

## **Section 139. Enforcement.**

*(Amended 2/3/93)*

- A. **Notice of violation.** Whenever a zoning violation is found to exist within the City or within the City's extraterritorial jurisdiction, the Zoning/Codes Administrator shall give written notice to the owner or occupant of the property upon which such violation exists or upon the person causing or maintaining the violation.
1. The notice to correct a violation issued under the provisions of this ordinance shall contain:
    - a. An order to correct the violation or to request a hearing within a stated time (not to exceed 10 days).
    - b. The location of the violation.
    - c. A description of what constitutes the violation.
    - d. A statement of acts necessary to correct the violation.
    - e. A statement that if the violation is not corrected as directed and no request for hearing is made within the prescribed time, a civil penalty will be levied.
  2. The notice to correct a violation shall be served by certified mail or personally delivered to the violator.
  3. The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is violative of the requirements of this ordinance may be held responsible for the violation and subject to the penalties and remedies herein provided.
- B. **Persons liable.**  
The owner, tenant, or occupant of any building or land or part thereof who participates or acts in concert, assists, directs, creates, or maintains any condition that is violative of the requirements of this ordinance may be held responsible for the violation and subject to the penalties and remedies herein provided.
- C. **Abatement by City.**  
Upon the failure of the nuisance abatement by the violator upon whom the notice to abate a nuisance was served pursuant to the provisions of this ordinance to abate the same, the Zoning/Codes Administrator may proceed to abate such nuisance and prepare a statement of costs incurred in the abatement thereof.
- D. **Payment of costs.**  
Upon completion of the abatement of any nuisance by the City under the provisions of this ordinance, the inspections division shall deliver to the city finance officer a statement including

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the costs of labor, hauling and other necessary items of expense for such abatement. The city finance officer shall thereupon mail to the violator a bill covering the costs. When the violator is the property owner, the amount of the bill shall become a lien upon said property and if not paid within thirty (30) days shall be collected in the same manner as provided for the collection of delinquent taxes. If the violator is not the property owner, the amount shall be recovered by the City in a civil action in the nature of debt.

### **E. Civil Penalties and Criminal Action.**

1. A violator who fails to correct a violation in the time specified shall be subject to a civil penalty of 50 dollars. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by certified mail return receipt request, or by personal service.
2. For each day the violation is not corrected, the violator will be guilty of a new and separate offense and subject to additional civil penalties.
3. If the violator fails to pay this penalty within ten days after being cited for violation, the penalty may be recovered by the City in a civil action in the nature of debt.
4. In addition to or in lieu of the penalty, the Zoning/Codes Administrator or other appropriate authority may seek a mandatory injunction seeking enforcement of this ordinance.
5. If the same violation occurs within a five-year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to an additional civil penalty as set forth in this section.

**Sections 140-141. Reserved**