

Chapter 900. Violations, Penalties and Enforcement.

900.1 Criminal Penalties for Violations. Any Person violating this Ordinance, including, but not limited to, performance of any of the following unlawful acts, shall be deemed guilty of a misdemeanor and each day that a violation continues shall constitute a separate offense and shall be punishable up to the maximum penalties allowed in accordance with Minnesota Statutes as amended from time to time including the cost of prosecution. It shall be unlawful for any Person to:

- a) Erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, Use, occupy, maintain, Plat, split or subdivide any Lot, Parcel, Building and/or Structure within the Town, or cause the same to be done, contrary to, or in violation of, any provision of this Ordinance.
- b) Convey and/or Record any conveyance that is an unapproved plat, Subdivision or Lot Split made after this Ordinance became effective. The foregoing provision does not apply to a conveyance if the Lot and/or Parcel described was a separate Lot of Record on the date of adoption of this Ordinance, except that any nonconforming adjacent Lots and/or Parcels under common ownership at the time this Ordinance becomes effective must be conveyed thereafter as one single Lot and/or Parcel.
- c) To convey any Parcel and/or Lot as a part of, or in conformity with, any Lot and/or Parcel split, plan, plat or replat of any Subdivision or area located within the Town unless said Lot and/or Parcel split, plan, plat or replat has been first recorded in the Office of the County Recorder of Kanabec County.
- d) To Record or recognize as official any Lot and/or Parcel split, plan, plat or replat unless said Lot and/or Parcel split, plan, plat or replat is first approved by the Town Board or Zoning Administrator in accordance with the provisions of this Ordinance.
- e) For any Subdivider or Person owning an addition or Subdivision of a Lot and/or Parcel within the Town to represent that any improvement upon any of the highways, roads or Streets of said addition or Subdivision in said addition or Subdivision has been constructed according to plans and specifications approved by the Town Board, or has been supervised or inspected by the Town, when such improvements have not been so constructed, supervised, or inspected.

900.2 Injunctive Relief and other Remedies. In the event of a violation of this Ordinance, the Town may institute appropriate actions or proceedings, including requesting injunctive relief, to prevent, restrain, correct or abate such violations and/or proceed in accordance with Chapter 910 of this Ordinance. All costs incurred for corrective action, including reasonable attorneys' fees incurred by the Town, may be recovered by the Town in a civil action in any court of competent jurisdiction or, at the discretion of the Town, the costs may be certified to the Kanabec County Assessor as a special tax against the Lot and/or Parcel. These and other remedies, as determined appropriate by the Town, may be imposed upon the Owner, Applicant, Petitioner, permittee, installer, or other responsible Person either in addition to or separate from other enforcement actions.

900.3 Violation Resulting in Non-Buildable Lot. In the event any Person plats, splits or subdivides any Lot and/or Parcel in the Town, or causes the same to be done, without obtaining the prior consent required hereunder, whether by Exemption Certificate, Simple Plat, Standard Plat, or without other such approval by the Zoning Administrator, Planning Commission and/or Town Boards as may be required pursuant to this Ordinance, in addition to the other remedies and penalties as provided in this Chapter, said Lot and/or Parcel shall be deemed Non-Buildable and, as such, no Person may erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, Use, occupy, and/or maintain any Structure and/or Building on said platted, split or subdivided Lot and/or Parcel.

900.4 Enforcement.

- a) This Ordinance shall be administered by the Zoning Administrator.
- b) In the event of a violation or a threatened violation of this Ordinance, the Town Board, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the Township Attorney to institute such action.
- c) Any Owner of any Lot and/or Parcel in the Town may institute mandamus proceedings in the District Court to compel specific performance by the proper official or officials of any duty required by this Ordinance.

[END OF CHAPTER 900]

Chapter 910. Point of Sale Regulations.

910.1 Purpose. In order to protect and promote the health, safety, and general welfare of the Town and its citizens, the Town Board has established Point of Sale Regulations, to be administered by the Zoning Administrator, to ensure that all Lots and/or Parcels that have received Written Notice of Violations of this Ordinance are adequately inspected prior to transfer of ownership to ensure compliance, as well as to ensure that any Use of any sold, transferred or otherwise conveyed Lot and/or Parcel subject to a Land Use Permit is in compliance with the requirements, restrictions and obligations of the same.

