

ARTICLE 15. ENFORCEMENT

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PART A. GENERAL PROVISIONS

Section 1. Authority

The Director of Planning and Development or his authorized representatives are hereby designated to enforce this Ordinance.

Section 2. Complaints Regarding Violations

Whenever the Director of Planning and Development receives a complaint alleging a violation of this Ordinance, he shall investigate the complaint and shall take whatever action is warranted in accordance with this Article 15.

Section 3. Persons Liable

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation, suffer the penalties, and be subject to the remedies herein provided.

Section 4. Right of Entry

The Director of Planning and Development or his authorized representatives pursuant to this Article 15, may inspect all buildings, structures and premises located within the jurisdiction of this Ordinance to determine their compliance with the provisions of this Ordinance. Such inspections shall be made between the hours of 8:00 AM and 8:00 PM on any day except Sunday. All inspections shall be subject to the following standards and conditions.

- A. An inspection may take place only if a complaint has been received by the Director of Planning and Development pursuant to this Article 15, and such complaint, in the opinion of the Director of Planning and Development provides reasonable grounds for the belief that a violation exists, or such inspection is undertaken as part of a regular inspection program whereby certain areas of the City are being inspected in their entirety by the direction of the Director of Planning and Development.
- B. The Director of Planning and Development or his authorized representative shall furnish to the owner, tenant, or occupant of the building, structure, or premises sought to be inspected, sufficient identification and information to enable the owner, tenant, or occupant to determine the purpose of the inspection, and that the person is a representative of the City.
- C. The Director of Planning and Development or his authorized representative may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any premises if the owner, tenant, or occupant shall refuse to grant entry.

Section 5. Procedures Upon Discovery of Violations

- A.** If the Director of Planning and Development finds that any provision of this Ordinance is being violated, he shall provide written notice to the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The notice shall also state what action is available to the Director of Planning and Development and that an appeal of his decision may be taken. Additional written notices may be provided at the Director of Planning and Development's discretion.
- B.** Notwithstanding the foregoing, in cases where delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Director of Planning and Development may seek enforcement without prior written notice by invoking any penalties or remedies authorized in this Article 15.

Section 6. Penalties and Remedies for Violations

Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional uses, or planned developments shall constitute a common nuisance. Any person convicted of violating this Ordinance may either be fined, in accordance with Appendix A, Fee Schedule, or may be imprisoned for not more than thirty (30) days, or both. In addition, any person convicted of violating this Ordinance shall be expected to pay all costs and expenses related to adjudicating the offense.

Section 7. Separate Offense

Each day a violation of this Ordinance continues after receipt of a notice of violation pursuant to this Article 15 shall be considered a separate offense.

Section 8. Revocation of Development Approvals

An improvement location permit, certificate of occupancy, building permit, or any other development approval may be revoked by the Director of Planning and Development in accordance with this Article 15 if the recipient of the approval fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed in connection with the issuance of the approval. Before a development approval can be revoked, the Director of Planning and Development shall undertake the following procedures:

A. Notice and Opportunity to Comment

The Director of Planning and Development shall cause a written notice of intent to revoke the development approval to be delivered to the recipient of the approval at least ten (10) working days prior to the date of the proposed revocation. The notice of intent to revoke the approval shall inform the recipient of the alleged reasons for the revocation and of his right to obtain a hearing on the allegations. The notice shall also inform the approval holder of the alleged grounds for the revocation.

B. Hearing

If the development approval holder desires a hearing, the Director of Planning and Development shall set a date for a public hearing.

C. The Director of Planning and Development Decision

After the expiration of the ten (10) working day notice and comment period, or within ten (10) working days of the close of the public hearing, the Director of Planning and Development shall, by written order, render his decision on the proposed revocation. The written order shall contain a statement of the specific reasons and findings of fact that support his decision.

D. Notification of Decision

The Director of Planning and Development shall send his decision within five (5) working days to the approval holder and any other person(s) previously requesting notification.

E. Evidence

The burden of presenting sufficient evidence to the Director of Planning and Development to conclude a development approval should be revoked for any of the reasons set forth in this Article 15 shall be upon the party proposing the revocation.

F. Result of Revocation

No person may continue to make use of land or buildings in the manner authorized by any development approval after the approval has been revoked in accordance with the provisions of this Article 15.

G. Records

A record of all written notices of the intent to revoke a development approval shall be kept on file in the office of the Director of Planning and Development. At least once a year, the Director of Planning and Development shall make public a listing of his decisions, by address, regarding the written notices of the intent to revoke a development approval.

Section 9. Appeals

A decision of the Director of Planning and Development or his authorized representatives may be appealed to the Board of Zoning Appeals pursuant to Section 2, Part D of Article 4.

Section 10. Private Remedies Reserved

Nothing in this Article 15 shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Ordinance from bringing an appropriate action to secure relief.

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