

ARTICLE XIX

VIOLATIONS, PENALTIES AND REMEDIES

(amended 01 March 2021)

Section 1900. Violations.

- 1900.01** The owner of property is always responsible for any violation(s) of this Ordinance that occur on the owner's property.
- 1900.02** Whenever, by the provisions of this Ordinance, the performance of any act is prohibited, or whenever any regulations, dimension or limitation is imposed on the use of any land, or on the erection or alterations or the use or change of use of a structure, or the uses within such structure, a failure to comply with such provisions of this Ordinance shall constitute a separate violation and a separate offense.
- 1900.03** Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
- 1900.04** When staff determines work or activity has been undertaken in violation of a development regulation adopted pursuant to this ordinance or other local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405.

1900.05 In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the Town by notifying the holder in writing stating the reason for the revocation. The Town shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the Town for enforcement purposes in lieu of the State; or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by the Town pursuant to this ordinance, the provisions of G.S. 160D-405(e) regarding stays apply.

Section 1901. Penalties.

1901.01 Violation of any provision of this Ordinance, unless otherwise stated, shall subject the offender to a civil penalty in the amount of \$100. Violators shall be issued a written citation which must be paid within 30 days. If the violator does not pay the penalty within 30 days after receipt of the written notice, the Town may recover such penalty in a civil action in the nature of a debt.

1901.02 **Continuing Violations.** Each day's continuing violation of any provision of this Ordinance shall constitute a separate and distinct violation.

Section 1902. Remedies.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, moved or maintained, or any building, structure or land is used in violation of this Ordinance, the Town, in addition to other remedies, may institute legal proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, moving, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct of business or use in or about the premises.