

### 12.1 Authority

*Staff* is hereby designated to enforce the terms and provisions of this Ordinance.

### 12.2 Alleged Violations

Whenever *Staff* receives a complaint or has reason to suspect that an alleged violation of the terms and provisions of this Ordinance are occurring, *Staff* shall investigate the complaint or suspicion and shall take whatever action is warranted in accordance with the provisions of this Article XII.

### 12.3 Responsibility for Violations

The owner, tenant, or occupant of any *Building* or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is in violation of the terms and provisions of this Ordinance, may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

### 12.4 Inspection of Property – Right of Entry

*Staff* may enter upon any premises at any reasonable time for the purpose of inspecting all lands located within the jurisdiction of the *Plan Commission* and carrying out their duties in the enforcement of this Ordinance. Prior to entering upon any premises, *Staff* shall furnish sufficient identification and information to enable the owner, tenant or occupant to determine the purpose of the inspection and that the person conducting the inspection is an authorized representative of the Town of Plainfield.

In the event that entry is denied by the owner, tenant or occupant of a premises, *Staff* may make application to any court of competent jurisdiction for the issuance of a search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is in violation of this Ordinance exists on the premises, or that such a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner, tenant or occupant to permit entry to *Staff* for the purposes stated therein.

### 12.5 Stop-Work Order

*Staff* is empowered to issue a Stop-Work Order requiring the suspension of land improvement of any kind when any of the following circumstances exist:

- A. A site *Improvement* is occurring without an *Improvement Location Permit* or any other permit required by this Ordinance having first been obtained; or,
- B. A site *Improvement* is occurring in violation of: the terms, conditions or provisions of this Ordinance; the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made or conditions imposed in connection with the approval of a *Development Plan*; commitments made in connection with a petition for zone map amendment; or, other approval grant authorized by this Ordinance.

The Stop-Work Order shall be posted on the property in a conspicuous place, or personally delivered to the owner, tenant or occupant, or person in charge and state the conditions under which construction or other activity may be resumed. *Staff* shall meet with the recipient of a Stop-Work Order upon request to explain the conditions under which construction or other activity may be resumed.

The *Plan Commission* may institute a lawsuit in a court of competent jurisdiction to enforce the provisions of a Stop-Work Order.

## Article 12 Enforcement

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### 12.6 Violations

Each of the following shall be deemed civil zoning violations which may be enforced by the designated enforcement entity in accordance with the provisions set forth in Article 12.7 below:

- A. The location, erection, or maintenance of any *Sign* not specifically permitted by this Ordinance;
- B. The failure to obtain an *Improvement Location Permit* when one is required by the terms and provisions of this Ordinance;
- C. The outdoor storage of junk, trash or debris in any zoning *District* the provisions of which do not specifically permit such a use;
- D. The storage of inoperable motor vehicles or motor vehicle parts in any zoning *District* the provisions of which do not specifically permit such a use;
- E. The parking or storage, in any zoning *District* the provisions of which do not specifically permit such a use, of any motor vehicle used or designed: (a) for use in pulling, towing, hauling, transporting; or, (b) as a temporary or permanent base, platform or support for equipment, machinery, materials or other goods (including but not limited to stake body trucks, dump trucks, trucks or tractors having dual rear wheels or more than two axles, semi-trailer tractors, semi-trailers and trailers having dual rear wheels or more than one axle or having an overall length of more than twelve feet). However, this provision does not apply to motor vehicles which do not exceed three-quarter ton load classification in size and which are the primary source of transportation for an individual whose primary place of residence is the particular dwelling at which the commercial motor vehicle is parked on a regular basis;
- F. The *Outdoor Storage* or display of merchandise or goods in any zoning *District* the provisions of which do not specifically permit such a use or in violation of the zoning *District Development Standards* regulating such a use;
- G. The conduct of any activity in a residential zoning *District* that is not specifically enumerated as a permitted primary or accessory use in that zoning *District*, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;
- H. Failure to comply with zoning *District Development Standards*, including but not limited to landscaping, paving of *Parking Areas*, minimum *Parking Space* requirements, trash dumpster enclosure, fencing or screening requirements;
- I. The failure to comply with: the terms, provisions, conditions or commitments of a variance grant or special exception; the terms of commitments made in connection with the approval of a Development Plan; commitments made in connection with a petition for zone map amendment; or, other approval grant authorized by this Ordinance;
- J. The violation of a Stop-Work Order issued pursuant to this Article XII; and,
- K. Failure to comply with any other provisions of this Ordinance, including, but not limited to, Article 1.20: General Regulations for Residential Districts.

### 12.7 Penalties for Violation

Any person who commits a civil zoning violation as defined in Article 12.6, above, may be issued a citation by *Staff*.

Subject to the provisions of Article 12.7, A. and Article 12.7, B. below, each day a civil zoning violation remains uncorrected is a distinct and separate civil zoning violation subject to an additional citation and fine in the amount prescribed in this Ordinance.

