ARTICLE XII
ADMINISTRATION AND ENFORCEMENT

Section 1200. Intent.

It is the intent of this article that all questions arising in connection with the enforcement or the interpretation of this ordinance shall be first presented to the Zoning Administrator, that such questions shall be presented to the Board of Adjustment only to appeal decisions from the Zoning Administrator, and that appeals from the decisions of the Board of Adjustment shall be taken to the courts as provided by law. It is further the intent of this article that the duties of the Town Council in connection with this ordinance shall not include hearing and passing on disputed questions which might arise in connection with the enforcement or interpretation of this ordinance, but the procedures for determining such questions shall be as stated in this ordinance. The duties of the Town Council in connection with this ordinance shall be the holding of a public hearing and voting upon any proposed amendment or repeal of this ordinance as provided by law and the review and approval or disapproval of certain permits and conditional uses as specifically stated in this ordinance.

Section 1201. Zoning Administrator.

The office of the Zoning Administrator is hereby established. The Town Council of the Town of Laurel Park shall appoint some suitable person to such office; any person so appointed shall be employed at such salary and other compensation as may be set by the said Commissioners and shall serve at the pleasure of the Commissioners. It shall be the duty of the Zoning Administrator to administer and enforce this ordinance. It shall also be the duty of the Zoning Administrator to render such counsel and advice to the Planning Board as may be reasonably requested by the said board and to perform such duties in connection with this zoning ordinance and the planning or enforcement thereof as may be requested by the said Commissioners.

Section 1202. Permit Procedure.

The Zoning Administrator coordinates the enforcement of the Laurel Park Zoning Ordinance with the Henderson County Inspections and Building Permit office. The Town of Laurel Park enforces the zoning ordinance through the issuance of Certificates of Zoning Compliance and Certificates of Occupancy, except as otherwise provided in this ordinance. The Henderson County Inspections Department is authorized to issue building permits and enforce all applicable state building codes in the Town of Laurel Park.
The Zoning Administrator issues Land Disturbing Permits with Certificates of Zoning Compliance and issues Land Disturbing Permits separately for all activities that results in a change in the natural cover or topography, i.e., any grading, bulldozing, clearing, extensive digging, etc. activities.

Section 1203. Certificate of Zoning Compliance.

Prior to both the issuance of a Certificate of Zoning Compliance by the Laurel Park Zoning Administrator and the issuance of a building permit by the Henderson County Inspections Department, no building or other structure shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building start until the Laurel Park Zoning Administrator has issued a Certificate of Zoning Compliance for such work. The Zoning Administrator shall not grant a Certificate of Zoning Compliance for the construction or alteration of any building or structure if the building or structure as proposed to be constructed or altered would be in violation of any provision of this ordinance. The Zoning Administrator shall verify that the proposed building or structure meets all dimensional requirements of this ordinance in accordance with the information contained in the application and on inspection of the site.

1203.1 Application for Certificate of Zoning Compliance.

Any application for a Certificate of Zoning Compliance shall be submitted to the Zoning Administrator. Each application and supporting documentation shall include site plans, floor plans, and exterior building elevations. The site plans shall be prepared to an appropriate scale adequately illustrating required information, a North Arrow, and the date of preparation and shall accurately show the following information:

(1) Property lines and corners.

(2) Building setback lines and required yard areas.

(3) Existing buildings and structures.

(4) All utility easements, rights-of-way, culverts and drainageways.

(5) The location of all utility lines, septic tank and drain field, and other facilities on the lot.

(6) The shape, size, use, and location of all proposed buildings and structures, including driveways and parking areas, to be erected or altered, accurately drawn on the site plan and dimensioned from the property corners or lines.
(7) Site plans to show where stormwater enters into and discharges from the property and any proposed changes or alterations to the natural or existing drainage characteristics of the property.

(8) Approved proposed connections to the Town's stormwater drainage system.

(9) Other information that is required or that may be necessary for the enforcement of this ordinance.

1203.2 **Issuance of Certificate of Zoning Compliance.**

The Zoning Administrator shall review the application and all supporting documentation for conformance with the provisions of the ordinance and shall inspect the site to verify that the building or structure will meet all area and dimensional requirements. In order to perform this verification, it will be necessary that:

(1) Property corners shall be permanently marked with iron pins or concrete monuments by a surveyor licensed in North Carolina. The corners shall be flagged or marked for easy identification and verification by the Zoning Administrator.

(2) The location of the proposed structure shall be marked by means acceptable to the Zoning Administrator.

