

Town of Atlantic Beach Criminal Code of Ordinances

Chapter 1, General Provisions; Section 1-6, General penalty; enforcement of ordinances; continuing violations	<p>(a) Unless otherwise specifically provided, violation of any provision of this Code or any other town ordinance shall subject the offender to the remedies hereinafter provided; except, that where the General Statutes of North Carolina provide specific civil remedies for violations of provisions of this Code adopted pursuant to such statutes, such remedies available to the town for enforcement of this Code shall be in addition to the remedies hereinafter stated; provided, that no criminal penalties shall be applicable unless hereinafter stated in this section as being applicable to specific chapters or provisions of this Code.</p> <p>(b) Violations of any provision of the following chapters and sections of this Code shall be a misdemeanor and punishable as provided by G.S. 14-4, G.S. 143-138(h): Chapter 7, Chapter 8, Chapter 11, section 12-1, section 12-4, and section 31, Article II, of Chapter 9, Licenses and Business.</p> <p>(c) Violations of the following provisions of this Code shall subject the offender to a civil penalty upon the issuance of a citation for such violation as hereinafter provided. The civil penalty, if not paid to the Administrative Services Department of the Town of Atlantic Beach within fifteen (15) days of the issuance of a citation, may be recovered by the town in a civil action in the nature of debt. Unless otherwise provided by a specific provision of this Code, such civil penalties shall be in the amount of twenty dollars (\$20.00) for each violation, and each day any single violation continues shall be a separate violation except, that For violations of parking ordinances of this Code, the penalty provisions and procedures therein shall apply. Fire code violators shall be guilty of a Class 3 misdemeanor and shall upon conviction only be liable to a fine of fifty dollars (\$50.00), for each offense, unless expressly stated otherwise in the town's fee schedule. Each day that such violation continues shall constitute a separate and distinct offense. The provisions of this Code which shall subject the offender to a civil penalty are as follows: All other sections of the Code except those designated in subsection (b) of this section.</p> <p>(d) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.</p> <p>(e) In addition to any civil or criminal penalties set out in this section, any provision of this Code or any other town ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the general court of justice shall have jurisdiction to issue such orders. When a violation of such a provision occurs, the town may apply to the appropriate division of the general court of justice 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. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.</p> <p>(f) In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that:</p> <ol style="list-style-type: none">(1) Buildings or other structures on the property be closed, demolished or removed;(2) Fixtures, furniture or other movable property be removed from buildings on the property;(3) Grass and weeds be cut;(4) Improvements or repairs be made; or(5) Any other action be taken that is necessary to bring the property into compliance with this Code or such other 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
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	<p>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 in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.</p> <p>(g) The provisions of this Code and any other town ordinances may be enforced by one, all or a combination of the remedies authorized and prescribed by this section; except, that any provision the violation of which incurs a civil penalty shall not be enforced by criminal penalties.</p> <p>(h) Except as otherwise specifically provided, each day's continuing violation of any provision of this Code or any other town ordinance shall be a separate and distinct offense.</p> <p>(i) Any ordinances hereafter adopted by the board of commissioners of the town, the violation of which shall incur a penalty, shall specify whether the enforcement shall be pursuant to the civil penalty or criminal penal provisions of this section.</p> <p>(j) Upon determination of a violation of any section of this Code, the penalty for which is a civil penalty, the town shall cause a warning citation to be issued to the violator, setting out the nature of the violation, the section violated, the date of the violation and an order to immediately cease the violation or, if the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, stating a reasonable period of time in which the violation must be abated. The warning citation shall specify that a second citation shall incur a civil penalty.</p> <p>(k) Upon failure of the violator to obey the warning citation, a civil citation shall be issued by the appropriate official of the town and either served directly on the violator or his duly designated agent, or registered agent if a corporation, in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the town, or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of such citation. The citation shall direct the violator to appear before the town treasurer, located in the town hall, within fifteen (15) days of the date of the citation or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid; otherwise, further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.</p> <p>(l) If the violator fails to respond to a citation within fifteen (15) days of its issuance and pay the penalty prescribed therein, the town may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty.</p> <p>(Code 1978, § 1-1006; Ord. of 12-21-92(1); Ord. of 6-19-95(1); Ord. No. 99-02-03, § I, 2-16-99; Ord. No. 06-03-02, 3-20-06; Ord. No. 07-06-02, 6-18-07; Ord. No. 15-06-03, 6-22-2015) State Law reference— Similar provisions, G.S. 160A-175; penalty for violation of town ordinances, G.S. 14-4.</p>
<p>Chapter 4, Animals; Section 4-8, Large animals and other livestock prohibited on the beach strand</p>	<p>(a) <i>Definitions.</i> For purposes of this section, the terms "large animals" and "beach strand" shall be defined as follows:</p> <p>(1) <i>Large animals.</i> Horses and other equines, beef and dairy cattle, hogs, sheep, goats and other livestock.</p> <p>(2) <i>Beach strand.</i> That area between the mean high water mark of the Atlantic Ocean and the line formed by the crests of the primary dunes that run generally parallel to the</p>

