

# ARTICLE 11. ENFORCEMENT AND PENALTIES

## §11.1. Enforcement of Provisions

- A. The Director shall be charged with the enforcement of the provisions of this UDO. If the Director finds that any of the provisions of this UDO are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of violation and ordering the actions necessary to correct it. They shall also take any other action authorized by this UDO to ensure compliance with or to prevent violation of its provisions.
- B. The Director shall have the discretion to stay the accrual of civil penalties pending reasonable efforts by the violator to correct the violation. The owner of the property on which the violation occurs may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

## §11.2. Penalties

### §11.2.1. General

- A. In accordance with G.S. § 153A-123, any person violating any provisions of this UDO shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense by a fine or imprisonment. Each day a violation continues shall be deemed a separate offense. The following penalties are hereby established:

Warning Citation.....	Correct Violation within 10 days
First Citation.....	\$25.00 (Correct Violation within 10 days)
Second and Subsequent.....	\$50.00 per day for 1st-7th day
Citations for Same Offence.....	\$100.00 per day for 8th-14th day \$150.00 per day for 15th-21st day \$250.00 per day for 22nd-28th day \$500.00 per day thereafter

- B. If the offender fails to pay the civil penalties within 20 days after having been cited, the County may recover the penalties in a civil action in the nature of debt.
- C. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this UDO, the Director, or any other appropriate County authority, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.
- D. The following penalties as set forth in the General Statutes shall also prevail: G.S. §153A-334, "Penalties for Transferring Lots in Unapproved Subdivisions; ....any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat

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**Repeat Violations**

showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the Office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance.”

**§11.2.2. Repeat Violations**

After having been once cited for a violation, a violator shall be subject to the following civil penalties for any additional violations within the following 12-calendar-month period: For a second violation within said period, civil penalties will begin at \$100 per day for each day that the violation continues and will escalate according to the following schedule: \$150 per day for the 8th through the 14th days, \$200 per day for the 15th through the 21st days, \$250 per day for the 22nd through the 28th days, and \$300 per day for each day that the violation continues beyond the 28th day. A third violation during the same period shall subject the violator to civil penalties beginning at \$200 per day and escalating in a similar fashion for as long as the violation continues.