

ORDINANCE NO. 25-04

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING
SOUTH OGDEN CITY CODE GIVING CODE COMPLIANCE
AUTHORITY TO THE CODE COMPLIANCE OFFICIAL**

SECTION 1 - RECITALS:

WHEREAS, South Ogden City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that compliance to many of the City's Code has become a priority; and,

WHEREAS, the City Council finds that in order to facilitate compliance to the City's Code, a Code Compliance Official should be hired; and,

WHEREAS, the City Council finds that to authorize the Code Compliance Official to do his job, several areas of the City Code needs to be amended;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended:

CODE AMENDED:

Upon the adoption of this Ordinance, the South Ogden City Code is amended and readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

SECTION II - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION V - DATE OF EFFECT:

This Ordinance shall be effective on the 15th day of April, 2025, and after publication or posting as required by law.

DATED this 15th day of February, 2025.

SOUTH OGDEN, a municipal corporation

Russell L. Porter, Mayor

Attested and recorded:

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 25-04

An Ordinance Of South Ogden City, Utah, Amending South Ogden City Code
Giving Code Compliance Authority To The Code Compliance Official

15 Apr 25

The following attachment has been changed from the original to reflect the changes
the City Council voted to make at the meeting.

Title 3

3-9A-21: Penalties

~~Any person who violates any term or provision of this article shall be guilty of a Class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than twenty five percent (25%) of the initial fine amount⁺. (Ord. 18-15, 11-20-2018, eff. 11-20-2018)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. First Offense: The code compliance official will issue a warning and a set time to remedy the noncompliance. If the noncompliance is not remedied within the set time given, a fee of \$125 will be assessed.
2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then a fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .
3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

3-9B-1: Definition

A "sidewalk vendor" means any person licensed under this article, who sells, or offers to sell food, nonalcoholic beverages, balloons, cut flowers, caps, T-shirts, souvenirs or handmade crafts on a public sidewalk. (Ord. 02-06, 1-22-2002, eff. 1-22-2002)

3-9B-11: Penalty

~~Any person violating any of the provisions of this article shall be deemed to be guilty of a class B misdemeanor, and upon conviction thereof, shall be punished as set forth in title 1, chapter 4 of this code. (Ord. 02-06, 1-22-2002, eff. 1-22-2002)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. First Offense: The code compliance official will issue a warning and a set time to remedy the noncompliance. If the noncompliance is not remedied within the set time given, a fee of \$125 will be assessed.
2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then a fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional

time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .

3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

3-10-1: Purpose

1. The South Ogden City council encourages the development of arts and culture in South Ogden City and recognizes that businesses which provide commercial entertainment promote such development. The South Ogden City council finds, however, that providing commercial entertainment sometimes may create an environment which adversely affects the health, safety and welfare of patrons, surrounding businesses, and residential communities.
2. Accordingly, the purpose of this chapter is:
 1. To establish regulations governing the provision of commercial entertainment, and
 2. To authorize the South Ogden City ~~chief of police~~ Code Compliance Official to regulate commercial entertainment businesses in order to protect the public health, safety and welfare, pursuant to sections 3-10-10 and 3-10-11 of this chapter. (Ord. 07-13, 8-7-2007, eff. 8-7-2007)

3-10-13: Appeals

Any person aggrieved by an action taken pursuant to this chapter may appeal the action within thirty (30) days as provided by chapter 1, article A of this title. (Ord. 07-13, 8-7-2007, eff. 8-7-2007)

3-10-14: Criminal Liability

~~A violation of any provision of this chapter shall be a class B misdemeanor. (Ord. 07-13, 8-7-2007, eff. 8-7-2007)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. First Offense: The code compliance official will issue a warning and a set time to remedy the noncompliance. If the noncompliance is not remedied within the set time given, a fee of \$125 will be assessed.

2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then a fee of not more than one hundred and twenty-five

dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .

3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

Title 4

4-2-5: Notices For Violations; Proof Of Service

For each violation of this title, the ~~enforcement officer~~ code compliance official- shall give the owner of record notice of the requirement and a reasonable opportunity to cure a noticed violation within such time and by such manner as the ~~enforcement officer~~ code compliance official may designate, which "reasonable opportunity" shall be as set out in the time schedule in subsection 4-2-4B of this chapter. (Ord. 13-09, 5-7-2013, eff. 5-7-2013)

4-2-4: Service Of Notice; Abatement Orders; Personal Property

Owner as used in this section regarding service of notice includes: registered owner as identified by county assessor records, or the person designated, in writing, by the owner of record as the owner's agent to receive notice of an ordinance violation.