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	<p>mean high water mark.</p> <p>(b) <i>Prohibited acts.</i> It shall be unlawful for any person, firm or corporation to have or to possess or to allow to enter or remain on the beach strand any large animal as defined herein within the corporate limits of the town. It is the intent of this section that all large animals be prohibited from entering or remaining on the beach strand whether or not the large animals are being ridden, lead or are otherwise under the control of the owners or possessor[s] of the animals.</p> <p>(c) <i>Violations.</i> Any person, firm or corporation violating the provisions of this section shall be guilty of a misdemeanor and shall be subject to a fine of fifty dollars (\$50.00) and imprisonment for not more than thirty (30) days.</p> <p>(Ord. of 3-18-91(1))</p>
Chapter 5, Beach and Shore Regulations; Article I, In General; Section 5-2, Surfing	<p>(a) <i>Prohibited in certain areas.</i> It shall be unlawful for any person to surf or to have a surfboard or other similar device in the waters of the Atlantic Ocean within two hundred (200) feet of any fishing pier or within any swimming area which is enclosed by ropes.</p> <p>(b) <i>Leash required.</i> Every person using or operating a surfboard within the waters of the Atlantic Ocean within the jurisdiction of the town shall be required to physically maintain control of the surfboard by attachment of a leash at all times to the ankle or wrist of the surfer in order to avoid injury to other swimmers. A surfing leash is defined as a line attached to a board used for surfing, and to the surfer, which is of sufficient diameter and strength to restrain the board at a distance from the surfer no greater than the length of the line.</p> <p>(c) <i>Placement of signs by police.</i> The chief of police of the town shall be responsible that proper signs be erected along the waterfront advising the public that surfing is allowed only with the use of a leash.</p> <p>(d) <i>Placement of signs by pier owners.</i> It shall be the responsibility of fishing pier operators to display signs on their parking lot and piers notifying the public that surfing is prohibited within two hundred (200) feet of the fishing pier.</p> <p>(e) <i>Windsurfers.</i> Any person using or riding on any surfboard which contains a mast and sail or using or riding upon any device generally known as a "windsurfer" shall not be allowed to use the same or to be in the water with such device within two hundred (200) feet of any fishing pier or within any swimming area which is enclosed by ropes.</p> <p>(f) <i>Exemptions.</i> This section shall not apply to activities commonly known as body surfing or to surfing with plastic or soft rubber rafts.</p> <p>(g) <i>Violations.</i> The violation of any provision of this section shall constitute a misdemeanor and any person convicted of such violation shall be punished in accordance with section 1-6. (Ord. of 5-29-84, §§ 1—5; Ord. No. 99-04-07, § I, 5-17-99). State Law reference— Surfboards, G.S. 75A-13.</p>
Chapter 6, Buildings and Building Regulations; Article III, Enforcement; Section 6-63 Permits Required	<p>(a) The erection, construction or alteration of any building, structure, or part thereof shall not be commenced until a building permit has been issued by the inspection department pursuant to the authority contained in G.S. 160A-417, pertaining to permits.</p> <p>(b) <i>Failure to obtain a permit.</i> Failure to obtain a permit before commencing or proceeding with construction as outlined above, hereafter, shall constitute a violation of this article and shall be punishable as a misdemeanor, in addition to an administrative fee or penalty in the amount as specified in the approved fee schedule.</p> <p>(Code 1978, § 9-2043; Ord. of 1-15-90(1), § 9-2043; Ord. No. 10-05-02, 5-24-2010; Ord. No. 17-08-01, 8-28-2017) State Law reference— Building permits generally, G.S. 160A-417 et seq.</p>
Chapter 6, Buildings and Building Regulations; Article VI, Abandoned	<p>After failure of an owner of a structure to comply with an order of the inspector issued pursuant to the provisions of this article, and upon adoption by the mayor and commissioners of an ordinance authorizing and directing him to do so, as provided by</p>

