

## CHAPTER 34

### VIOLATIONS AND PENALTIES

#### 34.1 VIOLATIONS.

- (1) Any person, firm or corporation, or anyone acting in behalf thereof who shall violate or fail to comply with any of the provisions of this Ordinance by the erection, construction, enlargement, conversion, moving or maintenance of any building which is continued, operated or maintained, or land or water used in whole or in part, contrary to any of the provisions of this Ordinance is hereby declared to be in violation of this ordinance and a common nuisance and the owner of the structure, land or premises shall be liable for maintaining a common nuisance.
- (2) The Area Plan Commission or Board of Zoning Appeals may request the appropriate prosecuting authority for the Town of Chandler to take appropriate actions in any case involving the violation of this Ordinance, or of a regulation adopted pursuant to it.
- (3) In civil actions for the enforcement of this Ordinance or a part thereof, an attorney appointed by the Plan Commission may bring an action in the name of the Commission.

#### 34.2 INJUNCTION.

The Plan Commission, the Board of Zoning Appeals, or any designated official, may institute a suit for injunction, to restrain an individual or a governmental unit from violating the provisions of this act, or of an Ordinance enacted pursuant to its provisions. The Plan Commission, or the Board of Zoning Appeals, may also institute a suit for a mandatory injunction, directing an individual or a governmental unit to remove a structure, erected in violation of the provision of this Ordinance or of an Ordinance enacted pursuant to its provisions. If the Plan Commission or the Board of Zoning Appeals is successful in its suit, the respondent shall bear the cost of the action. A change of venue from the town shall not be granted in such a case.

#### 34.3 DAMAGES.

In an action or proceeding by the Town of Chandler for the taking, appropriation, or condemnation of land, or in an action against the Town of Chandler, or any other participating city or town no compensation or damages shall be awarded for the taking of or injury to any structure erected in violation of the provisions of this Ordinance.

#### 34.4 PENALTY.

Any person, firm or corporation, or anyone acting on behalf thereof who violates a provision of this Ordinance or regulation enacted under its authority, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00), for each day's violation.