

**AN ORDINANCE CONCERNING REMEDIES AND ENFORCEMENT POWERS  
AMENDING CHAPTER 1520, SECTION 1520.060  
AND CHAPTER 1170, SECTION 1170.060, SUBSECTION C OF  
THE UNIFIED DEVELOPMENT ORDINANCE  
OF THE TOWN OF INDIAN TRAIL**

**WHEREAS**, Chapter 160D and Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power;

**WHEREAS**, the Town Council of the Town of Indian Trail finds that it is in the public interest to amend **Chapter 1520, Section 1520.060, and Chapter 1170, Section 1170.060, Subsection C** of the Town’s Unified Development Ordinance to provide more specificity as to the methods for enforcing such ordinance; and

**WHEREAS**, the Town Council of the Town of Indian Trail, after due notice, conducted a public hearing on the 22nd day of February 2022 upon the question of amending the Unified Development Ordinance in this respect.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA:**

**SECTION ONE.** Chapter 1520, Section 1520.060 of the Unified Development Ordinance of the Town of Indian Trail entitled “Penalties”, is hereby amended as follows:

A. ~~Any violation of this ordinance is punishable as a misdemeanor with an associated fine of not less than \$100.00 for each and every day that the violation continues.~~

B. ~~If the violation appears deliberate, intentional, and with knowledge of the law or if violation is repeated on multiple occasions, then punishment upon conviction will be a fine of not less than \$100.00 or more than \$500.00 for each and each and every day that the violation continues.~~

“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:

<u>Notice of Violation</u>	<u>Correct Violation by specified deadline</u>
<u>First Civil Citation</u>	<u>\$50.00 for same offense</u>
<u>Second Civil Citation</u>	<u>\$100.00 for same offense</u>
<u>Third &amp; Subsequent Civil Citations</u>	<u>\$300.00 for same offense</u>

A) Each day any single violation continues shall be a separate violation. Unless expressly stated otherwise in a chapter or appendix, a violation of this Ordinance shall not constitute a misdemeanor pursuant to N.C.G.S. 14-4. If the offender fails to correct a violation by the prescribed deadline after

being notified of said violation, a civil penalty may be incurred and the penalty may be recovered in a civil action in the nature of a debt.

- B) Upon failure of the violator to obey the warning citation, a civil citation may be issued by the enforcement official, either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The Notice of Civil Citation shall direct the violator to appear in person at the Town Hall to pay the penalty within (15) fifteen days of the date of the Civil Citation, or alternatively to pay the citation by mail. The violation for which the penalty is issued must have been corrected by the time the penalty is paid, otherwise further penalties shall accrue. Penalties accrue from the date initially imposed in the Notice of Civil Citation and will continue without further notice, for each day the offense continues, until the prohibited activity is corrected, ceased, or abated.
- C) If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the Town of Indian Trail may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.”

**SECTION TWO.** Chapter 1170, Section 1170.060, Subsection C of the Unified Development Ordinance of the Town of Indian Trail entitled “Penalties for Violation”, is hereby amended as follows:

C. After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Register of Deeds of Union County, shall be subject to the penalties set forth in Chapter 1520, Section 1520.060 “Penalties”. ~~guilty of a misdemeanor.~~ The descriptions by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Indian Trail, through its attorney or other official designated by the Town may enjoin illegal subdivision, transfer, or sale of land by action for injunction. ~~Further, violators of this Ordinance shall be subject, upon conviction, to fine or imprisonment as provided by General Statute 14-4.~~

**SECTION THREE.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

**SECTION FOUR.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**SECTION FIVE.** The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

**SECTION SIX.** This ordinance shall be in full force and effect from and after the date of its adoption.

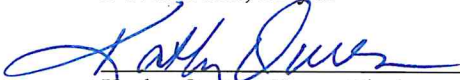
Adopted this 22<sup>nd</sup> day of February 2022.

*By Signature & Town Seal, Town Clerk Kathy Queen affirms this Ordinance was adopted by the Indian Trail Town Council.*

**INDIAN TRAIL TOWN COUNCIL**



David Cohn, Mayor



Kathy Queen, Town Clerk

Karen Wolter, Town Attorney



