

ARTICLE 23

Administration and Enforcement

[Amended June 1, 2021 per Ord 2021-O-10, ZTA-2021-02]

[Amended October 21, 2024 per Ord 2024-O-08, ZTA-2024-02]

23.1 Applicability

This Ordinance and the provisions set forth herein shall apply to all property within the City of Creedmoor and its area of planning and zoning jurisdiction. The Planning, Zoning & Subdivision Administrator, or her/his designee, shall have the authority to administer and enforce the provisions of the Ordinance within this area.

23.2 Administrator as Enforcement Officer

23.2-1 ESTABLISHMENT AND AUTHORITY. Unless specifically set forth otherwise in this ordinance, the City of Creedmoor Planning, Zoning & Subdivision Administrator shall be the Enforcement Officer with the duty of administering and enforcing the provisions of this Ordinance. The Planning, Zoning & Subdivision Administrator may designate one or more persons to assist in the administration and enforcement this Ordinance. Orders issued by the Planning, Zoning & Subdivision Administrator's designee shall have the effect as if issued by the Planning, Zoning & Subdivision Administrator. The Planning, Zoning & Subdivision Administrator, or designee, may enter any building, structure, or premises as provided by law, to perform any duty imposed upon him/her by this Ordinance. The City of Creedmoor has the authority to enact ordinances, procedures, and fee schedules relating to the administration and the enforcement of this Ordinance, per G.S. 160D-402(b).

23.2-2 GENERAL DUTIES. The Planning, Zoning & Subdivision Administrator shall:

- A. establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
- B. issue permits and certificates pursuant to this Ordinance, including requiring a certificate of zoning compliance to confirm that permitted work complies with applicable laws, this Ordinance, and the terms of the permit, per G.S. 160D-403(g);
- C. review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
- D. interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
- E. maintain all records pertaining to the provisions of this Ordinance in his/her office(s) and make said records open for public inspection;
- F. periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance and to ensure compliance with state law and terms of the approval. All inspections must occur during reasonable hours and upon presentation of proper credentials, and must have the consent of the property owner, occupant, or an administrative search warrant to inspect areas not open to the public, per G.S. 160D-403(e);
- G. cause to be investigated violations of this Ordinance;
- H. issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not, per G.S. 160D-404(b).
- I. enforce the provisions of this Ordinance and perform inspections for general code compliance and enforcement (inspections unrelated to a development approval), per G.S. 160D-402(b);
- J. enforce the City's minimum housing code, but must follow standardized process for enforcement and to determine owner's abandonment of intent to repair and need for demolition, per G.S. 160D-1203(6).
- K. issue notice of corrective action(s) when required;
- L. use the remedies provided in this Ordinance to gain compliance, including civil penalties, fines,

- court-ordered actions, and criminal prosecution, per G.S. 160D-404(c);
- M. be authorized to gather evidence in support of said activities;
- N. receive appeals and forward cases to the appropriate body; and
- O. perform other duties as may be assigned by the Creedmoor Board of Commissioners and/or the Planning Board.

23.3 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

- 23.3-1 DEVELOPMENT WITHOUT PERMIT. To engage in any development, use, construction, remodeling, or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.
- 23.3-2 DEVELOPMENT INCONSISTENT WITH PERMIT. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.
- 23.3-3 VIOLATION BY ACT OR OMISSION. To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Creedmoor Board of Commissioners or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.
- 23.3-4 USE IN VIOLATION. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.
- 23.3-5 SUBDIVIDE IN VIOLATION. To subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Granville County. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.
- 23.3-6 CONTINUING VIOLATIONS. Each day's violation of any provision of this Ordinance is a separate and distinct offense.

23.4 Enforcement Intent *[Amended May 27, 2014 per Ord. 2014-O-03]*

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Planning, Zoning & Subdivision Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from a written decision made by Planning, Zoning and Subdivision Administrator. For procedures and rules regarding appeal of a decision of the Planning, Zoning & Subdivision Administrator, reference Section 6.2 of this Ordinance. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court of Granville County as provided by law.

23.5 Enforcement Procedure *[Amended May 27, 2014 per Ord. 2014-O-03], [Amended October 21, 2024 per Ord. 2024-O-08]*

When the Planning, Zoning & Subdivision Administrator or his/her agent finds a violation of this Ordinance, it shall be his/her duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall remedy the violation within the prescribed time period.

