

ARTICLE 15 – VIOLATIONS AND PENALTIES

1. Violations:

Any of the following shall be a violation of the City of El Dorado Zoning Regulations and shall be subject to the enforcement remedies and penalties provided by this article and by other applicable law:

- A. Development of Use Without Permit or Approval: To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without all of the required permits, approvals, certificates and other forms of authorization required by the Zoning Regulations in order to conduct or engage in such activity.
- B. Development or use inconsistent with Permit or Approval: To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to lawfully engage in such activity.
- C. Development or Use inconsistent with Conditions: To violate, by act or omission, any terms, condition or qualification placed by the City upon a required permit, certificate, rezoning, plan approval or other form of authorization granted by the City to allow the use, development of other activity upon land or improvements thereon.
- D. Development of Use inconsistent with Chapters: To erect, construct, reconstruct, remodel, alter, maintain any land in violation or contravention of any zoning, subdivision or general regulation of the Zoning Regulations or any amendment thereof.
- E. Making Lot or Yard Nonconforming: To reduce or diminish any lot area so that the yards or open spaces shall be smaller than prescribed by these requirements or the final plat or plan.
- F. Increasing Use Intensity: To increase the intensity of use of any land or structure, except in accordance with the procedures and substantive requirements of the Zoning Regulations.
- G. Continuing Violation: To continue any of the above violations. Each day of a violation shall be considered a separate offense.
- H. Removing, Defacing, Obscuring Notice: To remove, deface or obscure any sign required by the Zoning Regulations or otherwise interfere with any notice required thereby.

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2. Enforcement and Remedies:

The City shall have the following remedies and enforcement powers:

- A. **Withhold Permits or Approvals:** The city may deny or withhold all permits, certificates, plan or plat approvals or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this article or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this subsection shall apply regardless of whether the current owner or applicant is responsible for the violation in questions.
- B. **Revoke permits:** When it shall appear to the Zoning administrator or other City building official that:
 - (1) There is a departure from the plans, specifications or conditions as required under the terms of a particular permit, plan or other approval;
 - (2) That the same was procured by false representation or was issued by mistake; or
 - (3) That any of the provisions of this article are being violated.

The Zoning administrator may revoke a building permit or certificate of occupancy or initiate the revocation of any other permit or approval under Section 2, D below. Written notice of such revocation or initiation shall be mailed by U.S. Mail to the owner, his or her agent or contractor of upon any person employed on the building or structure for which such permit was issued or shall be posted in a prominent location and thereafter, no such construction shall proceed. Upon revocation of a building permit which was issued by mistake, the owner shall meet with the City to determine what respect a mistake was made. Where plans are in conflict with ordinances, regulations or other city requirements, the plans may be required to be altered to conform to all applicable ordinances, regulations or requirements. When a mistake has been made calculating the fee for a building permit, the proper fee will be charged.

- C. **Stop Work:** With or without revoking permits, the City may stop work on any building or structure on any land on which it has a good faith belief that there is an uncorrected violation of a provision of this article or of a permit or other form or authorization issued hereunder.

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- D. Revoke Plan or other Approvals: Where the violation of this article involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Governing Body shall, upon notice to the applicant and after a hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the Governing Body may reasonable impose.
 - E. Injunctive Relief: The City may seek and injunction or other equitable relief to stop any violation of this article or of a permit, certificate or other form of authorization granted under the Zoning regulations.
 - F. Abatement: The City may seek a court order in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
 - G. G. Misdemeanor Penalties: The City may seek such criminal or civil penalties as are provided by Kansas law for violation of this article or of any of the Zoning Regulations. Criminal penalties shall not exceed \$500.00 or imprisonment for not more than 6 months for each offense or both. For purposes of these penalties, each day's violation shall constitute a separate offense.
 - H. Other Remedies: The City shall have such other remedies as are and as may be, from time to time, provided by Kansas law for the violation of zoning, subdivision or related provisions.
 - I. Remedies cumulative: These remedies shall be cumulative.
3. Enforcement Procedures:
- A. Notice: In the case of violations not involving continuing construction or development, or any emergency situation, the City shall give written notice of the nature of the violation to the owner, occupant, or agent of the property at the last known address.
 - B. Immediate Enforcement: If an authorized building or public officer makes a reasonable determination that an emergency situation exists in violation of this article, the City may immediately use the enforcement powers and remedies available to it under Section 2 of this article including, but not limited to, filing a compliant seeking criminal penalties in Municipal Court and not other notification procedures will be required as prerequisites to any such immediate action.

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