



Section 2701—Purpose:

The purpose of this Chapter is to establish the remedies, penalties, and procedures for violations of the City's Land Use Ordinances, including this Ordinance, and to provide for enforcement.

- 1) The City, or any adversely affected owner of real estate within the City, in which violations of this Ordinance occur or are about to occur may, in addition to other remedies provided by law, institute:
 - a) Injunctions, Mandamus, Abatement, or any other appropriate actions; or
 - b) Proceedings to prevent, enjoin, abate, or remove the unlawful building, use, or act.
- 2) The City need only establish the violation to obtain the injunction.

Section 2702—Violations and Building Permits:

- 1) The City may enforce the ordinance by withholding building permits.
- 2) It is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City without approval of the necessary license or permit, and the issuance of a valid building permit, as applicable.
- 3) The City shall not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform and comply with all ordinances, requirements and regulations, as adopted by the City.

Section 2703—Types of Violations:

- 1) It shall be unlawful for any person to violate any provision of this Ordinance, cause the violation of any provision of this Ordinance, or fail or refuse to do some act required under this Ordinance, including:
 - a) To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without required approvals, permits, and licenses, as required by this Ordinance, or other City Ordinances.
 - b) To engage in any development, use, construction, remodeling, or other activity that is contrary to the terms and conditions of any approval, permit, or license, as required by this Ordinance, or other City Ordinance.
 - c) To violate, by act or omission, any lawful requirement or condition imposed by the Commission, BOA, Council, Development Services Director, or other official of the City, as applicable, upon a required approval, permit or license.
 - d) To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this Ordinance.
 - e) To reduce or diminish any lot or parcel area so that setbacks or open spaces shall be smaller than prescribed by this Ordinance or applicable site plan or subdivision plat.
 - f) To increase the density or intensity of use of any land or structure, except in accordance with the requirements of this Ordinance.

- g) To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance.

Section 2704—Continuing Violation:

Each day a violation of this Ordinance occurs, it shall constitute a separate offense hereunder.

Section 2705—Enforcement:

This Ordinance shall be enforced by the City by any appropriate means authorized by this Chapter, including the withholding of building permits and necessary approvals, permits, and licenses.

The City Manager, Development Services Director, City Engineer, City Attorney, Zoning Administrator, and Building Official are hereby identified as the enforcement officers of this Ordinance and shall be responsible for enforcing all provisions and requirements of this Ordinance and initiating proceedings to ensure compliance, as allowed and authorized by State laws. The City shall have such other remedies as are and as may be from time to time provided by Utah law or City ordinance for the violation of any provision of this Ordinance.

- 1) Inspection of Buildings, Structures, and Land Uses. The enforcement officers, as identified herein, are authorized to inspect buildings and structures in the course of construction, modification, or repair and to inspect land uses to determine compliance with the provisions of this Ordinance.
- 2) Right of Entry. The enforcement officers, as identified herein, shall have the right to enter any building or property for determining compliance with the provisions of this Ordinance. Such right of entry shall be exercised only at a reasonable hour. In no case shall entry be made to any building in the absence of the owner or tenant thereof without consent of the owner or tenant, or a written order of a court of competent jurisdiction.
- 3) Violation. The enforcement officers, as identified herein, shall investigate any purported violation of this Ordinance.
- 4) Interference with Enforcement Personnel. It shall be unlawful for any person to interfere with lawful enforcement activities.

Section 2706—Enforcement Procedures:

- 1) Notice. In the case of violations not involving continuing construction or development, or any emergency, the Zoning Administrator shall give written notice of the nature of the violation to the owner of the land and to any person who is a party to any valid approval, permit, or license. The persons receiving such notice shall have ten (10) days to correct the violation or work out a remediation schedule before further enforcement action.
- 2) Immediate Enforcement. In the case of a violation involving either continuing construction or development, or an emergency, as reasonably determined by the enforcement officers, such officers may use the enforcement powers and remedies available to the City, under this Chapter without prior notice. In such case, the Zoning Administrator shall send the notice of the violation to the owner of the land and to any person who is a party to any valid approval, permit, or license.

Section 2707—Legal Nonconformity an Affirmative Defense:

It shall be an affirmative defense to the enforcement of this Ordinance that the violation being enforced exists as a legal nonconformity of this Ordinance.

Section 2708—Revocation of Approvals, Permits, and Licenses:

The land use authority may revoke an approved application, permit, or license if it is determined that the application, permit, or license was based on inaccurate, misleading, or incomplete information provided by the applicant.

Section 2709—Stop Work:

In accordance with its power to stop work under the building codes, as adopted by the City, the Building Official may issue a stop work order, with or without revoking permits, on any building or structure on land where there exists an uncorrected violation of a provision of the Building Codes.

Section 2710—Penalties for Violations:

A violation of any of the provisions of this Ordinance is punishable as a Class C misdemeanor upon conviction either:

- 1) As a Class C misdemeanor; or
- 2) By imposing the appropriate civil penalty.

Section 2711—Civil Penalties:

The City Council hereby establishes civil penalties for violations of any of the provisions of this Ordinance as follows:

- 1) Twenty-five dollars (\$25.00) per day for the first violation.
- 2) Fifty dollars (\$50.00) per day for the second and further violations.
- 3) Each day a violation occurs shall be considered a separate violation.

Section 2711—Appeal:

Any person aggrieved by an action of the enforcement officers, as identified by Chapter 27 herein, may file an appeal with the Commission.