

CHAPTER 10: ENFORCEMENT

10.10.1 PURPOSE

The purpose of this Chapter is to set forth the remedies and penalties that apply to violations of this UDC. The provisions of this Chapter are intended to encourage the voluntary correction of violations, where possible.

10.10.2 VIOLATIONS

Each of the following activities is a violation of this UDC:

A. Activity Inconsistent with this UDC

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this UDC or any regulation promulgated under this UDC.

B. Activity Inconsistent with Permit or Approval

Any development, use, construction, remodeling, or other activity in any way generally inconsistent with the terms or conditions of any permit or approval required to engage in such activity, whether issued under or required by this UDC.

C. Separate Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this UDC.

10.10.3 REMEDIES AND PENALTIES

A. Enforcement Powers

1. Deny/Withhold Entitlements

The Director may deny or withhold all entitlements, including certificates of occupancy, or other forms of authorization to use or develop any land, structure, or improvements, until an alleged violation, associated civil penalty or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

2. Stop-Work Orders

- a. Whenever any building, structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in violation of the building code or in a manner that endangers life or property, the Director is authorized to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
- b. With or without revoking permits, the Director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this UDC or a provision of an entitlement or other form of authorization issued under this UDC.
- c. The stop-work order shall be in writing and posted at the site of the work, and shall specify the alleged violations. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

B. Penalties

1. Violation of this UDC may be punishable through imposition of a civil penalty as set forth in the Town's Municipal Code.

2. Injunctive Relief

The Town may seek injunctive relief or other appropriate relief in district court or other court of competent jurisdiction against any person who fails to comply with any provision of this UDC or any requirement or condition imposed pursuant to this UDC. In any court proceedings in which the Town seeks a preliminary injunction, it shall be presumed that a violation of this UDC is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject UDC violation.

C. Abatement

The Town may abate any violation of this UDC as follows:

- a. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by first class United States mail to the owner of record of the property.
- b. Unless this notice is appealed, pursuant to Section 7.22, to the Board of Adjustment within 10 days of the posting of the final warning, the Town shall proceed to abate the violation.
- c. The Town shall keep an account of the cost, including incidental expenses, incurred by the Town in the abatement of any violation. The Town shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this Section, the term "incidental expenses" shall include without limitation the actual expenses and costs to the Town in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
- d. The responsibility for payment of the charges for abatement as set forth in this Section shall rest solely upon the owner of the property upon which the abatement occurred. When charges for abatement remain unpaid after 30 days from billing, the Town shall record a first and prior lien against the property, to be collected by the County Treasurer in the same manner as property taxes.

D. Remedies Cumulative

The remedies provided for violations of this UDC, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order. The exercise of one remedy shall not preclude the exercise of any other available remedy.