

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinance:

AN ORDINANCE No. 23-170

CA17-0004: Enforcement

To amend County Code Chapter 23, Article 9 Enforcement, to clarify administrative and enforcement functions. The following amendments have been suggested with the assistance of the Zoning Department.

PUBLIC HEARING: May 17, 2017

WHEREAS, staff has reviewed the Code Amendments and recommends approval as stated in the Executive Summary dated _____ and attached hereto; and

WHEREAS, the Planning Commission held a public hearing on this item on May 17, 2017 and a motion was made and seconded to recommend _____ of the Zoning Ordinance Amendments, with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on _____, and interested citizens were offered the opportunity to be heard; and

WHEREAS, good zoning practice and the general welfare are served by approval of the Code Amendment.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY

ORDAINS:

§ 1. That Chapter 23, Article 9, be and is hereby **amended** and reordained as follows:

ARTICLE 9. - ENFORCEMENT

Sec. 23-9.1.1. - Enforcement responsibilities.

- (a) The terms and requirements of this ~~chapter~~ Chapter shall be administered and enforced by the ~~z~~Zoning ~~a~~Administrator and his or her designees.
- (b) If upon inspection, the ~~z~~Zoning ~~a~~Administrator determines that a violation of this ~~chapter~~ Chapter exists, then he or she shall notify the owner in writing, describing the violation and the corrective action ~~which~~ that would be required to eliminate the violation.

- (c) If the violation is not corrected within seven (7) calendar days after the date of the notice of violation or such longer period of time that may be set forth in the notice, the ~~z~~Zoning ~~a~~Administrator shall swear out a warrant to the clerk of the proper court, citing the zoning violation and forward a copy of all information in the case to the ~~e~~County Attorney.
- (d) No ~~building-Zoning permits-Permits~~ shall be issued for property ~~which-that~~ is in violation of this ~~chapter~~Chapter; until the violation is corrected, unless and except to remedy such cited violation; ~~until the violation is corrected.~~

(Ord. No. 23-66, 10-24-95)

Sec. 23-9.1.2. - Criminal penalty for violations.

- (a) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00).
- (b) If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court.
- (c) Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten (10)-day period shall constitute a separate misdemeanor offense for each ten (10)-day period punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00).
- (d) However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to two thousand dollars (\$2,000.00). Failure to abate the violation within the specified time period shall be punishable by a fine of up to two thousand dollars (\$2,000.00), and any such failure during any succeeding ten (10)-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of up to two thousand five hundred dollars (\$2,500.00). However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition, in accordance with Chapter 13 or Chapter 13.2 of Title 55, of the Code of Virginia, as applicable. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-118, 7-10-07; Ord. No. 23-119, 9-11-07; Ord. No. 23-127, 10-14-08)

Sec. 23-9.1.3. - ~~Injunction~~Injunctive relief and other civil remedies.

Any violation ~~or attempted violation~~ of a provision of this ~~chapter~~Chapter may be ~~restrained~~ enjoined, or ordered corrected, or abated by injunction or other appropriate legal proceeding.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97)

§ 2. This ordinance shall be in force and effect upon adoption.