

From: [Cindy Morgan](#)
To: [Susan L. Sitze \(Legislative Analysis\)](#)
Subject: City of Havelock Response to Session Law 2018-69 - Senate Bill 584
Date: Wednesday, August 14, 2019 09:59:59 AM
Attachments: [image001.png](#)

In response to Senate Bill 584 Criminal Law Reform, Section 10.99 (noted below) of the City of Havelock's Code of Ordinances criminalizes all violations of our ordinance; therefore, a violation of any ordinance is subject to criminal punishment. In lieu of submitting our entire Ordinance, I have provided a link below to the City of Havelock Code of Ordinances and Unified Development Ordinance.

§ 10.99 GENERAL PENALTY; ENFORCEMENT OF ORDINANCES; CONTINUING VIOLATIONS.

(A) Violation of any provision of this Code or any other City ordinance shall be a misdemeanor or as provided by G.S. § 14-4(a) and G.S. § 160A-175.

(B) In addition to the criminal penalties provided for by this Code and G.S. § 14-4, unless otherwise specifically provided, the violation of any provision of this Code or any other City ordinance shall subject the offender to a civil penalty in the amount of \$50 for each such violation, which civil penalty may be recovered, if not paid within three days after citation for violation, by a civil action in the nature of debt pursuant to G.S. § 160A-175(c).

(C) In addition to the remedies otherwise provided, a violation of the fire prevention code of the State Building Code entitled Exit Obstruction and Doors, respectively, shall subject the offender to a civil penalty in the amount set forth in the City Fee Schedule for each such violation, which civil penalty may be recovered, if not paid within 30 days after citation for violation, by a civil action in the nature of debt.

(1989 Code, § 13-47)

(D) Any provision of this Code or any other City 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 for equitable relief that there is an adequate remedy at law.

(E) (1) Any provision of this Code or any other City 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 City 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.

(2) In addition to an injunction, the court may enter an order of abatement as part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; 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 Code or such 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 City may execute the order of abatement. The City shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and material man'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 this 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 upon 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.

(F) The provisions of this Code and any other City ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by G.S. § 160A-175 and this Code.

(G) Each day's continuing violation of any provision of this Code or any other City ordinance shall be a separate and distinct offense.

(Ord. passed 2-24-1992)

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/havelock_nc/havelocknorthcarolinacodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:havelock_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/havelock_nc/havelocknorthcarolinacodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:havelock_nc)

R/

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