

Chapter 151-14 Violations, Penalties and Enforcement

151-14.1 Responsibility for Enforcement

The Planning and Zoning Director shall enforce this Land Development Code.

(Note: Although Clay County is classified as "First Class," it continues to operate under certain statutes pertaining to second and third class counties, pursuant to RSMo 64.510-64.690, and RSMo 64.905 – 64.906.)

151-14.2 Types of Violations

All of the following represent violations of this Land Development Code and will be subject to the remedies and penalties provided in the Land Development Code, the County Code and state law.

A. Subdivision, Development or Use Without Required Permits or Approvals

It is a violation of the Land Development Code to engage in any subdividing, development, use, construction, remodeling or other activity of any nature without obtaining all the permits, approvals, certificates and other forms of authorization required by this Land Development Code.

B. Subdivision, Development or Use Inconsistent with Permit

It is a violation of the Land Development Code to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

C. Subdivision, Development or Use Inconsistent with Conditions

It is a violation of the Land Development Code to violate, by act or omission, any term, condition, or qualification imposed by a decision-making body upon a required permit, certificate, or other form of authorization.

D. Subdivision, Development or Use Inconsistent with Land Development Code

It is a violation of the Land Development Code to erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure or to use any land in violation or contravention of any zoning, subdivision, or other regulation of the Land Development Code, or any amendment thereof.

E. Making Lots or Setbacks Nonconforming

It is a violation of the Land Development Code to reduce or diminish any lot area so that the setbacks or open spaces are smaller than prescribed by the Land Development Code.

F. Increasing Intensity of Use

It is a violation of the Land Development Code to increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of the Land Development Code.

G. Continuing Violations

It is a violation of the Land Development Code to continue any of the violations specified in this Chapter. Each day that a violation continues shall be considered a separate offense.

151-14.3 Remedies and Enforcement Powers

The county shall have those remedies and enforcement powers authorized in RSMo. 64.690 for the violation of zoning, subdivision or development-related Land Development Code provisions.

151-14.4 Enforcement Procedures

A. Inspections

Upon reasonable cause to believe that any of the provisions of this Land Development Code have or will be violated, the Planning and Zoning Director shall have the power to cause any land, building structure, place or premises to be inspected and examined and to order in writing the remedying of any Land Development Code violation found to exist.

B. Procedures

In the case of violations of the Land Development Code, the Planning and Zoning Director shall give written notice of the nature of the violation to the property owner and to any other person who is party to the agreement and to any applicant for any relevant permit, after which the persons receiving notice shall have 10 days, or such longer period as the Planning and Zoning Director allows, to correct the violation. If the violation is not corrected within the required time frame, the Planning and Zoning Director shall use all penalties, remedies and enforcement powers available under this Chapter. Notices of violation must state the nature of the violation, the time period allowed for coming into compliance and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

C. Building Permit Required

Any person or entity wishing to build or alter any structure shall obtain a building permit from the Building Official.

D. Certificate of Occupancy

1. A certification of occupancy shall be obtained from the Building Official by any person or entity wishing to occupy land, building or use, except for accessory agricultural uses.
 - a. A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and orders and with the provisions of these regulations. No building or land will be occupied until the County Health Department has made a final inspection of the wastewater disposal system after installation and has given approval to the County Building Official for issuance of the Certificate Of Occupancy (CO). A record of all certificates shall be kept on file in the office of the county Building Official.
2. Certificate of Occupancy for a Building
The certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing concurrently with the application for a building permit and shall be issued within 10 days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these provisions.
3. Certificate of Occupancy for Land
The certificate of occupancy for the use of vacant land, except for agricultural uses, or for a change in the character of the use of land as provided within the Land Development Code shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within 10 days after the application has been made, provided such use is in conformity with the provisions of these regulations.

E. Violations

1. Any owner, lessee or tenant of land located within any unincorporated area of Clay County, or by any regulations or orders relating to the subdivision of land or zoning or by any regulations relating to building or setback lines, or any regulations and restrictions made and adopted under the provisions of RSMo 64.510 to 64.690 and RSMo 64.905 and 64.906 shall be guilty of a misdemeanor.
2. In the event any subdivision of land is begun or made in violation of RSMo 64.510 to 64.690 and RSMo 64.905 and 64.906, or of any official master plan, or any planning or zoning order, regulation or restriction made and adopted under these provisions, the County Commission, the County Planning and Zoning Commission, the Prosecuting Attorney, or any officer or official appointed or designated under the provisions of RSMo 64.650, or the owner of any private property or any public body the property of whom is affected by such a violation may institute in the Circuit Court of the County, any appropriate action of proceedings to prevent such unlawful subdivision development or erection, construction, reconstruction, alteration, relocation or maintenance or use, or to restrain, abate or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to prevent any illegal act, conduct, business or use in or about the premises.
3. The official appointed or designated under the provisions of RSMo 64.650 shall have the power to cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist there or threat in violation of any of the regulations or orders adopted or made under the provisions of this document and RSMo 64.510 to 64.690 and RSMo 64.905 and 64.906.
4. The owner or general agent of any such land, building, structure, or premises where a violation of any such orders, regulations or restrictions has been committed or shall exist, and any other person who knowingly permits, takes part or assists in such violation, or maintains any building or premises in which such violation exists, shall be guilty of a misdemeanor.
5. Unless otherwise directed, violations of these regulations and restrictions set forth in this Land Development Code shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Clay County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation, such as ordering the work to be done, billing the land owner and/or placing a lien upon the property.

F. Conditional Use Permit Revocation

1. A Conditional Use Permit may be revoked at any time by the County Commission upon recommendation of the Planning and Zoning Commission. Before revoking the Conditional Use Permit, the Planning and Zoning Commission shall conduct a public hearing where the matter will be discussed with testimony and evidence taken on the subject. At the close of the public hearing, the Planning and Zoning Commission shall make a recommendation to the County Commission for its consideration and final action.
2. Prior to the public hearing on the possible revocation of a Conditional Use Permit, a written notice (by certified mail) that a violation has occurred shall be mailed to the permit holder. The notice shall afford the permit holder a specific time period to abate the violation or otherwise correct the problem and shall further grant the permit holder a hearing before the Planning and Zoning Commission in accordance with the preceding paragraph 1.

3. A Conditional Use Permit may be revoked for any one of the following reasons:
 - a. The permit holder made material misrepresentations or false statements of fact in the application or during the hearing on the application;
 - b. The provisions or conditions of this Land Development Code have been violated;
 - c. The conditions placed upon such use as part of the Conditional Use Permit approval are not being met, or the use is not complying with any other county regulations applicable to the operation of such uses.

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