

SECTION 26 ADMINISTRATION, ENFORCEMENT AND PENALTIES

SUBDIVISION 1. OFFICE AND APPOINTMENT OF THE ZONING ADMINISTRATOR

This Ordinance shall be administered and enforced by a Zoning Administrator appointed by the County Board.

SUBDIVISION 2. DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

1. Determine if applications comply with the terms of this Ordinance.
2. Conduct inspections of structures and use of land to determine compliance with the terms of this Ordinance.
3. Maintain permanent and current records of this Ordinance, including but not limited to; maps, amendments, conditional uses, variances, appeals and applications.
4. Receive, file and forward all applications for appeals, variances, conditional uses and amendments to the designated official bodies.
5. Institute in the name of the County any appropriate actions or proceedings against a violator as provided for.
6. Issue Zoning Certificates and maintain a file of all Zoning Certificates and Applications for same as public record.
7. Keep an up-to-date list of all non-conforming uses in the County.

SUBDIVISION 3. ENFORCEMENT

1. The Zoning Administrator shall enforce the provisions of the Ordinance through the proper legal channels including the issuance of citations for zoning violations.
2. When any work has been stopped by the Zoning Administrator for any reason whatsoever, it shall not again be resumed until the reason for the work stoppage has been completely removed.
3. It shall be the duty of the County Attorney and the County Sheriff, when called upon by the County Board of Commissioners to perform such duties as may be necessary to enforce the provisions of this Ordinance
4. Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.
5. The County Attorney may at his discretion institute such action in a lesser court than the District Court.

SUBDIVISION 4. ZONING CERTIFICATES

1. A zoning certificate shall be obtained before any person may:
 - A. Occupy or use any vacant land; or
 - B. Occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged; or
 - C. Change the use of a structure or land to a different use; or
 - D. Change a non-conforming use.
2. Application for a zoning certificate shall be made to the Zoning Administrator on blank forms furnished by the County. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory building to be erected. Applications for any kind of zoning certificate shall contain such other information as may be deemed necessary for the proper enforcement of this Ordinance or any other. The Zoning Administrator shall issue the zoning certificate only after determining that the building and site plans, together with the application, comply with the terms of the Ordinance.
3. A zoning certificate issued under the terms of this Ordinance shall be valid for one (1) year from the date of issuance.

SUBDIVISION 5. VIOLATIONS AND PENALTIES

1. Any person, firm or corporation who shall violate any of the provisions hereof or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine and/or imprisonment as provided by law. Each day that a violation is permitted to exist shall constitute a separate offense.
2. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. A violation of the provisions of Sections 15, 23, and 25 relating to Floodplain Management District or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of Variance) shall constitute a misdemeanor.
 - A. In responding to a suspected Ordinance violation, the Zoning Administrator and County Board 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 County 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

- B. 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 County's plan of action to correct the violation to the degree possible.
 - C. The Zoning Administrator shall notify the suspected party of the requirements of Section 15 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 approval is granted by the County. 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 or 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.
 - D. If the responsible party does not appropriately respond to the Zoning Administrator within specified period of time, each additional day that lapses shall constitute an additional violation of Section 15 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.
4. Any violation of the provisions in Section 16, relating to Shoreland Management District or failure to comply with any of its requirements (including violations of conditions and safeguards established in with grants of variances or conditional use) shall constitute a misdemeanor and shall be punishable as defined by law. Violations of this Ordinance can occur regardless of whether or not a permit is required for a regulated activity pursuant to Section 16, Subdivision 16.