

## **ARTICLE 28**

### **ENFORCEMENT, VIOLATION AND PENALTY**

#### **Sections:**

- 28-1 Enforcement**
- 28-2 Interpretation and Conflict**
- 28-3 Validity**
- 28-4 Repeal of Existing Regulations and Accrued Rights and Liabilities**
- 28-5 Penalties**
- 28-6 Effective Date**

#### **SECTION 28-1 ENFORCEMENT**

**28-101.** It shall be the duty of the City of Fort Scott Zoning Administrator to enforce these regulations. Appeals from decisions of the Zoning Administrator shall be made to the City of Fort Scott Board of Zoning Appeals as provided in Article 25.

#### **SECTION 28-2 INTERPRETATION AND CONFLICT**

**28-201.** In interpreting and applying the provisions of these zoning regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by these zoning regulations to interfere with, or abrogate or annul any easements, covenants, or other agreement between parties. Provided, however, that where these zoning regulations impose a greater restriction upon the use of structures or premises or upon height of structures, or require larger open spaces, lots areas, setbacks and so forth than are imposed or required by other rules, regulations, or by easements, covenants, or agreements, the provisions of these zoning regulations shall govern.

#### **SECTION 28-3 VALIDITY**

**28-301.** Should any section, clause or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, the same shall not affect the validity of these regulations as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

## **SECTION 28-4 REPEAL OF EXISTING REGULATIONS AND ACCRUED RIGHTS AND LIABILITIES**

**28-401.** The adoption of these regulations repeals the existing zoning regulations of the City of Fort Scott, Kansas.

**28-402.** Despite the repeal of regulations existing at the time of adoption of these regulations, nothing contained in these regulations shall affect any rights accrued or liabilities incurred under any previously existing regulations.

## **SECTION 28-5 PENALTIES**

**28-501.** Any violation of any provision of these zoning regulations shall be deemed to be a municipal offense and punishable by a fine of not to exceed \$500. Each day's violation shall constitute a separate offense.

**28-502.** The City Commission shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these zoning regulations, and to abate nuisances maintained in violation thereof.

**28-503.** Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained or any building, structure or land is or is proposed to be, used in violation of any zoning regulations, the City Commission, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation or to prevent the occupancy of such structure or land.

## **SECTION 28-6 EFFECTIVE DATE**

**28-601.** These zoning regulations as adopted by the City Commission shall become and are in full force immediately upon passage and publication in accordance with state law.