

ARTICLE 29

ENFORCEMENT, VIOLATION AND PENALTY

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SECTION 29-1 ENFORCEMENT

29-101. It shall be the duty of the zoning administrator to enforce these regulations. Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals as provided in Article 25.

SECTION 29-2 INTERPRETATION AND CONFLICT

29-201. 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 29-3 VALIDITY

29-301. 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 29-4 REPEAL OF EXISTING REGULATIONS AND ACCRUED

RIGHTS AND LIABILITIES

29-401. The adoption of these regulations repeals the existing zoning regulations of the City of Emporia, Kansas and the Metropolitan Planning Area.

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29-402. 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 29-5 PENALTIES

29-501. Any violation of any provision of these zoning regulations shall be deemed to be a misdemeanor and punishable by a fine of not to exceed \$500 for City violations and \$200 for County violations. Each day's violation shall constitute a separate offense.

29-502. The Governing Body or any person, the value or use of whose property is or may be affected by a violation of these regulations, 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.

29-503. 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 Governing Body, 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 29-6 EFFECTIVE DATE

29-601. These zoning regulations as adopted by the Governing Body shall become and are in full force following passage and publication in accordance with state law.