If the ~~enforcement officer~~ code compliance official concludes that the conditions described in section 4-1-1 of this title through section 4-2-1 of this chapter exist in whole or in part, the officer shall:

- A. Ascertain the names of the owner(s), and a description of the premises where such objects and conditions exist.
- B. Serve, or cause to be served, written notice of the violation(s), by mail or hand delivery, of each ordinance violation to the owner of such land. Written notice may be served personally or by mailing notice first class, postage prepaid, addressed to the owner at their last known post office address, as disclosed by the records of the county assessor, giving the owner of record a reasonable opportunity to cure a noticed violation within such time and by such manner as the ~~enforcement officer~~ code compliance official may designate, which shall not be over ten (10) days from service of such notice. For good cause shown, the ~~enforcement officer~~ code compliance official may extend the ten (10) day abatement period for not over twenty (20) additional days. The city manager, for good cause shown, may grant up to an additional thirty (30) days for the required abatement. Notice shall include a schedule of the civil penalties that may be imposed upon the expiration of a time certain as well as information of the hearing outlined in subsection C of this section.

At the time of service of notice, or within five (5) days of first class mailed notice, the owner must notify the ~~enforcement officer~~ code compliance official of their intentions to abate the nuisance or not. If the owner does not contact the ordinance officer within the five (5) days of first class mailing, a second notice will be sent via certified mail with a delivery receipt. The owner shall have two (2) days after certified mail delivery to contact the ordinance officer and inform them of their intent to abate the nuisance.

If notice is returned undeliverable, the owner does not respond to the notice as required, or the owner states they do not intend to abate the nuisance, the city may take action immediately as set out in subsection E of this section. If the owner states they intend to request the hearing outlined in

subsection C of this section, action by the ~~enforcement officer~~ code compliance official shall be stayed until the hearing process is terminated or completed.

- C. Inform the owner with said notice required in subsection B of this section that if he disagrees with the determination of the ~~enforcement officer~~ code compliance official and does not wish to abate or remove said objects or objectionable conditions, he may request in writing a hearing before the city's hearing officer at a time and place to be set by the hearing officer. A written application for a hearing must be filed with the city recorder following the earliest of: 1) five (5) days from notice by first class mailing; or 2) two (2) days after receipt of certified mail delivery notice; or 3) the date of personal service. Upon receipt of the application for appeal, the city recorder shall notify the ~~enforcement officer~~ code compliance official.
- D. If a written request for hearing is not filed under subsection C of this section, the notice of the inspector shall be final.
- E. If the owner fails to abate the nuisance, as required, or the conditions described in subsection I of this section exist, the city may summarily and without further notice to the owner abate the nuisance. If such action is taken, the inspector shall prepare an abatement order to be approved by the city manager or the city manager's designee, authorizing city personnel to either perform such abatement work or to engage a private contractor to perform such work under the direction of the city. The order shall identify the property and describe the abatement work to be performed thereon.
- F. Upon issuance of an abatement order, city personnel or any authorized private contractor may enter upon the described private property and perform the work specified in the abatement order in any reasonable manner. If the owner eliminates the nuisance before, or while, the city performs the abatement work, the owner shall still be responsible for the costs incurred by the city in responding to the owner's failure to abate the nuisance in a timely manner.
- G. If the owner or occupant refuses to allow entry, or other conditions exist on the property affecting the city's ability to enter the property or otherwise complete the abatement work, the city may seek, but is not required to seek, such judicial process as it deems necessary, and as permitted under Utah code section 10-9a-802, or any successor sections, to effect the abatement.
- H. Personal property constituting a nuisance under this chapter may be confiscated as part of the abatement process. The city manager may adopt rules and regulations providing for the disposition of such property, including the disposition of inoperable, unlicensed or abandoned vehicles.
- I. The city has the authority to forego the ten (10) day notice set out above when:
 - 1. An immediate threat to health or safety is identified, in which case the city may take immediate abatement action as stated in subsections E through H of this section.
 - 2. If the ~~enforcement officer~~ code compliance official concludes the international property maintenance code is applicable, in which case those abatement, demolition, or correction provisions shall apply.
- J. For violations of this chapter requiring action by the city beyond initial notice (subsection B of this section), the owner shall be assessed an administrative abatement fee of one hundred twenty five dollars (\$125.00). For violations under subsection I1 of this section, or for any subsequent violations within any twenty four (24) month calendar period, the owner shall be assessed an administrative abatement fee of two hundred fifty dollars (\$250.00) for each additional notice(s) during the twenty four (24) month period. The fees will be in addition to any expense incurred by the city. (Ord. 13-09, 5-7-2013, eff. 5-7-2013)

