

ARTICLE XII
LEGAL PROVISIONS

Section 12-1 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretations and application, the provisions of the ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive to that imposing the higher standards, shall govern.

Section 12-2 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 causes and basis thereof, shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

Section 12-3 Procedures Upon Discovering Violations

1. If the Zoning Administrator finds that any of the provision of this ordinance is being violated, he shall serve 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 Zoning Administrator's discretion.
2. The final written notice (and the initial written notice may be the final notice) shall state what action the Zoning Administrator intends to taker if the violation is not corrected and shall advise that the Zoning Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 10-3.
3. In cases where delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the Zoning Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 12-4.

Section 12-4 Penalties and Remedies for Violation.

1. The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or any 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.
2. 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 or conditional use permits, shall constitute a misdemeanor, punishable by a fine of up to five hundred (\$500.00) or a maximum of thirty (30) days imprisonment as provided in Section 14-4 of the General Statutes of North Carolina.

3. 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 grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of one hundred (\$100.00) for each day the violation continues. If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation and did not take an appeal to the Board of Adjustment within the prescribed time.
4. This ordinance may also be enforced by any appropriate equitable remedy.
5. Each day that any violation continues after notification by the Zoning Administrator that such violation exists shall be considered a separate offense for the purposes of the penalties and remedies specified in this section.
6. Any one, all or combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 12-5 Compliance with State Guidelines for Areas of Environmental Concern

Prior to the issuance of any initial building permit, zoning amendment, or conditional use permit, the Zoning Administrator and local AEC Permit Officer shall determine whether the proposed use or structure is located within an area of environmental concern. This determination shall result from both an on-site investigation and a review of the official AEC overlay map. If the proposed use or structure complies with development standards of the State Guidelines for Areas of Environmental Concern prior to the issuing of any zoning permits (a sample AEC Consistency Statement is included as Appendix B).

Section 12-6 SEPARABILITY Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 12-7 Effective Date

This ordinance shall take effect and be in force from and after its adoption by the Town Commissioners of the Town of Hertford, North Carolina, this 19th day of May 1980.