

Section 15. Violations, Penalties and Enforcement

§15.1 ENFORCEMENT BY DIRECTOR

The Director shall have the authority to enforce this *LDC*. Under the powers of this Section, the Director shall have the authority to enter onto property within the City limits to inspect or to investigate suspected violations of this *LDC*.

- A. Premises Occupied.** If the building or premises upon which the suspected violation is located is occupied, the Director shall present proper identification and request access. If access is denied, the Director may obtain a search warrant from a court of competent jurisdiction.
- B. Premises Unoccupied.** If the building or premises upon which the suspected violation is located is unoccupied, the Director shall make reasonable efforts to locate persons having charge of the premises. If entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

§15.2 ENFORCEMENT PROCEDURES

- A.** The City may enforce the requirements of the *LDC* by withholding building permits. It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure without approval of a site development plan and a building permit. The City may not issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use fully conform to the provisions of this *LDC*.
- B.** Any person aggrieved by a violation or apparent violation of the provisions of this *LDC* may file a written complaint with the Director, who shall investigate such complaint and take the appropriate action to have the violation penalized or removed, if such violation is found to exist. When it is determined that there has been a violation of any provision of the *LDC*, the Director shall serve written legal notice of violation in the following manner:
 - 1. determine and include a list of violations, refer to the section(s) of the *LDC* violated;
 - 2. specify a time for compliance with relevant *LDC* provisions 21 days from the service of the notice; and
 - 3. serve the notice on the owner, occupant, operator, lessee, agent or other responsible party in person, provided that such notice and requirement shall be deemed to be properly served on such responsible party if a copy thereof is delivered to, posted on, or sent by registered or certified mail to his/her last known mailing address, residence or place of business.

§15.3 PENALTIES FOR VIOLATION

- A. Misdemeanor.** Penalties for violation of any portion of the *Land Development Code* shall be as provided in Chapter 4.20, Section 4.20.010 of the *Gunnison Municipal Code*.
- B. Each Day a Separate Offense.** Each day that a violation continues to exist shall be considered a separate offense.
- C. Each Lot a Separate Offense.** Each lot or parcel offered for sale, agreed to be sold, sold, or transferred in violation of the provisions of this *LDC* shall be considered a separate and distinct offense.

§15.4 REMEDIES FOR VIOLATIONS

Whenever the Director shall find a violation of any of the provisions of this *LDC*, the Director shall be authorized to order the following remedies.

- A. Discontinuance of Use Violation.** The Director may order any use of land, buildings or structures which violates the provisions of this *LDC* to be discontinued or abated. The Director shall order the immediate repair or removal of hazardous conditions, including hazardous signs. If a use, sign or structure poses an immediate threat to life, property or the environment, the Director may take whatever actions necessary to have it removed.
- B. Removal of Buildings.** The Director may order any buildings, structures or additions, alterations or structural additions thereto which violate the provisions of this *LDC* to be removed. Any sign placed upon or over City property or a public right-of-way may be impounded as evidence.
- C. Stoppage of Illegal Development.** The Director may order any development activities being accomplished which violate the provisions of this *LDC* to be stopped.
- D. Enjoin Illegal Transfers.** The Director may notify the City Attorney, who may enjoin, by action for injunction brought in any court of competent jurisdiction, any offer to sell, agreement to sell, sale, or transfer of any subdivided property before a Final Plat has been approved by the City and recorded or filed in the office of the County Clerk and Recorder.
- E. Other Actions.** The Director may order such other actions to be taken as are necessary and as are authorized by the *Gunnison Municipal Code*, by statute, or by law to ensure compliance with, or to abate violation of, the provisions of this *LDC*.
- F. Remedies Are Cumulative.** All remedies provided for in this Section are cumulative, are not exclusive, and shall be in addition to any other remedies provided by law.

§15.5 APPLICATION OF THE LAWS

If any of the provisions of this Section are inconsistent with the provisions of any other law or laws, presently existing or enacted in the future, of the City or the State, in that the requirements regarding signs or the respective provisions differ, the provisions containing the more restrictive requirements will apply.