

CHAPTER 15: ADMINISTRATION

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CHAPTER 15: ADMINISTRATION

Section 15.1 Administrator

- A. Primary responsibility for administering and enforcing this ordinance may be assigned to one or more individuals by the County Manager. The person or persons to whom these functions are assigned shall be referred to in this ordinance as the "Administrator". The terms "Planning staff", "Zoning Administrator", "Subdivision Administrator" are sometimes used interchangeably with the term "Administrator." Any function or responsibility assigned by this ordinance to the administrator may be delegated by such person to another employee or agent acting under the administrator's control or at his direction, unless such delegation is prohibited by the County Manager.
- B. It shall be the duty of the administrator to carry out and enforce this ordinance, remedy violations of this ordinance, and issue permits in compliance with this ordinance.
- C. The administrator shall also maintain a record of all permits, text amendments, map amendments, subdivisions, approvals, and violations on file at his office, and copies shall be made available on request to interested parties.

Section 15.2 Violations of Ordinance

15.2.1 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.

15.2.2 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.

15.2.3 Procedures Upon Discovery of Violations

- A. If the administrator finds that any 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 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.

- C. 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.

15.2.4 Penalties and Remedies for Violations (PB 09-25, 9/21/09)

- 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 special use or conditional use permits, shall constitute a misdemeanor, punishable by a fine of up to 500 dollars or a maximum 30 days imprisonment as provided in the North Carolina General Statutes.
- 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 special use or conditional use permits, shall also subject the offender to a civil penalty of up to 500 dollars for each day the violation continues. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of 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. 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.
- C. This ordinance may also be enforced by any appropriate equitable action, including an injunction or order of abatement.
- D. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Section 15.3 Permit Revocation and Judicial Review

15.3.1 Permit Revocation

- A. A 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 or special use permit may be revoked, all of the notice and hearing and other requirements shall be complied with. The notice shall

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inform the permit recipient of the alleged grounds for the revocation. 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. A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

- C. Before a zoning permit 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 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 therefore.
- D. No person may continue to make use of land or buildings in the manner authorized by any zoning, special use or conditional use permit after such permit has been revoked in accordance with this section.
- E. The administrator may revoke any zoning permit issued for a sign under this chapter for any of the following reasons:
 - 1. Issuance of the permit under a mistake of material fact when, had the correct fact been known, the permit would not have been issued;
 - 2. Misrepresentation of a material fact by the applicant for a sign permit; or,
 - 3. Failure to comply with any of the provisions of this chapter, except that a permit for a nonconforming sign may not be revoked so long as the nonconforming situation is allowed to continue pursuant to Chapter 16.
- F. Before revoking a zoning permit issued for a sign, the administrator shall give the sign owner 20 days notice by certified mail of his intent to revoke the permit and shall inform such persons of the reasons for the proposed revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the owner a written statement of the decision and the reasons thereof. The administrator shall also inform the owner of his right to appeal the decision to the Board of Adjustment.
- G. No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than ten days after the permit authorizing such sign has been revoked or expired under this section.

15.3.2 Judicial Review

- A. Every decision of the Board of Commissioners granting or denying a special use permit and of the Board of Adjustment granting or denying a conditional use permit shall be subject to review by the Superior Court of Currituck County by proceedings in the nature of Certiorari.
- B. The petition for the Writ of Certiorari must be filed with the Currituck County Clerk of Court within 30 days after the later of the following occurrences:
 - 1. A written copy of the board's decision has been filed in the office of the administrator; and,
 - 2. A written copy of the board'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.
- C. A copy of the petition for Writ of Certiorari shall be served upon Currituck County.