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Structures; Section 6-97, In rem action by inspector; placarding	G.S. 160A-443(5) and section 6-95(c) the inspector shall proceed to cause such structure either to be repaired or else removed or demolished, as directed by the ordinance of the mayor and commissioners and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use or occupation of a building so posted shall constitute a misdemeanor. Each such ordinance shall be recorded in the office of the register of deeds of the county, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5). (Ord. of 1-15-81, § 7)
Chapter 6, Buildings and Building Regulations; Article VI, Minimum Housing; Section 6-155, In rem action by inspector; placarding	<p>(a) After failure of an owner of a dwelling or dwelling unit to comply with an order of the inspector issued pursuant to the provisions of this article, and upon adoption by the board of commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. 160A-443(5) and section 6-153(c) of this article, the inspector shall proceed to cause such dwelling or dwelling unit to be repaired, altered, or improved to comply with the minimum standards of fitness established by this article, or to be vacated and closed and removed or demolished, as directed by the ordinance of the board of commissioners and shall cause to be posted on the main entrance of such dwelling or dwelling unit a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Occupation of a building so posted shall constitute a misdemeanor.</p> <p>(b) Each such ordinance shall be recorded in the office of the register of deeds in the county wherein the property is located, and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. 160A-443(5). (Code 1978, § 9-3016)</p>
Chapter 7, Emergency Management; Section 7-13 Penalty for Violation	Any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor punishable, upon conviction, in accordance with section 1-6 . (Ord. of 10-16-89, § 13)
Chapter 8, Fire Prevention and Protection; Article II, Fire Prevention Code; Section 8-24 Permits required	<p>(a) <i>[Mandatory.]</i> The issuance of all required operational and construction permits, both mandatory and optional, as outlined in Section 105 of the North Carolina Fire Prevention Code, are hereby adopted as mandatory permits required within the corporate limits of the Town of Atlantic Beach and shall be enforced by the town's fire marshal or designated representatives.</p> <p>(b) <i>Failure to obtain a permit.</i> Failure to obtain a permit before commencing or proceeding with operations or construction as outlined above, hereafter, shall constitute a violation of this article and shall be punishable as a class 3 misdemeanor in accordance with section 1-6, in addition to a penalty in the amount of double the cost of the required permit or one hundred dollars (\$100.00), whichever is greater. (Ord. of 6-16-86(1), §§ 16, 17; Ord. of 5-18-92, § 2; Ord. No. 02-05-04, 5-20-02; Ord. No. 07-06-04, 6-18-07; Ord. No. 17-02-02, 2-27-2017)</p>
Chapter 8, Fire Prevention and Protection; Article II, Fire Prevention Code; Section 8-37 Violations	<p>(a) It shall be unlawful for any person to violate this article, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or to refuse to comply with any such provision or regulation, except as variation may be allowed by the action of the fire chief in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of either the owner, occupant or the person in charge shall not be deemed to relieve any of the others.</p> <p>(b) Any person who shall violate any of the provisions of the code hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications, or plans</p>

