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CH14 1.8 - Enforcement, Violation, and Penalties

- A. It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the Town Attorney who may file a complaint against the person and prosecute the alleged violation.
- B. Any person may, by suit in a circuit or superior court of the county, enjoin the violation of this Ordinance.
- C. The (Advisory) Board of Zoning Appeals by mandatory injunction in the circuit court of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition permitted in violation of this Ordinance.
- D. A use that violates this Ordinance shall be treated as if it were a common nuisance, and the owner or possessor of the structure, land, or premises upon which the use is maintained shall be liable for such nuisance.
- E. Any person whether owner or possessor who shall violate, or who permits or allows a violation, of any of the provisions of this ordinance, or who fails to comply therewith or with any requirements thereunder or who shall build, reconstruct, or structurally alter any building in violation of any detailed statement or plan submitted upon which an approval or grant is given under this ordinance shall, upon complaint filed in any court of the county and upon judgment finding such violation, shall be fined not less than \$10.00 and not more than \$300.00, and each day that such violation or noncompliance shall be permitted to exist, shall constitute a separate violation. The fine for not obtaining a building permit, pursuant to the provisions of this ordinance, shall be an amount of five (5) times the cost of the permit. Any person in violation of the provisions of this ordinance for failure to comply therewith shall be responsible for any and all court costs and attorney fees incurred, by the Town of Lapel in enforcement. (Ord. 10-1997, passed 8/16/97)
- F. No Improvement Location Permit or Building Permit required under the Uniform Building Code or this ordinance shall be issued on any property subject to this ordinance in violation of the provisions of this ordinance.
- G. That no building permit, improvement permit, construction permit, shall be issued for a dwelling, structure, or physical improvement, that is not located within one legally described parcel in the existing corporate boundaries of the Town of Lapel, Madison County, Indiana. Ord No. 1-2006, passed 1/5/2006.

- H. Attorney's Fees. Notwithstanding anything contained in this Ordinance to the contrary or appearing to be to contrary, and in addition and supplementary to other provisions of this Ordinance, if the Board of Zoning Appeals or the Town of Lapel is required to utilize the services of the Town of Lapel attorney or any other attorney in investigating a possible violation of this ordinance or enforcing the provisions of this Ordinance pursuant to Section 1.8C, 1.8D or 1.8E, or any other Section, before any board or court (including appeals), and such investigation results in a determination that a violation has occurred or if the Board of Zoning Appeals or Town of Lapel is successful in its enforcement of the Ordinance by way of suit, appeal or other appropriate proceeding, the respondent, defendant or party investigated for a violation shall pay the Town's reasonable attorney fees and all costs related to the investigation of the violation and/or the enforcement of this Ordinance, unless such attorney fees or costs are specifically waived by the Council of the Town of Lapel.
- I. Costs on Appeal. As to any appeal from a decision of the Board of Zoning Appeals, costs may not be allowed against the Board of Zoning Appeals unless it appears to the court that the Board acted with gross negligence or in bad faith in making the decision brought up for review.
- J. The Administrator, his staff, or any person or persons assisting the Administrator in the application and enforcement of this Ordinance is hereby authorized to go onto private property for the purpose of conducting inspections required by the Ordinance or any order of the Plan Commission and Board of Zoning Appeals, or required to determine if this Ordinance is being violated, or required to enforce this Ordinance. Such inspection or inspections shall occur at reasonable times and shall be conducted in a manner not to disturb the peace.