910.2 Point of Sale Inspections on Ordinance Violations.

- a) In the event that the Zoning Administrator becomes aware of the existence of any Lot and/or Parcel in violation of the requirements set forth in this Ordinance, the Zoning Administrator shall issue to the Owner of said Lot and/or Parcel a Written Notice of Violation informing the Owner of the nature of the violation.
- b) The Owner of said Lot and/or Parcel shall have thirty (30) days from the receipt of the Written Notice of Violation to rectify the violation described therein.
- c) If the Owner of said Lot and/or Parcel does not rectify a given violation within the allotted thirty (30) cure period, the Zoning Administrator shall record a copy of the Written Notice of Violation against the Lot and/or Parcel with the Kanabec County Recorder.
- d) Once a Written Notice of Violation as described in this Section 910.2 has been issued to an Owner, the Owner may not sell, give, convey or otherwise transfer the Lot and/or Parcel subject to said Written Notice of Violation without first rectifying the same to the satisfaction of the Zoning Administrator.
- e) In order to sell, give, convey or otherwise transfer a Lot and/or Parcel after the issuance of a Written Notice of Violation, an Owner must obtain a Certificate of Compliance from the Zoning Administrator. To obtain said Certificate of Compliance, an Owner must submit to the Zoning Administrator a Point of Sale Application as further described in Section 910.4 below, specifically describing the nature of any and all remedial measures taken to repair and/or rectify those items giving rise to, and set forth in, the Written Notice of Violation.

- f) Alternatively, if an Owner desires to sell, give, convey or otherwise transfer a Lot and/or Parcel subject to a Written Notice of Violation, the Owner may sell, give, convey or otherwise transfer said Lot and/or Parcel without first repairing and/or rectifying the items specified in said Written Notice of Violation if, and only if, the Owner, transferee and Town enter into agreement to establish an escrow account, to be held by the Town, to ensure completion of the repairs and corrections required as set forth in the Written Notice of Violation and as provided pursuant to the terms of the agreement between the Owner, transferee and Town. The escrow amount shall be equal to one-hundred-fifty percent (150%) of the estimated cost of the corrective work, as determined by the Town Board after a Public Hearing held by the Planning Commission. The agreement between the Owner, transferee and Town shall be recorded in the Kanabec County Records' office with the deed conveying the Lot and/or Parcel. The escrow shall not be released or terminated until all of the required corrections and repairs as set forth in the agreement between the Owner, transferee and Town have been successfully completed, as determined by the issuance of a Certificate of Compliance from the Zoning Administrator. To obtain said Certificate of Compliance, an Owner must submit to the Zoning Administrator a Point of Sale Application as described in Section 910.4 below.

910.3 Point of Sale Inspections of Land Use Permits. Prior to selling, giving, conveying or otherwise transferring a Lot and/or Parcel subject to a Variance, Conditional Use Permit or Exemption Permit, the Owner must first procure a Certificate of Compliance from the Zoning Administrator ensuring the present Use of the Lot and/or Parcel is in compliance with the requirements, regulations and obligations of the approved Variance, Conditional Use Permit and/or Exemption Permit to which Lot and/or Parcel is subject. If upon inspection of the Lot and/or Parcel, as provided herein, the Zoning Administrator should determine that the Lot and/or Parcel is not in compliance with the relevant Land Use Permit, the Land Use Permit may be revoked or terminated in accordance with the appropriate Chapter of this Ordinance.

910.4 Certificate of Compliance.

- a) A Certificate of Compliance shall be required by any Owner intending to sell, give, convey, or otherwise transfer a Lot and/or Parcel under any of the following circumstances:
- 1) Where the Owner is in receipt of a Written Notice of Violation and has undertaken to repair and/or correct the subject Lot and/or Parcel in accordance therewith;

- 2) Where the Owner is in receipt of a Written Notice of Violation and repairs and/or corrections have been made on the subject Lot and/or Parcel in accordance with terms of an escrow agreement between the Owner, transferee and Town; or
 - 3) Where the Lot and/or Parcel is subject to a Variance, Conditional Use Permit and/or Exemption Permit.
- b) To obtain said Certificate of Compliance, an Owner must submit to the Zoning Administrator a Point of Sale Application specifically describing the nature of any and all remedial measures taken to repair and/or rectify those items giving rise to, and as set forth in, the Written Notice of Violation, or specifically setting forth evidence showing that the current Use of the Lot and/or Parcel remain in conformance with any and all Variances, Conditional Use Permits and/or Exemption Permits affecting said Lot and/or Parcel.
 - c) Upon receipt of a Point of Sale Application, the Zoning Administrator shall review the same and shall schedule a follow-up inspection in order to ensure that appropriate corrective measures have been taken sufficient to correct any and all violations as described in the Written Notice of Violation or to ensure that the current Use of the Lot and/or Parcel remain in conformance with any and all Variances, Conditional Use Permits and/or Exemption Permits affecting said Lot and/or Parcel. The Zoning Administrator shall have the authority to hire any contractors, engineers, or other such personnel as necessary to conduct said inspections.
 - d) The Zoning Administrator may issue a Certificate of Compliance to an Owner if the Zoning Administrator is satisfied that all of the appropriate conditions have been met and that either the Lot and/or Parcel has been properly remedied in accordance with the Written Notice of Violation or that the present Use of the Lot and/or Parcel remains consistent with any and all Variances, Conditional Use Permits and/or Exemption Permits affecting said Lot and/or Parcel.

[END OF CHAPTER 910]