- 23.5-1 NOTICE OF VIOLATION. The Code Enforcement Officer shall attempt informal property owner, resident, or responsible party notification either in-person or by placing an informational door-hanger or posting a placard upon the nearest structure, building, location, place of business, or nearest residence of the responsible party identifying the violation and required remedy. If the owner or

occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Planning, Zoning & Subdivision Administrator shall give the owner or occupant written notice, by first class mail, general delivery mail, certified or registered mail, electronic delivery to his last known address, or by personal service, by posting notice of the violation conspicuously on the property, or in accordance with Rule 4 of the North Carolina Rules of Civil Procedure. The staff member providing the notice of violation shall certify to the City of Creedmoor that the notice was provided, and this evidence shall be deemed conclusive in the absence of fraud, per G.S. 160D-404(a). A notice of violation must be provided to both the permittee and the landowner, if the landowner is not the holder of the development approval, and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation shall include, but not be limited to:

- A. that the land, building, sign, structure, or use is in violation of this Ordinance;
- B. the nature of the violation, and citation of the section of this ordinance violated;
- C. the measures necessary to remedy the violation;
- D. the opportunity to cure the violation within a prescribed period of time.

Where the person violating a provision of this article is not the owner of the property, the City shall send a notice of violation to both the occupant and the owner of the property.

23.5-2 EXTENSION OF TIME TO REMEDY. Upon receipt of a written request from the alleged violator or the property owner for an extension of time to remedy or correct the violation, the Planning, Zoning & Subdivision Administrator or other City official charged with the duty of enforcing the regulations(s) being violated may grant a single extension of time, not to exceed a period of thirty (30) calendar days, in which the alleged violator may cure or correct the violation before the City pursues enforcement action as provided for in this section.

Appeal. Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, any owner or occupant who has received a Notice of Violation may appeal in writing the written decision of the Planning, Zoning & Subdivision Administrator to the Board of Adjustment within thirty (30) days following the Notice of Violation or receipt of the Administrator's written decision, per G.S. 160D-405. The Board of Adjustment shall hear an appeal within forty-five (45) days of the date of submittal of a complete application, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Planning, Zoning & Subdivision Administrator in the Notice of Violation shall be final. Notice of such hearing shall be provided as required by this Ordinance and state statutes.

23.5-3 ORDER OF CORRECTIVE ACTION. If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

23.5-4 FAILURE TO COMPLY WITH AN ORDER. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 23.6 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

23.6 Remedies

Any one or all of the following procedures may be used to enforce the provisions of this Ordinance.

23.6-1 INJUNCTION. Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

23.6-2 CIVIL PENALTIES. Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 23.7 (Civil Penalties - Assessments and Procedures).

- 23.6-3 DENIAL OF PERMIT OR CERTIFICATE. The Planning, Zoning & Subdivision Administrator may withhold or deny any permit, certificate, occupancy permit or other form of authorization on any land, building, sign, structure, or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, or other authorization previously granted.
- 23.6-4 CONDITIONAL PERMIT OR TEMPORARY CERTIFICATE. The Planning, Zoning & Subdivision Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.
- 23.6-5 STOP WORK ORDERS. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Planning, Zoning & Subdivision Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with G.S. 160D-404(b) and G.S. 160A-421, as applicable, or the NC Building Code.
- 23.6-6 REVOCATION OF PERMITS. The Planning, Zoning & Subdivision Administrator may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, for multiple recurring violations of this Ordinance or permit conditions, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked. When revoking a permit or development approval, the Planning, Zoning & Subdivision Administrator shall follow the same development review and approval process as was required for issuance of the development approval or permit, including any required notice or hearing, per G.S. 160D-403(f). The revocation of a development approval by the Planning, Zoning & Subdivision Administrator or other staff member may be appealed pursuant to G.S. 160D-405.
- 23.6-7 CRIMINAL PENALTIES. Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4.

23.7 Civil Penalties – Assessment and Procedures *[Amended October 21, 2024 per Ord. 2024-O-08]*

23.7-1 PENALTIES. Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount prescribed for the first and each successive violation of the same provision. The following penalties are hereby established:

Notice of Violation / Warning Citation	\$0.00 (Correct Violation Within Prescribed Period of Time)
First Citation	\$100.00 first day
Second Citation for Same Offense	\$300.00 second day
Third and Subsequent Citations for Same Offense	\$500.00 third day to 60 th day

If the offender fails to pay the civil penalties within fifteen (15) days after having been cited, the City may recover the penalties in a civil action in the nature of debt. The City of Creedmoor has the authority to charge reasonable fees and penalties for the support, administration, enforcement, and implementation of this Ordinance, and all such fees shall be used for no other purposes, per G.S. 160D-402(d).

23.7-2 NOTICE. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 23.5-1 (Notice of Violation). If after receiving a notice of violation under Section 23.5-1, the owner or other violator fails to take corrective action within the prescribed period of time, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay

the civil penalty within fifteen (15) days of the date of the notice.

- 23.7-3 RESPONSIBLE PARTIES. The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.
- 23.7-4 CONTINUING VIOLATION. For each day thereafter (ten (10) day notice and fifteen 15 days to pay penalty after notice), if the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty the accumulation of which begins on the first day a violation is discovered and responsible party notified.
- 23.7-5 DEMAND FOR PAYMENT. The Planning, Zoning & Subdivision Administrator, or designee, shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.
- 23.7-6 NONPAYMENT. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided, however, if the civil penalty is not paid within the time prescribed, the Planning, Zoning & Subdivision Administrator may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.