#### A. Procedures.

1. *Staff* may issue a citation to a person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest. The citation may be served by personal service, by certified mail, by First Class U.S. Mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice that a civil zoning violation has been committed.
2. No citation shall be issued unless the person who commits a civil zoning violation or allows a civil zoning violation to be committed on real estate in which the person has a possessory interest has been served with a notice to correct the civil zoning violation at least ten (10) days before the issuance of a citation to allow said person an opportunity to correct the violation and to come into compliance with the prescribed zoning ordinance or regulation.  
  
However, the service of a notice to correct the civil zoning violation is not required before issuing a citation for violation of a Stop-work Order issued pursuant to this Article XII.
3. If a person who is served with a notice of civil zoning violation or receives a citation elects to file a petition for Zone Map Change, Variance, Special Exception or *Development Plan* Approval to correct such violation, then the person must indicate the intent to file such a petition on the served notice or citation and return a copy to the *Plan Commission*. A person shall have ten (10) days from service of a notice of civil zoning violation or receipt of citation to file the petition. During the pendency of said petition the issuance of additional citations and additional monetary fines as prescribed in Article 12.7, B. shall be stayed. A person who files the petition within said time period shall pursue the petition in an expeditious and diligent manner. If the petition is denied, withdrawn or dismissed and the civil zoning violation continues, the *Plan Commission*, *Board of Zoning Appeals* or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town of Plainfield Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this Ordinance.

**B. Fines.**

Monetary fines for civil zoning violations shall be assessed as follows:

1. RR, R-1, R-2, R-3, R-4, R-5, R-6, R-U, M-U, P, S and REL Districts.

The monetary fine for the first citation for a civil zoning violation shall be Fifty Dollars (\$50.00). The following monetary fines shall apply for each subsequent citation:

Second Citation	Minimum \$50.00, not to exceed \$100.00
Third Citation	Minimum \$50.00, not to exceed \$150.00
Fourth Citation	Minimum \$50.00, not to exceed \$200.00
Each additional	Minimum \$50.00, not to exceed a \$300.00 increase in the previously assessed monetary fine, to a maximum monetary fine for each citation not to exceed Two Thousand Five Hundred Dollars (\$2,500.00).

Provided, however, in no event shall a subsequent citation be issued within ten (10) days of the issuance of a previous citation.

2. All Commercial (TC, NR, OD and GC) Districts, All Industrial (I-1, I-2, I-3 and I-4) Districts, the C-I District and the Agricultural (AG) District.

The monetary fine for the first citation for a civil zoning violation shall be Fifty Dollars (\$50.00). The following monetary fines shall apply for each subsequent citation:

Second Citation	Minimum \$50.00, not to exceed \$100.00 per day that the civil zoning violation remains uncorrected.
Third Citation	Minimum \$50.00, not to exceed \$150.00 per day that the civil zoning violation remains uncorrected.
Fourth Citation	Minimum \$50.00, not to exceed \$200.00 per day that the civil zoning violation remains uncorrected.
Additional Citations	Minimum \$50.00, not to exceed a \$300.00 increase in the previously assessed monetary fine

for each day that the civil zoning violation remains uncorrected, to a maximum monetary fine for each civil zoning violation not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per day that the civil zoning violation remains uncorrected.

Provided, however, in no event shall a subsequent citation be issued within five (5) days of the issuance of a previous citation.

All fines prescribed by this Article XII for civil zoning violations shall be paid to the Clerk/Treasurer of the Town of Plainfield, who shall render to the person making the payment a receipt stating the amount and purpose for which the fine has been paid, a duplicate of which shall be made a part of the records of the Town. All fines thus received shall be deposited with the General Fund of the Town of Plainfield.

### C. Trial for Civil Zoning Violations.

1. A person who receives a citation for a civil zoning violation may elect to stand trial for the violation by indicating on the citation his intent to stand trial and returning a copy of the citation to the *Plan Commission*. The returned copy of the citation shall serve as notice of the person's intent to stand trial, and the issuance of additional citations and additional monetary fines as prescribed in Article 12.7, B. shall be stayed upon receipt of the notice. The notice shall be given at least five (5) days before the date that payment of the citation is due as set forth in Article 12.7, C., 2. below. On receipt of the notice of intention to stand trial, the *Plan Commission*, *Board of Zoning Appeals* or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town of Plainfield Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this Ordinance.
2. If a person who receives a citation fails to:
  - a. pay the assessed fine within forty-five (45) days after the issuance of a citation;
  - b. file a petition as prescribed in Article 12.7, A., 3. above; or,
  - c. give notice of his intention to stand trial as prescribed in Article 12.7, C., 1. above, the *Plan Commission*, *Board of Zoning Appeals* or other appropriate enforcement official (as provided by applicable laws) may seek judicial relief in the Town of Plainfield Town Court or any other court of competent jurisdiction to enforce the terms and provisions of this Ordinance.
3. Seeking a civil penalty as authorized in this Article does not preclude the designated enforcement entity from seeking alternative and additional relief from the Court in the same action, or from seeking injunctive relief or any other remedy in a separate action for the enforcement of Indiana Code 36-7- 4 or any ordinance adopted or action taken under Indiana Code 36-7-4.
4. In the event that a violation of the Plainfield Zoning Ordinance is determined to exist by a court of competent jurisdiction, the Owner shall be liable to the Town for all costs associated with filing and prosecuting the enforcement action, including but not necessarily limited to all reasonable attorney's fees.