
CHAPTER X - ENFORCEMENT AND PENALTIES

10.1 VIOLATION AND PENALTIES. The remedies provided in this section for violations of any provision of these Regulations, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Except as otherwise provided in this ordinance, any development or use initiated after adoption of zoning in the County, or maintained in violation of this ordinance, which is not in compliance with the provisions of this ordinance is prohibited and shall be referred to herein as an "unlawful" development or use.

A. Types of Violations. Any of the following shall be a violation of this ordinance and shall be subject to the remedies and penalties provided for in this ordinance:

- 1. Use, Structure or Sign Without Permit or Approval.** To place any use, structure or sign upon land that is subject to this ordinance without all of the - approvals required by this ordinance.
- 2. Activities Inconsistent with this ordinance.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign or other regulation of this ordinance.
- 3. Activities Without Permit or Approval.** To engage in any subdividing, development, construction, remodeling or other activity of any nature upon land that is subject to this ordinance without all of the approvals required by this ordinance.
- 4. Activities Inconsistent with Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.
- 5. Activities Inconsistent with Conditions.** To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
- 6. Making Lots or Setbacks Nonconforming.** To reduce or diminish any lot area so that the size, setbacks or open spaces shall be smaller than prescribed by this ordinance.
- 7. Increasing Intensity of Use.** To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this ordinance.

8. Failure to Remove Signs or Other Improvements. To fail to remove any sign or other improvement installed, created, erected or maintained in violation of this ordinance, or for which the sign permit has lapsed.

10.2 SEPARATE OFFENSES MAY BE CHARGED. Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of this ordinance.

10.3 CIVIL REMEDIES AND ENFORCEMENT POWERS. Failure to comply with any provision of this ordinance shall be declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this ordinance.

A. Withhold Permit. The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

The County may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of this ordinance. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

- 1. Permits Approved with Conditions.** Instead of withholding or denying a permit or other authorization the County may grant such authorization subject to the condition that the violation be corrected.
- 2. Revoke Permits.** Any development permit or other form of authorization required under this ordinance may be revoked when the Administrator determines: (1) that there is departure from the plans, specifications, or conditions as required under terms of the permit, (2) that the development permit was procured by false representation or was issued by mistake, or (3) that any of the provisions of this ordinance are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.
- 3. Stop Work.** With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its zoning codes.



4. **Revoke Plan or Other Approval.** Where a violation of this ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of Supervisors may, upon notice to the applicant and other known parties in interest (including any holders of zoning permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this ordinance, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the Board of Supervisors may reasonably impose.
5. **Civil Penalty.** Any person who fails to comply with any provision of this ordinance shall be subject to a civil penalty of up to the maximum allowed by state law. Each day that a violation exists shall constitute a separate offense. Every such action shall be brought by the County before the District Court. Only the County, its officers and employees may initiate an action under this section, but neither the County nor its officers or employees shall be liable for any claim of civil penalty. Any County Officer or employee wishing to initiate an action for civil penalties, pursuant to this section, shall cause written notice thereof to be given to the County Attorney prior to initiating such action.
6. **Injunction and Abatement.** The County, through its authorized agents, including the Administrator of this ordinance, may initiate injunction or abatement proceedings or other appropriate action in the Court of competent jurisdiction against any person who fails to comply with any provision of this ordinance, or any requirement or condition imposed pursuant to this ordinance, to prevent, enjoin, abate, or terminate violations. The County may seek a court order in the nature of mandamus, abatement, injunction or other action for proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

10.4 CRIMINAL PENALTY.

- A. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this title or violating or failing to comply with any order or regulation made hereunder shall be guilty of a misdemeanor unless otherwise provided by state law. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which such violation of this title or failure to comply with any other order or regulation is committed, continued or otherwise maintained, including the maximum daily fine for each day a violation occurs.
- B. Every person convicted of a misdemeanor shall be punished by imprisonment or by a fine up to the maximum allowed by state law.