

RESOLUTION ADOPTING ZONING FOR WORKFORCE HOUSING

MODEL RESOLUTION FOR COUNTIES

Under the authority of 76-2-201, MCA

[Insert Name of] County

Resolution No. [REDACTED]

WHEREAS, recent technological advances in oil and gas drilling have allowed certain petroleum deposits to become economical to develop; and

WHEREAS, initial oil and gas well development **(or pipeline construction)** requires a large, temporary workforce that needs housing; and

WHEREAS, the rapid proliferation of workforce housing in the region requires measures to classify and regulate the location and conditions on such housing in order to provide a basic level of public health, safety and general welfare and to mitigate the impacts so as to not unduly burden the residents of **[insert name of jurisdiction]** County; and

WHEREAS, **[insert name of jurisdiction]** County's adopted growth policy provides guidance for encouraging development that provides for **[safe roads, disposal of sewage, protection of natural habitat, etc... fill in whatever policies are met by the proposed zoning]**; and

WHEREAS, the proposed zoning secures safety from fire and other dangers by providing a review and criteria that ensures housing will be separated, located, and built in order to ensure access by fire protection services and availability of adequate water supply, while reducing the risk of spreading fire by requiring structural separation; and

WHEREAS, the proposed zoning promotes the public health, public safety, and general welfare by providing for a review process and development standards that ensure availability of adequate water, wastewater, solid waste, and other public utilities for workforce housing; the provision of adequate emergency and other public services; adequate grading and drainage from such development; legal and physical access to the housing facilities; landscaping and visual buffering of the site from adjacent uses; and provides for the appropriate location and construction standards of workforce housing to ensure the preservation of the values of the quality of life and property in the county while meeting the immediate demand for workforce housing; and

WHEREAS, the proposed zoning facilitates the adequate provision of transportation, water, sewerage by requiring review and improvements as necessary to roads, water systems and sanitation facilities; and

WHEREAS, the proposed zoning facilitates the adequate provision of schools, parks and other public facilities by *[describe applicable circumstances]*; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the reasonable provision of adequate light and air by *[describe how this was addressed through review]*; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the effect on motorized transportation by requiring construction of roads to a set standard, generally recognized as adequate, for the movement of vehicles as well as required parking spaces to ensure that roadways are not blocked or travel width reduced by parked vehicles; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the effect on non-motorized transportation systems by *[describe how this was addressed through review]*; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the compatibility of urban growth in the vicinity of the cities and towns and found the proposed growth to be acceptable because *[describe rationale in allowing type of development]*; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered the character of the district and its peculiar suitability for the particular uses and found the proposed development to be generally suitable for the area because *[describe rationale in allowing type of development]*; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered conserving the value of buildings and whether the zoning encouraged the most appropriate use of the land throughout the jurisdictional area and found that *[insert rationale for allowing type of development]*; and

WHEREAS, in considering and adopting the proposed zoning, the County Commission considered whether the zoning regulations were, as near as possible, compatible with the zoning ordinances of nearby municipalities and found them to be compatible, as near as possible; and

WHEREAS, after publishing adequate notice as required by statute and the applicable local regulations, pursuant to Section 76-2-204, the [insert name of jurisdiction] planning board held a duly noticed and posted public hearing on [insert date] regarding the proposed zoning district boundaries and appropriate regulations; and

WHEREAS, during that duly noticed and posted public hearing, the public had an opportunity to be heard regarding the proposed district boundaries and appropriate regulations, and, after considering such public comment, the planning board made a recommendation [in favor/against] the proposed zoning; and

WHEREAS, pursuant to 76-2-205, MCA, the [insert name of jurisdiction] County Commission noticed a public hearing on the proposed zoning district boundaries and regulations, stating the boundaries of the proposed district, the general character of the regulations, the time and place of the hearing, and that the proposed regulations were on file for public inspection at the office of the County Clerk and Recorder; posted that notice not less than 45 days before the public hearing in at least 5 public places within the proposed district; and published that notice once a week for 2 weeks in a newspaper of general circulation with the County; and

WHEREAS, after publishing and posting such notice, the County Commission held that public hearing on [insert date], where, after considering the recommendation of the planning board and the public comment [summarize public comment], based upon the proposed findings of fact [summarize findings] and making those amendments that it deemed proper, the Board of County Commissioners passed a resolution of intention to create a zoning district and to adopt zoning regulations for the district; and

