

**ARTICLE 6.
ENFORCEMENT, VIOLATIONS AND PENALTIES**

Section 1. PROHIBITED ACTS AND CONDUCT:

From and after the effective date of these regulations, no person shall violate any of the provisions of these regulations, or fail to comply with any of its requirements, including, but not limited to, any conditions or terms established in connection with grants of variances or conditional use permits, nor use their property, building or structure in any way except as permitted and in the manner provided by these regulations, and any act, conduct or use which fails to comply with the provisions of these regulations and any codes, rules or standards adopted as a part of these regulations, shall be and hereby is declared to be unlawful as a violation of the Zoning and Subdivision Regulations of Johnson County, Kansas.

Section 2. VIOLATIONS AND CLASSIFICATIONS OF OFFENSES:

- A. The failure of any person to comply with, or who violates, any provision, requirement, standard or condition contained within or as a part of these regulations, shall be a public offense designated as a Class H Infraction under the County Codes and Regulations.
- B. The failure of any person to comply with, or who violates, any order, directive or notice of the Code Enforcement Officer, related to the provisions of these regulations, shall be a public offense designated as a Class H Infraction under the County Codes and Regulations.

Section 3. ENFORCEMENT PROCEDURES:

- A. Responsibility: The provisions of these regulations shall be administered and enforced under the supervision and direction of the Zoning Administrator, or such persons designee.
- B. Code Enforcement Officers: The Zoning Administrator, and such other persons employed by or with the Johnson County Planning Office and who are selected by the Zoning Administrator and appointed by the Board, shall be and hereby are designated as Code Enforcement Officers for Johnson County, Kansas, and are authorized and empowered to enforce the provisions of these regulations, and to issue orders and citations for any and all violations.
- C. Access and Inspection: Any Code Enforcement Officer authorized to enforce these regulations shall have authority and be permitted to enter upon any property for the purpose of performing inspections and other duties required under these regulations and shall have authority to:
 - 1. Seek a lawful order to compel access whenever access is denied; and
 - 2. Issue necessary orders and directives to expose or uncover any part of any construction or use when reasonable access or inspection is hindered or prevented.
- D. Orders and Citations: Code Enforcement Officers designated to enforce the provisions of these regulations shall have the authority to issue orders and directives to any person subject to any provision of these regulations to:
 - 1. Cease any act, conduct or use which is deemed to be a violation of these regulations; or

2. Correct within a specified period of days any violation of these regulations and to issue, with or without an order or directive, a citation and notice to appear in the Johnson County District Court, County Codes Division, for any violation of these regulations.

Section 4. PENALTIES AND FINES:

- A. Any person who violates any provision of these regulation shall be punishable, upon conviction, by a fine in an amount determined according to the following schedule of offenses:
 1. Upon conviction of a Class H Infraction, an amount not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).
 2. Multiple or repeated violations of any class of violation shall be deemed a violation of the next most serious violation class and subject to a higher fine amount, as provided under the County Codes and Resolutions.
- B. Each separate day that a violation exists or occurs shall be considered a separate violation, subject upon conviction to an additional and separate fine amount.

Section 5. PROSECUTION OF ACTIONS:

- A. The County's Attorney or such person's designee, shall have the duty of prosecuting all actions for the enforcement of these regulations that may be prosecuted in accordance with the provisions of K.S.A. 19-101d.
- B. The County's Attorney or such person's designee, shall be vested with all of the discretion with respect to the prosecution of these regulations as may be vested in any other prosecuting attorney with statutory authority to prosecute actions for the enforcement of county codes and resolutions.

Section 6. ENFORCEMENT PROCEDURES CUMULATIVE:

- A. The provisions for enforcement of these regulations shall be cumulative and in addition to all other procedures provided by law for the enforcement of county resolutions, codes or regulations.
- B. All actions that are not authorized by the provisions of these regulations for the enforcement of said regulations, shall be prosecuted as otherwise provided by law.