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	submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the fire marshal or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor and liable to punishment in accordance with section 1-6 . (Ord. of 6-16-86(1), §§ 2, 14)
Chapter 9, Licenses and Business Registrations; Article II, Business License; Section 9-31 Enforcement of article.	<i>Penalty for violations.</i> Any person violating the provisions of this section shall be punished in accordance with section 1-6.
Chapter 9, Licenses and Business Regulations; Article III, Amusements; Section 9-51 Liability insurance required for amusement rides	No person shall operate an amusement ride within the town without having in effect a general liability insurance policy issued by an insurance company licensed to do business in North Carolina insuring the operator against general liabilities arising directly or indirectly from the operation or existence of the amusement ride on account of personal injury or death or property damage with limits in the amount of five hundred thousand dollars (\$500,000.00) per individual per accident, two million dollars (2,000,000.00) for all individuals per accident, and one hundred thousand dollars (\$100,000.00) property damage. Said insurance policy shall have a deductible not exceeding one thousand dollars (\$1,000.00). An operator of an amusement ride shall not be issued a privilege license until such operator has filed with the town clerk, a certificate of general liability insurance with limits and terms described above, which certificate includes a notice that the policy will not be canceled without giving the town thirty (30) days advanced notice. The operator will also present to the town clerk evidence that the premium for said insurance policy has been paid one (1) year in advance. Any person operating an amusement ride in violation of this section is guilty of a Class 3 misdemeanor and punishable by imprisonment not exceeding thirty (30) days or a fine not exceeding five hundred dollars (\$500.00) or both. (Code 1978, § 6-1062; Ord. No. 97-05-04, 5-19-97)
Chapter 10, Motor Vehicles; Article II, Traffic Control Devices; Section 10-31, Obedience to signs, other signals, generally	Any person failing or refusing to comply with the directions indicated on any sign, marker or device for the control or direction of traffic erected or placed in accordance with the provisions of this chapter when so placed or erected shall be guilty of a misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer. (Code 1978, § 7-1031)
Chapter 10, Motor Vehicles; Article VIII, Regulation of Taxi Cabs and Designated Drivers; Section 10-184 Penalty	Any person violating any provisions of this article shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with G.S. 14-4 . (Ord. No. 00-04-02, 4-17-00; Ord. No. 08-10-02, 10-27-08)
Chapter 10, Motor Vehicles; Article VIII, Regulation of Taxi Cabs and Designated Drivers; Section 10-163, Rate schedule, posting	<p>(a) Each taxicab company may set its own rate schedule provided that (i) the rate schedule is filed with the police department at least seven (7) days before being effective; and (ii) the rate schedule must be effective for at least thirty (30) days before a revised schedule can become effective.</p> <p>(b) The rate schedule or zone map of a taxicab company shall be displayed at all times in metal card frames or other durable materials so that rates will be clearly visible to the passenger or passengers using the taxicab. The rate schedules shall be typewritten in a size and style that is clearly legible to passengers.</p> <p>(c) All passengers shall be responsible for paying the fares as posted inside the taxicab for the services rendered to the passenger. Failure to pay such fare shall be a misdemeanor and upon conviction shall be punished in accordance with G.S. 14-4(a).</p>

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	(d) Designated drivers and shuttle services may not charge for their services and shall not post rate schedules. Payment for designated driver and shuttle services may only be made by voluntary passenger donations. There is no obligation for passengers to make such donations. (Ord. No. 00-04-02, 4-17-00; Ord. No. 01-12-02, § I, 12-17-01; Ord. No. 08-10-02, 10-27-08)
Chapter 11, Nuisances; Article IV, Noise; Section 11-89 Penalties	Any person violating the provisions of this article shall be subject to a civil penalty in the amount of fifty dollars (\$50.00) per occurrence which shall be paid within five (5) days after the violator has been cited for violation of this article. In the event the offender does not pay the penalty within the prescribed time, the town may bring a civil action to recover said penalty, together with the cost of court. Additionally, any violation of this article shall constitute a misdemeanor which shall be punishable as provided by G.S. 14-4 . Each violation shall constitute a separate offense. (Ord. of 7-15-91)
Chapter 12, Offenses and Miscellaneous Provisions; Section 12-1 Discharge of Firearms, pellet guns, bb guns, etc.	(a) It shall be unlawful for any person to discharge any firearm of any type within the corporate limits except a peace officer in the performance of his duty. (b) It shall be unlawful for any person to discharge a pellet gun, BB gun, paintball gun, or device known as, or similar to, a potato cannon gun, off the premises of the owner or in a manner such that the projectile discharged from the gun or device travels off the premises of the owner. (Code 1978, § 8-1006; Ord. No. 04-04-02, § I, 4-19-04) State Law reference — Municipal authority to regulate the discharge of firearms, G.S. 160A-189.
Chapter 12, Offenses and Miscellaneous Provisions; Section 12-4, Urination, defecation in public prohibited	It shall be unlawful for any person to urinate or defecate while on any public street, road, sidewalk or other public place. (Ord. of 6-19-89(1))
Chapter 15, Solid Waste; Article 1, in General; Section 15-5, Penalties	Except as otherwise provided, a violation of this chapter shall subject the offender to a civil penalty in the amount of twenty dollars (\$20.00) which shall be paid within two (2) days after the offender has been cited for violation of this chapter. Each day any single violation continues shall be a separate violation. In the event the offender does not pay the penalty within the prescribed time, the town may bring a civil action to recover said penalty together with the cost of court. Additionally, a violation of this chapter shall be a misdemeanor and shall be punishable as provided by N.C.G.S. 14-4 . (Ord. of 6-20-94, § 1)
Chapter 16, Streets and Sidewalks; Article I, in General; Section 16-9 Street Repair	It shall be the duty of every person who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the town, to put such street, public alley or sidewalk in as good condition in all respects as it was before. Every person violating or failing to observe the provisions of this section shall be guilty of a misdemeanor. (Code 1978, § 4-1003)
Chapter 18, Unified Development Ordinance; Article 18-6 Environment; Section 18.6.3, Flood Damage Prevention	<i>3. Duties and Responsibilities of the Floodplain Administrator.</i> The duties and responsibilities of the Floodplain Administrator under these standards shall include, but not be limited to: a. Review all floodplain development applications and issue permits for all proposed development with in flood prone areas to assure that the requirements of these standards have been satisfied. b. Advise applicants that additional federal or state permits (e.g., wetlands, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.) may be required, and if required, ensure that copies of the permits are provided and maintained on file with the floodplain development permit. c. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the

