

§ 152.487 COMPLIANCE AND ENFORCEMENT.

(A) Compliance with the terms of the certificate of appropriateness shall be enforced by the Administrator and when appropriate by the Board of Commissioners. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a continuous period of six months shall be deemed a failure to comply with the certificate of appropriateness, and, without further action, the certificate of appropriateness shall be null and void. In addition to any other remedy provided by this chapter or by law, this chapter may be enforced in the same manner and violations hereof are punishable according to the procedures and penalties for violations of the zoning ordinance and town codes. In case any building, structure, site, area or object within the Historic District is about to be demolished, whether as a result of deliberate neglect or otherwise, materially altered, remodeled, removed, or destroyed except in compliance with the ordinance, the Town Board, the Commission, or other party aggrieved by such action may institute any appropriate action or proceeding to prevent such unlawful demolition, destruction, material alteration, remodeling, or removal; to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such a building or structure.

(B) Additionally, nothing contained in this ordinance shall prohibit, impair, or limit in any way, the power of the Town of Swansboro to prevent the construction, reconstruction, alteration, restoration, or removal of buildings, structures, appurtenant fixtures, or outdoor signs in the Historic District in violation of the provisions of this chapter. The enforcement of any remedy provided herein shall not prevent the enforcement of other remedy or remedies provided herein or in other ordinances or laws. (See G.S. §§160A-175 and 160A-389).

(C) When DBN properties have been identified and added to the DBN List, the general steps, actions, decision points, and offender's needed responses when receiving notice of violation from the Town Planner, are as follows:

(1) A completed DBN complaint form is submitted to the Town Planner and stamped with the received date and initials. Staff may fill out the complaint form based on email or phone call from a complaint. Email or regular mail is preferred. However, if a phone call is received, the Town Planner will respond by email, which should be sent to the complainant and the Swansboro Historic Preservation Commission ("SHPC"). The Town Planner will report to the SHPC at the next regular meeting.

(2) The Town Planner shall investigate any complaint. Within 14 days following receipt of the DBN complaint, the Town Planner shall send a status report of the complaint investigation and actions taken to the complainant and, if warranted, send a notice of violation to the offender. The Town Planner shall report the complaint investigation to the SHPC at its next regular meeting if there is a basis for the complaint.

(3) If the Town Planner determines there is a basis for the complaint, the offender has 30 calendar days to respond to the notice of violation, documenting violation(s) contributing to the DBN. The offender may respond by phone, email or in writing. The Town Planner shall send a follow-up email in the event the offender responds by phone. The Town Planner shall send a copy of that email to the SHPC within two business days of the call. The Town Planner shall maintain a record of communication with the offender. The Town Planner is the responsible party to prepare and present the reports to the SHPC.

(4) If the offender fails to respond or fails to address the violation(s) by the required deadline, the town may take all action allowed under this chapter or other applicable law related to code enforcement. The Town Planner shall report any town enforcement action at the next SHPC meeting.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2023-O1, passed 3-13-2023)