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## PART THIRTEEN — PROJECT AND ZONING CODE

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### ARTICLE 1330 Enforcement

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#### **1330.01 General Provisions.**

- (a) No commission, board, agency, officer, or employee of the Town shall issue, grant, or approve any permit, license, certificate, or other authorization for any Project that would not be in compliance with the provisions of this Zoning Ordinance.
- (b) In administering the provisions of this Zoning Ordinance, the standard rule of rounding numbers to the nearest whole shall apply. When the unit of measurement results in a fraction less than one-half, the fraction shall be disregarded; fractions of one-half or more shall require the addition of one unit of measure.

#### **1330.02 Responsibility for Administration and Enforcement.**

- (a) It shall be the duty of the Board of Zoning Appeals to:
  - (1) Perform reviews of Project Permit applications as necessary to determine compliance with the provisions of this Zoning Ordinance.
  - (2) Maintain permanent and current records of all Project Permit applications and related records required by this Zoning Ordinance and of the hearings and actions thereon.
  - (3) Conduct investigations as necessary to determine compliance with this Zoning Ordinance.
  - (4) Participate in the abatement of violations of this Zoning Ordinance and aid in the prosecution of such violations.
- (b) It shall be the duty of the Ordinance Compliance Officer to:
  - (1) Maintain in current status the official Zoning Map.
  - (2) Provide information regarding this Zoning Ordinance upon request by citizens and public agencies.

#### **1330.03 Enforcement agent.**

The Ordinance Compliance Officer shall be delegated the responsibility to enforce this Zoning Ordinance. The Ordinance Compliance Officer shall cause to have promptly investigated every written complaint reasonably alleging any violation thereof to determine if a violation has occurred.

#### **1330.04 Public nuisance declared.**

Any Structure erected, raised or converted, or land or premises used in violation of any provision this Zoning Ordinance is a public nuisance and the owner of the Structure, land or premises shall be liable for maintaining a public nuisance.

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#### **HISTORY:**

Ord. 2015-02 (passed 01-29-2015, effective 02-16-2015) superseded all previous zoning and related ordinances to bring the Town into compliance with current WV Code. Ord. 2015-02 was further refined by Ord. 2015-07 (passed 07-13-2015) and Ord. 2017-01 (passed 02-25-2017).

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### **1330.05 Injunction; costs.**

- (a) The Planning Commission, the Board of Zoning Appeals or the Ordinance Compliance Officer may seek an injunction in the Circuit Court of the Jefferson County where the affected property is located to (i) restrain a person or unit of government from violating the provisions of this Zoning Ordinance; or (ii) direct a person or unit of government to remove a Structure erected in violation of the provisions of this Zoning Ordinance.
- (b) If the Planning Commission, the Board of Zoning Appeals or the Ordinance Compliance Officer is successful in any such suit, the respondent shall bear the costs of the action.

### **1330.06 Penalty; fines.**

Any person who violates any provision of this Zoning Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than \$50.00 or more than \$500.00 per day. Each day during which any violation continues shall constitute a separate offense.

### **1330.07 Notice.**

When it appears that a violation of this Zoning Ordinance has occurred, the Town shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 30 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Ordinance Compliance Officer to:

- (a) Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved, or
- (b) Pursue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.