

## **11.5 PROCEDURES**

The following procedures shall apply to the enforcement of this Ordinance by the Town:

### **11.5.1 Investigation**

Upon the receipt of complaints or other information suggesting a violation of this Ordinance, the Planning Director shall investigate the allegations and suggestions and determine whether a violation exists.

### **11.5.2 Warning of Violation**

On determining that a violation exists, the Planning Director may provide the person alleged to be violating this Ordinance a written warning. The written warning shall include a description of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Planning Director to discuss the violation and how it may be corrected. The Planning Director may provide the alleged violator additional written warnings of the violation. A warning of violation is not required to be issued prior to issuance of a notice of violation and correction order pursuant to Sec. 11.5.3 *Notice of Violation and Correction Order*.

### **11.5.3 Notice of Violation and Correction Order**

The Planning Director or official specifically designated by this Ordinance is authorized to determine the existence of violations and to send a notice of violation and correction order to any person found to be in violation of this Ordinance and the landowner, if different. The notice shall include a description of the violation and an order to cease the violation and/or stop work. Upon receipt, a person shall cease violating this Ordinance within the time prescribed in the notice of violation and correction order. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt. The Planning Director or designee may deliver the notice of violation and correction order personally, by the Town Police Department, by certified or registered mail, return receipt requested, by the Wake County Sheriff's Department, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

### **11.5.4 Appeal to Board of Adjustment**

Any person who is served a notice of violation and correction order pursuant to Sec. 11.5.3 *Notice of Violation and Correction Order*, may appeal that determination to the Board of Adjustment within 30 days of the date of the receipt of the notice of violation and correction order. If a person who receives a notice of violation and correction order does not appeal the determination within the time established in this Section, then that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty provided in this Article.

**11.5.5 Extension of Time Limit to Correct Violation**

A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Planning Director a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Planning Director may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 30 days. The Planning Director may grant additional 30-day extensions if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this Ordinance. The Planning Director may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made or the violator will be subject to the penalties described in the notice of violation and correction order.

**11.5.6 Enforcement Action After Time to Correct Violation**

After the time has expired to correct a violation, including any extension thereof, the Planning Director shall determine if the violation is corrected. If the violation is not corrected, the Planning Director may act to impose one or more of the remedies and penalties authorized by Sec. 11.4 *Remedies and Penalties*.

**11.5.7 Emergency Enforcement Without Notice**

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose an immediate danger to the public health, safety, or welfare, then the Planning Director may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Planning Director may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this Article.