

**TOWN OF CLAYTON  
AMENDMENT TO CHAPTER 10  
REGARDING CIVIL PENALTIES**

**BEING HEREBY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CLAYTON, NORTH CAROLINA** that the following text shall be amended to the Code of Ordinances:

**§ 10.98 CIVIL PENALTY.**

(A) Any person, partner, partnership, corporation or party violating or failing, refusing or neglecting to comply with any provision or requirement of any section or subsection of this Town Code or any ordinance of the town now in force or hereafter enacted, to which no specific penalty is affixed shall be required to pay the penalty and comply with the provisions of this particular section. However, ordinances which have Criminal Penalties or Fines are excluded and excepted from the Civil Penalties Ordinance of the town; and, this exclusion and exception from this particular section includes ordinances which subject violators to misdemeanor charges unless and until the Town Council shall specifically eliminate that or those particular ordinances which subject the violator to misdemeanor charge(s).

(B) This section is enacted and adopted pursuant to G.S. § 160A-175(c): any violator of this section is not subject to prosecution criminally and is not subject to prosecution for violation of any State of North Carolina Penal Law; this is absolutely restricted to enforcement by civil action only.

(C) The enforcement procedure as to this section shall be as follows: A police officer of the town or such other official or employee of the town as shall be so authorized by the Town Council may issue a Notice of Violation to any party if there is reasonable cause to believe that the party has violated an ordinance of the town. The Notice of Violation shall be delivered to the violator by personal service upon the violator or mailed by certified or registered mail, postage prepaid, with a return receipt requested, to the violator. The Notice of Violation shall specify the penalty which is to be paid within five (5) business days to the Town Collections Department. If the original Notice of Violation is not paid within five (5) business days, a delinquency charge of \$25 shall be added to the amount shown on the Notice of Violation and a notice thereof shall be mailed to the violator. This notice shall inform the violator that if the penalty is not paid within 15 days from the date of the delinquency notice, a civil action

may be commenced in the General Court of Justice, the appropriate division, in Johnston County, North Carolina.

(D) Any ordinance of the town may be enforced by an appropriate legal remedy issuing from a competent jurisdiction. It shall not be defense to the application of the town for equitable relief that there is an adequate remedy at law.

(E) All Notice of Violation forms shall be issued in triplicate and serially numbered. Records of all Notice of Violations shall be maintained and shall be subject to periodic audit.

(F) Each day that any breach or violation of, or any failure to comply with, any provision or requirement of this section shall constitute and is hereby declared to be a separate and distinct infraction.

Violators shall be subject to the following schedule for Notices of Violation:

First Notice of Violation:       \$ 25.00

Second and Subsequent Notices of Violation:       \$75.00

(G) The imposition of a penalty under the provision of this section shall not prevent the revocation or suspension of any license, franchise or permit issued or granted.

(Ord. passed 8-18-97)

Duly adopted by the Clayton Town Council this 4<sup>th</sup> day of October 2010, while in regular session.

Attest:

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Jody L. McLeod  
Mayor

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Sherry L. Scoggins, MMC  
Town Clerk