

Article 26

Administration and Enforcement

Section 26.01 Enforcement Official Designated

The county and cities shall each designate an enforcement official for the jurisdiction under the provisions of I.C. 36-7-4-1013(a) and I.C. 36-7-4-1014(a) by resolution of the legislative body of each jurisdiction.

- (a) **Enforcement Official.** The enforcement official shall have the authority to carry out all duties under this ordinance.
- (b) **Staff.** The duties of the enforcement official specified in this ordinance may be delegated to staff working under the direction of the officials specified above in each of the local jurisdictions.

Section 26.02 Duties of the Enforcement Official

The enforcement officials designated in 26.01 above, and designated department staff, shall be responsible for carrying out the duties under this ordinance as follows:

- (a) Determine conformance of applications for permits with the regulations of this chapter;
- (b) Issue all zoning certificates, and make and maintain records thereof;
- (c) Issue all certificates of occupancy, and make and maintain records thereof;
- (d) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter;
- (e) Maintain permanent and current records of the administration and enforcement of this chapter, including, but not limited to, applications, processing and decisions for all amendments, special exceptions, variances, and appeals, and designate on the zoning district map each amendment and special exception granted by the plan commission or board of zoning appeals;
- (f) Receive, file, and forward to the board of zoning appeals all applications for variances, special exceptions, or other matters on which the board of zoning appeals is required to act under this chapter;
- (g) Forward to the clerk all applications upon which the legislative body of the community is required to act;
- (h) Coordinate applications effecting Airport Overlay District with the La Porte Municipal Airport Authority or the Michigan City Board of Aviation Commissioners;
- (i) Initiate, from time to time, a study of the provisions of this chapter, and make reports of recommendations to the plan commission not less than once a year;
- (j) Issue permits regulating the erection and use of tents for specific periods of time for purposes such as temporary carnivals, churches, voluntary organizations such as Boy Scouts and Girl Scouts, eleemosynary uses, revival meetings or similar uses, provided, however, that said tents and uses thereof are in conformance with all other ordinances and codes;
- (k) Review all applications for permits for new construction or additions to existing construction to ascertain whether the proposed construction or addition lies in a flood hazard area, as defined elsewhere by ordinance. If the proposed construction or addition is found to lie in such an area, the enforcement official may require modifications to the design and materials the enforcement official

may deem appropriate to prevent flotation, collapse, or lateral movement of the structure and minimize potential future flood damages.

Section 26.03 Schedule of Fees

The county and cities may adopt a schedule of fees. An enforcement official may assess outside costs for certain extraordinary applications, after receiving approval from the Plan Commission for expert assistance.

Section 26.04 Penalties for Violation

Any person or persons, firm, partnership, corporation, or any other entity that violates, or permits or assists in the violation of any part or provision of this ordinance, may be fined in an amount not to exceed \$2,500.00. The county or city, as applicable, may recover a judgment, plus attorney's fees, in the amount of any fine thus imposed against any person, firm, partnership, corporation, or other entity found to have violated this ordinance.

Section 26.05 Separate Violations

Each day that any person who violates, or permits or assists in the violation of any part or provision of this ordinance shall be a separate violation and a separate fine or judgment may be recovered by the county or city, as applicable, for each separate daily violation.

Section 26.06 Enforcement by Injunction

The county, city, BZA, or the enforcement official may bring an action against any person, firm, or partnership, corporation, or other entity for:

- a). An injunction to restrain the violation of any part or provision of this Zoning Ordinance of LaPorte County, City of LaPorte, and City of Michigan City;
- b). A mandatory injunction directing the removal of any structure erected in violation of any part or provision of this Zoning Ordinance of LaPorte County, City of LaPorte, and City of Michigan City;
- c). If any such action for injunctive relief is granted, then the judgment may also award the county, city, the Board of Zoning Appeals or the Zoning Administrator, costs of the action, including attorneys' fees;

Section 26.07 Common Nuisance

Any structure erected, raised or converted, or land or premises used, in violation of this ordinance is a common nuisance and the owner or possessor of any such structure, land or premises is liable for maintaining a common nuisance.

Section 26.08 Procedure to Impose a Fine for Violation

(c) Any proceeding brought by the county or city, as applicable, to enforce the provisions of this title shall be brought pursuant to and governed by the provisions of:

- (1) I.C. 36-1-3-8(a)(10);
- (2) I.C. 36-1-6-1 et seq.;
- (3) I.C. 34-28-5-1 et seq.;
- (4) I.C. 36-7-4-1012;
- (5) I.C. 36-7-4-1013(a);
- (6) I.C. 36-7-4-1014(a) and (b);
- (7) I.C. 36-7-4-1015;
- (8) I.C. 36-7-4-1016;
- (9) I.C. 36-7-4-1-17; and
- (10) I.C. 36-7-4-1018

(d) including any amendments to any of the above cited provisions, hereinafter adopted, or any other provisions of state law hereinafter adopted in place thereof or supplemental thereto.

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