

MAYOR
Byron James McAllister

MAYOR PRO-TEM
Joe Scarboro

COUNCILMEMBERS
Amy West Whitley
Susan Parrish Watson
William Overby



TOWN MANAGER
Alexis Carter

TOWN CLERK
Dalton Larsen-Batten

TOWN ATTORNEY
Alan "Chip" Hewett

2025-023-O: AN ORDINANCE TO AMEND CHAPTER 17 OF THE CODE OF ORDINANCES OF THE TOWN OF SELMA

WHEREAS, Town of Selma staff has initiated text amendments to Chapter Seventeen of the Town Code of Ordinances to amend Section 17-1504.- Penalties and remedies for violations. and

WHEREAS, On October 27, 2025, the Planning Board reviewed the amendment(s); and made a motion to recommend to Town Council.

WHEREAS, On January 13, 2026, the Town of Selma Town Council conducted a public hearing after due notice was provided, reviewed the formal amendment(s) and unanimously voted to approve all proposals as submitted.

NOW, THEREFORE, BE IT ORDAINED THAT:

Section 1. The Town of Selma Code of Ordinance is hereby amended to read as follows:

Sec. 17-1504.- Penalties and remedies for violations.

- A. Violations of the provisions of this chapter 17 or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances, special use permits, or conditional zoning districts and violations of stop work orders, shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.
- B. Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of variances, special use permits, or conditional zoning districts, shall also subject the offender to a civil penalty of up to three hundred dollars (\$300.00) per violation per day.
- C. The Administrator, code enforcement officer or any designee of the Administrator may issue civil penalties of violations of this chapter as follows:
 - 1. First offense: one hundred (\$100.00) dollars.
 - 2. Second offense: two hundred (\$200.00) dollars.
 - 3. Third offense: three hundred (\$300.00) dollars.
 - 4. The Town may seek reimbursement of the costs to remedy a violation, including the costs of abating nuisances. The minimum cost for reimbursement is twenty-five (\$25.00) dollars. Twenty-five dollars (\$25.00) is the minimum administrative cost to remedy a violation. Additional costs will be based on the actual charges as documented by the Administrator of Administrator's designee.

- D. In the event of serious violations of this chapter, the Administrator may assess the maximum penalty of three hundred dollars (\$300.00) ~~at~~ **on** the first or second offense. In determining the amount of the civil penalty assessment, the Administrator shall consider the following factors, and the administrative decision levying a civil penalty shall cite those factors deemed applicable:
1. Whether the violation poses or could pose a threat to the public health or to private property;
 2. The duration and gravity of the violation;
 3. The cost of rectifying the damage;
 4. The amount of money saved by noncompliance;
 5. Whether the violation was committed willfully or intentionally, negligently, or as the result of an unforeseeable or unavoidable accident;
 6. Whether the violator promptly ceased the violation upon notice by the Town and took whatever steps were reasonably possible to limit or correct any damage caused by the violation;
 7. The prior record of the violator in complying or failing to comply with the provisions of this chapter or any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of variances, special use permits, or conditional zoning districts;
 8. The cost to the Town of the enforcement procedures;
 9. The scope and the scale of the project where the violation occurs; and
 10. Whether the civil penalty is levied for a single day's violation or a single event or whether it is levied daily for a continuing violation, as authorized under Section 17-1504F. Civil penalties levied daily may cumulatively exceed the three hundred dollar (\$300.00) cap set forth in this subsection.
- E. A notice of civil penalty shall inform the violator that the penalty is due upon receipt of the notification and, if applicable, that successive civil penalties of a specified amount shall accrue each day that the violation continues. The notice shall also inform the violator that if the civil penalty is not paid within ~~ten (10)~~ **thirty (30)** days of receipt of the notice, the penalty may be recovered by the Town in a civil action in the nature of debt.
- F. Appeals.
1. A civil penalty may be appealed to the Board of Adjustment in accordance with Section 17-1400, except that such appeal must be filed within ~~ten (10)~~ **thirty (30)** days after receipt by the violator of the notice of civil penalty.
 2. An appeal stays further efforts to collect a civil penalty but does not stay the accrual of daily civil penalties.
 3. If a civil penalty is levied for a violation about which the violator was previously sent a final notice of violation in accordance with Section 17-1502, and the violator did not appeal to the Board of Adjustment within the prescribed time the Administrator's determination as to the existence of the violation, an appeal of the civil penalty under this subsection presents only the issue of whether the Administrator erred in setting the amount of the civil penalty, not the issue of whether the violation occurred or the violator's responsibility for the violation.
- G. This chapter may also be enforced by any appropriate equitable action, including but not limited to injunction and orders of abatement.
- H. Each day's continuing violation shall be a separate and distinct offense.
- I. Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

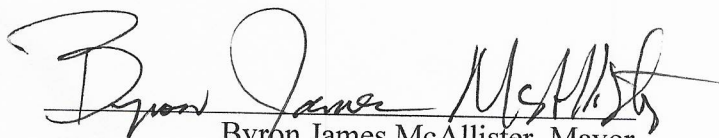
(Ord. No. 2021-64-R, 7-13-21)

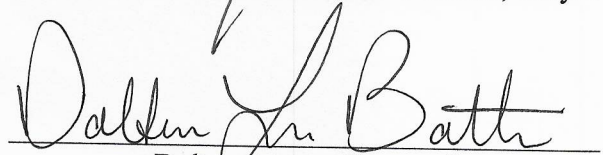
- Section 2.** The Clerk is hereby authorized to insert such amendments into the official Code of Ordinances of the Town of Selma kept on file in the Office of the Clerk.
- Section 3.** This ordinance shall become effective upon adoption.

This is the 13 day of Jan., 2026.



ATTEST:


Byron James McAllister, Mayor


Dalton Larsen-Batten, Town Clerk