



# VILLAGE OF WHISPERING PINES CODE OF ORDINANCES



## Chapter J – Penalties and Remedies

(Amended 2/10/2021)

### **Section 1. Applicability**

The provisions of this chapter shall apply to violations of all ordinances set forth in this code.

### **Section 2. Definitions**

For the purposes of this chapter, the following words shall have the meaning indicated:

**Person** - Any individual, partnership, corporation, association, or other organization or entity acting as a unit.

**Manager** – The Village Manager or any person to whom the manager assigns the duties of ordinance enforcement authorized by this chapter.

### **Section 3. Criminal Enforcement**

**3.1.** Subject to subsection (3.2), any person who violates the provisions of this code to which this chapter is applicable shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) as provided in G.S. § 14-4(a).

**3.2** Any person who violates any of the provisions of this code regulating the operation or parking of vehicles shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00) as provided in G.S. § 14-4(b).

### **Section 4. Civil Penalties** (Amended 9/8/21)

**4.1** Except as otherwise provided in subsection (b), a violation of any of the provisions of this code to which this chapter is applicable shall subject the violator to a civil penalty in an amount specified below. If the amount of the civil penalty specified below is one hundred dollars (\$100.00) or less, then the penalty shall be twice the specified amount for violations of the same ordinance provision that occur within twelve months of the date of a previous violation of the same ordinance provision.

A. Fifty dollars (\$50.00) for violations of:

1. Chapter B, Fire Prevention and Fire Protection
2. Chapter C, Streets
3. Chapter D, Traffic
4. Chapter E, Health Protection & Disease Prevention

5. Chapter F, Firearms & Noise
6. Chapter H – Animal Control
7. Chapter I – Lakes and Parks

B. Failure to Obtain A Necessary Permit: Except where a civil penalty is specifically set forth in this Code for failure to obtain a permit for engaging in a specific activity, when any work, event or other action which requires a permit is undertaken by a person prior to the application for and issuance of the permit, the civil penalty shall be equal to the amount of the permit fee. Payment of the civil penalty shall not relieve the offender of the obligation to obtain the permit and pay the applicable fee, even if the work or activity requiring a permit has concluded.

**4.2** Notice of Violation: If it seems reasonable that a violator should be given an opportunity to correct a violation before civil penalties are assessed, a Notice of Violation may be issued containing the following information:

- A. Identifies the violation (including reference to applicable code section(s),
- B. Corrective action to be taken,
- C. Establishes the date by which the violation must be corrected, and
- D. States the penalties that may be imposed if the violation is not corrected

**4.3** If any person to whom a Notice of Violation has been sent pursuant to subsection (4.2) fails to correct the violation within the time specified in the notice, then such person shall be subject to the assessment of daily civil penalties as follows:

A. For the date on which the initial Notice of Civil Penalty is issued pursuant to subsection (4.4), the civil penalty shall be \$500.00.

B. For the next ten (10) days after the date on which the initial Notice Civil Penalty is issued, or until the violation is corrected within that time period, civil penalties shall accrue at the rate of \$100.00 per day.

C. For the next ten (10) days after the period specified in subsection (4.3.B), or until the violation is corrected within that time period, civil penalties shall accrue at the rated of \$250.00 per day.

D. If the violation remains uncorrected after the period specified in subsection (4.3.C), civil penalties shall accrue at the rate of \$500.00 per day thereafter until the violation is corrected.

**4.4** Any person who has been assessed a civil penalty as provided in this section shall be served with a Notice of Civil Penalty. If the civil penalty is assessed under subsection (4.1) of this section, the notice shall identify the

nature of the violation, the code section violated, and the amount of the penalty. If the civil penalty is assessed under subsections (4.2) and (4.3), then the notice shall inform the violator that a civil penalty of \$500.00 has been assessed and that, without further notice, civil penalties shall continue to accrue as provided in subsection (4.3) until the violation is corrected. Additional Notices of Civil Penalty may be served upon the violator advising the violator of the current accumulation of civil penalties, but this shall not be required. If the civil penalty is not paid within the time frame stated on the civil penalty, the penalty may be recovered by the Village in a civil action in the nature of debt.