

ARTICLE 12
ADMINISTRATIVE AND LEGAL STATUS PROVISIONS

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Section 1201. Administration and Interpretation.

The Administrative Officer shall administer and interpret the provisions of this Ordinance.

Section 1202. Additional Specifications.

The Appropriate City Department Head is hereby authorized to prepare and adopt standard drawings and constructions specifications for private and public improvements not specified in this Ordinance. Upon their adoption by the Appropriate City Department Head, they shall become mandatory.

Section 1203. Variances.

The Governing Body shall be authorized to, upon application by the subdivider or land developer, grant a variance or variances upon a showing that each of the following criteria have been met which support the granting of a variance to the requirements of this Ordinance. The process of varying this Article is distinguished from variances to zoning provisions as authorized by the City Zoning Ordinance.

- (a) There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- (b) As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulties that render it difficult to carry out the provisions of this Ordinance.
- (c) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this Ordinance.
- (d) The variance approved is the minimum variance that will make possible the legal use of the lots, land, building or structure.

Section 1204. Appeal.

Any person aggrieved by an interpretation or decision of the Administrative Official or the Appropriate City Department Head in the administration or enforcement of this ordinance may file an appeal to the Governing Body.

Section 1205. Enforcement, Violations and Penalties.

It shall be the duty of the Administrative Officer to enforce this Ordinance and to bring to the attention of the City Attorney any violations or lack of compliance therewith. The Administrative Officer may delegate enforcement functions, powers and duties assigned by this Ordinance to other staff as may be appropriate, without the need to reflect such delegation by formal action.

The Administrative Officer is hereby authorized and directed to deny and withhold permits or permissions on any new project or application pursuant to this Ordinance or other Ordinances of the City where the applicant, applicant's business or agent has failed or refused to comply with this Ordinance.

The Administrative Officer is hereby authorized to issue written "stop work" and "cease and desist" orders for any activity that fails to comply with the provisions of this Ordinance. Such stop work or cease and desist orders may be lifted at such time as the Administrative Officer is satisfied that a good faith effort is being made to comply with applicable provisions of this Ordinance. Nothing shall prevent the Administrative Officer from re-issuing stop work and cease and desist orders where warranted.

In any case where any land is, or is proposed to be, used in violation of this Ordinance, the Administrative Officer with the assistance of the City Attorney as may be required, may, in addition to other remedies provided by law, institute injunction, abatement, or any appropriate action of actions, or proceeding to prevent, enjoin or abate such unlawful use.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by fine not to exceed \$1,000.00, or by imprisonment in the City Jail for not more than 60 days, or both, as determined by the court of proper jurisdiction.

Section 1206. Amendment.

This ordinance may be amended. Before enacting such amendment, the Governing Body shall hold a public hearing thereon, notice of which shall be published at least 15 days prior to such hearing in a newspaper of general circulation in the City.

Section 1207. Severability.

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such adjudication shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared to be invalid, each section, clause, and provision thereof being declared severable.

Section 1208. Repeal of Previous Ordinances.

The ordinance adopting the Bainbridge Subdivision Regulations, adopted November 4, 1996, is hereby repealed.

Section 1209. Effective Date.

This ordinance shall take effect and be in force from and after the adoption and enactment of this ordinance, the public health and welfare demanding it.

Attested

Mayor, City of Bainbridge