Once the Zoning Administrator has verified the application and the site meets all requirements, the Zoning Administrator shall issue a Certificate of Zoning Compliance. One copy of all the documents submitted shall be retained by the Zoning Administrator. During the time when an amendment to this ordinance is under consideration by the Planning Board or Town Council, no Certificate of Zoning Compliance for the erection, alteration, enlargement, or construction of any structure or use of any land which would be affected by such amendment shall be issued without consideration and approval of the Town Council.
1203.3 **Fees.**

The Town Council may establish fees for the issuance of Certificates of Zoning Compliance and Land Disturbing Permits.

1203.4 **Construction Progress.**

If no building permit has been issued within six (6) months of the date of the Certificate of Zoning Compliance, or if the work authorized is suspended for a period of one (1) year, the certificate becomes invalid. All construction must be completed and a Certificate of Occupancy issued within twenty-four (24) months of the issuance of the Certificate of Zoning Compliance or the certificate shall become null and void.

If the Certificate of Zoning Compliance becomes null and void, the property owner has 60 days to restore the construction site to a presentable condition acceptable to the Zoning Administrator. The following areas shall be addressed:

(a) Landscaping. All exposed areas must be seeded, mulched, or planted with some type of natural vegetation.

(b) Sedimentation and Erosion Control. All sedimentation and erosion control shall remain in effect until property is stable.

(c) Safety. Measures shall be taken to insure the construction site does not present any safety and/or health hazards.

Failure to comply with the provisions contained within this section subjects the property owner to civil penalties as outlined in Section 1207.

1203.5 **Neat and Orderly Construction Site.**

Each property owner and/or contractor building a new structure or extensively remodeling an existing structure within the zoning jurisdiction of the Town of Laurel Park shall provide a portable toilet and construction trash receptacle for storage of small items of scrap construction materials, discarded paper, food wrappers, cups, etc., at the building site during the construction period. The trash receptacle shall be emptied regularly in order to maintain a clean area which is not objectionable to the general public. No trash or discarded materials shall be burned on site.
Section 1204. Building Permit.

A building permit for a building or structure to be erected, moved, extended, enlarged, or structurally altered, or for the excavation or filling of any lot for the construction of any building shall be obtained from the Henderson County Inspections Department. Prior to obtaining a building permit, an applicant must have received a Certificate of Zoning Compliance from the Laurel Park Zoning Administrator.

Section 1205. Inspections During Construction.

1205.1 Timing of Inspection

A compliance inspection shall be made by the Zoning Administrator before burial of any underground drainage system, public or private, and when all work including installation of drainage facilities has been completed.

1205.2 Erosion Control Inspection

The Zoning Administrator will conduct Erosion Control Inspections as necessary to ensure effective control of erosion and sedimentation.

Section 1206. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the Zoning Administrator is required in advance of occupancy or use of a building erected, altered, or moved.

1206.1 Application and Issuance of a Certificate of Occupancy.

A Certificate of Occupancy, either for the whole or part of a building, shall be applied for in conjunction with the application for a Certificate of Zoning Compliance. The Certificate of Occupancy shall be issued after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of this ordinance, and all construction inspections required by the Henderson County Inspections Department have been satisfactorily completed.
1206.2 **Requirements for Issuance of a Certificate of Occupancy.**

A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. The Zoning Administrator shall inspect the building and building site upon receipt of the final inspection notification of the Henderson County Inspections Department to verify that:

1. The building meets all applicable provisions of the zoning ordinance.
2. The building site is clean and free of all unused construction materials.
3. All exposed areas are seeded, mulched, or planted with some type of natural vegetation.
4. Sedimentation and erosion control measures remain in effect until the property is stable.

If the Certificate of Occupancy is denied, the Zoning Administrator shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Administrator.

1206.3 **Remedies.**

If any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or if any building or land is used in violation of this ordinance, the Zoning Administrator, or any other appropriate Town authority, or any person who would be damaged by such violation, may, in addition to other remedies, institute an action for injunction, mandamus, or other appropriate action or proceeding to prevent such violation.
Section 1207. Enforcement and Penalties for Violation.

The Town of Laurel Park, in accordance with G.S. 160A-175, shall have the power to impose penalties for the violation of the provisions of this ordinance and may secure injunctions and abatement orders to further insure compliance with this ordinance as provided in this section. The Town may enforce this ordinance by any one, all, or combination of the remedies authorized and prescribed by G.S. 160A-175, with the exception of subsection (b). When a violation subjects an offender to a civil penalty, said penalty shall be $50.00 per day. Unless the violation is corrected or appeal is made to the Laurel Park Board of Adjustment, the civil penalty shall begin ten days after the notice of the violation has been given by means of a certified letter by a Laurel Park official. Further, this ordinance shall provide that each day's continuing violation shall constitute a separate and distinct offense, and the total fine thus resulting shall be recorded as a lien against the property.