

## ARTICLE XII

### ADMINISTRATION AND ENFORCEMENT

Section 120. Zoning Enforcement Officer. It shall be the duty of the Zoning Enforcement Officer to enforce and administer the provisions of this Ordinance.

If the Zoning Enforcement Officer finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation or its If a ruling of the Zoning Enforcement Officer is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment.

Section 121. Zoning Compliance Certificate Required.

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Enforcement Officer has issued a Zoning Compliance Certificate for such work. Every person obtaining a Zoning Compliance Certificate hereunder shall pay a fee as provided in a schedule of zoning permit fees to be adopted by the governing body.

Section 122. Application for Zoning Compliance Certificate.

Each application to the Zoning Enforcement Officer for a Zoning Compliance Certificate shall be accompanied by plot plans in duplicate showing:

- The actual dimensions of the lot to be built upon,
- The size of the building to be erected;
- The location of building on the lot;
- The location of existing structures on the lot, if any;
- The number of dwelling units the building is designed to accommodate;
- The approximate setback lines of buildings on adjoining lots;
- The intended use of the property;

- Such other information as may be essential for determining whether the provisions of this Ordinance are being observed.

Once filed with the Zoning Enforcement Officer, he/she shall have ten (10) working days to review such plats and plans before issuing an approval or denial for a Zoning Compliance Certificate.

Any Zoning Compliance certificate issued shall expire and be cancelled unless the work authorized it shall have begun 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. Written notice thereof shall be given to the persons affected, including notice that further work as described in the cancelled permit shall not proceed unless and until another Zoning Compliance Certificate has been obtained.

### Section 123. Zoning Certificate of Occupancy for New and Altered Structures.

It shall be unlawful to use or permit the use, except for agriculture purposes, of any land, building or structure or part thereof, hereafter created, erected, changed, converted, altered or enlarged, wholly or partly, in its use or structure, until a Zoning Certificate of Occupancy shall have been issued by the Zoning Enforcement Officer stating that the building or structure and the proposed use complies with the provisions of this Ordinance. A Zoning Certificate of Occupancy shall be applied for co-incident with the application of a zoning permit and shall be issued within five (5) days after the erection or alteration of such building or structure or part thereof has been completed in conformity with the provisions of this Ordinance and the North Carolina Building Code.

A temporary Zoning Certificate of Occupancy may be issued by the Zoning Enforcement Officer for a period not to exceed six (6) months during alterations or partial occupancy of a building pending completion, provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the general public.

The Zoning Enforcement Officer shall maintain a record of all Zoning Certificates of Occupancy and a copy shall be furnished upon request to any person. Failure to obtain a Zoning Certificate of Occupancy shall be a violation of this Ordinance, and punishable under the terms of Section 124 of this Ordinance.

123.01      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 cause and basis thereof shall be filed with the Town Clerk. The Zoning Enforcement Officer shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

### Section 124. Remedies, Civil and Criminal Penalties.

124.01        Violation. In addition to those remedies provided in N.C. General Statutes 14-4 and 160A-175, as amended and otherwise as law provided, whenever, by the provisions of this Ordinance, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land and water, or on the erection or removal or alteration of a structure, a failure to comply with such provisions shall constitute a violation of this Ordinance.

124.02        Liability. The owner, tenant, or occupant of any land or structure, a 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 shall be held responsible for the violation and be subject to the penalties and remedies provided herein.

124.03        Procedures Upon Discovery of Violation. Upon the determination that any provision of this Ordinance is being violated, the Zoning Enforcement Officer shall send, within five (5) working days, a written notice by registered mail to the person(s) 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 Enforcement Officer's discretion.

The final written notice, which may also be the initial notice, shall state the action the Zoning Enforcement Officer intends to take, if the violation is not corrected, and shall advise that the Zoning Enforcement Officer may seek enforcement without prior written notice by invoking any of the remedies contained in Section 124.04 as well as the penalties in 124.06.

124.04        Civil Penalties. Violation of any provision of this Ordinance shall subject the offender to a civil penalty in the amount of fifty (\$50.00) dollars \***PER DAY**, to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within a period of seventy-two hours after being cited. Citation shall be in writing, signed by the Zoning Enforcement Officer, and shall be delivered or mailed to the offender either at his residence or at his place of business or at the place where the violation occurred.

124.05        Town Attorney May Prevent Violation. If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any structure or land is used in violation of this Ordinance, the Zoning Enforcement Officer shall inform the Town Attorney. In addition to other remedies, the Town Attorney may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such structure or land or to prevent any illegal act, conduct, business or use in or about such premises.  
(124.04 Amended 7/18/95 - Effective date 7/19/95)

124.06        Criminal Penalties for Violation. Any person, firm, or corporation who violated the provisions of this Ordinance, shall upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty (\$50.00) dollars or imprisoned not exceeding thirty (30) days. Each day that a

violation continues to exist shall be considered a separate offense, provided that violation of this Ordinance be corrected within thirty (30) days after the notice of said violation has been given.

## ARTICLE XIII

### BOARD OF ADJUSTMENT

#### Section 130. Establishment of Board of Adjustment.

A Board of Adjustment is hereby created as provided in Section 160A-388 of the General Statutes of North Carolina. Said Board shall consist of seven (7) members; five (5) members shall be residents of the Town of Hudson, and the other two (2) members shall be appointed to represent the Town's Extraterritorial Jurisdiction, as provided in Section 160A-362 of the General Statutes of North Carolina. The term of office of the members of the Board shall be for three years, excepting that the seven members first appointed shall serve respectively for terms of one year; two years; and three years; and thereafter members shall be appointed for terms of three years each. Vacancies shall be filled for the unexpired term only. All members shall have equal rights and privileges in all matters. The Board of Adjustment shall also serve as the Planning Board.

The Board of Commissioners of the Town of Hudson may, in its discretion, appoint not more than two alternate members to serve on the Board of Adjustment in the absence, for any cause, of any regular member. Such alternate member or members shall be appointed on the same member as regular members and at the regular times for appointment. Such alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

#### Section 131. Jurisdiction and Decision of the Board of Adjustment.

Two members appointed to the Board by the Caldwell County Board of Commissioners as representatives of the area of extra-territorial jurisdiction shall be residents of such area and citizens of Caldwell County. Such members shall have equal voting rights, privileges, and duties with other members of the Board in all matters pertaining to the regulation of the incorporated area of Hudson and its extra-territorial jurisdiction. The concurring vote of four-fifths of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer pertaining to the incorporated area of Hudson and to the area of extraterritorial jurisdiction or to decide in favor of the applicant any matter upon which it is required to pass under the Zoning Ordinance or the effect any variation of such Ordinance in the area, of the incorporated area and its extraterritorial jurisdiction.

For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority or supermajority if there are no qualified alternates available to take the