WHEREAS, pursuant to Section 76-2-205, MCA, the [insert name of jurisdiction] County Commission noticed passage of the resolution of intention, stating the boundaries of the proposed district, the general character of the regulations, and that the proposed regulations were on file for public inspection at the office of the County Clerk and Recorder; and published that notice once a week for two weeks in a newspaper of general circulation within the County; and

WHEREAS, pursuant to Section 76-2-205, MCA, for 30 days after first publication of such notice, the County Commission received written protests to the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the County; and

WHEREAS, the number of protests received during the protest period totaled [insert total number of protests received], and the number of protests needed were 40% of the real property owners within the district whose names appeared on the last-completed assessment

roll which was [insert total number of protests needed based on 40% calculation], or owners representing 50% of the titled property ownership whose property is taxed for agricultural purposes or forest land, therefore the number of protests received was insufficient to halt the enactment of zoning; and

NOW THEREFORE, in order to promote the public health, safety and general welfare of [insert name of jurisdiction], as more particularly set forth above in the preamble to this resolution, the [insert name of jurisdiction] Commissioners hereby adopts the zoning district, with boundaries as published and regulations as set forth in Exhibit A attached hereto and incorporated herein, under the authority provided by Section 76-2-201, MCA, *et seq.*, for the purpose of regulating the location and impacts of workforce housing in the County.

ADOPTED by the [insert name of jurisdiction] Board of County Commissioners this [insert date] day of [insert month and year].

Signature

[Name of County Commissioner], Chairman

Signature

[Name of County Commissioner]

Signature

[Name of County Commissioner]

ATTEST:

Signature

[Name of County Clerk & Recorder or other designated official]

EXHIBIT A

County Zoning for Workforce Housing Facilities

1. Definitions

- A. *Administrator*: The person appointed by the governing body who is responsible for carrying out the terms of these regulations.
- B. *Applicant*: Applicant is a generic term used in this ordinance which means the owner, or designated representative, of land on which a housing facility is proposed, the person or firm who proposes the facility and intends to run it, and/or their representatives.
- C. *Board of Adjustment*: A board appointed by the **[insert name of jurisdiction]** County Commissioners to hear and decide appeals, special exceptions and variances to the terms of the zoning regulation, in harmony with its general purposes and intent. (Sections 76-2-221 through 228, MCA.)
- D. *Certificate of Compliance*: A permit applied for by the applicant and granted by the Administrator upon completion of all improvements required under this ordinance. This certificate signifies that all requirements of a conditional use permit have been met.
- E. *Conditional Use Permit*: A permit that may be granted by the Administrator after determining that the proposed land use and application complies with the requirements of this ordinance, will be adequately served by public facilities and services and, either on its own merits or with the addition of conditions, sufficiently mitigates expected impacts to neighboring landowners.
- F. *Land Development Activity*: Includes, but is not limited to, the clearing, grading, excavation, construction, re-construction, change of occupancy, change of use, or building activity.
- G. *Workforce Housing Facility*: A housing facility serving more than two workers who are not related by blood, marriage, or adoption to the landowner, and that is designed and intended to be used for a specific period of time. A workforce housing facility may also be known/referred to as a man camp, crew camp, work camp, or crew housing facility. Workforce housing facilities may include the use of skid units, travel trailers, recreational vehicles, campers, mobile homes, park models, modular homes or any combination of these.
- H. *Zoning Commission*: A commission appointed by the **[insert name of jurisdiction]** County Commissioners to recommend amendments to the zoning regulations and classifications. (Section 76-2-220, MCA.)

2. Workforce Housing Facilities Authorized

- A. Workforce housing facilities shall be permitted, upon review and approval of a conditional use permit application and after demonstrating compliance with these

regulations, in the adopted, unincorporated areas of [insert name of jurisdiction] County that fall under the jurisdiction of the [insert name of jurisdiction] County Commissioners, excluding incorporated areas as follows: (list out incorporated areas for clarification), and excluding existing areas previously zoned as follows: (list the names of existing zoning districts for clarification).

Note: *If portions of the county are already zoned and the County Commissioners wish to apply/incorporate all or part of this ordinance within those zoned areas, the County must go through a separate process to amend the existing zoning ordinance(s), in accordance with Section 76-2-205 MCA.*

- B. A conditional use permit must be granted prior to any land development activity related to a workforce housing facility.
- C. All workforce housing facility units shall be limited for use consistent with the conditional use permit as reviewed and approved, and shall not be converted to any other use without prior approval by the governing body.
- D. A workforce housing facility conditional use permit is valid for up to two (2) years. Upon expiration of the permit, the applicant shall dismantle the facility and reclaim the site to its original state in accordance with the approved site closure and restoration plan for the workforce housing facility. At least 30 days prior to the expiration date, the applicant may apply for renewal of the permit, subject to review under the rules in effect at that time.