4-3-3: Collectors; Requirements

1. Authorized Collectors: No person except duly authorized collectors of the city or private haulers or collectors licensed pursuant to law, shall collect or remove any solid waste, garbage or rubbish accumulated or located within the city, or use the streets, avenues, alleys or ways within the city for the purpose of collection or transportation of same.
2. Disposal Facility: All persons or firms lawfully operating within the city shall be required to dispose of all solid waste, garbage or rubbish at the solid waste collection facility designated from time to time by the city.
3. Exemption: Nonprofit, charitable, religious or special interest groups or persons shall be exempt from the provisions of this section; provided, that special permission to operate shall have been received from the city after proper application therefor.
4. Penalty: **Violation of any provision of this section shall constitute a class B misdemeanor, and upon conviction thereof, subjects the violator to penalty provisions as provided in section 1-4-1 of this code. The license of such person or firm shall likewise be subject to revocation at the option of the city if such person or firm is duly convicted of a violation. (Ord. 726, 5-7-1985, eff. 7-1-1985; amd. 2001 Code)**

4-4-6 : Penalty

~~Any person violating any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor and upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense. (Ord. 543, 2-6-1973; amd. 2001 Code)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. First Offense: The code compliance official will issue a warning and a set time to remedy the noncompliance. If the noncompliance is not remedied within the set time given, a fee of \$125 will be assessed.
2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then a fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .
3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

Title 7

7-1-4: Unlawful Transfer On A Roadway

1. This section is intended to enhance the safety of pedestrians and motor vehicle occupants on public roadways and public parking lots within South Ogden City limits; to assure the free, orderly and undisrupted movement of motor vehicles on public roadways within South Ogden City limits; and to ensure that transactions between pedestrians and motorists within South Ogden City limits are undertaken in an orderly manner and do not create motorist frustration, annoyance or hostility. This section is intended to apply evenhandedly to all persons who engage in the activities proscribed regardless of their intent or any message they may attempt to communicate incidental to the proscribed activity.
2. Utah Code Annotated 41-6a-1009 is incorporated fully by this reference and, to the extent not in conflict therewith, the following additions shall apply in South Ogden City:
 1. For this section, the following definitions shall apply:

LEGALLY PARKED: A vehicle standing, stopped, or otherwise appropriately parked in an area designed or legally authorized for parking.

ROADWAY: The travel portion of: a) highways owned and maintained by the state of Utah or Weber County, and b) South Ogden City streets designated as collector or arterial streets, including, but not limited to, 39th Street west of Washington Boulevard, 37th Street west of Washington Boulevard, and Chimes View Drive west of Riverdale Road (see map attached to the ordinance codified herein, incorporated in full).

2. It shall be unlawful for a person:
 1. While a pedestrian, to accept, take or otherwise obtain possession or control of any money or personal property from a person within a motor vehicle while that motor vehicle is within a roadway or on publicly owned property used as an entrance or exit to a roadway;
 2. While a driver or passenger in a motor vehicle in a roadway or on publicly owned property used as an exit or entrance to a roadway, to give, hand over, or relinquish possession, or control of any money or personal property to a pedestrian.
3. Notwithstanding anything to the contrary in this section, the activities proscribed by this section shall not be unlawful if: a) such actions are required as the result of a traffic accident, medical emergency, or similar exigent circumstances; b) such actions are directed by a peace officer or authorized traffic control officer in their official duties; or c) the transaction is undertaken after the motor vehicle has been legally parked.
3. ~~Any person violating this section shall be guilty of a class C misdemeanor. (Ord. 14-07, 5-20-2014, eff. 5-20-2014)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. **First Offense:** The code compliance official will issue a warning and a set time to remedy the noncompliance. If the noncompliance is not remedied within the set time given, a fee of \$125 will be assessed.

