

TITLE 10, CHAPTER 23
ENFORCEMENT

Section 10-23-1—Purpose:

This Chapter establishes procedures, remedies, and penalties for violations of the County's Land Use Ordinances, including this Ordinance, and to provide for enforcement.

- 1) The County, or any adversely affected owner of real estate within the County, in which violations of this Ordinance occur, or are about to occur may, in addition to other remedies provided by law, institute: ~~(§17-27a-802 (1)(a))~~
 - a) Injunctions, Mandamus, Abatement, or any other appropriate actions; or ~~(§17-27a-802 (1)(a)(i))/§17-27a-305)~~
 - b) Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act ~~(§17-27a-802 (1)(a)(ii))/§17-27a-305).~~
- 2) The County need only establish the violation to obtain the injunction ~~(§17-27a-802(1)(b)/ §17-27a-305).~~

Section 10-23-2—Violations and Building Permits:

- 1) The County may enforce this Ordinance, or other County Land Use Ordinances, by withholding building permits ~~(§17-27a-802(2)(a)).~~
- 2) ~~If an approval, license, or permit is required by this Ordinance it~~ is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the County without ~~such the necessary Land Use Application~~ approval, license or permit, ~~and the issuance of a valid building permit, as applicable. (§17-27a-802(2)(b)).~~
- 3) ~~If a building permit is required by the Building Codes the~~The County shall not issue a building permit unless the plans for the proposed ~~erection,~~ construction, reconstruction, alteration, or use fully conform and comply with all Land Use Ordinances, including this Ordinance, and the Building Codes, ~~as adopted. (§17-27a-802(2)(c)).~~

Section 10-23-3—Types of Violations:

- 1) It shall be unlawful for any person to violate any provision of this Ordinance, cause the violation of any provision of this Ordinance, or fail or refuse to do some act required under

this Ordinance, including ~~(provided to expressly identify types of violations and to avoid any administrative and other confusion and including the authorities provided by §17-27a-611):~~

- a) To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements without ~~the~~ required Land Use Application approvals ~~or Building Permit(s).~~ (§17-27a-802(2)(c)).
- b) To ~~act in a way contrary to the terms of a valid vengage in any Land Use Permit or Building Permit. development, use, construction, remodeling, or other activity that is contrary to the terms and conditions of any Land Use Application approval.~~ (§17-27a-802(2)(c)).
- ~~c) To violate, by act or omission, any lawful requirement or condition imposed by the Land Use Authority, as applicable, upon a required Land Use Application approval.~~
- ~~d) To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this Ordinance, the Building Codes, or other County Land Use Ordinances, as applicable.~~
- ~~e) To reduce or diminish any lot or parcel area so that minimum area, setbacks or open spaces is shall be smaller than required prescribed by this Ordinance, or other County Land Use Ordinances, or required for Land Use Application approval or Subdivision Application approval.~~
- ~~f) To increase the density or intensity of use of any land or structure without the necessary Land Use Application approval.~~ (§17-27a-802(2)(c)).
- ~~g) To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance, or other County Land Use Ordinances.~~

Section 10-23-4—Continuing Violation:

Each day a violation of this Ordinance occurs, ~~it~~ shall constitute a separate offense.

Section 10-23-5—Legal Nonconformity an Affirmative Defense:

It shall be an affirmative defense to the enforcement of this Ordinance that the violation being enforced exists as a legal nonconforming use, legal noncomplying structure or other legal nonconformity of this Ordinance. (§17-27a-510).

Section 10-23-6—Revocation of Land Use Application Approvals: ~~(§17-27a-611 and §17-27a-802).~~

- 1) A Land Use Authority may revoke a Land Use Application approval if ~~approval it is determined that the Application~~ was based on inaccurate, misleading, or incomplete information provided by the Property Owner or Applicant.
- 2) The Land Use Authority may revoke an approved Land Use Application if any ~~of the~~ requirements, terms or conditions of approval ~~are~~ not met, ~~or if the permit is used to violate any law or Ordinance.~~

Section 10-23-7—Procedures for Revocation or Modification of a Land Use Application Approval: ~~(§17-27a-803(3)(b)).~~

- 1) ~~Prior to imposing any civil penalty upon an owner of record, as provided by Section 10-23-9 herein, the County Planner/Zoning Administrator shall provide written notice, by mail or hand delivery, of each violation of this Ordinance, or any other County Land Use Ordinance, to the owner of record, on file in the County Recorder's Office, or to the person designated, in writing, by the owner of record as the owner's agent.~~
- 2) ~~The owner of record shall be allowed a minimum of thirty (30) calendar days to cure the violation, as noticed ivy the County Planner/Zoning Administrator (Subsection 1, above).~~
- 3) ~~The Commission may extend the period to cure the noticed violation, to a date certain, if evidence is presented, at a Commission meeting, that the owner of record is preceding with reasonableness and compelling reasons exist for such extension.~~
- 4) ~~Following the expiration of the period to cure a~~
~~The County Planner/Zoning Administrator or County Clerk shall notify the Applicant by certified mail of any Land Use Application approval violation. If no attempt to correct the violation is made within ten (10) calendar days after notification, the Land Use Application may be revoked by the Land Use Authority and considered null and void. The~~ Land Use Authority may revoke an approved Land Use Application, if the Land Use Authority finds that one or more of the following exist:
 - a. The Land Use Application approval was obtained in a fraudulent manner.
 - ~~b.—~~One or more of the requirements, terms or conditions of the Land Use Application approval has not been met.
 - ~~c.—~~
- 5) A Land Use Authority may modify the requirements, terms, or conditions of a Land Use Application approval if the Land Use Authority finds that the use is creating a nuisance.

Section 10-23-8—Stop Work:

In accordance with ~~the its~~ power to stop work under the Building Code, ~~as adopted,~~ the Building Official may issue a stop work order, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of the Building Code. ~~(SA115.1 International Building Code)~~

Section 10-23-9—Penalties for Violations: ~~(§17-27a-803)~~

A violation of any of the provisions of this Ordinance is punishable as a Class C misdemeanor upon conviction ~~of~~ either:

- 1) A ~~s-a~~ Class C misdemeanor ~~(§17-27a-803(2)(a))~~; or
- 2) By imposing the appropriate civil penalty. ~~(§17-27a-803(2)(b))~~

Section 10-23-10—Civil Penalties: ~~(§17-27a-803(3))~~.

The BOCC hereby establishes civil penalties for violations of any of the provisions of this Ordinance as follows:

- 1) Twenty-five dollars (\$25.00) per day for the first violation.
- 2) Fifty dollars (\$50.00) per day for the second and further violations.
- 3) Each day a violation occurs shall be considered a separate violation.

Section 10-23-11—Appeal:

~~Any~~ person aggrieved by ~~any~~ enforcement decision of a Land Use Authority may appeal the decision to the Appeal Authority, as identified by Chapter 14 herein. ~~(17-27a et. seq. including §17-27a-801 and §17-27a-704)~~.