
ARTICLE 4 ENFORCEMENT

4.1 PURPOSE

In order to ensure compliance with this UDO, and in particular accordance with NC G.S. § 160D-404, the following procedures describe the enforcement procedures and penalties for noncompliance with the standards of this UDO.

4.2 APPLICABILITY

The procedures described herein apply, as appropriate, within the jurisdiction of the City of Goldsboro.

4.3 INVESTIGATION

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.

4.4 PERSONS LIABLE

Any landowner or holder of a development approval 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, suffer the penalties, and be subject to the remedies herein provided.

4.5 PROCEDURES UPON DISCOVERY

If the Zoning Enforcement Officer finds that any provision of this Ordinance is being violated, he may send a written notice of the violation by personal delivery, electronic delivery, or first-class mail to the landowner(s) of the property and the holder of any development approval. A notice by similar means may be provided 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 notice shall describe, the nature of the violation and the actions necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.

The final written notice (the initial notice may be the final notice) shall state what action the Planning Director intends to take if the violation is not corrected and shall advise that the Planning Director's decision or order may be appealed to the Board of Adjustment in accordance with Section 2.4.9. (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 Planning Director 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.

4.6 PENALTIES AND REMEDIES FOR VIOLATIONS

Any work or activity constituting a violation of a development regulation under the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of the terms of a development approval, 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.

4.7 PERMIT REVOCATION

In accordance with the provisions of this Ordinance, the Planning Director or Building Inspector may revoke any development approval granted under this Ordinance for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable development regulation or any State law delegated to the City of Goldsboro by the State for enforcement.

The Planning Director or Building Inspector shall notify the holder of the development approval of the revocation in writing. All development approval revocations shall follow the

same procedures required for the initial issuance of the development approval including any written notices(s) or hearing(s).

No person may continue to make use of the land or buildings in the manner authorized by any development approval after such permit has been revoked in accordance with this Section.

4.8 JUDICIAL REVIEW

Every decision of the City Council granting, denying or revoking a special 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 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.

4.9 SECTION RESERVED