

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 45, ZONING ORDINANCE, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE XXXV. ADMINISTRATION, ENFORCEMENT, VIOLATION, PENALTY AND REMEDY, SECTION 45-3501, GENERAL.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Newport News, Virginia:

That Chapter 45, Zoning Ordinance, of the Code of the City of Newport News, Virginia, Article XXXV. Administration, Enforcement, Violation, Penalty and Remedy, Section 45-3501, General, be, and the same hereby is, amended and reordained as follows:

**CHAPTER 45**

**ZONING ORDINANCE**

**ARTICLE XXXV. ADMINISTRATION, ENFORCEMENT, VIOLATION,  
PENALTY AND REMEDY**

**Sec. 45-3501. General.**

- (a) A zoning administrator shall be appointed by the director of ~~codes compliance planning~~ to enforce this chapter by receiving applications, issuing permits and certificates where applicable, as required by this chapter, and by making inspections to insure compliance with this chapter. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter, and bringing a legal action to insure compliance with this chapter, including injunction, abatement, or other appropriate action or proceeding.
- (b) The zoning administrator may revoke any permit issued under the provisions of this chapter for reasons of misrepresentation or false statement as to a material and relevant fact as to the plans or the premises upon which a permit was based.
- (c) Any violation of this chapter shall be a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand five hundred dollars (\$1,500.00); any such failure during any succeeding ten-

day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not more than two thousand dollars (\$2,000.00).

- (d) Any person who, having been served with an order by the zoning administrator to abate or remedy a violation of this chapter, shall fail to comply with such order within ten (10) days after such service or shall continue to violate this chapter in the respect named in such order shall be subject to a civil penalty of not more than one hundred dollars (\$100.00) for the initial summons and not more than one hundred fifty dollars (\$150.00) for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any ten-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of three thousand dollars (\$3,000.00). Utilization of the civil penalty provided by this subsection shall preclude criminal sanctions for the same offense.
  
- (e) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, in addition to other remedies, the zoning administrator may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation to prevent the occupancy of the buildings, structure or land or to prevent any illegal act, conduct, business or use in or about the premises.