
4.0 ENFORCEMENT

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4.0 ENFORCEMENT

4.1 COMPLAINTS REGARDING VIOLATIONS

Whenever the Zoning Enforcement Officer receives a complaint alleging a violation of this Ordinance, he shall investigate the complaint and take whatever action is warranted.

4.2 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.

4.3 PROCEDURES UPON DISCOVERY

If the Zoning Enforcement Officer finds that any provision of this Ordinance is being violated, he may 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.

The final written notice (the initial 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 3.1.1 (Appeals).

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 the following Section.

Prohibited or illegal temporary signs, as defined in Section 6-4, which are located within the road right-of-way or illegally placed on private property may be removed by the Planning Director or his designee.

4.4 PENALTIES AND REMEDIES FOR VIOLATIONS

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 and conditional use permits, shall also subject the offender to a civil penalty as follows:

- (1) In the amount of fifty dollars (\$50.00) for each offense on the first day of such offense; and
- (2) In the amount of one hundred dollars (\$100.00) for each offense either (i) on the second day of such offense or (ii) when the offense is a second offense within a twelve (12) month period; and
- (3) In the amount of two hundred and fifty dollars (\$250.00) for each offense either (i) on the third day and on each subsequent day of such offense or (ii) when the offense is the third or subsequent offense within a twelve (12) month period.

If the offender fails to pay the penalty within thirty days after being cited for a violation, the City in a civil action in the nature of debt may recover the penalty. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation, a civil penalty or received a written warning in accordance with the previous Section and did not take an appeal to the Board of

Adjustment within thirty days from the date of the final notice, written warning or issuance of the civil penalty. In lieu of a civil action to recover the debt, the City may turn unpaid penalties in to a credit/collection agency for collection. The offender will be responsible for all reasonable monetary damages as required by the collections agency to recover the debt. This section may also be enforced by any appropriate, equitable action.

Each day that any violation continues after notification by the Zoning Enforcement Officer that such a violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section. Notwithstanding the foregoing, the zoning enforcement officer may invoke the escalating civil penalties authorized by this section whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that such violation exists or whenever the violation has occurred previously during a twelve (12) month period.

Any one, all or any combination of the forgoing penalties and remedies either cited in this Ordinance or in GS 160A - 175 may be used to enforce this Ordinance.

4.5 PERMIT REVOCATION

A zoning compliance, Certificate of Occupancy, sign, special use or conditional use permit may be revoked by the issuing authority in accordance with the provisions of this Ordinance, if the permit recipient fails to develop or maintain the property or building in accordance with the submitted plans, the requirements of this Ordinance or any additional requirements lawfully imposed by the permit issuing authority.

Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of Section 3.2 (Quasi-Judicial Hearing Procedures) shall be complied with. The notice shall inform the permit recipient of the alleged grounds for 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 this Section shall be upon the 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 possible, a statement of the specific reasons or findings of fact that support the motion.

Before a zoning compliance or sign permit, which is issued by the staff, may be revoked, the Administrator shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for revocation and of his right to obtain a hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

No person may continue to make use of the land or buildings in the manner authorized by any zoning, sign, special use or conditional use permit after such a permit has been revoked in accordance with this Section.

4.6 JUDICIAL REVIEW

Every decision of the City Council granting, denying or revoking a conditional use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Wayne County by proceedings in the nature of certiorari.

The petition for the writ of certiorari must be filed with the Wayne County Clerk of the Court within thirty days after the following occurs:

1. A written copy of the issuing authority's decision has been filed in the office of the Planning and Community Development Department; and
2. A written copy of the issuing authority's decision 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.

A copy of the writ of certiorari shall be served upon the City of Goldsboro.

4.7 SECTION RESERVED