

ARTICLE VII
FEES, VARIANCES AND PENALTIES

Section 700. Hardship.

Where, owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, the planning Commission may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance or a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

Section 701. Conditions.

In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Section 702. Fees.

1. The owner shall reimburse the City or County for all reasonable engineering and legal expenses incurred by the county for services rendered by the County Engineer and the county's (or City's) Attorney pursuant to the provisions of this ordinance.
2. The owner shall pay the commission a Subdivision Review Fee in the amount of Twenty-five dollars (\$25.00) per final plan or section thereof plus five dollars (\$5.00) per lot in a subdivision or per dwelling unit in a multiple-family structure or per individual establishment in a commercial or industrial structure. This fee shall accompany the submission of the final plan for review.

Section 703. Enforcement and Penalties for Violations.

Enforcement

1. No plat or plan of a subdivision of land located within the jurisdiction of the Planning Commission shall be admitted to the records of county or received or recorded by the County Clerk until said plat has received final approval in writing by the Planning Commission as provided in the Kentucky Revised statutes, Chapter 100.277. Admission to the records shall not be construed as approval.
2. If any section, clause, paragraph, provision, or portion of these Regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision, or portion of these Regulations.

Penalties

1. Any person or entity who violates any of the provisions of KRS 100.201 through 100.347 and 100.991(2) or any of the regulations adopted pursuant hereunder for which no other penalty is provided, shall upon conviction be fined not less than ten but no more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.
2. If the Spencer County Road Department and/or Spencer County Engineer stop work, and/or it is deemed necessary to charge the Developer a liquidated damages fee of \$2000 per day until resolution is achieved, the Developer may appeal this decision to the Spencer District Court within thirty (30) days for any and all relief for which the Developer/Entity, may appear entitled to under the terms of this ordinance.

Section 704.

Conflict with other Laws.

Wherever the regulations made under authority of this article required higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article, shall govern. Whenever the provisions of any other statute or local ordinance or regulation impose other higher standards than are required by the regulations of this Ordinance the provision of such statute or local ordinance or regulation shall govern.

Section 705.

General Repealer.

All acts or parts of acts inconsistent with the provisions of this act are, to the extent of their inconsistency, repealed, except as provided in Section 704.