

27-1700 Violations, Enforcement, and Remedies

SECTION 27-1701 ZONING OFFICIAL

It is the duty of the zoning coordinator to be the enforcement officer for all provisions of the Zoning Code unless otherwise expressly stated. The zoning coordinator may delegate tasks to members of the planning and community services department as appropriate.

SECTION 27-1702 DEFINITION OF VIOLATIONS

It shall be a violation of this Zoning Code to undertake any of the following activities. Each day that a violation is permitted to exist shall constitute a separate offense.

A. ACTIVITIES INCONSISTENT WITH CODE

Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, land/lot, or sign, or to engage in development of any land in contravention of any zoning or other regulation of this Zoning Code, including all required approvals.

B. NONCONFORMITIES INCONSISTENT WITH ZONING CODE

Create, expand, replace, or change a nonconforming use, structure, lot, or sign except in compliance with this Zoning Code.

C. MAKING LOTS OR SETBACKS NONCONFORMING

Reduce or diminish the required lot area, setbacks, or open space below the minimum required by this Zoning Code.

D. CHANGE OF USE

Change the use of any land, or any portion of a building, structure, or premises, except in accordance with the procedural and substantive standards of this Zoning Code.

E. ACTIVITIES INCONSISTENT WITH APPROVAL OR PERMIT

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, or other form of authorization required to engage in such activity.

F. ACTIVITIES INCONSISTENT WITH CONDITIONS OF APPROVAL

Failure to comply with any terms, conditions, or limitations placed by the decision-making body upon any permit or approval.

G. FAILURE TO REMOVE SIGNS

Failure to remove, when notified to do so by the zoning coordinator, any sign installed, created, erected or maintained in violation of this Zoning Code.

H. OBTAINING PERMITS OR APPROVALS THROUGH MISREPRESENTATION

Obtaining any permit or approval listed in Article 27-1600, Administrative Procedures, or this section through misrepresentation, the use of misleading documents or testimony, or the withholding of information known to the applicant.

SECTION 27-1703 RESPONSIBILITY FOR VIOLATIONS

The following persons may be jointly and severally responsible for violations of this Zoning Code and subject to enforcement:

- A. Any owner of property on which a violation of this Zoning Code occurs;
- B. Any architect, engineer, builder, contractor, agent, or any other person who knowingly participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this zoning ordinance; and
- C. Any tenant or occupant who has control over, or responsibility for, use or development of the subject property.

SECTION 27-1704 PENALTIES FOR VIOLATION

The effective enforcement of adopted standards is necessary to accomplish their intended purpose. The County has a variety of options for the enforcement of this Zoning Code. The zoning coordinator may select the option which in their opinion is most suitable to the circumstance and violation. More than one enforcement option may be used to attain compliance with the standards of this Zoning Code when deemed appropriate. The remedies and enforcement powers established in this Zoning Code are cumulative, and the County may exercise them in any order.

A. DENY/WITHHOLD PERMITS

Planning and Community Services and other Yellowstone County agencies and departments may deny and withhold all permits, certificates, or other forms of authorization to use or develop any land, structure, or improvements until the violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation.

B. PERMITS APPROVED WITH CONDITIONS

Instead of withholding or denying a permit or other authorization, the County may grant such authorization subject to the condition that the violation be corrected. The zoning coordinator will ensure that all conditions are being met by verifying progress schedule or by conducting the final inspection.

C. REVOKE APPROVALS OR PERMITS

1. The County may revoke any development approval, permit, or other authorization when it is determined that either:
 - (a) There is a material and substantive departure from the approved plans, specifications, or conditions of approval;
 - (b) There is a violation of any provision of this Code;
 - (c) The development approval or permit was obtained by false representation; or
 - (d) The development approval or permit was issued in error.
2. If the recipient responds to the letter with a written request for additional time supported by a plan of action letter that includes a site plan, progress schedule (if applicable) indicating how they are going to resolve all identified violations, and a proposed compliance date that is approved by the zoning coordinator, they may be granted additional time extensions as reasonably required to complete the remedy but such additional time extensions shall not exceed six months per extension.

3. Written notice of revocation shall be delivered by certified mail upon the property owner of record, the owner's agent, the applicant, or other person to whom the permit was issued or such notice may be posted in a prominent location at the place of the violation. No work or construction shall proceed after service of the revocation notice.

D. STOP WORK ORDER

1. With or without revoking permits, the zoning coordinator may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Zoning Code or a provision of a permit or other form of authorization issued pursuant to this Zoning Code. The stop work order shall specify the Zoning Code provisions being violated.
2. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.
3. The stop work order may be issued at the same time as a notice of the initial violation or subsequent to such notice.

E. STOP USE

Whenever a structure or part thereof is being used in violation of this Zoning Code, the zoning coordinator may order the use to be immediately stopped.

F. FORFEITURE AND CONFISCATION OF SIGNS

1. Any sign installed or placed on public property, except in compliance with the regulations of Article 27-1400, Signs, will be subject to forfeiture to the public and confiscation. In addition to other remedies and penalties of this section, the County has the right to dispose of signs illegally placed on public property and to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.
2. Violation of Article 27-1400 is a strict liability offense.

G. PENALTIES

1. Violation of the provisions of this Zoning Code or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or special review uses or any of the required conditions imposed by the review authority is a misdemeanor.
2. Misdemeanors shall be punishable by a fine not exceeding the state statutory limit or imprisonment in the county jail not exceeding six months, or both, and in addition shall pay all costs and expenses involved.
3. Each day such violation continues shall be considered to be a separate offense.

H. CIVIL ACTION

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Zoning Code, or of any ordinance made under authority conferred hereby, the proper authorities of the County may institute any appropriate action or proceedings, in addition to other remedies, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of

such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such premises.

I. **OTHER**

The County may take any other action permitted by Montana law.