

GENERAL ORDINANCES OF THE VILLAGE OF LAKE PARK

REGULATION OF NONRESIDENTIAL BUILDINGS

This General Ordinance is enacted by the Village of Lake Park pursuant to North Carolina General Statute Section 160A-174 for purposes of defining, prohibiting, regulating or abating acts, omissions, or conditions which are detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Village. The regulation of nonresidential buildings is intended to address the need to take reasonable measures to minimize discordant, unsightly and offensive surroundings, to preserve the beauty and usefulness of the commercial environment within the Village, to prevent the diminution of property values within the Village, to preserve the integrity and character of the Village and to ensure a basic level of access to nonresidential buildings by public safety personnel in order to ensure the health, safety and general welfare of the public.

SECTION ONE- DEFINITIONS

- (A) General Rule- Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.
- (B) For the purposes of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION. A change or rearrangement in the structural parts or in the exit facilities.

BUILDING. Any structure built for the shelter or enclosure of persons, animals or property of any kind. The term "building" shall also be construed as if followed by the phrase "or part thereof."

NONRESIDENTIAL. Any building or structure that is not a dwelling, lodging establishment, manufactured home or rooming house.

OWNER. The holder of title in fee simple and every mortgagee of record.

SECTION TWO- SCOPE

- (A) The provisions of this article shall apply to all nonresidential buildings or structures which are now in existence or which may be built within the corporate limits of the Village.
- (B) Every nonresidential building or structure and the property on which it is situated shall comply with the provisions of this ordinance, whether or not such building or structure shall have been constructed, altered or repaired before or after the enactment of this article.

SECTION THREE- PROHIBITIONS

(A). It shall be unlawful to erect or place upon any nonresidential building any barrier or cover to any storefront, doorway, window or other point of access to the building. Such barriers or covers shall include but not be limited to boards or boarding of any type, bars, gates or any other item or

substance that serves to act as a barrier or cover to any storefront, doorway, window or other point of access. This prohibition shall be applicable whether such barrier is placed or erected on the exterior or interior of the building.

(B). It shall be unlawful to engage in any alteration of any nonresidential building for purposes of constructing or creating any barrier or cover to any storefront, doorway, window or other point of access to the building.

SECTION FOUR- ENFORCEMENT

(A). Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the Owner of the property to civil penalties as set forth below. If the Owner of the property fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue from the date of the first notice of violation.

(B). This Ordinance may also be enforced by any appropriate equitable action authorized by law, including any method set forth within this Ordinance or by injunctive relief, whether or not there is an adequate remedy at law.

(C). Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation. Any person violating the restrictions, and prohibited acts of this ordinance shall be subject to the issuance of a civil citation and civil penalties according to the following schedule:

- | | |
|-----------------------------------|--------|
| 1. First Offense: | \$ 100 |
| 2. Second Offense: | \$ 200 |
| 3. Third and continuing offenses: | \$ 500 |

(D). Any one, all, or any combination of the foregoing penalties and remedies within this entire Ordinance may be used to enforce this Ordinance.

(E). Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

(F). The prohibitions set forth in this ordinance shall not be enforced at such times and places when the National Weather Service has issued a specific alert or warning for Union County, North Carolina that would justify erecting or placing a barrier upon a nonresidential building for purposes of

protecting the structure from an imminent weather condition. After the cessation of any such warning or alert any owner who has erected or placed any such barrier upon its property shall remove the barrier within 14 business days.

SECTION FIVE- ALTERNATE REMEDIES FOR ENFORCEMENT.

In addition to the foregoing provisions, any provision of this or any other ordinance of the Village of Lake Park, NC may be enforced by any one or more of the remedies authorized by G.S. 160A-175, excluding misdemeanor charges as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

SECTION SIX- CONFLICT OF LAWS

If any portion of this ordinance or the enforcement thereof is found to be preempted by any state or federal law, such preemption shall not operate to invalidate the rest of the ordinance and the same shall remain in full force and effect. Nothing in this ordinance shall be construed to limit, restrict or prohibit an owner from compliance with the State of North Carolina Fire Prevention Code and in no way should be construed to encourage any lack of compliance with the State of North Carolina Fire Prevention Code.

SECTION SEVEN- SEVERABILITY

If any part of this ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this ordinance or their application to any other persons or condition, and to this end, the provisions of this ordinance are hereby declared severable.

This Ordinance shall be effective upon its adoption by the Village Council.

Adopted this the 20 day of November, 2012.

____Kendall Spence_____
Mayor Kendall Spence

Attest:
____Cheri Clark_____
Village Clerk