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Town of Lee Little but Proud

ARTICLE FIFTEEN. ENFORCEMENT AND REVIEW

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SECTION 15.1 COMPLAINTS REGARDING VIOLATIONS. Whenever the Land Development Regulation Administrator receives a written, signed complaint alleging a violation of these land development regulations, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

SECTION 15.2. PERSONS LIABLE. 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 contrary to the requirements of these land development regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

SECTION 15.3. PROCEDURES UPON DISCOVERY OF VIOLATIONS.

1. If the Land Development Regulation Administrator finds that any provisions of these land development regulations are being violated, he or she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Land Development Administrator's discretion.
2. The final written notice (the initial written notice may be the final notice) shall state what action the Land Development Administrator intends to take if the violation is not corrected and shall advise that the Land Development Regulation Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section Article 12.
3. Notwithstanding the foregoing, in cases when delay would pose a danger to the public health, safety, or welfare, the Land Development Regulation Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Article.

SECTION 15.4. PENALTIES AND REMEDIES FOR VIOLATIONS.

1. Violations of the provisions of these land development regulations or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional-use permits, shall constitute a misdemeanor of the second degree, punishable as provided in Chapter 775, Florida Statutes, as amended. Any person, firm or corporation who violates these land development regulations, or fails to comply with any of its

requirements, shall upon conviction of a misdemeanor of the second degree be fined or imprisoned, or

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both, as provided for in Chapter 125-69, Florida Statutes, as amended and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be a separate offense.

2. Any act constituting a violation of the provisions of these land development regulations or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special-use permits, shall also subject the offender to the penalties provided above. If the offender fails to pay this penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with this Article and did not take an appeal to the Board of Adjustment within the prescribed time.
3. Each day that any violation continues after notification by the Land Development Regulation Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Article.
4. Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce these land development regulations.

SECTION 15.5 JUDICIAL REVIEW.

1. Every decision of the Town Council and every final decision of the Board of Adjustment shall be subject to review by the Circuit Court of the County by proceedings in the nature of certiorari, which shall be governed by the Florida Appellate Rules, or of a trial de novo, which shall be governed by the Florida Rules of Civil Procedures. The election of remedies shall lie with the appellant.
2. The petition for the writ of certiorari or trial de novo, must be filed with the County Clerk of the Circuit Court within thirty (50) days after a decision has been made.

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