

DIVISION 1500. VIOLATIONS, PENALTIES AND ENFORCEMENT

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Chapter 1510. Responsibility for Enforcement

It is the duty of the Director of Planning and Development, Zoning Administrator, or other authorized staff, to administer and enforce this development ordinance.

1510.010 Inspections

The Zoning Administrator is authorized to make inspections as necessary to enforce this Chapter and investigate any complaints of alleged violations.

1510.020 Authority to Issue Citations

The Zoning Administrator is authorized to investigate complaints and serve citations on persons charged with a violation of this development ordinance.

1510.030 Violations

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this development ordinance. Failure to comply with applicable provisions constitutes a violation of this development ordinance.

Express violations include but are not limited to the following:

- A.** using land or buildings in any way not consistent with the requirements of this development ordinance;
- B.** erecting a building or other structure in any way not consistent with the requirements of this development ordinance;
- C.** engaging in the development of land in any way not consistent with the requirements of this development ordinance;
- D.** developing or subdividing land inconsistent with the standards and procedures of this development ordinance;
- E.** subdividing, transferring or selling land unless the subdivision has been approved and recorded, as provided in this development ordinance;
- F.** installing or using of a sign in any way not consistent with the requirements of this development ordinance;
- G.** failing to maintain any building, structure, landscape feature or natural resource area required to be maintained by this ordinance;
- H.** engaging in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this development ordinance without obtaining all such permits or approvals;
- I.** failing to comply with any permit or approval granted under this development ordinance;
- J.** failing to comply with any condition imposed on a permit or approval, specifically including conditions of approval on a planned unit development, special use permit, site plan, administrative adjustment or variance;
- K.** obscuring, obstructing, removing or destroying any notice required to be posted or otherwise given under this development ordinance.

1510.040. Enforcement Procedure

- L. otherwise undertaking any development or establishing any use in a manner that does not comply with this development ordinance.

1510.040 Enforcement Procedure

Upon determination that a violation exists written notice must be provided to the property owner and lessee. Such notice must include:

- A. a description of the property involved,
- B. applicable sections of the Town code upon which the violation is based,
- C. a statement of the nature of the violation; and
- D. the time allowed for correction of the violation shall be within 30 days of the notice of violation or within a longer time period as established by the Zoning Administrator based on an assessment of the nature/scale of the zoning violation.

1510.050 Liability

The property owner, tenant or occupant of any land or structure, or part thereof, or any , builder, contractor, , authorized agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this development ordinance is jointly and severally liable for the violation and subject to all available penalties and remedies.

Chapter 1520. Remedies and Enforcement Powers

1520.010 Applicability

The Town may use any lawful remedy or enforcement powers.

1520.020 Remedies Cumulative

The remedies and enforcement powers established in this development ordinance are cumulative. All remedies and penalties provided in this development ordinance are in addition to all other provisions of this code, and not in lieu or exclusive thereof.

1520.030 Withhold Permit

The Town may deny or withhold all permits, certificates or other forms of authorization on any parcel of land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this development ordinance.

1520.040 Forfeiture and Confiscation of Signs

Any sign installed or placed on public property, except in compliance with the regulations of the Town of Indian Trail UDO, will be subject to forfeiture to the public and confiscation. In addition to other remedies and penalties of this section, the Town has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

1520.050 Penalties

- A. Any violation of this development ordinance is punishable as a misdemeanor with an associated fine of not less than \$100.00 for each and every day that the violation continues.
- B. If the violation appears deliberate, intentional, and with knowledge of the law or if violation is repeated on multiple occasions, then punishment upon conviction will be a fine of not less

1520.060. Continuation of Previous Enforcement Actions

than \$100.00 or more than \$500.00 for each and each and every day that the violation continues.

1520.060 Continuation of Previous Enforcement Actions

Nothing in this development ordinance will be interpreted to prohibit the continuation of previous enforcement actions, undertaken by the Town under previous, valid ordinances and laws.

