

Old Fort Violation Notice FAQs

You have received a Code Enforcement Violation Notice

If you have received a Code Enforcement Violation Notice, you either own or are otherwise 'in control' (i.e. live in, lease, or manage) a property that has been found to have violations of the Town of Old Fort's Ordinances.

I just received this Violation Notice. What should I do?

1. The first thing you should do is read the Notice. The Notice will tell you the address of the violation property, when the violations were observed by the Code Enforcement Officer, and what violations were present when the Code Officer made their inspection. The Notice will also explain the possible legal penalties and your right to appeal.
2. Contact the Code Enforcement Officer named on the bottom of the first page of the Violation Notice. Their phone number is located immediately underneath their name. The Code Enforcement Officer can usually answer any question you may have about the property and the violations observed at the time of the inspection.
3. If you believe that the facts that are noted in the Violation Notice are wrong, or if you believe that the law is being misinterpreted, you have the right to appeal. Scroll down to the section on Appeals to learn how to appeal a Violation Notice.
4. **COMPLY WITH THE VIOLATIONS!** The Code Enforcement Officer will work with you if you need time to comply with the cited violations of the Town Ordinance. You may call the Code Enforcement Officer if you need a short extension, or contact the Code Enforcement Supervisor requesting a longer extension.

How do I appeal the Violation Notice?

You have the legal right to appeal any notice that you receive from a Code Enforcement Officer. These are the steps you need to take to appeal a Code Violation Notice:

1. **Call the Code Enforcement Officer listed on the Notice of Violation:** The Code Enforcement Officer will explain exactly what you need to do.
2. **Prepare a written request for an appeal:** This request must be legible, and must clearly state the reasons you wish to appeal the Violation Notice.
3. **Properly submit the request within the timeframe noted on your Violation Notice:** The time limits for appeals are:
 - For Housing and Weed/Solid Waste Violations -- **15 days**
 - For Ordinance Violations -- **20 days**

- For Emergency Violations -- **15 days**

Depending on the type of violations that you are appealing, you will be heard by either the Planning Board or the Old Fort Board of Aldermen. In either case, the following will occur:

1. You will be contacted by the Town when the date of your hearing is scheduled
2. You will have an opportunity to give your side of the story, explaining the reasons behind your appeal
3. The Violation Notice will either be upheld (remain in effect) and/or amended, or your appeal will be successful, and the Violation Notice will be administratively closed.

Non-compliance of the the Violation Notice

Failure to comply with a Code Enforcement Violation Notice is punishable by both criminal and civil penalties:

- **Criminal Penalties:** Violations of the Housing, Zoning, and Environmental codes are Misdemeanors of the Third Degree. These violations are punishable by fines of up to \$500 (not including court costs) and 90 days in jail. Violations of the Nuisance Abatement (Vacant Structure) codes are First Degree Misdemeanors, and are punishable by fines of up to \$1000 (not including court costs) and 180 days in jail. In addition, any money spent by the Town to remove unsafe or unsanitary conditions from the cited property (i.e. securing a vacant house or removing solid waste from the exterior of a property) can be added to the fine.
- **Civil Penalties:** If there is continued non-compliance, the Town can file civil charges against an owner or person in control of a violation property. This can lead to daily fines (up to and including \$250 per day) and loss of the property via foreclosure. Civil findings are permanent and further charges against an owner do not have to be filed via a new Violation Notice.