23.8 Other Powers and Actions

- 23.8-1 STATE AND COMMON LAW REMEDIES. In addition to other enforcement provisions contained in this Article, the City Board of Commissioners may exercise any and all enforcement powers granted to it by state law or common law.
- PREVIOUS ENFORCEMENT. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

23.9 Remedies Cumulative and Continuous

- 23.9-1 CUMULATIVE VIOLATIONS. All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
- 23.9-2 REPEAT VIOLATIONS. If an owner or occupant repeats the same violation, on the same parcel, within a five (5) year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies. Repeat, recurring violations are ground for the revocation of permits and development approvals.

23.10 Administrative Decisions

- 23.10-1 DEVELOPMENT APPROVALS. All development approvals must be provided and documented in writing, and may be issued and delivered in print or electronic form. If development approvals are issued in electronic form, the document must be protected from further editing, per G.S. 160D-403(a).

(A.) Applicants. All applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property, which can include but is not limited to the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for a development approval, for such development as authorized by the easement, per G.S. 160D-403(a).

- (B.) Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Ordinance attach to and run with the land, per G.S. 160D-104.
- (C.) Notice. The City of Creedmoor may require community notice or informational meetings as part of the decision-making process for administrative development approval, but this requirement must be adopted as a text-amendment to this Ordinance. State and Ordinance mandated notice requirements for legislative and quasi-judicial land use decisions are not altered or affected, per G.S. 160D-403(h).
- (D.) Expiration. The standard State and City of Creedmoor development approval duration period is one (1) year from the date the administrative development approval is issued if the work authorized by the development approval has not substantially commenced, unless altered by State or local rule, per G.S. 160D-403(c). The Planning, Zoning & Subdivision Administrator may extend the expiration for development approvals for which construction is commenced and then is discontinued. State law is that such development approvals are valid for two (2) years after work is intentionally or voluntarily discontinued, per G.S. 160D-108(d).

23.10-2 DETERMINATIONS. The Planning, Zoning & Subdivision Administrator, or her/his designee, must provide written notice of administrative determinations by personal delivery, electronic mail, or first-class mail to the property owner and the part seeking the determination, if different from the owner, per G.S. 160D-403(b). The Planning, Zoning & Subdivision Administrator may designate an official to make determination for particular development regulations. All persons with standing to appeal the administrative determination have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the subject property, provided the notice sign remains on the property for ten (10) days. Any such posting is the responsibility of the landowner, applicant, or person who sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination. For procedures and rules regarding changes to prior-approved developments, please reference Section 7.15 of this Ordinance. For procedures and rules regarding appeals of administrative decisions, please reference Section 6.2 of this Ordinance.

23.11 Summary Removal of Signs/Sign Structure; Remove Orders for Signs/Sign Structure

- 23.11-1 SUMMARY REMOVAL. Pursuant to G.S. 160A-193, the City shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the City determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be ascertained, by the property owner, and if not paid, there shall be a lien placed upon the land or premises where the nuisance arose, and it shall be collected as unpaid taxes.
- 23.11-2 PROHIBITED SIGNS A PUBLIC HEALTH NUISANCE. Pursuant to G.S. 160A-193 and G.S. 160A-296, any signs or sign structures prohibited by Article 17 of this Ordinance are hereby declared to be a public health nuisance in that they are dangerous or prejudicial to the public health or public safety and the Planning, Zoning & Subdivision Administrator, or her/his designee, shall have the authority to remove summarily the sign and/or sign structure.
- 23.11-3 REMOVE ORDER. The Planning, Zoning & Subdivision Administrator shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time prescribed by a notice of violation. Remove orders shall be issued to and served upon the sign/sign structure owner, or if the sign/sign structure owner cannot be ascertained, to and upon the property owner by the means set forth in section 23.5-1. The sign or sign structure shall be removed thirty (30) days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign or sign structure to be removed and the reason(s) for issuance of the remove order, including specific reference to the provisions of Article 17 of this ordinance that have been violated.
- 23.11-4 FAILURE TO COMPLY. In the event of failure to comply with the requirements of a remove order, the

Planning, Zoning & Subdivision Administrator may cause such sign or sign structure to be removed. The sign owner and property owner may be jointly and separately liable for the expense of removal. Notice of the cost of removal shall be served as set forth in section 23.5-1. If said sum is not paid within thirty (30) days thereafter, said sum may be collected by the City in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of N.C. Gen. Stat. § 14-4.

23.12 ADMINISTRATIVE STAFF CONFLICT OF INTEREST STANDARDS

23.12-1 CONFLICT OF INTEREST – DECISIONS. No staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by this Ordinance, per G.S. 160D-109(c).

23.12-2 CONFLICT OF INTEREST – FINANCIAL INTEREST. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance, unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with the City of Creedmoor to provide staff support shall engage in any work that is inconsistent with her or his duties or with the interest of the City of Creedmoor, as determined by the City of Creedmoor.