3. Other Regulations

- A. In cases where the workforce housing facility is comprised of more than one building, structure or improvement, and individual facilities are proposed to be made available for rent, lease, sale, or other form of conveyance, compliance with the [insert name of jurisdiction] Subdivision Regulations and the Montana Subdivision and Platting Act shall be required. Compliance with applicable subdivision requirements shall be concurrent with or following conditional use permit review and approval. If a conditional use permit is issued for a workforce housing facility without compliance with subdivision requirements, and the facility or any portion thereof is thereafter rented, leased, sold, or otherwise conveyed, penalties may be assessed (refer to Section 7 below).
- B. Water, wastewater, stormwater, and solid waste disposal facilities shall meet the requirements of the Montana Department of Environmental Quality (DEQ), the [insert name of jurisdiction] Health Department, and/or the Montana Department of Public Health and Human Services (DPHHS), as applicable.
- C. All site development shall comply with applicable floodplain requirements.

- D. State and **[insert name of jurisdiction]** County building permits, as applicable, shall be obtained after a conditional use permit is granted pursuant to these regulations but prior to any land development activity.
- E. The applicant shall submit copies of all applicable permits to the Administrator prior to a certificate of compliance being issued.¹

4. Development Standards

A conditional use permit for a workforce housing facility shall not be approved by the Administrator unless the applicant proves the following minimum development standards have been met or will be met prior to issuance of a certificate of compliance:

- A. An accessible, adequate, safe, and potable supply of water for domestic purposes shall be provided to the workforce housing facility, installed in accordance with all applicable state and county health codes and requirements.
- B. The workforce housing facility shall be properly connected to a wastewater treatment system designed and installed in accordance with all applicable state and county health codes and requirements. When a public sewer connection with the capacity to serve the facility is available, a connection shall be made thereto and used exclusively. Site-specific wastewater treatment systems shall be used where connection to a public system is not available.
- C. Solid waste collection and disposal for the workforce housing facility shall be provided by the applicant in locations that are screened from public view and are of sufficient capacity to accommodate the needs of the facility. Solid waste shall be collected weekly or more often and shall be disposed of in accordance with state law.
- D. Electricity and telephone utilities **[add additional utilities as applicable; gas, cable, etc.]** shall be provided to the workforce housing facility.
- E. The workforce housing facility shall have adequate emergency medical, fire protection, law enforcement and/or security services. The required level of services, including whether on-site services shall be provided, shall be determined by the administrator through consultation with local service providers. Prior to the issuance of a conditional use permit, the applicant shall provide written confirmation from each local service provider of the availability and level of service able to be provided.

Note: *Local jurisdictions have the option to set specific level of services standards prior to adoption of this ordinance through consultation with local service providers.*

¹ Permits that may be applicable to a workforce housing facility include, but are not limited to: DEQ or DPHHS approval for water supply, wastewater treatment, solid waste, and stormwater runoff (or a municipal facilities exclusion); a DEQ stormwater pollution prevention plan permit (SWPPP); health department approval from DPHHS or County Health Department; state and local building permits; a street/road encroachment permit; and wetland and stream construction permits **[insert others here as applicable to the local jurisdiction]**.

- F. A grading and drainage plan for the workforce housing facility shall be approved and implemented in accordance with MDEQ Circular No. 8 – “Montana Standards for Subdivision Storm Drainage.”
- G. Legal and physical access shall be provided to the site, and direct physical access shall be provided to each structure on the property. All roads leading to and within the workforce housing facility must be designed by a licensed professional engineer and constructed to adopted **[insert name of jurisdiction]** County standards for subdivisions.
- H. Common laundry facilities shall be provided for residents of the facilities. The number of washers and dryers provided shall be proportional to the number and type of residents anticipated.

Note: *Local jurisdictions may establish specific requirements for laundry facilities to be provided, as is reasonable and applicable to the proposed development, prior to adoption of this ordinance.*

- I. All water, sewer, electricity, and telephone utilities provided to the workforce housing facility shall be placed underground. No overhead utilities are permitted within or to the workforce housing facility site.