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	<p>National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.</p> <p>d. Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished.</p> <p>e. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 18.6.3.D.4, Standards for Floodplains with BFE but Without Established Floodways or Nonencroachment Areas, are met.</p> <p>f. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all utilities associated with all new or substantially improved structures, in accordance with Section 18.6.3.C.2.c, Certification Requirements.</p> <p>g. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with Section 18.6.3.C.2.c, Certification Requirements.</p> <p>h. Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Section 18.6.3.C.2.c, Certification Requirements.</p> <p>i. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 18.6.3.C.2.c, Certification Requirements, and Section 18.6.3.D.2.b, Nonresidential Construction.</p> <p>j. Make interpretations as to the exact location of the special flood hazard area boundary (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall have a reasonable opportunity to appeal the interpretation in accordance with Section 18.6.3.C.4.d, Appeal.</p> <p>k. When base flood elevation (BFE) data has not been provided in accordance with Section 18.6.3.B.2, Basis for Establishing the Special Flood Hazard Areas, obtain, review, and reasonably utilize any base flood elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a federal, state, or other source, in order to administer these provisions.</p> <p>l. When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 18.6.3.B.2, Basis for Establishing the Special Flood Hazard Areas, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, State, or other source.</p> <p>m. Maintain copies of letters of map amendment (LOMA) issued by FEMA to an applicant when the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site.</p> <p>n. Permanently maintain all records that pertain to the administration of these standards and make these records available for public inspection.</p> <p>o. Make on-site inspections of work in progress as necessary to ensure that the work is being done according to the provisions of these standards and the terms of the floodplain development permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter any premises within the Town's planning jurisdiction at a reasonable hour for the purposes of inspection or other enforcement action.</p> <p>p. Issue stop-work orders, as required whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of these standards. The stop-work order shall be in writing, directed to the person doing the work, state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.</p>
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	<p>q. Revoke floodplain development permits, as required for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Notices of permit revocation shall be provided to the permit holder in writing. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.</p> <p>r. Make periodic inspections throughout all special flood hazard areas within the Town</p> <p><i>Corrective Procedures.</i></p> <p>a. <i>Violations to be Corrected.</i> When the Floodplain Administrator finds violations of applicable state and local laws, they shall notify the owner or occupant of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to the land or development in question.</p> <p>b. <i>Notification in Event of Failure to Take Corrective Action.</i> If the owner of land or development fails to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail, to the owner's last known address or by personal service, stating the following:</p> <p>i. That the land or development is in violation of the flood damage prevention provisions of this section;</p> <p>ii. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and</p> <p>iii. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, demolish the building; or remove fill, as appropriate.</p> <p>c. <i>Order to Take Corrective Action.</i> If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator finds that the land or development is in violation of these standards, they shall furnish an order, in writing, to the owner, requiring the owner to remedy the violation within a specified time period of not less than sixty (60) days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in a shorter time period.</p> <p>d. <i>Appeal.</i> Any owner who has received an order to take corrective action may appeal the order to the Town Council by giving notice of appeal, in writing, to the Floodplain Administrator and the Town Clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Town Council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.</p> <p>e. <i>Failure to Comply with Order.</i> If the owner of a building or land fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Town Council following an appeal, the owner shall be guilty of a misdemeanor and shall be punished in the discretion of the court</p>
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G.S. 14.4 Refers to: *Chapter 14, Police Department, Article 1, General, Sec. 14-3 Chief of Police.*

The chief shall have control over the police department under the supervision of the town manager. The chief shall keep the town manager informed of the department's activities and make such reports that the town manager may from time to time require, and he shall perform such other duties as may be required of him by the town manager. (Code 1978, § 3-1003; Ord. No. 14-11-06, 11-24-2014)

Section 1-6 Refers to: **Chapter 1, General Provisions, Section 1-6 General Penalty; Enforcement of Ordinances; Continuing Violations*