

# **TITLE 20 – ZONING ORDINANCE OF GENOLA**

## **CHAPTER 7 ENFORCEMENT**

Sections:<sup>i</sup>

20.07.01	Building Inspector
20.07.02	Zoning Enforcement Officer
20.07.03	Appeals of Decisions
20.07.04	Licensing
20.07.05	Violation and Penalty

### **20.07.01 BUILDING INSPECTOR**

The Town Council vests its Building Inspector with the duty to enforce the International Building Code. In performance of such duty, the Building Inspector shall be empowered and directed to institute any appropriate action or proceeding in any case where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, including:

1. Refuse to issue any permit to construct, alter or repair any building or structure which does not conform to all provisions of the International Building Code;
2. Ascertain that all buildings, constructions, reconstructions or modifications of existing structures are built or constructed in conformance to the International Building Code;
3. Prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
4. Restrain, correct, or abate violations;
5. Prevent occupancy of such building, structure, or land; and
6. Prevent any illegal action, conduct, business or use in or about such premises.

### **20.07.02 ZONING ENFORCEMENT OFFICER**

The Town Council may appoint or replace the Town Zoning Enforcement Officer by resolution. The Town Council hereby vests its Zoning Enforcement Officer with the authority and duty to enforce the Zoning Ordinances of the Town of Genola. In performance of such duty, the Zoning Enforcement Officer shall be empowered and directed to institute any appropriate action or proceeding in any case where any building, structure or land is used in violation of any Ordinance pertaining to planning, zoning or other regulation, including:

1. Prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
2. Restrain, correct, or abate any zoning violation;
3. Prevent occupancy of such building, structure, or land; and
4. Prevent any illegal action, conduct, business or use in or about such premises.

20.07.03 **APPEALS OF DECISIONS**

Any appeals of decisions made by the Building Inspector or the Zoning Enforcement Officer as they pertain to the regulations contained herein shall be heard by the Appeal Authority of the Town of Genola. An application for appeal of any decision of the Building Inspector or Zoning Enforcement Officer must be submitted to the Town Clerk within 14 days of the decision being appealed.

20.07.04 **LICENSING**

All officials and public employees of the Town of Genola that are vested with the duty or authority to issue permits or licenses shall conform to the provisions of the Town of Genola's Zoning Ordinance and shall not issue any permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this title and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

20.07.05 **VIOLATION AND PENALTY**

Any person, firm or corporation whether acting as owner or occupant of the premises involved, or contractor, or otherwise, who violates or refuses to comply with any of the provisions of this title (the Zoning Ordinance) or the International Building Code shall incur a civil penalty of \$200.00 for each offense, which shall be collected as provided by law, or shall be guilty of an Infraction and, on conviction, shall be punished as provided by law. After three violations, each subsequent violation shall incur a civil penalty equal to the maximum dollar fine allowed for an infraction, which is currently \$750.

1. **NOTICE OF VIOLATION:** If the Building Inspector or Zoning Enforcement Officer finds that a violation exists within the town, the Building Inspector or Zoning Enforcement Officer shall provide a notice of violation to the responsible party. The notice of violation shall indicate the nature of the violation, the action necessary to correct it, the warning period established before imposition of civil penalties, and the civil penalty amount for failure to correct the violation within the established warning period. The date of notice shall serve to start the warning period. The warning period for compliance shall be established by the Building Inspector or the

Zoning Enforcement Officer on a case-by-case basis, but it shall not be less than two (2) days nor more than thirty (30) days.

2. FAILURE TO COMPLY: If a violation remains uncorrected after expiration of the warning period, the responsible party shall be liable for the civil or criminal penalty described herein. A separate offense shall be committed on each day an offense occurs or continues after expiration of the warning period. Civil penalties shall be used to encourage the correction of code violations without resort to the criminal courts. Commencement of any collection action shall not relieve a party of the responsibility to cure any violation.
3. EXTENSTIONS OF TIME: A person subject to future civil penalties may request an extension of time to comply with a notice of violation prior to the expiration of any warning period. The request shall be in writing and directed to the Building Inspector or Zoning Enforcement Officer. Upon good cause showing and agreement by the person to comply, the Building Inspector or Zoning Enforcement Officer shall grant the written request. The Building Inspector or Zoning Enforcement Officer may grant a maximum of thirty (30) additional days per extension, and in no case shall the Building Inspector or Zoning Enforcement Officer grant more than two extensions of time for correction of the violation. If, however, the Building Inspector or Zoning Enforcement Officer determines that an extension of time will pose an imminent danger or will only serve to undermine the effective enforcement of the provisions of this title or the International Building Code, the request shall be denied.

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<sup>i</sup> Previous Versions amended by Ordinance:

- 2019-04
- 2012-01