

CHAPTER 920 ENFORCEMENT

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920.010 Purpose

This article establishes procedures through which the City seeks to ensure compliance with the provisions of this ordinance and obtain corrections for ordinance violations. It also sets forth the remedies and penalties that apply to violations of this ordinance. The provisions of this chapter are intended to encourage the voluntary correction of violations whenever possible.

920.020 Compliance Required

A. In General

Compliance with all the procedures, standards, and other provisions of this ordinance shall be required by all persons owning, developing, managing, using, or occupying land or structures in the City.

B. Approvals Required

All persons shall obtain all necessary building permits and/or development approvals required by this ordinance prior to development.

920.030 Violations

A. Failure to Comply with This Ordinance or Term or Any Condition of Approval Constitutes a Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this ordinance, or the terms or conditions of any permit or other development approval or authorization granted in accordance with this ordinance shall constitute a violation of this ordinance. Examples of violations include but shall not be limited to the following:

1. Develop land without first obtaining all appropriate permits or development approvals, and complying with all applicable terms and conditions.
2. Occupy or use land or a structure without first obtaining all appropriate permits or development approvals, and complying with all applicable terms and conditions.
3. Engage in any development or other activity of any nature in any way inconsistent with a permit or development approval, or other form of authorization granted for such activity by the City.
4. Violate, by act or omission, any term, condition, or qualification placed by the City upon a required permit, certificate or other form of authorization granted by the City to allow the development or other activity upon land.
5. To alter, maintain, or use any building or structure or to use any land in violation of any provision of this Ordinance.
6. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.

7. Create, expand, replace, or change any nonconformity, except in accordance with this Ordinance.
8. Reduce or diminish the requirements of use, development, or dimensional standards below the minimum required by this Ordinance.
9. Through any act or omission, fail to comply with any other provisions, procedures, or standards, as required by this Ordinance.
10. To continue any of the above-stated violations.

B. Development Shall Adhere to Approved Plans

Permits or development approvals issued by a decision-making body or staff authorize only the use, density or intensity, location, design, and/or development set forth on the plans reviewed in issuing such permits or development approvals. Development that differs from that which was approved by a decision-making body in a permit or development approval is a violation of this ordinance.

920.040 Responsible Persons

The owner, tenant, or occupant of any land or structure, or an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this ordinance may be held responsible for the violation and subject to the remedies and penalties set forth in this chapter.

920.050 Enforcement Generally

A. Responsibility for Enforcement

The Community Development Department shall be responsible for enforcing the provisions of this ordinance.

B. General Inspections

1. Any member of the Community Development Department may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance provided permission has been granted by one of the following:
 - a. An owner of the property in question;
 - b. A licensee of the business being inspected;
 - c. A resident of a dwelling on the property being inspected; or
 - d. Any other person in control of the premises.
2. If the owner, licensee, resident, or other person in control of a premise's objects to the inspection of or entrance to the property, the Community Development Department may petition a court of competent jurisdiction for a search warrant to authorize entrance to the property. Such a warrant shall only be used to determine whether the provisions of this ordinance are being complied with and to enforce this ordinance. No warrant shall be issued unless there is probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.
3. Every owner, licensee, resident, or other person in control of a premises within the City shall permit at reasonable times inspections of or entrance to the property by the Community Development Department to determine whether the provisions of this ordinance are being complied with and to enforce this ordinance. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses or City service to the property. Mailed notice shall be given to the owner, licensee, resident or other person in control of the

property, stating the grounds for the termination, the scheduled date of termination, and the right to appeal in accordance with Application Review Procedures, Summary of Decision-Making and Review Bodies.

4. Nothing in this section shall be construed to limit the authority of the City to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety and welfare.

C. Complaints Regarding Violations

Any person may notify the Community Development Department of a suspected violation of this ordinance. In registering a complaint, the complaining party shall state fully the cause and/or basis of the alleged violation. The identity of individuals registering complaints shall remain confidential as required by MN State Statute Section 13.44.

D. Investigation of Complaints

Upon learning there is a potential violation of this ordinance, a member of the Community Development Department may conduct a general inspection to determine whether a violation of this ordinance exists.

E. Notice of Violations

1. On finding that a violation of this Ordinance exists, the Community Development Department shall provide written notification of the violation to the owner of the property on which the violation exists and the person causing or maintaining the violation. The notification shall be delivered by certified mail with a return receipt requested or by personal service. The notice of violation shall:
 - a. Describe the location and nature of the violation;
 - b. State the actions necessary to abate the violation;
 - c. Order that the violation be corrected within a specified reasonable time period;
 - d. State what course of action is intended if the violation is not corrected with the specified time limit; and advise the alleged violator(s) of their right to appeal the notice of violation to the City Council. On receiving a written request for extension of the time limit for correction specified in the notice of violation, the Community Development Department may, for good cause shown, grant an extension of the time.
2. If the owner of the property cannot be located or determined, the Community Development Department shall post a copy of the notice of violation on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.

F. Application of Penalties

1. On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension thereof, or has failed to timely appeal the notice of violation, the Community Development Department shall take appropriate action, as provided in Section 920.060 below, to correct and abate the violation and to ensure compliance with this ordinance.
2. Each day a violation continues is a separate offense.

G. Emergency Enforcement without Notice

On determining that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the Community Development Department may seek immediate

enforcement without prior written notice by invoking any of the remedies or penalties listed below.

920.060 Remedies and Penalties

- A. If the responsible person to whom the notice of violation was directed fails to comply with the applicable provisions of this ordinance, that person is guilty of a misdemeanor, and upon conviction thereof, shall be fined according to a fee schedule as noted from time to time for each offense or imprisoned for not more than 90 days or both.
- B. The City may also enforce any provision of this ordinance by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.
- C. A person who knowingly makes or submits a false statement or document in connection with an application or procedure required by this ordinance is guilty of a misdemeanor.
- D. A person who violates, fails to comply with or assists, directs or permits the violation of a performance standard required by this ordinance must reimburse the City or its agent for the actual costs of the tests, measurements or other procedures necessary to demonstrate that violation.