

CHAPTER 12

ENFORCEMENT

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12.01 Violations.

(1) It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert, or relocate any building, structure, or sign or use any building, structure, land, or sign in violation of the provisions of this Ordinance, or amendments or supplements thereto, lawfully adopted by the County Board of Supervisors. It shall also be unlawful to fail to obtain permits as required by this Ordinance or to fail to comply with any requirement or condition imposed by the Board of Adjustment or Resource Planning Committee.

(2) Each and every day of violation as described in sub.(1) may be deemed a separate offense and violation.

(3) Any person, firm, association, or corporation or representative agent failing to comply with the provisions of this Ordinance may be subject to prosecution under the terms of this Ordinance.

12.02 Prosecution.

(1) Civil proceedings. Pursuant to s. 66.12, Wis. Stats., an action for violation of this ordinance shall be a civil action.

(2) Notification. The Zoning Administrator shall serve any violators with a notice of violation stating the following:

(a) The nature of the violation.

(b) Corrective measures required to eliminate the violation.

(c) That the violator shall be subject to:

1. Civil action to remove or otherwise eliminate the violation, and/or

2. Penalties, upon conviction, as set forth in s. 12.03, penalties.

(3) Corporation Counsel. The Zoning Administrator shall report violations to the Door County Corporation Counsel. At the Corporation Counsel's discretion, legal action or proceedings may be commenced to prosecute alleged violators pursuant to the proceedings outlined in s. 66.12, Wis. Stats., or pursuant to the issuance of a summons and complaint.

(4) Injunction. Compliance with this Ordinance may also be enforced by an injunction at the suit of Door County or the owner or owners of real estate within the zoning district affected by such regulation.

(5) Penalty. Those actions commenced on behalf of Door County may, in addition, seek a forfeiture or penalty as outlined herein.

(6) Special inspection warrants. The provisions of s. 66.122, Wis. Stats., shall govern the issuance of all special inspection warrants.

12.03 Penalties. Any person, firm, association, or corporation or representative agent who fails to comply with the provisions of this ordinance or any order of the Zoning Administrator issued in accordance with this ordinance shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate violation.

12.04 After-the-fact conditional use applications and variance petitions.

(1) After-the-fact conditional use situations. If a building or structure or premises is used to establish a use, which by this Ordinance requires issuance of a conditional use permit, without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.

(a) Procedure.

1. Upon notification of the violation, the responsible party may apply for a conditional use permit as provided in s. 11.04(2), application.

2. Upon submittal of a complete application, the application shall be processed as provided in s. 11.04, conditional use permits.

(b) During the pendency of the conditional use permit application, the responsible party shall not carry on any activities in furtherance of the unauthorized use.

(2) After-the-fact variance situations. If a building or structure is constructed in violation of any dimensional requirement of this Ordinance, or if a lot is created in violation of minimum lot area and/or width requirements of this Ordinance, the responsible party may attempt to correct the violation by petitioning for a variance. (Amended: 30 Sept. 2003; Ord. 16-03)

(a) Procedure.

1. Upon notification of the violation, the responsible party may petition for a variance as provided in s. 11.06(1), Petition. (Amended: 30 Sept. 2003; Ord. 16-03)

2. Upon submittal of a complete petition, the petition shall be processed as provided in s. 11.06, variance from the requirements of this Ordinance. (Added: 30 Sept. 2003; Ord. 16-03)

(b) During the pendency of a variance petition, the responsible party shall not carry on any activities in furtherance of the unauthorized act.