

ARTICLE SIX

SECTION 6.00 ADMINISTRATION AND ENFORCEMENT

6.01 Adoption, Administration and Enforcement

It is the intent of these rules and regulations that the public interest be protected by a thorough review of all proposed Large Scale Development Plans without undue delay to the developer. The primary responsibility for the adoption, amendment, interpretation, administration, review approval and enforcement of these regulations shall be as follows:

- 6.01.01 The Rogers Planning Commission shall be responsible for the planning requirements and proposed development activities contained in this Ordinance with assistance from the Planning Department.
- 6.01.02 The Director of Transportation and Planning shall be responsible for the inspection and acceptance of Large Scale Developments.
- 6.01.03 The Rogers Planning Commission shall be responsible for maintaining, amending, modifying and updating these regulations with assistance from the Planning Authority.

6.02 Appeal Procedures

The following appeal procedures have been established:

- 6.02.01 Planning Commission decisions;
 - 6.02.01a The developer or owner of any property adjacent to the proposed land development may appeal the decision of the Planning Commission to the City Council by filing such a notice of appeal with the City Clerk within ten (10) days from the date of such decision.
 - 6.02.01b The City Council shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Commission were in error. Following such hearings, the City Council may affirm, modify, or reverse any findings or decision of the Planning Commission or may refer the proposed development back to the Planning Commission for additional study. The City Council may

refuse to approve the proposed improvement for any of the reasons specified in this Ordinance.

6.02.02 Planning Authority decisions:

6.02.02a The developer, owner or contractor of any proposed land development may appeal the decision of the Planning Authority to the Planning Commission by filing such a Notice of Appeal with the Administrative Officer within ten (10) days from the date of such decision.

6.02.02b The Planning Commission shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Authority were in error. Following such hearings and review, the Planning Commission may affirm, modify or reverse any finding or decision of the Planning Authority.

6.02.03 The Planning Commission's decision may be appealed to the City Council by filing such a notice of appeal with the City Clerk within ten (10) days from the date of such decision.

6.03 Variations

The Planning Authority's office may authorize adjustments in the approved development plan, after approval, provided the adjustment conforms to the meaning and intent of the original approval. The same time limit set out in Article 2, Paragraph 2.04 above shall apply to all adjustments and changes in an approved plan.

6.04 Severability

If any section, paragraph, clause, phrase, or part of these regulations is for any reason invalid, such decision shall not affect the validity of the remaining provisions and the application of those provisions to any persons or circumstances shall not be affected thereby.

6.05 Amendment

These regulations may be amended by the affirmative vote of a majority of the full membership of the Planning Commission, following the same procedures used in the original adoption. The

Planning Commission may from time to time add to, delete or modify the information.

6.06 Legal Approval

Prior to its consideration by the Planning Commission, the proposed amendment may be referred to the legal counsel for review and recommendations.

6.07 Inspection

The Mayor, members of the City Council, members of the Planning Commission, Planning Authority, or any of their authorized representatives may at any time review the records or enter the development to review and inspect the improvements and work for compliance with these regulations.

6.08 Penalties

A violation of these regulations or failure to comply with the provisions herein specified shall subject the person, firm or corporation to the following penalties:

- 6.08.01 Violations: Violations shall be subject to a fine in the maximum amount of two hundred dollars (\$200.00) per day as long as the violations continue, prior to instigation of appeal.
- 6.08.02 Civil Action: The Planning Commission or any affected person may institute a civil suit to prevent or remove a violation of these regulations.
- 6.08.03 The Chairman of the Planning Commission shall instigate with the City Council any such suit within thirty (30) days of Planning Commission actions upon written notice by the Planning Authority of known violations.