

**ARTICLE 23 - ENFORCEMENT****ATTACHMENT 5**

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**23.1 Violations**

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, or on the erection, alteration, or the use or change of use of a structure, a failure to comply with such provisions shall constitute a violation of this chapter.

**23.2 Liability**

The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to the penalties and remedies provided herein.

**23.3 Procedures Upon Discovery of Violations**

Upon the determination that any provision of this chapter is being violated, the Town Manager shall deliver a written notice by personal service or by registered or certified mail, return receipt requested, 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 Town Manager's discretion.

The final written notice, which may also be the initial notice, shall state the action the Town Manager intends to take if the violation is not corrected, and shall advise that the Town Manager's order may be appealed to the Board of Adjustment as provided in Article 24.

In cases when delay would seriously threaten the effective enforcement of this chapter, or pose a danger to the public health, safety, or general welfare, the Town Manager may seek enforcement without prior written notice by invoking any of the penalties or remedies contained in Section 23.4.

**23.4 Penalties and Remedies**

Any violation of any provision of any Article of the Chapel Hill Development Ordinance shall constitute a misdemeanor and shall subject the violator to a penalty of five hundred dollars (\$500.00) or imprisonment for not more than 30 days.

Any act constituting a violation of this chapter shall also subject the offender to a civil penalty of twenty-five dollars (\$25.00). If the offender fails to pay the penalty within ten (10) days of receiving final written notice of a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender received a final written notice of violation and did not appeal to the Board of Adjustment within the time limit prescribed in Article 24.

Each day that any violation continues after receipt of the final written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

In addition to the penalties and remedies above, the Town Manager may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this chapter.