

9.0 ADMINISTRATION AND ENFORCEMENT

9.1 ADMINISTRATION

9.1.1 INTENT

The provisions of this Article are intended to be procedures, standards, criteria and requirements to be used in administering this Zoning Ordinance.

9.1.2 ZONING OFFICER DESIGNATION

The Building Inspector, or designated person acting in the capacity as Building Inspector, is hereby designated Zoning Officer and shall have authority to interpret, administer and enforce the provisions of the Zoning Ordinance and Subdivision Regulations.

9.1.2.1 ZONING OFFICER AUTHORITY AND DUTIES

In addition to all other authority conferred by law, the Zoning Officer shall have the following specific powers and duties:

- A. Administer and enforce all provisions of this Zoning Ordinance
- B. Record all complaints regarding possible Zoning Ordinance violations together with any investigation or action conducted in response to each complaint.
- C. Issue orders to remedy, notices of violation, stop work orders, appearance tickets in accordance with Article 150 of the Criminal Procedure Law, and other documents relative to enforcement, and the commencement of proceedings and actions reasonably necessary to carry out the lawful enforcement of this Chapter.
- D. Determine compliance with the provisions of this Zoning Ordinance, issue building permit denials and provide referrals to the Zoning Board of Appeals, Design Review Commission and Planning Board as necessary.
- E. Issue determinations, in response to inquiry, about the meaning of any part of this Zoning Ordinance.
- F. Submission of an annual report to the Office of the Mayor showing all complaints of violations and subsequent action taken in each case for the year.
- G. Such other specific duties or responsibilities as may be assigned by the Mayor as being reasonably necessary to carry out the provisions of this Chapter.

9.1.3 FINANCIAL SECURITY

A City land use board may require applicants to post sufficient financial security to guarantee compliance with any approvals or conditions. Such security may be provided in cash, by letter of credit, or by other means as the City Council may establish by schedule. Security provided in cash shall be retained by the City in

an appropriate account until expended or returned to the applicant.

9.1.4 INSURANCE REQUIREMENTS

The City Council shall have authority to establish, by Resolution, a schedule of insurance requirements to be provided by applicants under this Chapter.

9.1.5 FEES

The City Council shall have authority to establish, by Resolution, a fee schedule for receipt, review, filing, or issuance of any application, permit, or license or any other activity referred to in this Chapter.

9.2 ENFORCEMENT

9.2.1 VIOLATIONS

A. No person or entity shall maintain any land or structure, or part thereof, in violation of the use or dimensional requirements permitted in this Chapter. Any person or entity that violates this article shall be subject to the procedures and penalties stated herein. The continuation of a violation shall constitute a separate and distinct offense for each day the violation is continued.

B. The Zoning Officer, or duly authorized assistants, shall have the right to enter upon, examine and inspect any building or property at any reasonable time for the purpose of carrying out his/her duties and to determine compliance with the provisions of this Zoning Ordinance.

9.2.1.1 NOTICE OF VIOLATIONS

Upon finding a violation of this Zoning Ordinance, the Zoning Officer shall deliver written notice to the property owner in person or by certified or registered mail. This notice shall inform the recipient of:

- A. The nature and specific details of such violation
- B. The recommended remedial action
- C. The date by which the violation must be remedied

9.2.1.2 STOP WORK ORDERS

Upon finding a violation of this Zoning Ordinance, the Zoning Officer may require the suspension of work by issuing a stop work order to the responsible person. Such person shall suspend all unauthorized activity until the stop work order has been rescinded.

A. The stop work order shall be in writing and shall state the conditions under which the activity may resume.

B. The stop work order shall be presented to the person performing the work and, if different, the property owner in person or by certified or registered mail,

and may be placed upon a conspicuous portion of the building or premises in use.

C. The failure of any person to comply with the terms of a stop work order shall constitute a separate violation.

9.2.1.3 APPEAL TO THE ZBA

A determination of violation by the Zoning Officer may be appealed to the ZBA. Upon such appeal, any further enforcement efforts by the City shall be stayed pending ZBA determination of the appeal.

9.2.2 PENALTIES AND FINES

Except as otherwise provided in this Ordinance, the following penalties shall apply:

A. First violations of this Zoning Ordinance shall be punishable by a fine of not more than Fifty (\$50.00) Dollars for each day the violation continues and/or imprisonment of up to five (5) days.

B. Second violations shall be punishable by a fine of not more than One Hundred (\$100.00) Dollars for each day the violation continues and/or imprisonment of up to fifteen (15) days.

C. Third and subsequent violations shall be punishable by a fine of not more than Two Hundred Fifty (\$250.00) Dollars or each day the violation continues and/or a jail sentence of up to thirty (30) days.

D. These fines and/or imprisonment shall be exclusive of any additional civil fees or remedies.

9.2.3 CIVIL ENFORCEMENT

In addition to penalties prescribed elsewhere in this Chapter and other laws, any person who violates any provision of this zoning ordinance shall be liable to a civil penalty of not more than Two Hundred Dollars (\$200.00) for each day during which the violation continues. These civil penalties shall be recoverable in an action instituted by the City of Saratoga Springs.

9.2.4 COURT ACTION

The imposition of fines and/or imprisonment shall not preclude the City from instituting an action for injunction or other legal action to prevent any unlawful use or activity, or to correct or abate a violation, or to prevent the illegal occupancy of a building, land or premises. In the event the City prevails in this action, the City shall have the authority to seek all reasonable attorneys' fees incurred by or on behalf of the City, together with all costs and disbursements of the litigation.

9.2.5 NON-EXCLUSIVITY OF REMEDIES

The City of Saratoga Springs may proceed under any subsection hereof at any time without respect to whether any other remedy has been imposed or sought by the City. The alternative remedies, fees and penalties provided for herein are not mutually exclusive but may be commenced, implemented and enforced simultaneously without regard to whether any other remedies, fees, or penalties have been sought or imposed.

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