Note: *Local jurisdictions may choose to require undergrounding based on the proposed life of the facility, or whether the jurisdiction plans to transition the facilities to permanent uses.*

- J. Adequate recreational facilities shall be provided to serve the expected number and types of residents. The type and scale of required recreational facilities shall be proportional to the number and type of residents anticipated.

Note: *The local governing body may establish specific thresholds and/or guidance on recreational facility requirements to include with the adoption of this ordinance. Examples of such facilities may include, but are not limited to park and open space areas; ball fields, ball courts, or other athletic amenities; indoor exercise or community meeting rooms, game rooms or similar.*

- K. The following site design standards shall apply:
 - i. The minimum distance between any workforce housing facility unit is 15 feet;
 - ii. The minimum distance between any workforce housing facility unit and any internal road right-of-way or easement is 25 feet;
 - iii. The minimum distance between any workforce housing facility unit and any external property boundary or site boundary is 50 feet;
 - iv. Off-street parking shall be provided at a rate of one parking space (9' x 20') per bed for residents plus one per each employee (caretaker or on-site manager) on duty per shift. No on-street parking shall be permitted. One visitor parking space shall be provided for every 10 resident parking spaces.

- v. A five (5) ft. minimum landscaped area shall be required along exterior boundaries of the workforce housing facility site to provide a visual buffer from adjacent off-site properties. Landscaping shall consist of rocks, shrubs, trees, or grasses that are native to the area and that require minimal maintenance; berming may be utilized to enhance the landscaped buffer, as appropriate. Non-metal fencing, not to exceed six (6) ft. in height, may also be incorporated in the landscape buffer areas.
- vi. Internal roadways and walkways shall be lit using light sources directed away from adjacent off-site uses, downward-facing, and screened appropriately so as to illuminate travel surfaces and addresses for emergency service providers but without encroaching upon the living units or adjacent off-site properties.
- vii. Each structure (and individual living unit, as applicable) shall have an address assigned by the local address coordinator, posted near an exterior entrance and large enough to be visible from the nearest roadway or access point to ensure emergency service personnel can locate a specific building or unit quickly and efficiently in the event of an emergency.
- L. All workforce housing facility units shall be anchored to the ground.
- M. No workforce housing facility unit shall be older than **[insert number]** on the day of installation.

NOTE: *The local jurisdiction may require a minimum age for the facilities, or a requirement that it meet federal HUD manufactured home standards or state building code standards. Such standards must be related to a public health, safety, or general welfare concern that can be articulated by the local jurisdiction.*

- N. Enclosed porches, carports, awnings, room additions, and similar accessory structures are prohibited. Small, unenclosed entry decks are permitted, not to exceed 25 square feet in floor area.
- O. Storage buildings are limited to a maximum of 100 square feet of floor area per workforce housing facility unit. If individual storage buildings are provided, only one storage building is permitted per unit and shall be located within 15 feet of the unit it serves.

5. Site Restoration and Security Required

- A. Upon expiration of the conditional use permit, or termination of use of the workforce housing facility, if earlier, the applicant shall restore the site to pre-development condition or a more pristine state in accordance with an approved site closure and restoration plan. Restoration shall include removal of all infrastructure and facilities including sewer, water, electrical, telephone, roads, and all site improvements, re-grading (as applicable), weed control, and planting and fertilization necessary to restore the site to pre-development or more pristine condition.

- B. Prior to obtaining a certificate of compliance, the applicant shall submit to the Administrator a restoration security, in the form of *[insert form of security to be required]*, that will cover the cost of restoring the site to pre-development or more pristine condition.
- C. The amount of the security shall be determined at the applicant's expense by an engineer licensed in the State of Montana who calculates the costs of implementing the site closure and restoration plan, including projected hours of labor for removal and restoration. The engineer shall submit for the Administrator's review all calculations and pricing based on current projected costs. The bond amount shall be in an amount of 125% of the engineer's total estimated costs. The Administrator reserves the right to reject the engineer's calculations if it determines the estimated costs do not represent an accurate projection of the required work, costs and labor. The minimum amount of the security to be provided shall be as follows:

0-50 beds -- \$50,000
51-100 beds -- \$75,000
101-250 beds -- \$100,000
251-500 beds -- \$250,000
501 + beds -- \$350,000

- D. The amount of the security shall be reviewed and updated upon an application for renewal of the conditional use permit for the workforce housing facility.
- E. Prior to expiration of the conditional use permit, or termination of use of the workforce housing facility, the applicant may request the governing body's permission to prepare the site for an alternate use. Upon written approval of the governing body, and in compliance with all rules and regulations, the applicant shall make all preparations for alternate use prior to the governing body releasing the security.

