

TOWN OF MONTREAT

ZONING ORDINANCE

ARTICLE XIV - LEGAL STATUS PROVISIONS

Revised 1/08/2004)

1400 Conflict with Other Laws. Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern. Where this Ordinance imposes a greater restriction on the use of land or Buildings than other rules, ordinances, or regulations, the provisions of this Ordinance shall be construed to amend or repeal any other existing ordinance in the Town of Montreat.

1401 Penalties for Violation. Any person violating any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days as provided by N.C. G.S. § 14-4 and § 15A-1340.23 and in addition thereto such violation may be enjoined and restrained as provided in N.C. G.S. § 153A-123. Each day such violation continues, shall constitute a separate offense (Reference North Carolina General Statutes 160A -175).

No court conviction shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

1400.1 Stop Orders. Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any State or local building law, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefore, and the conditions under which the work may be resumed. (b) The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance or his designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance or his designee, with a copy to the local inspector. The Commissioner of Insurance or his designee shall promptly conduct an investigation and the appellant and the inspector shall be permitted to submit relevant evidence. The Commissioner of Insurance or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for the decision. Pending the

ruling by the Commissioner of Insurance or his designee on an appeal no further work shall take place in violation of a stop order. In the event of dissatisfaction with the decision, the person affected shall have the options of: (1) Appealing to the Building Code Council, or (2) Appealing to the Superior Court as provided in G.S. 143-141. (c) The owner or builder may appeal from a stop order involving alleged violation of a local zoning ordinance by giving notice of appeal in writing to the board of adjustment. The appeal shall be heard and decided within the period established by the ordinance, or if none is specified, within a reasonable time. No further work shall take place in violation of a stop order pending a ruling. (d) Violation of a stop order shall constitute a Class 1 misdemeanor.”

1402 Repeal of Previous Zoning Ordinance. The Zoning Ordinance of the Town of Montreat, adopted together with all subsequent amendments thereto, is hereby repealed as of the effective date of this Ordinance.

A. All suits at law or in equity and/or all prosecutions resulting from the violations of any zoning ordinance heretofore in effect which are pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance, but shall be prosecuted to their finality as if this Ordinance had not been adopted; any and all violations of existing zoning ordinances, which have been prefiled, shall be prosecuted to their finality.

1403 Effect Upon Outstanding Building Permits. Nothing herein contained shall require any change in the plans, construction, size or designated use of any Building, Structure or part thereof for which a Building Permit has been issued before time of passage of this Ordinance.

1404 Validity. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

1405 Effective Date. This Ordinance shall take effect and be in force from and after its passage and adoption.