

**ARTICLE J
ADMINISTRATION, ENFORCEMENT AND PENALTIES**

9-3116 Zoning Enforcement Officer

This Ordinance shall be administrated and enforced by the Zoning Enforcement Officer who shall be appointed by the Town Manager, and is hereby empowered:

- .1 To issue a zoning permit when these regulations have been followed or, to refuse to issue the same in the event of noncompliance. Written notice of such refusal and reason therefore shall be given to the applicant.
- .2 To collect the fees set forth herein for a zoning permit, variances, appeals, rezonings, conditional use permits and subdivisions.
- .3 To make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all zoning permits and of receipt of complaints of violation of this Ordinance and action taken to the same.
- .4 To inspect any building and/or land to determine whether any violations of this Ordinance have been committed or exist.
- .5 To enforce this Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing the discontinuance of illegal uses or illegal work in progress and may institute injunction, mandamus, or other necessary action.
- .6 To keep the Board of Adjustment advised of all matters other than routine duties pertaining to the enforcement of this Ordinance and to transmit all applications and records pertaining to appeals, variances, or requests for conditional use approval.

9-3117 Zoning Permit Required

Within the corporate limits of the Town of Valdese no building, sign or other structure shall be erected, moved, added to or structurally altered before a zoning permit has been issued by the Zoning Enforcement Officer of the Town of Valdese.

9-3118 Application for a Zoning Permit

Each application for a zoning permit to the Zoning Enforcement Officer of the Town of Valdese shall be accompanied by a fee, set by the Town Council, and a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. The plan shall show the following:

- .1 The actual dimensions of the lot to be built upon;
- .2 The size and location of all buildings existing on the lot;
- .3 The size and location of the proposed new construction;
- .4 The existing and intended use of all parts of the land or building;
- .5 Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

Any zoning permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months of its date of issue or if the work authorized by it is suspended or abandoned for a period of one (1) year.

9-3119 Certificate of Occupancy Required

No land within the corporate limits of the Town of Valdese shall be used or occupied and no building within the corporate limits of the Town of Valdese shall hereafter be erected, structurally altered, converted or changed in use until a Certificate of Occupancy shall have been issued by the Zoning Enforcement Officer stating that the building or the proposed use thereof complies with the provisions of this Ordinance. A Certificate of Occupancy either for the whole or a part of a building shall be applied for coincident with the application for a zoning permit and shall be issued within ten (10) days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this Ordinance. A temporary Certificate of Occupancy may be issued by the Zoning Enforcement Officer for a period not exceeding six (6) months during alterations or construction for partial occupancy of a building pending its completion, or for bazaars, carnivals, and revivals, provided that such temporary permit shall require such conditions and safeguards as will protect the safety of the occupants and the public. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request to any person requesting it.

9-3120 Penalties for Violations

- .1 Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding two hundred dollars (\$200) or by imprisonment not to exceed thirty (30) days.
- .2 In addition to the penalty in subsection 9-3120.1 above, a violation of this Ordinance shall also be a civil offense and shall subject the offender to a civil penalty in the amount of fifty dollars (\$50) per day that the violation continues. Any person violating this Ordinance shall be issued a written citation. The

penalty shall be paid to the Town of Valdese within seventy-two hours from the time of issuance of the written citation.

- .3 Each day's continuing violation shall be a separate and distinct offense.
- .4 In addition to the penalties imposed under subsection 9-3120.1 and 9-3120.2 above, the provisions of this Ordinance may also be enforced through equitable remedies issued by a court of competent jurisdiction including injunction and order of abatement.
- .5 This Ordinance may be enforced by any one, all or a combination of the remedies authorized herein.

9-3121 Remedies

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Zoning Enforcement Officer or any other appropriate town authority or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.

In case any sign shall be installed, erected or constructed in violation of any of the terms of this Ordinance, the Zoning Enforcement Officer shall notify by personal notice or registered mail the owner or lessee thereof to alter such sign so as to comply with this Ordinance and to secure the necessary permit there for or to remove the sign. If such an order is not complied with within ten (10) days, the Zoning Enforcement Officer shall remove the sign at the expense of the owner or lessee thereof. In the event that such sign should become insecure, or in danger of falling, the person maintaining the same shall, upon written notice from the Zoning Enforcement Officer, forthwith, in case of immediate danger, and in any case, within ten (10) days secure it in a manner approved by the Zoning Enforcement Officer.

Sections 9-3122 through 9-3125 reserved
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