ARTICLE X. COMPLIANCE AND ENFORCEMENT

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Sec. 21-10000. Authority

The city manager is hereby authorized to enforce the provisions of this land development code.

Sec. 21-10010. Complaints

Any person may file a complaint alleging a violation of this land development code. Such complaints, stating fully the causes and basis thereof, may be made verbally or in writing. All written complaints are open to inspection under the state's open records law.

Sec. 21-10020. Right of Entry to Inspect

(1) **Right of Entry Generally.** When necessary to make an inspection to enforce any provisions of this land development code, or when the city has reason to believe there exists in any building or upon any land any condition that constitutes a violation of this land development code, an authorized city employee or agent may present proper credentials and request entry. If entry is refused or if the owner cannot be located after reasonable effort, the city shall give the owner or, if the owner cannot be located, leave at the building or premises, a written notice of the city's intent to inspect the property. The notice shall set forth the time, not sooner than 24 hours after the notice of intent to inspect is given or left, at which the city will return for inspection. The notice shall state that the owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a municipal judge of the city, or by a judge of any other court having jurisdiction.

(2) **Search Warrants.** Upon application by the city and a showing of probable cause, the judge shall issue a search warrant entitling the city agent to enter the building or the premises and authorizing the use of reasonable force, if necessary, to gain entry. To establish probable cause, the city agent shall not be required to demonstrate specific knowledge of the violation at issue, but must show some factual or practical circumstances that would cause an ordinary prudent person to believe a violation exists.

(3) **Emergencies.** When an emergency situation exists in relation to the enforcement of any of the provisions of this land development code, a city agent may enter any building or upon any premises within the city, using such reasonable force as may be necessary. An emergency situation includes any situation of imminent danger of loss of, or injury or damage to, life, limb, property, or threat to public safety. It is unlawful for any owner of the building or premises to deny entry to a city agent or to resist reasonable force used by such agent acting pursuant to this subsection.

(4) **Additional Considerations.** The city may use building and development permits, certificates of occupancy, stop work orders, civil or criminal actions, and abatement in its effort to obtain compliance with the provisions of this land development code. These enforcement alternatives, and the remedies available under each, shall be cumulative, are intended to be in addition to any other remedy provided by law, and may be exercised in any order. In addition, when the city has sufficient evidence that a person is violating any provision of this land development code, the city may apply to any court of competent jurisdiction to temporarily or permanently enjoin the continuance of the violation. In any such enjoinment action, the city shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law

Sec. 21-10030. Permit Denial

The city may deny an application for a permit, certificate, or other form of development authorization on the basis that the requirements for the issuance of such permit, certificate, or authorization have not been satisfied. Further, the city may deny such applications due to the existence of a land use violation that is related to the permit, certificate, or authorization being sought; or the city may grant such authorization subject to the condition that the violation be corrected. This provision shall apply whether or not the applicant is responsible for the violation.

Sec. 21-10040. Permit Revocation

(1) **Just Cause.** After notice and hearing, the city may revoke any permit, certificate, or other development authorization or approval upon finding that just cause exists for the revocation. Just cause shall be deemed to

exist in the following circumstances, which are offered by way of example and not limitation:

(a) There has been a material departure from the approved plans, specifications or conditions of approval;

(b) The permit holder has failed to comply with any condition of approval;

(c) The permit, certificate, or development authorization or approval was obtained by fraud or misrepresentation; or

(d) The permit, certificate, or development authorization or approval was issued in error.

(2) **Notice to Intent to Revoke.** Written notice of the city's intent to revoke may be served by personally delivering a copy of the notice to the applicant or the person to whom the permit was issued, if different, or by posting the notice in a conspicuous location at the place of the violation. Such notice shall set forth the grounds for the proposed revocation and a date and time for hearing.

(3) **Effect of Revocation.** It shall be unlawful for any person to conduct any activity in reliance upon any permit, certificate, or authorization after the written notice of revocation of such permit, certificate, or authorization has been served in accordance with this section.

Sec. 21-10050. Stop Work Order

If the use of property or the construction of any structure is contrary to the provisions of this land development code or any permit issued pursuant to this land development code, the city manager may order that the use of the property or the construction of the structure be stopped. A stop work order shall be effective when written notice is served upon any person engaged in using the property or in doing or causing the construction work to be done, or by posting written notice in a conspicuous place on the property when no person can be served in the aforesaid manner. Failure of the city to issue a stop work order shall in no event be deemed to legalize, authorize, or excuse the violation.

Sec. 21-10060. Penalties and Other Remedies

In the event that any person violates, disobeys, or fails or neglects to comply with the requirements of this land development code or any land use or zoning ordinance adopted by the city, the city may, in addition to employing the enforcement methods enumerated in this article, impose the penalties provided in chapter 1 of the municipal code or take any action authorized by the municipal

code, the charter, or state or federal law to prevent, enjoin, abate or remove such violation, failure or omission and, in addition, shall be entitled to recover any costs and charges incurred in undertaking such action.

Section amended by Ord. 1854, April 2011