

## ARTICLE 12

### ZONING ADMINISTRATION

#### Section 12.1 Administrator and Zoning Permits

12.1.1 The provisions of this ordinance shall be administered by the Administrator and any other municipal official designated by the Town Board.

#### 12.1.2 Zoning Permit:

No building, sign or other structure shall be erected, moved, extended or enlarged or structurally altered; nor shall any building, sign or other structure be repaired, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Administrator has issued a zoning permit for such work, in accordance with a fee schedule established by the Town Board. The Administrator shall issue a zoning permit when the regulations of this ordinance have been followed, or to refuse to issue the same in the event of noncompliance. Written notice of such determination therefore shall be given to the applicant and property owner (G.S. 160D-403(b)), the administrative officer may provide their determination in print or electronic form; if electronic form is used then it must be protected from further editing (G.S. 160D-403(a)).

#### (A) Records

The Administrator shall maintain a record of all zoning permits on file at his office, and copies shall be made available on request to interested parties.

#### (B) Conditions

Zoning permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from that authorized shall be deemed a violation and shall be punishable in accordance with Section 12.5 of this Ordinance.

#### Section 12.2 Certificate of Occupancy

No building hereafter erected, moved, structurally altered or changed in use shall be used or occupied until a Certificate of Occupancy has been issued by the Town of New London or its designee.

#### Section 12.3 Right of Appeal

If a request for a zoning permit is disapproved or if a ruling of the Administrator is questioned, the aggrieved party may appeal this ruling to the Board of Adjustment. Such appeal shall be taken in accordance with Section 14.4 of this Ordinance.

#### Section 12.4 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the course and basis thereof shall be filed with the Administrator. The Administrator shall properly record such complaint, immediately investigate, and take action as provided by this Ordinance. A notice of the violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first class mail and may be provided by

similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud (160D-404(a)).

## Section 12.5 Enforcement

Whenever there is a violation of this article, the Administrator or Town Board may take any or all of the following actions to stop such violation.

### 12.5.1 Permit Revocation

The Administrator or Town Board may revoke any zoning permit after written notification to the permit holder when violations of this ordinance have occurred, when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, or a permit has been mistakenly issued in violation of this ordinance.

### 12.5.2 Stop Work Orders

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the Administrator or Town Board may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

### 12.5.3 Civil Penalties

- (A) In addition to the other remedies cited in this article for the enforcement of its provisions, and pursuant to N.C. General Statute 160D-404 and Statute 160D-1129(k), the regulations and standards of this article may be enforced through the issuance of civil penalties by the Administrator or Town Board.
- (B) Subsequent citations for the same violation may be issued by the Administrator or Town Board if the offender does not pay the citation (except as otherwise provided in a warning situation) after it has been issued, unless the offender has sought an appeal to the decision of the Administrator through the Board of Adjustment. Once the ten (10) day warning period has expired, each day the violation continues shall subject the violator to additional citations to be issued by the Administrator or Town Board.
- (C) The following penalties are hereby established:
  - (1) Warning citation ..... correct violation within ten days
  - (2) First citation..... \$50.00
  - (3) Second citation for same offense .....\$100.00
  - (4) Third and subsequent citations for same offense.....\$500.00
- (D) If the offender fails to pay the civil penalties within three (3) days after having been cited,

the town may recover the penalties in a civil action in the nature of debt.

#### 12.5.4 Criminal Penalties

Any person, firm or corporation convicted of violating the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount not to exceed \$500.00 and/or imprisoned for a period not to exceed 30 days. Each day of violation shall be considered a separate offense, provided that the violation of this article is not corrected within 30 days after notice of said violation is given.

#### 12.5.5 Equitable Remedy

The Administrator or Town Board may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the Administrator or Town Board's application for equitable relief that there are other remedies provided under general law or this article.

#### 12.5.6 Injunction

Enforcement of the provisions of this article may also be achieved by injunction. When a violation occurs, the Administrator or Town Board may, either before or after the institution of other authorized action, apply to the appropriate division of the general court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

#### 12.5.7 Order of Abatement

In addition to an injunction, the Administrator or Town Board may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

- (A) Buildings or other structures on the property be closed, demolished, or removed;
- (B) Fixtures, furniture or other moveable property be moved or removed entirely;
- (C) Improvements, alterations, modifications or repairs be made; or
- (D) Any other action be taken that is necessary to bring the property into compliance with this ordinance.