

**TOWN OF UNIONVILLE
NORTH CAROLINA**

DESCRIPTION OF ORDINANCE PUNISHABLE BY G.S. 14-4(A):

LAND USE ORDINANCE
ADOPTED 10/1/2003

ARTICLE VII: ENFORCEMENT AND REVIEW
(ATTACHED)

ARTICLE VII: ENFORCEMENT AND REVIEW

Section 111 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 112 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 113 Procedures Upon Discovery of Violations.

- (a) If the administrator finds that any provision of this ordinance is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.
- (b) The final written notice (and the initial written notice may be the final notice) shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 91.
- (c) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 114.

Section 114 Penalties and Remedies for Violations.

- (a) Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use permits, or conditional use permits shall constitute a misdemeanor, punishable by a fine of up to five hundred dollars or a maximum thirty days imprisonment as provided in G.S. 14-4.
- (b) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special or

conditional use permits, shall be subject to penalties. The following penalties are hereby established:

Warning Citation - Correct Violation Within 10 days
First Citation - \$25.00
Second Citation - \$50.00
Third and Subsequent Citations
For Same Offense - \$100.00

If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 113 and did not take an appeal to the Board of Adjustment within the prescribed time.

- (c) This ordinance may also be enforced by any appropriate equitable action.
- (d) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (e) In addition, pursuant to North Carolina Statute 160A-175, the Town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises.
- (f) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 115 Permit Revocation.

- (a) A zoning, sign, special use, conditional use, or major development 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 special use permit or conditional use permit may be revoked, all of the notice and hearing and other requirements of Article VI shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - (1) The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection (a) shall be upon party advocating that position. The burden of persuasion shall also be upon that party.

- (2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (c) Before a zoning, sign, conditional use, or major development permit may be revoked, the permit recipient shall be given ten days written notice of intent to revoke the permit. The notice shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations, before the administrator, Planning Board, or Town Council, as applicable. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefor.
- (d) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use, conditional use or major development permit after such permit has been revoked in accordance with this section.

Section 116 Judicial Review.

- (a) Every final decision of (i) the Board of Adjustment or (ii) the Planning Board regarding an application for a major development permit or (iii) the Town Council regarding a conditional use permit shall be subject to review by the Superior Court of Union County by proceedings in the nature of certiorari.
- (b) The petition for the writ of certiorari must be filed with the Union 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 106) has been filed in the office of the administrator; and
 - (2) A written copy of the board's decision (see Section 106) 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 Unionville.

Sections 117 through 120 Reserved.