

## **ARTICLE 7. ENFORCEMENT AND REVIEW**

### **Section 7-1: 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 7-2: 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.

### **Section 7-3: 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 5-1.
- (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 7-4.

### **Section 7-4: 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 conditional-use permits, shall constitute a misdemeanor, punishable by a fine of up to \$50, or a maximum 30 days imprisonment, or both.

- (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 conditional-use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt.
- (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) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

#### **Section 7-5: Permit Revocation**

- (A) A zoning, sign or conditional-use 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 conditional-use permit may be revoked, all of the notice and hearing and other requirements of Article 6 shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
- (C) Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal 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 therefor.

- (D) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, or conditional-use permit after such permit has been revoked in accordance with this Ordinance.

#### **Section 7-6: Judicial Review**

- (A) Every decision of the Board of Aldermen granting or denying a conditional-use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Brunswick County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Brunswick 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 6-6) has been filed in the office of the planning department, and
  - (2) A written copy of the board's decision (see Section 6-6) 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 City of Southport.