architect or Engineer \_\_\_\_\_  
*if new building designed by same\*\**

\* If blown type is used, contractor also certifies density/weight is lbs. per square feet installed.

\*\* Separate certificate required by Chapter 32 and H.B. 1333 acceptable in lieu thereof.

\*\*\*\*\*

Permit Number \_\_\_\_\_

SPECIAL PERMIT TO INSTALL INSULATION

Date: \_\_\_\_\_ Permit Fee: \_\_\_\_\_

This permit is issued to the applicant above and is conditioned on the applicant complying with the Insulation and Energy Utilization Standards of the State Building Code and all applicable state and local regulations.

Inspector \_\_\_\_\_

*(C) Certificate of Compliance.*

CERTIFICATE OF COMPLIANCE

Date: \_\_\_\_\_

This is to certify that the work performed under Permit No. \_\_\_\_\_ on building located at \_\_\_\_\_ (address) to the best of my knowledge and ability complies with the Insulation and Energy Utilization Standards of the State Building Code and is in compliance with all applicable state and local regulations.

Contractor \_\_\_\_\_ Inspector \_\_\_\_\_

Architect or Engineer \_\_\_\_\_  
*if new building designed by same.\**

\* Separate certificate required by Chapter 32 and H.B. 1333 acceptable in lieu thereof.  
(\*72 Code, § Ch. 6-4, App.) (Ord. 24, passed 2-13-78)

**SIDEWALK AND DRAINAGE FACILITIES CONSTRUCTION**

**§ 150.50 PURPOSE; STATUTORY AUTHORIZATION.**

(A) The Town Board of Commissioners finds that certain uses of property within the town generate significant levels of vehicular or pedestrian traffic along public streets abutting the property used for those purposes; that

convenient and safe pedestrian passageways should be provided in the public interest so as to separate the traffic; and that properties which may be used for those purposes along public streets are without adequate, convenient and safe pedestrian sidewalks.

(B) Further, the Town Board of Commissioners finds that certain uses of property generate appreciable levels of surface water runoff which in turn collects trash and litter; that adequate drainage facilities should be provided in the public interest so as to allow the proper regulation and disposal of surface water runoff; and that property which may be used for those purposes along public streets are without adequate and necessary drainage facilities, such as concrete curb and gutter, catch basins, storm drainage pipes and the like so as to control surface water runoff.

(C) Therefore, the Town Board of Commissioners pursuant to the authority conferred by G.S. § 160A-174 does ordain and enact this subchapter into law which requires the construction of sidewalks and necessary drainage facilities in conjunction with the construction of structures or buildings for certain uses.

('72 Code, § 18-2-1) (Ord. 140, passed 2-14-83)

### **§ 150.51 DEFINITIONS.**

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

**ADDITION.** Any new structure or building which is added to an existing building by an enclosed usable connector, this connector having the same type of heating, plumbing, and utility fixtures as the existing building or structure and does not attract or generate appreciable levels of pedestrian or vehicular traffic.

**AUXILIARY BUILDING.** A detached, subordinate building, the use of which is clearly incidental and related to that of the principal structure or use of the land, which does not attract or generate appreciable levels of pedestrian or vehicular traffic and which is located on the same lot as that of the principal building or use. By way of illustration only, auxiliary buildings may include maintenance shops and lawn care storage areas.

**BUILDING.** Any structure built for the support or enclosure of persons, goods, or equipment, having a roof supported by walls.

**INDUSTRIAL BUILDING.** Any building whose primary function is the performance of work or labor in connection with the fabrication, assembly, processing, or manufacture of products or materials.

**NECESSARY DRAINAGE FACILITIES.** Those improvements as concrete curb and gutter, catch basins, storm drainage pipes, junction boxes, and any improvements in accord with acceptable engineering practices as maintained by the Town Engineer.

**SIDEWALK.** Permanent all-weather pedestrian ways in accordance with acceptable engineering practices as maintained by the Town Engineer.

**WAREHOUSE.** A building which is used for the storage of goods, wares, or merchandise, excepting limited storage incidental to the display, sale, or manufacture of those items.

