

ARTICLE 38 ENFORCEMENT AND PENALTIES

Sec. 38.1. Generally.

Any action or inaction which violates the provisions of this zoning ordinance or the requirements of an approved site plan or permit may be subject to any or all of the enforcement actions and remedies described in this Article.

Sec. 38.2. Stop Work Order.

(a) The Zoning Administrator or other enforcement official of the city upon learning or discovering a violation of this zoning ordinance or any approved site plan or permit issued pursuant to this zoning ordinance may immediately issue a stop work order which shall be posted on the job site and mailed to the applicant shown on the permit or approved site plan.

(b) The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

Sec. 38.3. Notice of Violation.

Prior to or concurrent with the issuance of a Stop Work Order, if the Zoning Administrator, or other officer responsible for inspection and enforcement of the terms of this zoning ordinance determines that an applicant or other responsible firm, person or corporation has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this zoning ordinance, said officer shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this zoning ordinance without having first secured the appropriate permit there for, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

Sec. 38.4. Content of Notice of Violation.

Notices of violation shall contain the following:

- (a) The name and address of the owner or the applicant or the responsible person;
- (b) The address or other description of the site upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this zoning ordinance and the date for the completion of such remedial action, and a date set forth for completion of remedial measures, after which further enforcement action will be taken; and
- (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

Sec. 38.5. Failure of Remedial Measures.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more actions or penalties described in this Article as appropriate may be taken or assessed against the person to whom the notice of violation was directed.

Sec. 38.6. Withholding or Revocation of Certificate of Occupancy.

The Building Inspector or any other enforcement officer of the City may at any time refuse to issue, or revoke, a certificate of occupancy for the building or other improvements constructed or being constructed on the site in violation of this zoning ordinance until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

Sec. 38.7. Suspension, Revocation or Modification of Permit.

The Zoning Administrator or other enforcement officer of the City may suspend, revoke or modify any permit or approval authorizing an activity or land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the enforcement officer may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

Sec. 38.8. Denial of Additional Permits.

The City is authorized and directed to deny and withhold permits or permissions on any new project or application pursuant to this zoning ordinance where the applicant, applicant's business or agent has failed or refused to comply with this zoning ordinance.

Sec. 38.9. Suspension or Revocation of Business Registration.

The City may revoke business registrations, work permit or other authorization for the unlawful conduct of any activities within the jurisdictional boundaries of the City.

Sec. 38.10. Withholding of Utility Service.

Any enforcement officer of the City may request or direct any utility service provider to withhold utility service to any property on which a violation is alleged to have occurred.

Sec. 38.11. Penalty Assessed Administratively.

The City through authorized enforcement personnel may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremediated after receipt of the notice of violation.

Sec. 38.12. Citation.

Any enforcement officer of the City shall have authority to issue citations and to prosecute violations before a court of competent jurisdiction.

Sec. 38.13. Civil Penalties.

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this zoning ordinance, or any site plan approval or permit issued pursuant to this zoning ordinance shall be guilty of a misdemeanor. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance. Any violation of any such provision of this zoning ordinance shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or by a combination of such punishments. Each day any violation of this zoning ordinance shall continue shall constitute a separate offense.