



AGENDA ITEM #: 8

MEMORANDUM

TO: Metropolitan Planning Commission
FROM: Ken Pruitt, Assistant Development Services Manager
DATE: Wednesday, February 04, 2009
SUBJECT: Amendments to the Knox County Zoning Ordinance, Article 6, Section 6.20, Enforcement, pertaining to the fines that may be required for violations to this ordinance.
2-B-09-OA

STAFF RECOMMENDATION:

APPROVE the proposed amendments

BACKGROUND:

This amendment clarifies that action by the Knox County Department of Code Administration and Enforcement, or injunction by an affected party, are the means of enforcement of this ordinance. The amendments revise the statement regarding fees assessed for violations and prescribes that the appeal process is to the Board of Zoning Appeals.

The Knox County Law Department staff prepared these amendments for the Department of Code Administration and Enforcement and for MPC consideration.

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*Amendment to Section 6.20 Administration, Enforcement and Interpretation of the
Knox County Zoning Ordinance - 2-B-09-OA*

New language is **bolded** and deleted language is struck-through.

6.20. Enforcement.

6.20.01. It shall be the duty of the sheriff of Knox County, and of all officers of said county otherwise charged with the enforcement of the law, to enforce this resolution and all the provisions of the same.

6.20.02.

A. The provisions of this resolution shall be **administered and** enforced by ~~or under the direction of the Board of Zoning Appeals~~ **the director of the department of code administration and enforcement**. Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this resolution shall **be subject to a civil penalty of not less than \$10.00 nor more than \$500.00, to be assessed by the department of code administration and enforcement** ; ~~upon conviction thereof, be subject to a fine of not less than ten dollars not more than one thousand dollars, together with the cost of the action; and.~~ **Each** and every day of violation shall constitute a separate offense. **Any person, firm, association or corporation aggrieved by a determination of violation or the assessment of a civil penalty may appeal such determination or assessment to the Board of Zoning Appeals as provided in section 6.60.05.**

B. Compliance **with this resolution** ~~therewith~~ may also be enforced by injunctive order at the suit of the county or the owner or owners of real estate within the zone affected by the regulations of this resolution.

6.20.03. Any building or structure erected, altered, or used, and any use of property, contrary to the provisions of this resolution shall be and the same are hereby declared unlawful and a public nuisance; and the district attorney of Knox County shall, upon order of the board of zoning appeals, immediately commence action for the abatement, removal, and enjoinder thereof in the manner provided by law, and shall apply to such courts as have jurisdiction to grant such relief as will remove such building, structure, or use, and restrain and enjoin any such building or structure, or using any property contrary to the provisions of this resolution.

(Ord. No. O-99-10-101, § 2, 11-15-99; Ord. No. O-99-12-101, § 1, 1-24-00; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04)