('72 Code, § 18-2-2) (Ord. 140, passed 2-14-83)

### **§ 150.52 CONSTRUCTION REQUIREMENTS; EXCEPTION.**

(A) (1) Except as provided in divisions (B), (C), and (E) of this section, the construction of sidewalks and necessary drainage facilities shall be required in conjunction with the construction of any new building used for any of the following purposes:

- (a) Office;
- (b) Institutional;
- (c) Multi-family residential where any building contains three or more dwelling units;
- (d) Retail sales;
- (e) Retail services; or

(f) Business.

(2) Sidewalk and drainage facilities may not be required along streets scheduled and funded for improvement by either the town or the North Carolina Department of Transportation when such improvements include all sidewalk and drainage facilities normally required by this subchapter.

(B) (1) Except as required by Chapter 152, sidewalk facilities shall not be required in conjunction with the construction of any new buildings used solely for the following purposes:

- (a) Warehouse;
- (b) Industrial; or
- (c) Auxiliary building.

(2) However, necessary drainage facilities as provided herein shall be required except for auxiliary buildings.

(C) If the new building as referred to in division (A) of this section is an addition as defined in this subchapter, the construction of sidewalk facilities shall not be required except as provided by Chapter 152. However, necessary drainage facilities as provided herein shall be required.

(D) Construction of sidewalks or necessary drainage facilities required by this subchapter shall be accomplished along the entire length of the frontage of the property abutting each publicly maintained street.

(E) *Exception.* In cases where the Town Engineer determines that the likelihood of future street widening and other street improvements, considered together with the expense of acquiring rights-of-way to accommodate those improvements, makes the value of the applicant's dedication to the town of additional property along the present right-of-way exceed the cost to the town of itself installing curb, gutter, and/or drainage which would otherwise be required of the applicant, the Town Engineer may recommend to the Town Board of Commissioners an acceptance of dedication in lieu of street improvements. It shall be the responsibility of the applicant for such exception to request and supply information sufficient to support the exception. The Town Engineer's determination that grounds for the exception do not exist and decision not to forward a recommendation to the Town Board shall not be appealable.

(F) In cases where the applicant's proposed plat requires approval under the provisions under Chapter 152, the Planning Commission or Town Board of Commissioners shall have the variance powers otherwise granted the Town Engineer under the provisions of § 150.55, but this power shall be exercised only after consultation with and the receipt of a recommendation from the Town Engineer.

('72 Code, § 18-2-3) (Ord. 140, passed 2-14-83)

#### **§ 150.53 STANDARDS OF CONSTRUCTION.**

Sidewalks and drainage facilities shall be constructed in accordance with the construction standards established by the Town Engineer.

('72 Code, § 18-2-4) (Ord. 140, passed 2-14-83)

#### **§ 150.54 APPROVAL OF PLANS.**

Approval of sidewalks and drainage construction plans shall be obtained from the Town Engineer upon application for a building permit with the Building Inspection Department. When sidewalk or drainage facilities are required, the Town Engineer will specify the location of the required facilities. If existing public street right-of-way is not available, the Town Engineer may require the sidewalk to be constructed outside the street right-of-way.

('72 Code, § 18-2-5) (Ord. 140, passed 2-14-83)

#### **§ 150.55 VARIANCES.**

(A) Where, because of the topography, geography, or other unusual physical conditions relating to the land, strict compliance with the provisions of this subchapter shall cause an unusual and unnecessary hardship on the applicant, the Town Engineer may vary the requirements set forth herein.

(B) In cases where the proposed developed area will be less than 50% of the total area of the property under single ownership, the Town Engineer may vary the requirements set forth herein.

(C) In cases where a proposed development for which a sidewalk is required in accordance with § 150.52(A) has property frontage along a permanently dead-end street and is the sole development on one side of the street, the Town Engineer may vary the sidewalk requirements set forth herein. Permanently dead-end streets may include but not be limited to those town-maintained roadways which are discontinuous because of the topography, geography, or other unusual land features, and the extension of that street is not expected. Consideration shall also be given to the existing or proposed use of surrounding or abutting property and any preliminary development plans affecting same.