6. Administration

A. Application Submittal

The applicant shall submit an application for a conditional use permit, an application for variance (if applicable), supplementary materials, and any permit fee(s) as established by the governing body to the Administrator for review. Submittal materials shall include:

- i. A workforce housing facility site plan (one or more sheets) drawn to scale showing the location of:
 - a. property and site boundaries;
 - b. topographic contours;

- c. surface waters and areas of high groundwater;
 - d. proposed on-site setbacks;
 - e. existing and proposed easements;
 - f. all utilities and connections;
 - g. fire protection, solid waste, grading, drainage, and stormwater facilities;
 - h. legal and physical access to the site and each structure;
 - i. proposed and existing on-site and adjacent off-site streets and roads, with applicable specifications;
 - j. required off-street parking;
 - k. landscaping, fences, lighting, and signage;
 - l. all on-site structures and improvements, including a description of each and the number of beds, if any;
 - m. each proposed phase, if phasing of development is proposed.
- ii. A workforce housing facility site maintenance and management plan, including an evacuation plan for the site, current owner and onsite manager contact information, and provisions for the maintenance and management of:
 - n. water supply;
 - o. sewage and solid waste disposal;
 - p. stormwater facilities;
 - q. on-site emergency medical, fire, security, and law enforcement, if any;
 - r. unit numbers for emergency responders;
 - s. laundry and recreational facilities;
 - t. road and parking areas;
 - u. landscaping, including irrigation and weed and dust control;
 - v. operational rules of the facility;
 - w. exterior lighting; and
 - x. an updated occupancy and contact list, to remain on-site and be available at all times.
- ii. A landscaping and buffer plan, illustrating the location and type of all on-site vegetation, berms, and hardscaping elements.
- iii. A site closure and restoration plan, including a timeline and narrative describing how the workforce housing facility will be dismantled and restored to pre-development or more pristine condition. The plan shall include provisions for:
 - a. removal of all infrastructure and facilities, including sewer, water, electrical, telephone, roads, and all site improvements;
 - b. re-grading (as applicable); and
 - c. weed control, planting, and fertilization; and

- d. the applicant's proposal for restoration security, including the engineer's preliminary removal, restoration and labor calculations.
 - iv. A phasing plan, if the entire project is not intended to be developed at once. The phasing plan shall include a site map showing the location of improvements and infrastructure that will be developed with each phase, and a timeline and narrative detailing the type and number of workforce housing facility units, infrastructure, and other improvements to be completed with each phase.
 - v. A current map and list of all landowners within 150 feet of the boundaries of the property, produced by the County's GIS Department or a title company.
 - vi. If 50 or more beds are proposed, a transportation impact analysis prepared by a licensed professional engineer.
 - vii. A request for variance, if any, from one or more required development standard(s), security, or other conditions imposed.
- B. Application Completeness and Sufficiency
- Upon receipt of an application for a workforce housing facility conditional use permit, the Administrator shall determine whether the application contains all of the items required for review, with enough clarity and detail to allow the Administrator to determine compliance with these regulations. The Administrator shall notify the applicant in writing of any deficiencies in the application and allow the applicant to supplement or revise the application materials.
- C. Administrator Review
- i. The Administrator shall review the proposed workforce housing facility application for compliance with these regulations. In reviewing the application, the Administrator may seek input from departments with jurisdiction over the services to be provided to or by the applicant, including but not limited to law enforcement, fire, parks, sewer and water, roads, solid waste, and other departments, agencies, or service providers.
 - ii. The Administrator may schedule and hold a public hearing to receive public input on a proposed workforce housing facility. The Administrator shall provide notice of any public hearing.
- D. Administrator Decision
- i. The Administrator may issue a conditional use permit for a workforce housing facility upon a finding that all of the following evaluation criteria are met:
 - a. The application and supplementary materials, as submitted or conditioned, comply with the applicable development standards of these regulations and sufficiently mitigate the anticipated impacts on public health, safety, and general welfare;

- b. Adequate facilities and services are available to serve the workforce housing facility;
 - c. The workforce housing facility is in substantial compliance with the County's Growth Policy;
 - d. The appearance of the workforce housing facility, in terms of the arrangement, height, scale, and design of the structures, location of parking areas, landscaping and other features, is compatible with the character of the area.
- ii. If the Administrator finds the application, as submitted or conditioned, fails to comply with any one of evaluation criteria set forth herein, s/he shall deny the conditional use permit.
 - iii. Within fifteen (15) days of the Administrator's decision, written notice of the decision shall be mailed to the applicant at the address shown upon the application. The decision of the Administrator may be appealed in accordance with subsection (F) of this ordinance. For the purpose of appeal, the decision shall be considered to be filed on the day it is postmarked.

