

Article 18. ENFORCEMENT AND PENALTIES

Section 18-1: Complaints Regarding Violations

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

Section 18-2: 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 Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 18-3: Enforcement Authority

This Ordinance shall be enforceable in accordance with the civil provisions available in the General Statutes of North Carolina Chapter 160A, Section 175.

Section 18-4: No Criminal Violations

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

Section 18-5: Civil Remedies

The Town shall issue a civil citation for any violation of this Ordinance which shall require the payment of a civil penalty according to the following procedure:

- (A) The Zoning Administrator shall notify in writing by personal delivery or by registered or certified mail, 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 substantial action taken to this purpose, and no appeal has been made to the Board of Adjustment within ten (10) days of the date of the notification, the Zoning Administrator shall issue a citation in the amount of \$50.00 per day per violation to begin on the eleventh (11th) day after the original notification date and to continue accumulating until the violation is corrected.

(C) If the penalty is not paid in a timely manner a lien may be placed upon the property in that amount and/or the town may sue for payment, including legal expenses, through the civil courts.

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 General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby, the Town of Ayden 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.

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 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 18-6: Equitable Relief

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

Section 18-7: Combination of Remedies

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

Section 18-8: Permit Revocation

(A) A zoning, sign or conditional use 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 Ordinance, or any additional requirements lawfully imposed by the permit-issuing Board.

(B) Before a conditional use permit may be revoked, all of the notice and hearing and other requirements of Article 17 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

- (C) Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his 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 zoning, sign, or conditional use permit after such permit has been revoked in accordance with this Ordinance.

Section 18-9: Judicial Review

- (A) Every decision of the Board of Commissioners granting or denying a conditional use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Pitt County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Pitt County Clerk of Court within 30 days after the later of the following occurrences:
 - (1) A written copy of the Board's decision (see Section 16-6) has been filed in the Town Hall, and
 - (2) A written copy of the Board's decision (see Section 16-6) has been delivered by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.
- (C) A copy of the writ of certiorari shall be served upon the Town of Ayden.