(D) Every request for a variance of any provision of this subchapter must be submitted in writing to the Town Engineer not later than 30 days after the initial building permit is issued for the building concerned. Each request for a variance shall set forth in detail the grounds upon which the request is asserted and any other documents and information as the Town Engineer may require. Each request for a variance shall be acted upon by the Town Engineer within a reasonable time, not exceeding 60 days after receipt of a request in proper form.

(E) In granting variances, the Town Engineer may require those conditions as will secure, insofar as practicable, the objectives of the requirement varied. Variances granted by the Town Engineer shall be reported to the Town Board of Commissioners on an annual basis.

('72 Code, § 18-2-6) (Ord. 140, passed 2-14-83)

#### **§ 150.56 OCCUPANCY OF BUILDING IN VIOLATION OF PROVISIONS PROHIBITED.**

No person, firm, corporation, or unincorporated association shall occupy or allow the occupancy or use of any building which is in violation of this subchapter.

('72 Code, § 18-2-7) (Ord. 140, passed 2-14-83) Penalty, see § 150.99

#### **§ 150.57 APPLICATION TO NEW CONSTRUCTION.**

This subchapter shall apply to new construction commenced pursuant to building permits issued and approved on and after the date of its adoption.

('72 Code, § 18-2-9) (Ord. 140, passed 2-14-83)

#### **§ 150.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions set forth in § 10.99.

(B) *Enforcement of § 150.02.* This section may be enforced in any one or more of the following ways as prescribed by law:

(1) *Equitable remedy.* The town may apply for any appropriate equitable remedy to enforce the provision of this section. It is not a defense to the town's application for equitable relief that there are other remedies provided under the general law of this section.

(2) *Injunction.* The provisions of this section may be enforced by injunction. When a violation of this section occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

(3) *Civil Penalties.* If, through inspection, it is determined that a person has failed to comply with the provisions of this section, the town's inspector may issue a warning citation to the violator. Violations shall be corrected within ten days of the issuance of the citation. If the violation is not corrected within the specified time period, a citation subject to a \$100 civil penalty shall be issued for the first day of noncompliance and \$10 for each day thereafter until the dwelling unit is brought into compliance with this

section. These civil penalties are in addition to any other penalties or actions imposed by a court for violation of the provisions of this section.

(4) *Violation of section.* Any person, firm, or corporation convicted of a violation of any provisions of this section shall be guilty of a misdemeanor. Such a conviction is punishable by a fine not exceeding \$500 or imprisoned not exceeding 30 days. After notice of a violation is given, the violator will have ten days to correct the violation. After that time each additional day that the violation remains will be considered a separate violation.

('72 Code, § 18-6-3C) (Ord. 619, passed 4-9-90; Am. Ord. 755, passed 9-28-92)

(C) Any person, firm, or corporation violating the provisions of §§ 150.30 through 150.39 shall be subject to all the applicable punishment, penalties, and equitable relief provided for by G.S. § 160A-175 and Chapter 703, North Carolina Session Laws of 1977.

('72 Code, § 6-4-10) (Ord. 24, passed 2-13-78)

(D) *Enforcement of §§ 150.50 through 150.57.*

(1) Any person, firm, corporation, or unincorporated association which causes or allows or engages in the construction, occupancy, or use of any building in violation of these sections shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$500 and/or imprisoned not exceeding 30 days. Each day that a violation continues to exist shall be considered to be a separate offense, provided the violation is not corrected within 30 days after initial notice of the violation has been given.

(2) Any person, firm, or corporation which causes or allows or engages in the construction, occupancy or use of any building in violation of these sections shall be subject to a civil penalty of \$100. Each day that the violation continues shall subject the offender to an additional \$100 penalty provided the violation is not corrected within the 30 days after the initial notice of the violation is given.

(3) Neither those sections 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 cause their abatement through summary action or otherwise. These sections may be enforced by any and every method provided pursuant to G.S. § 160A-175 or as it may be amended.

('72 Code, § 18-2-8) (Ord. 140, passed 2-14-83; Am. Ord. 755, passed 9-28-92)