

# CHAPTER 17

## ENFORCEMENT & PENALTIES

### 17.1 Applicability

This Chapter applies to all provisions of this ordinance unless another Chapter has a separate enforcement section. Furthermore, it is a violation to engage in the building or use of a building or land, the use or installation of a sign, the subdivision (including selling, transfer, or development) of land, or any other activity requiring one or more permits or approvals under this ordinance without obtaining all such required permits or approvals. Any property owner on which a violation occurs, tenant, or occupant, contractor, or any other person who participates in a situation that is contrary to the requirements of this ordinance may be jointly or separately responsible and subject to enforcement.

### 17.2 Enforcement Procedures

- A. Investigation. Upon receipt of a written or verbal complaint, the Administrator must investigate the complaint and determine whether a violation exists within 10 days. The Administrator shall proactively enforce any violation existing after a permit approved by a Board has been revoked.
- B. Courtesy Letter. When a violation is discovered the Administrator shall send an informal letter, by first class mail and certified mail return receipt request, to the property owner and other person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice. Failure to remedy the situation voluntarily within 30 days, unless an extension is given, will result in a formal notice of violation.
- C. Violation Letter. A formal notice of violation shall be sent by first class mail and certified mail return receipt request, to the person(s) responsible for any violation, detailing the nature of the violation(s) and the actions necessary to correct the violation. If the certified notice is returned, refused, or unclaimed, then the first-class mail to the same address is deemed proper notice. The violation letter shall state that all violations must be corrected within 10 days of issuance of the violation letter. This letter shall also include possible penalties and/or legal actions, deadlines for appeal, and method of appeal. If the violation has not been corrected, and no appeal has been made to the Board of Adjustment within 10 days of the date of the letter, the Administrator shall pursue enforcement and penalties as outlined below.

### **17.3 Enforcement and Penalties**

Pursuant to NCGS 153A-324 and 123(f), Moore County may utilize one or more of the following remedies and penalties to correct or abate a violation of this ordinance:

- A. Civil Penalty. In accordance with NCGS 153A-123(c), the Administrator imposes a civil penalty by giving the violator a written citation, either in person or by certified mail return receipt request. The citation must describe the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the county within 10 days of the date the citation is received or presumed to have been received. Violations of this ordinance subject the violator to a civil penalty in the amount of one \$100 per day. Each day's continued violation is a separate and distinct offense. If the penalty is not paid timely, the County may recover the civil penalties through legal action. In addition, the County may place of a lien on the property subject to the penalty.
- B. Criminal Penalty. Violation of this ordinance is punishable as set forth in NCGS 153A-123 (Enforcement of ordinances), 153A-334 (Penalties for transferring lots in unapproved subdivisions), and 14-4 (Violation of local ordinances misdemeanor).
- C. Injunction and Abatement. Moore County 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. Pursuant to NCGS 153A-123 if the violator fails to comply with a court order and the county has to abate the violation, then the county shall have a lien on the property on which the violation occurred to cover the county's cost of the abatement.

### **17.4 Repeat Violations**

Any violation that is corrected but subsequently reestablished within a period of one year (365 days) from the date of correction shall be considered a continuation of the violation and the Administrator shall continue issuing the civil penalty or pursue other equitable reliefs.

### **17.5 Appeal**

A violator who has received a notice of violation may appeal the determination that a violation has occurred to the Board of Adjustment by making a written request as described in Chapter 13. Citations that follow the original notice of violation may not be appealed to the Board of Adjustment. If there is no appeal, the determination of the Administrator is final.