

ARTICLE II. - ENFORCEMENT AND APPEALS

Sec. 2-21. - General penalty; additional remedies.

- (a) ~~Unless otherwise provided, any person violating any section of this Code or any ordinance of the city shall be guilty of a class 3 misdemeanor and, upon conviction, shall be subject to punishment in accordance with G.S. 14-4. Unless otherwise provided, the maximum fine for a misdemeanor violation is \$500.00.~~ Unless otherwise provided or prohibited by applicable law, any person violating any section of the Charlotte Code or any ordinance of the city may be assessed a civil fine pursuant to G.S. 160A-175 in the amount of \$100.
- (b) The sections of this Code may be enforced, inter alia, as authorized and in accordance with G.S. 160A-175. Specifically, and without limitation, any section of this Code 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 city for equitable relief that there is an adequate remedy at law.

(Code 1985, § 1-7(a), (b); Ord. No. 2666, § 1, 8-23-2004)

Sec. 2-22. - Each day's violation a separate offense.

Unless otherwise specified, each day's continuing violation of any section of this Code shall be a separate and distinct offense.

(Code 1985, § 1-7(d))

Sec. 2-23. - Liability for violations by corporations and other associations.

- (a) Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization.
- (b) Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any section of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

(Code 1985, § 1-9)

Sec. 2-24. - Authority to issue notices of violation and assess civil penalties.

Notices of violation may be issued and civil penalties authorized by this Code may be assessed by a Charlotte-Mecklenburg Police Officer; by any officer, employee, or agent of the department responsible for the administration and enforcement of the provision; or by any other officer, employee, agent, or other person who is authorized by the city manager to enforce the provision.

(Code 1985, § 1-7(c))

Sec. 2-25. - Appeals of civil penalty assessments.

- (a) Unless another procedure is established for a particular violation by ordinance or state law, appeals of civil penalty assessments shall be governed by this section.
- (b) Any person assessed a civil penalty may appeal by filing a written notice of appeal with the city within 30 days from the date of assessment. Failure to file a notice of appeal within this time period shall constitute a waiver of the right to contest the civil penalty.
- (c) Appeals shall be heard by a hearing officer through a quasijudicial process. The city manager may establish rules and procedures that govern the appeal and quasijudicial hearing process. Such rules may include a requirement that, for specified violations, a bond equal to the amount of the civil penalty be posted at the time a notice of appeal is filed.
- (d) A hearing officer's decision on a civil penalty appeal is subject to further review in the superior court of the county by proceedings in the nature of certiorari. Any petition for writ of certiorari shall be filed with the clerk of superior court within 30 days after the date that the hearing officer's written decision is issued.

(Ord. No. 2447, § 1, 11-24-2003)

Secs. 2-26—2-70. - Reserved.