

11.4 REMEDIES AND PENALTIES

The Town may use any combination of the following actions and penalties to prevent, correct, stop, abate, or penalize a violation of this Ordinance:

11.4.1 Permit Revocation

If a person fails to comply with the terms and conditions of a permit or development approval granted under this Ordinance, the permit or development approval may be revoked by the approving authority in accordance with NCGS 160D-403(f).

11.4.2 Disapproval of Subsequent Permits and Development Approvals

As long as a violation of this Ordinance continues and remains uncorrected, the Planning Director or official specifically designated by this Ordinance may withhold, and the Planning Director and other Town boards may disapprove, any request for permit or development approval or authorization provided for by this Ordinance or Chapter 5 of the Code of Ordinances, Apex, North Carolina, for the land on which the violation occurs.

11.4.3 Injunction and Abatement Order

The Planning Director, with the written authorization of the Town Manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this Ordinance. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in Chapters 160A and 160D of N.C.G.S.

11.4.4 Civil Penalties

Except as provided in Sec. 6.1.16, the following civil penalties may be imposed on a person who violates this Ordinance:

A) ***Individual Violation***

There shall be a civil penalty of \$100.00 for each violation, except in cases where work is performed on a site prior to being granted approval by the Town of Apex per Sec. 2.3.17 *Site Work Prior to Development Approvals*; in such cases, there shall be a one-time civil penalty of \$500.00 for each violation. Penalties are due within 30 days of receipt of the notice of violation.

B) ***Continuing Violation***

The notice of violation and correction order (hereinafter referred to as the "Notice"), shall provide at least 10 days but not more than 30 days for the violation to be corrected, based upon the type and degree of the violation. If a violation is not corrected within the amount of time prescribed, as measured from the receipt of such Notice pursuant to Sec. 11.5.3 *Notice of Violation and Correction Order*, then civil penalties accrue starting on the day after the end of the time period provided in the Notice and accrue through and until the violation is corrected. A person receiving a notice of violation and correction order shall pay all accrued civil penalties to the Town within 30 days of receipt of the notice. If the person fails to pay the accrued civil penalties within 30 days of receipt of the notice, then the civil penalties, including all further accruing penalties for a continuing violation, shall be collectible for the Town through a civil action in the nature of debt. Each day that any violation continues shall constitute a separate violation for the purpose of assessing civil penalties. A notice of violation and correction order need only be given once for a continuing violation.

11.4.5 Criminal Penalty

Violation of this Ordinance shall not be a crime under G.S. §14-4 or other law.

11.4.6 Other Relief

In addition to all other remedies and penalties outlined in this Article, the Planning Director may, with the written authorization of the Town Manager, institute any other appropriate action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.