E. Variance Process and Review Criteria

- i. Any variance requests submitted with an application for a workforce housing facility shall be decided by the Board of Adjustment prior to the Administrator's decision on the conditional use permit.

NOTE: The governing body may choose to adopt an additional fee for any review of a variance request.

- ii. The Board of Adjustment shall not approve a variance unless it finds that all of the following criteria have been met:
 - a. The hardship is due to the size, physical surroundings, shape, or topographical conditions of the property;
 - b. The hardship is peculiar to the property;
 - c. The hardship was not created by the applicant;
 - d. The hardship is not purely financial;
 - e. The variance requested is the minimum variance necessary to alleviate the hardship.
 - f. Granting the variance will not be detrimental to the public health, safety, or general welfare;
 - g. Granting the variance will not cause a substantial increase in public inconvenience or costs;
 - h. Granting the variance will not have the effect of nullifying the intent and purpose of these regulations;
 - i. Granting the variance will not adversely affect neighboring properties or the public; and

- j. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.
- iii. The applicant has the burden of proving that all of the criteria for obtaining a variance have been met.

F. Appeal

- i. Any person aggrieved or any officer, department, board, or bureau of the County affected by a decision of the Administrator on an application for a workforce housing facility conditional use permit, including development standards, security, or other conditions imposed, may appeal that decision to the Board of Adjustment within a reasonable period of time or as provided by the rules of the Board, and in accordance with the procedures set forth in Section 76-2-226, MCA.
- ii. Any person aggrieved by a decision of the Board of Adjustment, or any taxpayer, officer, department, board, or bureau of the County may petition the district court within 30 days of the Board's decision, in accordance with the procedures set forth in Section 76-2-227, MCA.

G. Certificate of Compliance

No workforce housing facility unit may be used or occupied until the Administrator has issued a Certificate of Compliance. The applicant may apply for and receive a Certificate of Compliance from the Administrator upon meeting the following conditions:

- i. all conditions of approval have been met;
- ii. all infrastructure has been appropriately installed and certified;
- iii. the required restoration security is in place;
- iv. a professional engineer licensed in the State of Montana has signed a Certificate of Improvements, certifying that all required improvements have been installed to required specifications; and
- v. a final maintenance and management plan has been submitted to the Administrator and placed on-site as specified therein.

7. Enforcement and Penalties

- A. Any building, structure, or land erected, constructed, reconstructed, altered, repaired, converted, maintained, or used contrary to the provisions of these regulations shall be, and the same is hereby declared to be, unlawful.
- B. Upon learning of any violation of a conditional use permit issued hereunder, the Administrator shall notify the on-site manager and applicant of the violation by certified mail and/or posting on the site.
 - i. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within 30 days.

- ii. The notice may include a “stop work order” that requires all non-corrective development to cease, states the specific development to be stopped, the specific reasons for the ordered stoppage, and the conditions under which development may resume. While a “stop work order” is in effect or until a violation is corrected, no permits or development approvals shall be granted for the property.
- C. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the Administrator to show that compliance has been attained or appeal the Administrator’s notice of violation to the Board of Adjustment.
- D. If, after the 30 days for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the Administrator shall request the County Attorney begin legal action against the landowner and any responsible party.
- E. Upon request by the Administrator, the County Attorney may immediately commence actions and proceedings for the abatement, removal, and enjoinder thereof in the manner provided by law; and shall take such other steps and shall apply to any court as may have jurisdiction to grant such reliefs as will abate or remove such building, structure, or use and restrain and enjoin any person, firm or corporations from erecting or maintaining such building or structure or using any property contrary to the provisions of this title.
- F. This enforcement process may be accelerated where the Administrator finds that public health and safety are endangered by a violation hereof.
- G. Penalties
 - i. A violation of these regulations is a misdemeanor punishment by a fine not exceeding \$500, or imprisonment in jail not exceeding six months, or both.
 - ii. The violation of any one provision herein is considered a separate violation, and each day in violation thereof shall constitute a separate, additional violation.
 - iii. In addition to the penalties set forth herein above, any person who violates these regulations may be required by court order to abate or remove any building, structure, or use in violation of these regulations or otherwise restore the property to its pre-existing condition.