

Article 19 – Enforcement

25.19.01 – Responsible Persons

The owner, developer, tenant, and/or occupant of a property are jointly and severally responsible for ensuring compliance with all applicable provisions of this Chapter, including but not limited to the following requirements:

1. Structures must be erected, moved, altered, and enlarged in accordance with the development requirements of the zone in which the structure is located;
2. Land and structures must be used, designed, and arranged solely for uses listed in this Chapter as permitted in the zone in which such structure or land is located; and
3. All applicable zoning approvals for the erection, alteration, and use of a structure must be issued pursuant to the provisions of this Chapter, before such structure is erected or altered or the use is activated.

25.19.02 – Enforcement Authority

- a. The City Manager or designee, is responsible for the enforcement of the provisions of this Chapter.
- b. The City Manager or designee, is authorized to make such inspections as are reasonable and necessary to determine satisfactory compliance with this Chapter.

25.19.03 – Violations

- a. *Violations Generally* – A violation of this Chapter will occur upon the failure to comply with:
 1. Any provision of this Chapter; or
 2. The terms of any conditions of any permit or authorization granted pursuant to this Chapter.
- b. *Municipal Infraction* – A violation of this Chapter constitutes a municipal infraction for which a citation may be issued.
- c. *Separate Violations* – Each day a violation continues constitutes a separate and distinct violation for which separate enforcement action may be taken.
- d. *Enforcement Actions* – When there is reason to believe that a violation of this Chapter has occurred the City Manager or designee, may pursue one (1) or more of the remedies set forth in this Article 19, subject to the notice provisions set forth in Section 25.19.04.

25.19.04 – Notice of Violation

- a. Where deemed appropriate, the City Manager or designee may issue a Notice of Violation in accordance with this Section, 25.19.04, prior to pursuing any additional remedies for violations of this Chapter.

- b. If the City Manager or designee has reason to believe that a violation of this Chapter has occurred, notice shall be given to the owner of, and other persons responsible for the property to which the suspected violation pertains in writing by first class mail and either personal delivery or posting of the property in a manner reasonably calculated to inform the responsible person of the alleged violations.
- c. The Notice of Violation must contain the following information:
 - 1. The nature of the violation;
 - 2. The location of the property where the zoning violation is occurring or to which the violation pertains;
 - 3. The specific relief sought;
 - 4. The name and telephone number of the department to contact for additional information;
 - 5. An order that the violation be abated within a specified time frame; and
 - 6. The manner in which the responsible person may dispute the existence of a violation.
- d. Upon a showing of good cause, the City Manager or designee may grant additional time in which to abate the violation. The City Manager or designee must establish procedures for the requesting and granting of additional time.
- e. If the violation is not abated within the time provided in the notice, the City Manager or designee may pursue any of those remedies authorized by this Chapter or this Code.

25.19.05 – Municipal Infraction Citation

The City Manager or designee may issue a municipal infraction citation for each violation and impose the applicable fines pursuant to Section 1-9 of the City Code, Violations and Penalty – Municipal Infractions.

25.19.06 – Stop Work Order

- a. When the condition or activity on a property is believed to be in violation of this Chapter, the City Manager or designee a written order may be issued requiring some or all development activity on the property to stop until specified corrective measures are taken to bring the property into compliance with the requirements of this Chapter.
- b. A stop work order must include:
 - 1. The nature of the violation;
 - 2. The actions necessary to correct or abate the violation, or the conditions under which work may be resumed;
 - 3. The name and telephone number of the department to contact for additional information; and
 - 4. The manner in which the existence of a violation may be disputed.

- c. The stop work order must be served upon:
 - 1. The site supervisor of the property on which work is being performed by:
 - (a) Personal delivery; or
 - (b) Posting the property in a manner reasonably calculated to give notice to the person responsible for the property and persons working on the property; and
 - 2. The responsible person(s) for the property in the same manner as a Notice of Violation is served pursuant to Section 25.19.04.b and c.
- d. Upon service of a stop work order, the activity cited must cease immediately.
- e. Any person who performs, or allows the performance of, an activity on the property in violation of a stop work order is guilty of a separate and distinct violation of this Chapter for which a municipal infraction violation may be issued.

25.19.07 – Suspension and Revocation of Zoning Approvals

- a. Upon a determination that a responsible person for the property has failed to abate a violation or has violated a stop work order, written notice may be sent directing the responsible party to appear before the applicable Approving Authority and show cause as to why the zoning approval or approvals for the property to which the violation pertains should not be suspended or revoked.
- b. The show cause order and notice of the show cause hearing must be served upon the responsible persons in the same manner as a Notice of Violation is served pursuant to Section 25.19.04.b and c. Notice of the show cause hearing must also be given in accordance with the provisions of Section 25.05.03.c.
- c. A decision must be rendered by the Approving Authority in the same manner that it renders other decisions. An aggrieved party may appeal such decision in the same manner as other decisions of the Approving Authority are appealed.
- d. If a zoning approval is revoked pursuant to this Section, 25.19.07, any structure, improvement, or use of the property constructed or implemented pursuant to the revoked zoning approval is not entitled to the benefit of any provision of Article 8, “Nonconformities”.

25.19.08 – Withholding Other Zoning Approvals

When a court of law has found a property to be in violation of any provision of this chapter or a fine imposed by a municipal infraction citation has been paid, the Approving Authority may defer action on any pending application for a zoning approval related to the same property or development project to which the court decision pertains until the violation is abated or corrected.

25.19.09 – Additional Remedies

In addition to any other enforcement actions, the City at any time has the right to seek injunctive relief or any other appropriate legal or equitable remedy to prevent, enjoin, abate, or remove a violation of this Chapter.

25.19.10 – Remedies Cumulative, Not Alternative

- a. The remedies available to the City under this Article are cumulative and not alternative. The decision to pursue one (1) remedy does not preclude the pursuit of any other remedy.
- b. The remedies available to the City under this Article are not exclusive. The City may pursue additional remedies as needed.
- c. The imposition of any remedy pursuant to this Article does not preclude any aggrieved party from exercising any legal remedy otherwise available to such party.