



**AN ORDINANCE TO AMEND  
CHAPTER 10 RULES OF CONSTRUCTION; GENERAL PENALTY  
REGULATING THE ASSOCIATED PENALTIES**

**BE IT ORDAINED** by the Town Council of Sunset Beach that the following Section of Chapter 10 of the Code of Ordinances is hereby amended to read as follows:

§ 10.99 - GENERAL PENALTY.

- (A) Except as otherwise specifically expressly provided herein, violation of any town ordinance is a misdemeanor or infraction as provided by G.S. 14-4. The maximum fine, term of imprisonment or infraction penalty is the maximum as set forth in G.S. 14-4, unless a lesser amount is otherwise specifically provided herein. in Code ordinance provisions, Violation of this section and Code ordinance provisions shall not constitute an infraction or misdemeanor under NCGS 14-4, but shall subject the violator to a civil penalty to be recovered by the Town in a civil action in the nature of debt if said civil penalty is not paid within 72 hours after being cited for the violation. Unless otherwise specified in the Town's Code of Ordinances, the civil penalty shall be fifty dollars (\$50) for each separate or distinct offense.
- (B) In addition to constituting a misdemeanor or infraction as provided in G.S. 14-4, violation of a town ordinance shall subject the offender to a civil penalty to be recovered by the town in a civil action in the nature of debt if said civil penalty is not paid by the offender within 72 hours after being cited for the violation. Unless otherwise stated specifically in the Code of ordinances, the civil penalty shall be fifty (\$50) dollars for each separate or distinct offense. The town may also recover a civil penalty for violation of the Fire Prevention Code of the State Building Code as authorized by G.S. 143-139.
- (B) Any provision of this Code or any other town ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate and it shall not be a defense to the application of the town for equitable relief that there is an adequate remedy at law.
- (C) The provisions of the Code and any other town ordinance may be enforced by any one, all or a combination of the remedies authorized and prescribed by this section or as authorized in G.S. 160A-175 or other state law. In cases where the N.C. General Statute provides other remedies for violation of town ordinances, such remedies shall be in addition to those remedies herein stated.

(D) Except as otherwise specifically provided, each day's continuing violation of any provision of the Code or any other town ordinance shall be a separate and distinct offense.

(E) In the event there are any laws of the State of North Carolina that preempt or supersede any of the Town's Code of Ordinance provisions, the laws of the State shall govern and apply notwithstanding any Town Code provisions to the contrary.

Adopted this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Town of Sunset Beach

\_\_\_\_\_  
Mayor

ATTEST:

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Lisa H. Anglin, Town Clerk