

LAND DEVELOPMENT REGULATIONS

Article IX ENFORCEMENT

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DIVISION 9000 GENERAL

The provisions of these Land Development Regulations shall be enforced by the Town Council through its authority to request the imposition of fines, abate, enjoin, and restrain any person violating these Land Development Regulations pursuant to Wyoming law.

SECTION 9010 CODE ENFORCEMENT OFFICERS

Code Enforcement Officers of the Planning Department, appointed as Special Municipal Officers by the Town of Jackson, have specific authority to issue citations for violations of these Land Development Regulations as set forth by W.S. § 7-2-103(e) and W.S. § 15-1-103(a)(xlx). (Ord. 844 § 1, 2007).

DIVISION 9100 INSPECTION

Under the powers of this Article, the Planning Director or any other member of the Planning Department acting under the direction of the Planning Director, and Special Municipal Officers shall have the authority to enter onto land within the Town to inspect for violations of these Land Development Regulations. (Ord. 845 § 1, 2007; Ord. 489 § 1, 1994.)

DIVISION 9200 REVOCATION OR SUSPENSION OF PERMIT

Revocation or suspension of any permit issued pursuant to these Land Development Regulations shall be undertaken pursuant to the procedures and standards of this Division.

SECTION 9210 PROCEDURE

- A. Initiation by Planning Director. If the Planning Director determines there are reasonable grounds for the revocation or suspension of a permit under the standards of Section 9220, Standards, the Planning Director shall set a Revocation Hearing before the Town Council which shall be a public hearing.
- B. Notification. The Planning Director shall give the permittee notification, by certified mail, return receipt requested, of the time, place and location of the public hearing, a minimum of twenty (20) working days prior to the public hearing. The notification shall also state the grounds for the revocation or suspension of the permit. Notification of the public hearing shall be given pursuant to Section 5120. E, Notice of Public Hearings, in the same manner required for the public hearing at which the permit was approved.
- C. Revocation or Suspension Hearing. The Town Council shall conduct a public hearing on the proposed revocation or suspension pursuant to the procedures in Section 5120.F, Public Hearing Procedure. At the public hearing, the Planning Director shall present evidence into the record and explain the grounds for the revocation or suspension. The permittee or the permittee's representative shall then be provided an opportunity to respond and to enter testimony and evidence into the record in support of the permittee. The testimony of any other interested person shall also be heard.
- D. Decision of Town Council. Within thirty (30) calendar days after the close of the public hearing, the Town Council shall decide to either revoke, suspend or maintain the permit, based on the standards in Section 9220, Standards.

SECTION 9220 STANDARDS

A permit shall be revoked or suspended if any one (1) of the following findings is made by the Town Council.

- A. Based on misleading information or misrepresentation. The permit was issued on the basis of erroneous or misleading information or misrepresentation; or
- B. Violation of conditions of permit. The development violates the terms or conditions of the permit, or these Land Development Regulations.

SECTION 9230 NOTIFICATION

Notification of the Town Council's decision shall be provided by the Planning Director to the permittee by mail.

SECTION 9240 CUMULATIVE REMEDY

The Town's right to revoke or suspend a permit, as provided in this Division, shall be cumulative to any other remedy provided by law.

DIVISION 9300 ABATEMENT OF VIOLATIONS

SECTION 9310 GENERAL

Violations of these Land Development Regulations may be abated under the procedures and standards of this Division at the election of the Planning Director, however, this procedure shall not be the sole remedy available, and the Town may enforce these Land Development Regulations in any manner provided by law.

SECTION 9320 PROCEDURE

- A. Notification of Violation. If the Planning Director determines that any development within the Town is in violation of the provisions of these Land Development Regulations, the Planning Director may invoke the provisions of this Division and mail a Notice to Abate to the landowner, stating the provisions of these Land Development Regulations being violated, and setting forth a reasonable period of time for the landowner to abate and correct the violation.
- B. Hearing to Correct Violation. In the event the landowner fails to comply with the Notice to Abate, a Hearing Officer shall conduct a Hearing to Abate to ascertain whether abatement should be required under the procedures and standards of this Division.
1. Notice of Hearing. The Planning Director shall provide notice of the Hearing to Abate to the landowner by certified mail, return receipt requested, a minimum of fourteen (14) calendar days prior to the date established for the hearing. Notice shall be substantially in the format set forth below:

NOTICE OF HEARING ON ABATEMENT OF VIOLATION OF LAND DEVELOPMENT REGULATIONS

This is a notice of hearing before a Hearing Officer of the Town of Jackson, Wyoming, to ascertain whether certain land or structures situated in the Town of Jackson, Wyoming, known and designated as (street address), in said Town, and more particularly described as (legal description) constitutes a violation of the Town's Land Development Regulations and is subject to abatement pursuant to Division 9300 thereof, and Section 15-1-512, Wyoming Statutes. If the zoning violation is not promptly abated by the landowner, such violation may be abated by Town authorities, in which case the cost of any eviction or relocation of an illegal use, rehabilitation, repair, or demolition of an illegal structure will be assessed upon such land, and such costs, together with interest thereon, will constitute a lien upon such property until paid. In addition, the landowner may be cited for violation of the provisions of these Land Development Regulations and subject to a fine.

Said alleged violation is of Section of these Land Development Regulations, and consists of the following:

The method(s) of abatement are:

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this day of , 19_.

Time and Date of Hearing:

Location of Hearing:

2. Recommendation by Hearing Officer

- a. General. At the time stated in the Notice of the Hearing to Abate, the Hearing Officer shall hear and consider all relevant evidence, objections or protests, and shall hear testimony under oath of the alleged violator and all other persons having an interest in the hearing.
- b. Continuance. The Hearing Officer may continue the hearing from time to time for good cause.
- c. Recommended Order. If, after the conclusion of the hearing, the Hearing Officer finds that a violation of these Land Development Regulations does exist and there is sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal structure, the Hearing Officer shall prepare a recommended Order to Abate outlining findings and specifying the nature of the violation, the method of abatement and the time within which the work shall be commenced and completed. The recommended Order to Abate shall then be forwarded to the Town Council for final action at a public hearing.
- d. Notification of Recommended Order. The Hearing Officer shall provide the landowner a copy of the recommended Order to Abate by mail, on the day the recommended Order is forwarded to the Town Council for a final decision.

3. Decision by Town Council

- a. Scheduling Hearing. The Town Council shall schedule a public hearing on the recommended Order to Abate within thirty (30) calendar days from the date the recommended Order is forwarded to the Town Council by the Hearing Officer.
- b. Notice of Hearing. The Planning Director shall provide the landowner notice of the hearing by certified mail, return receipt requested, a minimum of fourteen (14) calendar days prior to the date of the hearing. Notice shall also be published in a newspaper of general circulation in the Town substantially in the format set forth in Section 9320.B.1, Notice of Hearing.
- c. Continuances. Continuances of the hearing may be granted by the Town Council on request of the landowner for good cause shown.
- d. Decision by Town Council. At the hearing, the Town Council shall provide the landowner or the landowner's representative and the Planning Director an opportunity to make statements about the record established in the hearing held by the Hearing Officer and the recommended Order to Abate. The Town Council shall then review the record and recommended Order to Abate. The recommended Order to Abate shall be approved only if there is competent substantial evidence in the record that a violation of these Land Development Regulations does exist and there is sufficient cause to evict or relocate an illegal use or rehabilitate, demolish, remove or repair an illegal structure.

- e. Notice of Decision. The Planning Director shall provide a copy of the decision of the Town Council to the landowner by mail, return receipt requested.

SECTION 9330 EFFECT OF ORDER TO ABATE

If an Order to Abate is issued it shall mean that the land or structure is in violation of these Land Development Regulations, and the illegal activity shall be discontinued and rehabilitated, repaired, removed, or demolished in the manner and means specifically set forth in the Order to Abate.

SECTION 9340 CUMULATIVE REMEDY

The Town's right to abate a violation of these Land Development Regulations, as provided in this Division, shall be cumulative to any other remedy provided by law.

DIVISION 9400 OTHER REMEDIES

SECTION 9410 CIVIL REMEDIES

The Town Council shall have the right to enforce the provisions of these Land Development Regulations under any remedy provided by Wyoming law, including injunctions.

SECTION 9420 GENERAL PENALTY

Any person violating any provisions of these Land Development Regulations is guilty of a separate offense for each and every day during any portion of which any violation of any provision of these Land Development Regulations is committed, continued or permitted by any such person and shall be punished by a fine of not more than seven hundred and fifty (750) dollars for each offense