

Appendix A6

Compliance and Enforcement

A.6.1 COMPLIANCE

Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Department of Planning and Development. Failure to comply with the ordinance or an approved certificate shall be in violation of the City of Washington's Zoning Ordinance and is subject to the penalties for such violations according to established procedures. The penalties and remedies for enforcement of the Historic Preservation Guidelines are found in Article XV Special Districts Section 27-162 Historic District and Commission (y) Enforcement and Remedies in the Zoning Ordinance. In addition to equitable remedy, order of abatement, and civil penalty, citations may be issued to any person believed to be in violation of the Certificate of Appropriateness.

The Director of the Department of Planning and Development and, or his designee, is empowered to issue citations to any person, business, or corporation, or other legal entity if there is legal cause to believe that any of the above have violated any provisions of the zoning ordinance, to include beginning work without a Certificate of Appropriateness. The enforcement officer has the option to either issue a "warning" notice, a notice of violation, or pursue civil penalties.

(1) Warning Notice. A "warning" notice shall state the violation and give the violator thirty (30) days to remedy the violation. The Enforcement Officer shall have the authority to extend the period of the warning citation so long as there are documented, objective, or otherwise visible good faith efforts to comply with the warning notice. If there has not been compliance with the warning notice, then a Notice of Violation will be issued.

(2) Notice of Violation. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 27-231(a) of the City of Washington Zoning Ordinance. If after receiving a Notice of Violation under Section 27-231(a), the owner or other violator fails to take corrective action within the stated time period, a civil may be imposed under this Section in the form of a citation.

(3) Citation. Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty in the amount of \$50.00 per violation per day. For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty. The citation shall state the nature of the violation, shall state the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the citation.

(4) Appeal. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Department of Planning and Development to the Board of Adjustment within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment shall hear the appeal within sixty (60) days, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the decision of the Department of Planning and Development shall be final.