

CHAPTER 817

ZONING ORDINANCE: VIOLATIONS AND ENFORCEMENT

817-1. Violations

- (A) The erection, demolition, conversion, construction, enlargement, moving or maintenance of any structure, or the use of any land, structure or premises, which is contrary to any of the provisions of this ordinance, is hereby declared to be a common nuisance and an unlawful violation of this ordinance.
- (B) The erection, demolition, conversion, construction, enlargement, moving or maintenance of any structure, or the use of any land, structure, or premises, which is contrary to any requirement, condition or commitment imposed or made by the Board, Commission, Administrator or applicant under the provisions of this ordinance, is hereby declared to be a common nuisance and an unlawful violation of this ordinance.
- (C) Any person, whether as principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, acts contrary to any provision of this ordinance or a condition or commitment made thereunder, shall be liable for maintaining a common nuisance and shall be in violation of this ordinance.

817-2. Penalty

Any person who violates this ordinance shall be guilty of a Class C ordinance violation and shall be subject to a civil penalty of not more than three hundred dollars (\$300.00) for each such violation. Each day any such violation is committed or permitted to continue constitutes a separate ordinance violation.

817-3. Enforcement Procedures

- (A) It shall be the duty of the Administrator to enforce the provisions of this ordinance in the manner and form and with the powers provided by this ordinance.
- (B) If the Administrator finds that any provision of this ordinance is being, or has been, violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.
- (C) The final written notice (and the initial written notice may be the final notice) shall state what action the administrator intends to take if the violation is not corrected.
- (D) If the violation is not corrected, the Administrator shall seek Board authority to pursue the remedies authorized by this ordinance.
- (E) The above notwithstanding, in cases where delay would seriously threaten the effective enforcement of the ordinance or pose a danger to the public health, safety or welfare, the administrator may seek enforcement without prior written notice or Board authority by invoking any of the remedies authorized by this ordinance.

817-4. Authorized Remedies for Violations

(A) Upon a reasonable belief that a person is violating a provision of this ordinance or a condition, requirement or commitment imposed or made thereunder, the Administrator may seek, with the assistance of the Commission Attorney, the following civil remedies:

- (1)** a civil penalty for ordinance violation;
- (2)** a temporary restraining order, preliminary injunction or permanent injunction to restrain a person from violating the ordinance or a condition, requirement or commitment imposed or made thereunder; and,
- (3)** a mandatory injunction directing a person to perform a condition, requirement or condition imposed or made under the ordinance or to remove a structure erected in violation of the ordinance.

The foregoing remedies may be sought by any property owner specially damaged by any such violation of the ordinance.

(B) In the event the Administrator finds that a violation of the terms and provisions of an approval, certificate or permit granted pursuant to these regulations has occurred, the Administrator may use the following administrative remedies:

- (1)** suspend and withhold other approvals, certificates and/or permits relevant to the development or use of the site on which the violation has occurred (e.g., if a structure which is subject to a Commission-approved development plan is occupied prior to the issuance of a land use certificate therefore, and such land use certificate cannot be issued because all improvements serving such structure (as shown on the approved development plan, including sewage disposal systems) have not been properly installed or have not become operational, the Administrator shall not issue any additional improvement location permits for structures within the development plan until all previously approved improvements serving such structure are properly installed and operational, and such structure otherwise qualifies for the issuance of a land use certificate); and/or,
- (2)** issue a stop work order and instruct the Building Permit Official to suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred (e.g., if the terms and provisions of an erosion control/grading plan have been violated, the Building Permit Official shall, at the Administrator's request, suspend and withhold all subsequent building code inspections at the site of the violation, until the violation has been corrected, as determined by the Administrator)(The Building Permit Official shall comply with the Administrator's instructions in this regard); and/or,
- (3)** draw on an applicable letter of credit, or other financial guaranty, as necessary to affect any remedial actions required to abate the violation; and/or
- (4)** revoke the permits, certificates and/or approvals that have been violated.

The purpose of each of the foregoing administrative remedies is to encourage

compliance with the terms and provisions of the approval, certificate and/or permit without having to resort to litigation. If used, the Administrator shall apply the foregoing remedies in a measured and reasonable fashion to achieve their recognized purpose (e.g., withholding or revoking only those permits that relate directly to the violation, such as improvement location permits for the structures that would be primarily served by the unfinished street).

- (C) The administrator may issue ordinance violation notices for violations of the Monroe County Zoning Ordinance. The ordinance violation notices may be processed through the Monroe County Ordinance Violation Bureau procedures specified in the Monroe County Code Section 115-5. If the person to whom the notice is issued does not file an admission with the Ordinance Violation Bureau in a timely manner, the Administrator may address the violation by employing any other enforcement remedies authorized by law and may seek civil penalties in the full amount authorized by Zoning Ordinance Section 817-2.
- (D) The remedies provided for in these regulations shall be cumulative, and not exclusive, and shall be in addition to any other remedies provided by law.

[end of chapter]