

Chapter 21

Violations and Penalties

- 21.01 Purpose.** The purpose of this chapter is to achieve greater efficiency and economy in the enforcement of this ordinance and to guarantee the fairness and consistency of enforcement procedures.
- 21.02 Authority.** The adoption and authorization for use of a citation under this chapter shall not preclude the county board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this chapter shall not preclude the proceeding under any other ordinance or law relating to the same or any other matter. The proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this chapter.
- 21.03 Authorized person to issue citations.**
- (1) The Zoning Administrator may issue citations with respect to this ordinance.
 - (2) Issuance of a citation by a person authorized to do so under this chapter shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for purpose of receiving cash deposits.
- 21.04 The Citation.** Citations issued pursuant to this chapter shall include the following information:
- (1) The name and address of the alleged violator.
 - (2) The factual allegations describing the alleged violation.
 - (3) The time and place of the offense.
 - (4) The section of the ordinance violated.
 - (5) A designation of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
 - (6) The time at which the alleged violator may appear in court.
 - (7) A statement which in essence informs the alleged violator of the following:
 - (a) That the alleged violator may make a cash deposit, of a specified amount, based on the schedule established by the County Board to be mailed or delivered to the Court Administrator prior to the time of the scheduled court appearance.
 - (b) That if the alleged violator fails to appear in court at the scheduled time, the court may issue a warrant, forfeit any posted bond, or find the alleged violator guilty.
- 21.05 Criminal Violations and Penalties.** In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health,

safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling as per the extent permitted by the law. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of that statute, other ordinance or regulation shall be controlling.

- (1) Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, punished by a fine not to exceed one thousand (1,000) dollars or by imprisonment in the County jail for a period not to exceed ninety (90) days or both.
- (2) It shall be deemed the Property Owner's responsibility to obtain all applicable permits and have them readily available for inspection prior to the commencement of any construction activity.
- (3) Any building or structure, including manufactured homes, erected or being erected, constructed or reconstructed, altered, repaired, converted or maintained, or any building or structure, including manufactured homes, or land used in violation of this Ordinance or other regulations made under the authority of Wabasha County is hereby declared to be a nuisance per se and the County of Wabasha through its qualified officers as provided by statute for maintaining suits, may institute proceedings in the court for the purposes of restraining any violation of any of the provisions of this Ordinance.
- (4) Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine or sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

21.06 Violations in a Floodplain District.

- (1) In responding to a suspected Floodplain area violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after the fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The County shall act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
- (2) When an Ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information shall be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency Regional Office along with the County's plan of action to correct the violation to the degree possible.

- (3) The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the County. If the construction or development is already completed, then the Zoning Administrator may either: 1) issue an order identifying the corrective action that shall be made within a specified time period to bring the use or structure into compliance with the official controls, or 2) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed thirty (30) days.
- (4) If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly. The Zoning Administrator shall also notify the landowner to restore the land to the condition that existed prior to the violation of this Ordinance.