

ARTICLE 7 ENFORCEMENT

SEC. 7.1 ENFORCEMENT OFFICER

The provisions of this Zoning Ordinance shall be administered and enforced by the Building Inspector or Codes Enforcement Officer of any Legislative Body or the City-County Planning Commission, or any other person authorized by a legislative Body or the City-County Planning Commission. Such enforcement personnel shall have the power to:

- A. Make inspections of any premises necessary to carry out the enforcement of this Zoning Ordinance;
- B. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of KRS 100.991 and the procedures as set forth in KRS 431.015; or
- C. Issue citations for violations of this Zoning Ordinance in accordance with the provisions of any Legislative Body's Code Enforcement Board Ordinance and KRS 65.8801 through 65.8839 (Local Government Code Enforcement Board Act) for areas within the jurisdiction of any Governing Body's Code Enforcement Board.

SEC. 7.2 PENALTIES FOR VIOLATIONS

7.2.1 Violations Pursuant to KRS 100.991

Violations of this Zoning Ordinance pursuant to KRS 100.991 shall be subject to the following:

- A. Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
- B. Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was subject of sale or transfer, or a contract for sale or transfer.
- C. Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

7.2.2 Violations Pursuant to KRS 65.8801 through 65.8839

Violations of this Zoning Ordinance pursuant to KRS 65.8801 through 65.8839 (Local Government Code Enforcement Board Act) shall be subject to the following:

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- A.** If a citation for a violation of the Zoning Ordinance is not contested by the person charged with the violation, the maximum penalties below shall apply; however, the Code Enforcement Board may waive any or all of a penalty for an uncontested violation, if in its discretion, the Code Enforcement Board determines that such waiver will promote compliance with the Zoning Ordinance in issue. The penalties listed below are for each day a violation continues beginning on the eighth day after the date the citation was issued. A second offense is an offense that occurs within five (5) years of the determination by the Code Enforcement Board of a prior offense. All others are those that occur within five (5) years of the determination by the Code Enforcement Board of two or more prior offenses. If the citation is contested and a hearing before the Code Enforcement Board is required, the schedule of maximum penalties listed below may be doubled at the discretion of the Code Enforcement Board.
- B.** Violations of this Zoning Ordinance within the incorporated jurisdiction of the City of Bowling Green pursuant to KRS 65.8801-65.8839 and Bowling Green Code of Ordinances, that are enforced by the City Code Enforcement Board and Nuisance Board shall be subject to following schedule of uncontested maximum civil fines:

| | First Offense | Second Offense | All Others |
|--|--------------------------|---------------------------|-----------------------|
| Use Violations | \$100 | \$200 | \$300 |
| Yard/ Dimensional Violations | \$ 50 | \$100 | \$200 |
| Sign Violations | \$ 50 | \$100 | \$200 |
| Violation of General Development Standards | \$100 | \$200 | \$300 |
| Violation of Development Review Procedures | \$100 | \$200 | \$300 |
| Violation of Overlay District Standards | \$250 | \$500 | \$750 |

- C.** Violations of this Zoning Ordinance within the unincorporated jurisdiction of Warren County pursuant to KRS 65.8801-65.8839 and Warren County Ordinance, that are enforced by the County Code Enforcement Board shall be subject to following schedule of uncontested maximum civil fines:

| | First Offense | Second Offense | All Others |
|--|--------------------------|---------------------------|-----------------------|
| Use Violations | \$100 | \$200 | \$300 |
| Yard/ Dimensional Violations | \$ 50 | \$100 | \$200 |
| Sign Violations | \$ 50 | \$100 | \$200 |
| Violation of General Development Standards | \$100 | \$200 | \$300 |
| Violation of Development Review Procedures | \$100 | \$200 | \$300 |
| Violation of Overlay District Standards | \$250 | \$500 | \$750 |

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SEC. 7.3 OTHER REMEDIES

In such case any building is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure or land is used in violation of this Zoning Ordinance, the Building Inspector, any appropriate Codes Enforcement Officer of any Legislative Body, or the City-County Planning Commission, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

SEC. 7.4 ENFORCEMENT ACTIONS INVOLVING AGRICULTURAL OPERATORS

Before taking enforcement action to correct a violation of this Zoning Ordinance by any agricultural operator, the City-County Planning Commission shall investigate the alleged violation to determine whether a violation of this Zoning Ordinance exists, and whether the activity is protected under section 1.10 - Right to Farm policy as "historical, traditional, reasonable and legitimate".

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