

RESOLUTION 2020-__

A RESOLUTION APPROVING AND READOPTING BY REFERENCE THE ZONING REGULATIONS OF HARPER COUNTY, KANSAS, AS ORIGINALLY ADOPTED BY RESOLUTION NO. 2019-13, AND REPEALING PRIOR RESOLUTIONS.

Section 1. ADOPTION: That Zoning Regulations are hereby approved and readopted pursuant to K.S.A., 12-741, et seq., as amended, and 12-756, which govern the zoning of land in the unincorporated area of Harper County, Kansas.

Section 2. OFFICIAL MAP(S): That there are further herein incorporated by reference and readopted as Official Zoning Map(s) delineating the boundaries of zoning districts and the classification of such districts, which map(s) shall be marked "Official copy of zoning district maps incorporated into zoning regulations by adoption of Resolutions No. 2020- __ by the Governing Body of Harper County Kansas on the 27th day of July, 2020.

Section 3. PUBLIC HEARING: That such regulations were prepared in book form as model regulations for Harper County and were adopted by the Planning Board on July 21, 2020 following an advertised public hearing as required by Kansas law, and the same is hereby declared to be approved and incorporated by reference as fully as if set out herein pursuant to K.S.A. as amended, 12-3001 and 12-3003 through 12-3005.

Section 4. OFFICIAL COPIES: That not less than three copies of the Zoning Regulations in book form marked "Official Copy as Incorporated by Resolution No. 2020-__ and to which there shall be a published copy of this Resolution appended, shall be filed with the County Clerk to be open of inspection and available to the public at all reasonable business hours.

Section 5. VIOLATIONS: That pursuant to K.S.A. 12-761, as amended, any violations of this Resolution shall be enforced by the following penalties and remedies.

- A. Penalties. According to state statutes, any violations of these regulations shall be deemed to be a misdemeanor. The owner or agent of a building, structure or premises in or upon which a violation of any provision of these regulations has been committed or shall exist or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building, structure or premises in or upon which a violation has been committed or shall exist shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
- B. Remedies. In case any building or structure is erected, constructed, reconstructed, structurally altered, converted or maintained; or any building, structure or land is used or is proposed to be used in violation of these regulations, the appropriate authorities of Harper County, in addition to using other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or to correct or abate such violation, or to prevent the occupancy of such building, structure or land. In addition to the County, any person, the value or use of whose property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these regulations and to abate nuisances in violation thereof.
- C. Floodplain Remedies. Violation of the provisions of this resolution or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with granting of variances shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00, and in addition, shall pay all costs and

expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Board of County Commissioners or other appropriate authorities including the Attorney General and the Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 6. INVALIDITY OF A PART: That any provisions of this Resolution which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of said Resolution.

Section 7. REPEAL: That Resolution No. 2019-13 is hereby repealed and any other resolutions or parts of resolutions in conflict with this Resolution are hereby repealed.

Section 8. EFFECTIVE DATE: That this Resolution shall take effect on August 5, 2020 from and after its adoption and publication once in the official county newspaper.

Adopted by the Board of County Commissioners of Harper County, Kansas, on July 27th, 2020.

ATTEST:

Ruth A. Elliott, County Clerk

Carla Pence, Chairman

Lee Adams, Commissioner

Brian Waldschmidt, Commissioner