

## **SUBCHAPTER 100**

### **ENFORCEMENT**

#### **100.001 Responsible Officers**

The Zoning Ordinance shall be administered and enforced by the City Manager, or the Manager's designee.

#### **100.002 Building Permit**

No building permit shall be issued by the Building Official for any authorized development unless the Manager has determined that the proposed development complies with the provisions of this zoning ordinance and the required development permit has been issued.

#### **100.003 Certificate of Occupancy**

No certificate of occupancy shall be issued by the Building Official for any development unless all requirements of this zoning ordinance have been met or until the applicant has provided some written form of assurance acceptable to the Manager guaranteeing the completion of all requirements.

#### **100.004 Stop Work Order**

Whenever any work is being done contrary to the provisions of this zoning ordinance, the Manager may order the work stopped by notice in writing served on any persons engaged in the work, and any such persons shall immediately stop such work until authorized by the Manager to proceed. If no persons are engaged in the work at the time such notice is served, or after such service has been effected, the City Manager shall cause the Notice to be posted on the property where the violation has occurred.

#### **100.005 Violations**

Use of land in the City of Independence not in accordance with the provisions of this zoning ordinance constitutes a violation. Upon receiving information concerning a violation of this zoning ordinance, the Manager may conduct, or cause to be conducted, an investigation determining whether a violation exists. The Manager may request the assistance of other public agencies and officers in the conduct of such investigations.

The Manager may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable code sections, and other information staff may have.

100.006 Notice of Violation

After receiving a report of an alleged violation from the Manager, the City Attorney shall, if he/she determines that reasonable suspicion exists, promptly give notice of the alleged violation by certified first class mail, return receipt requested, or personal service to the owner of record for tax purposes and to the person in charge of the property. Such a notice shall indicate the following:

- A. Location and nature of the violation; and
- B. Provision or provisions of this zoning ordinance which allegedly have been violated; and
- C. Whether immediate enforcement will be sought or if 15 days will be allowed to correct or remove the violation. Immediate enforcement will be sought in a situation involving a health hazard or other nuisance that unmistakably exists and from which there is imminent danger to human life or property; and
- D. The date of the notice shall be the date of personal service of the notice, or if notice is accomplished by first class mail, 3 days after mailing if the address to which it was mailed is within this State and 7 days after mailing if the address to which it was mailed is outside the state. However, a defect in the notice of violation with respect to such matter shall not prevent the enforcement of this zoning ordinance.

100.007 City Attorney to Pursue Enforcement

As soon as the compliance deadline has expired, the City Attorney shall proceed with any legal or equitable action deemed appropriate.

100.008 Penalties

A violation of this zoning ordinance may be the subject of administrative, criminal, civil or other sanctions authorized under ordinance of the city.

100.009 Monetary Penalties

Unless otherwise specified, every violation of the terms of this zoning ordinance is a Class A infraction, punishable by a fine of up to \$500.00. Each day such violation continues shall be considered a separate offense.

100.010 Non-Monetary Penalties and Remedies

In addition to, or in lieu of, monetary penalties, a violation of this zoning ordinance or a permit issued hereunder may subject the violator to mandatory and prohibitory injunctions and orders of abatement. The Municipal Court shall be authorized to issue such process or orders pertaining to the enforcement of this ordinance.

100.011 Tampering with Official Notices

1. No person shall remove or tamper with a notice posted on property pursuant to the provisions of this Zoning Code unless authorized by the Manager.
2. A violation of this provision shall be a Class A infraction.