

CHAPTER 9 VIOLATION, ENFORCEMENT, FEES AND APPEALS

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Section 1 Violation

- A. **Violation a misdemeanor.** Any person, firm or corporation who violates or who fail to comply with any of the provision of this ordinance or who make any false statement in any document required to be submitted under the provisions shall be guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.
- B. **Each day an offense.** Each day that a violation continues shall constitute a separate offense.
- C. **Inspection fee for violations.** An inspection fee plus mileage will be charged for re-inspections of the property beginning with the fourth (4) inspection/site visit once the property owner has been notified of the violation.

Section 2 Enforcement

- A. **Duty of enforcement.** It shall be the duty of the Zoning Administrator to enforce this Ordinance through the proper legal channels. It shall be the duty of the County Attorney and the Sheriff of Becker County when called upon by the Board of County Commissioners, to enforce this Ordinance.
- B. **Stop work order.** When any work shall have been stopped by the Zoning Administrator for any reason, it shall not again be resumed until the reason for the work stoppage has been completely resolved.
- C. **Civil enforcement.** The County, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate any violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
- D. **Taxpayer action.** Any taxpayer or taxpayers of the County may institute mandamus proceedings in the District Court to compel specific performance by the official or officials of any duty required by this Ordinance.

Section 3 Fees and Fines

- A. **Fee required.** A permit fee shall be paid by the applicant for any application required under this Ordinance.
- B. **Amount of fee.** The amount of each fee shall be established by resolution of the Board of County Commissioners.
- C. **After-the-fact fine.** Projects with a total construction cost of less than \$5,000, the fine will be three (3) times the established fee for any permit issued after the start of any activity for which a permit is required, plus the cost of the permit. Projects with a total construction cost of more than \$5,000, the fine will be five (5) times the established fee plus \$500, plus the cost of the permit for any permit issued after the start of any activity for which a permit is required.

Section 4 Appeals

- A. **Who may appeal.** Any aggrieved person or any department, board or bureau of a town, municipality, county, or state objecting to the ruling of any administrative official administering this Ordinance or any other ordinance adopted pursuant to Sections 394.21 to 394.37, Minnesota Statutes, Chapter 559, Laws of 1959, as amended, shall have the right to appeal to the Board of Adjustment.
- B. **Time period for appeal.** An appeal shall be taken within thirty (30) days of the order, requirement, decision, or determination appealed from.
- C. **Filing with Board of Adjustment.** An appeal shall be taken by filing with the Board of Adjustment a notice of appeal specifying the ground for the appeal.
- D. **Public hearing.** The Board of Adjustment shall fix a reasonable time for the hearing of the appellant and give due notice of the hearing to the applicant and the officer from whom the appeal is taken and to the public and town board. The public hearing shall meet the requirements of Chapter 8, Section 2, of this Ordinance.
- E. **Time period for decision.** The board of adjustment shall decide the appeal within fifteen (15) days of the hearing.
- F. **Appeal stays underlying proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certifies that because of the facts stated in the certificate a stay would cause imminent peril to life or property.
- G. **Form of decision.** The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The reasons for the board's decision shall be stated in writing and mailed to any person appearing at the hearing.
- H. **BOA decision appealable to District Court.** The decision of the Board of Adjustment shall be final, except that any person having an interest affected by the decision shall have the right to appeal to the District Court, provided the appeal is instituted within thirty (30) days after receipt of notice of the decision of the Board of Adjustment.
- I. **Recording of decision.** A certified copy of any order issued by the Board of Adjustment acting upon an appeal from an order, requirement, decision or determination by administrative official, or a request for a variance, shall be filed with the county recorder or registrar of titles for record. The order issued by the Board of Adjustment shall include the legal description of the property involved.