

Article IX. ENFORCEMENT AND PENALTIES

Section 9.01 COMPLAINTS REGARDING VIOLATIONS

Whenever the Administrator receives a written, signed complaint alleging a violation of this chapter, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

Section 9.02 PERSONS LIABLE

The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 9.03 ENFORCEMENT AUTHORITY

This chapter shall be enforceable in accordance with the provisions of NCGS 160A-175.

Section 9.04 NO CRIMINAL VIOLATIONS

The violation of any section or provision of this Article shall not constitute a criminal violation, but shall be enforceable through civil procedures.

Section 9.05 CIVIL REMEDIES

The Town shall issue civil citation and penalties for any violation of this Article. See Section 9.09 for penalties schedule.

Section 9.06 EQUITABLE RELIEF

- A.** The Town may apply to any court of competent jurisdiction for an appropriate equitable remedy.
- B.** It shall not be a defense to the town's application for equitable relief that there is an adequate remedy at law.

Section 9.07 COMBINATION OF REMEDIES

The Town may choose to enforce this Article by any one, all or combination of the above procedures.

Section 9.08 PERMIT REVOCATION

- A.** Any permit may be revoked by the permit-issuing authority (in accordance with the provisions of this Section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Section or any additional requirements lawfully imposed.
- B.** Before a special use permit may be revoked, all of the notice and hearing and other requirements of this ordinance shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
- C.** Before a zoning permit may be revoked, the Administrator shall give the permit recipient ten days' notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

- D. No person may continue to make use of land or buildings in the manner authorized by any permit after such permit has been revoked in accordance with this Section.

Section 9.09 PENALTIES

The Town shall issue civil citation and penalties for any violation of this ordinance. Civil citations and penalties shall be paid according to the following procedure:

- A. The Administrator shall issue a warning citation in writing, by personal delivery or by registered or certified mail, to the person responsible for any violation, indicating the nature of the violation and ordering the action necessary to correct it. This notification shall also include possible penalties and/or legal actions, deadlines for correction or appeal, and method of appeal.
- B. If the violation has not been corrected (or an extension has not been granted by the Administrator), and no appeal has been made to the Board of Adjustment within ten days of the date of the notification, the Administrator shall issue subsequent civil citations and penalties according to the schedule outlined below:

1. Civil Citation and Penalty Schedule:

Citation	Penalty
Warning Citation	N/A
Official Citation	\$25
Second Citation	\$100
Third Citation	\$250
Fourth & Subsequent Citations	\$500

- 2. All violations must be corrected within ten days of issuance of the citation.
- 3. Any required civil penalty must be paid in-full within ten days issuance of the citation.
- C. Any violation(s) that is corrected but subsequently reestablished within a period of 180 days from the date of correction shall be considered a continuation of the violation and the Administrator shall issue the citation at the next penalty level.
- D. If the penalty is not paid timely, the Town may pursue legal action to enforce its rights hereunder in including, but not limited to, the placement of a lien on the property subject to the penalty. Further, in the event legal action shall be taken by the Town, the Town shall be entitled to reasonably attorney’s fees, costs and expenses.
- E. In addition to, and without waiving, other relief that may be sought contemporaneously therewith or in a subsequent action, the Town may recover civil penalties in a civil action if the offender does not pay the penalty within ten days of the date of the notification after being cited for a violation.
- F. If a building or structure is erected, constructed, reconstructed or altered, repaired, converted or maintained, or any building, structure or land is occupied or used in violation of the NCGS, this ordinance or other regulation made under authority conferred thereby, the Town may apply to any court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- G. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures

on the property be closed, and demolished, or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement.

Section 9.10 SPECIFIC VIOLATIONS AND PENALTIES

9.10.1 ADULT ESTABLISHMENTS

- A.** Any person or other entity violating Article 3 shall be guilty of a misdemeanor and shall be fined not more than \$500 or imprisoned not more than 30 days.
- B.** In addition to any other remedies, the Town may apply to General Court of Justice for suitable equitable relief to abate or otherwise enjoin any violation of *Article 3 – Use Standards*. Any violation would result in revocation of permit or license.

9.10.2 SUBDIVISIONS

- A.** After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the subdivision regulation jurisdiction of the Town as defined herein, hereafter transfers or sells land by reference to a plat showing a subdivision of land before such plat has been properly approved under this Article and recorded in the Harnett County Register of Deeds, shall be guilty of a misdemeanor.
- B.** The description by metes and bounds in the instrument of transfer shall not exempt the transaction from such penalties.
- C.** The Town, through its attorney or other official designated by the Board of Commissioners, may enjoin illegal subdivision, transfer or sale of land by action for injunction.
- D.** Further, violators of this Article shall be subject, upon conviction, to fine and/or imprisonment as provided in NCGS 14-4.

9.10.3 FLOOD DAMAGE PREVENTION

Violation of the provisions of Article 6 of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates Article 6 or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.