

REDWOOD COUNTY ZONING ORDINANCE
SECTION 28
VIOLATION AND PENALTIES

TABLE OF CONTENTS

		<u>PAGE</u>
SUBDIVISION 1.	FINES	1
SUBDIVISION 2.	ACTION BY BOARD	1
SUBDIVISION 3.	MANDAMUS PROCEEDING	2

SECTION 28 VIOLATION AND PENALTIES

SUBDIVISION 1. FINES

Violation of this Ordinance shall be a misdemeanor and upon conviction thereof shall be punishable by fine of not to exceed five hundred dollars (\$500) and/or imprisonment for a period of not to exceed ninety (90) days for each offense. Each day that the violation is permitted to exist shall constitute a separate offense.

SUBDIVISION 2. ACTION OF BOARD

In the event of a violation or a threatened violation of this Ordinance, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations and it is the duty of the Attorney to institute such action. Such actions may include, but are not limited to:

1. In responding to a suspected ordinance violation, the Zoning Administrator and Local Government may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the Community's plan of action to correct the violation to the degree possible.

3. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other Official Controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or the Community grants approval. If the construction or development is already completed, the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use of structure into compliance with the official controls, or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30-days.

4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Ordinance.

SUBDIVISION 3. MANDAMUS PROCEEDING

Any taxpayer of the county may institute mandamus proceedings in District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.