

CHAPTER XII

ADMINISTRATION AND ENFORCEMENT

The Benton County Planning Board shall be charged with the responsibility for the interpretation and administration of this ordinance. Said Planning Board may adopt by-laws or internal rules and regulations as it deems fit in order to ensure an orderly and systematic interpretation and administration of this ordinance so as to serve the public health, safety, welfare, and general well-being of the citizens of Benton County.

SECTION 1 – AUTHORITY TO ASSESS FEES

In order to insure an orderly administration of this ordinance and to provide for adequate staffing, the Benton County Planning Board is hereby authorized to charge the following schedule of fees which may be from time to time reviewed and modified by the board, subsequently approved by the Benton County Quorum Court. The following schedule of fees is hereby authorized:

Tract Split	\$200.00
Lot Split	\$200.00
Replat	\$200.00
Commercial or Industrial Large Scale Development	\$300.00
Informal Plat Subdivision	\$250.00
Final Lot fees	\$25.00 per lot
Subdivision	\$500.00 filing fee for the preliminary plat. An additional \$50.00 for each lot shall be collected on approval of the final plat before said final plat may be filed.
Planned Unit Development	\$1,500.00 filing fee for the preliminary plat. An additional of \$50.00 per lot shall be collected on presentation of the final plat. Filing fee for revisions shall be \$500.00 .
Development Master Plan	\$1,500.00 filing fee together with a Fee of \$25.00 per lot.
Revisions	\$500.00 filing fee.

The County Planning Board reserves the right to retain engineers in appropriate circumstances and to assess the costs of outside engineers against the developer. Independent engineers may be retained for commercial or industrial large scale developments, subdivision, planned unit developments, development master plans, or any other projects involving significant drainage issues.

Public Hearing: For each request for a public hearing before the County Planning Board, the board may also require a fee adequate to cover all expenses, including the cost of advertising.

Inspection: The board may establish fees for inspection and/or investigation of subdivision or other land developments.

SECTION 2 – ENFORCEMENT

Official in Charge: The Planning Board Service Officer and/or duly appointed county officials shall have the authority to act administratively for the Benton County Planning Board.

Complaints Answered: Upon receiving a written, signed complaint, said official shall investigate and notify the complainant within thirty (30) days of recommended action.

Inspection: The Benton County Planning Board Service Officer, other designated officials, and/or members of the Benton County Planning Board shall have the right to enter any development for purposes of examination in order to enforce the letter and spirit of these ordinances.

SECTION 3 – PENALTIES

A violation of this regulation or failure to comply with the provisions herein or failure to obey a lawfully directed communication from county officials or the Planning Board shall subject the specified person, firm, corporation, limited liability company, partnership, entity, or other private or personal combination, without restriction, to the following penalties;

Misdemeanor: Violations shall be deemed to be a misdemeanor and shall be punishable by a fine in the maximum amount of \$1,000.00 or by imprisonment for not more than thirty (30) days or by both fine and imprisonment. A violation shall be deemed to occur upon each and every day in which the violation is allowed, directly or indirectly, to continue.

Special Prosecution: Violations of this ordinance shall be prosecuted by the duly elected prosecuting attorney of Benton County and his staff. This ordinance shall expressly authorize the appointment of masters and/or special prosecutors in appropriate

circumstances.

Civil Action: Nothing contained herein shall prohibit any citizen from filing civil suit to enforce any legal or equitable remedy or to pursue any cause of action which might exist in such citizen's favor.

SECTION 4 – COMPLETION OF CONSTRUCTION

The improvements required by the Planning Board shall be completed within two (2) years from and after the date of approval of the preliminary plat unless good cause is shown for granting an extension. Construction of improvements shall be inspected by the engineer at the developer's expense. "As built" plans of the improvements shall be filed with the Planning Board within sixty (60) days of completion. Certificate of completion will be made by the proper officials to the Benton County Planning Board for release of construction bond.

Evidence of completion of required improvements or satisfactory construction bond shall be submitted with the application for the final approval of the plat prior to filing for record.

Construction Bond: The construction bond shall be effective until approval of completion of the required improvement(s). If the enforcing officer determines that the requirements, standards, or specifications which apply to the construction, installation, or completion of said required improvements have not been met, the applicant must be notified by certified mail, return receipt requested, mailed to the name and address on the application for plat approval. The bond shall continue until certifying approval of completion has been accepted from the official having jurisdiction or fourteen (14) days after notification of completion, whichever is sooner.

SECTION 5 – AMENDMENT AND SEVERABILITY

This ordinance may be amended in accordance with state law. If any section of this ordinance is held to be invalid, for any reason, such decision shall not affect the validity of the remaining sections. Illustrations in this ordinance are subordinate to the text, and the figures and tables herein serve only to present the text in a summarized fashion.