2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then a fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .
3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

Eliminate

6-1-10: Bicycles

- ~~1. Warning Device Required: Any bicycle operated upon any street, alley, sidewalk or public way of this City shall be equipped with a warning device consisting of a bell or horn which shall be sounded to warn all persons of its approach. (Ord. 13-08, 5-7-2013, eff. 5-7-2013)~~

6-1-14: Skateboards And Scooters; Operation And Limitations

- ~~1. Definitions: The definitions of subsection 6-1-13A of this chapter shall be applicable to this section as augmented by the following definitions:~~

~~PUBLIC STREET OR ROADWAY: The entire width between the boundary lines of every way publicly maintained when any portion thereof is open to the use of the public for vehicular traffic including, but not limited to, streets, alleys, roads, boulevards, etc.~~

~~ROLLER SKATE, STREET SKATE: A device having multiple sets of wheels affixed to shoes and used to glide over hard surfaces by an individual.~~

~~SCOOTER: A vehicle consisting of a narrow board mounted on two (2) wheels tandem, and guided by a handle attached to the front wheel. The individual stands with one foot on the board and pushes the device with the other foot.~~

~~SKATEBOARD: A device consisting of a flat surface constructed of wood, metal, plastic, fiberglass, or similar material with two (2) or more wheels affixed to the underside and which is used by a person for coasting and guided by the distribution of weight of the user.~~

- ~~2. Unlawful: It shall be unlawful for any person to use skateboards, roller skates, street skates, or scooters on any public street or roadway within the City.~~
- ~~3. Skateboards, Roller Skates, Coasters, And Skateboard Ramps Prohibited:~~
 - ~~1. No person shall ride a skateboard, roller skates, or coaster upon any sidewalk or walkway within the Central Business District as shown on the City's general plan map on file in the City Recorder's Office.~~
 - ~~2. No person will place a skateboard ramp or similar device used for skateboards or bicycles upon any public streets or alleys or within designated rights of way of said streets and alleys.~~

- ~~4. Enforcement: It shall be the duty of the police officers of South Ogden City to enforce the regulations and prohibitions contained in this section.~~
- ~~5. Sidewalks: Skateboards, roller skates, street skates, and scooters may be operated upon sidewalks within the City between eight o'clock (8:00) A.M. and sunset provided that the person operating the skateboard, roller skates, street skates, or scooters shall do so in a safe and responsible manner and shall always yield the right of way to pedestrians. It shall be unlawful for any person to use any skateboard, roller skates, street skates, or scooters on any sidewalk in a reckless manner.~~
- ~~6. Penalty For Violation: Any person who shall violate any provision of this section shall be subject to the following penalties:
 - ~~1. First Offense: The skateboard, roller skates, street skates, or scooters shall be impounded by the Police Department of the City for a period not exceeding fifteen (15) days. (Ord. 08-23, 11-18-2008, eff. 11-18-2008)~~
 - ~~2. Second And Subsequent Offenses: The skateboard, roller skates, street skates, or scooters shall be impounded by the Police Department of the City for a period not to exceed thirty (30) days and/or the user shall be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus all court costs, including reasonable attorney fees incurred by the City. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Utah Rules of Civil Procedure, but in no case may late fees and interest be charged which in the aggregate are more than twenty five percent (25%) of the initial fine amount[†]. (Ord. 18-15, 11-20-2018, eff. 11-20-2018)~~
 - ~~3. Criminal Enforcement: Nothing herein to the contrary shall prohibit the City from prosecuting violations of this section as a Class C misdemeanor.~~~~
- ~~7. Application Of Regulations:
 - ~~1. The parent of any child and the guardian of any ward shall not authorize or lawfully permit any such child or ward to violate any of the provisions of this chapter.~~
 - ~~2. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein. (Ord. 08-23, 11-18-2008, eff. 11-18-2008)~~~~

5-6-1: Emergency Vehicle Operator Duty Of Care

- ~~1. This title and section provides that the City Police Department, when any of its employees are operating authorized emergency vehicles in a vehicle pursuit, must have a written policy to govern the protocol of the operator of the authorized emergency vehicle to engage, conduct, and terminate vehicle pursuit.
 - ~~1. An operator of an authorized emergency vehicle may exceed the maximum speed limit when engaged in normal patrolling activities with the purpose of identifying and apprehending violators.~~
 - ~~2.
 - ~~1. Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:
 - ~~1. The operator of the vehicle:
 - ~~1. Sounds an audible signal under Utah Code section 41-6a-1625; and~~
 - ~~2. Uses a visual signal with emergency lights in accordance with rules made under Utah Code section 41-6a-1601, which is visible from in front of the vehicle;~~~~
 - ~~2. The operator of the authorized emergency vehicle has been trained in accordance with the written policy described in subsection (2)(b); and~~~~~~~~

~~3. The pursuit policy of the public agency described in subsection (2)(b) is in conformance with standards established under Utah Code section 41-6a-212 subsection (6).~~

~~3.—~~

- ~~1. The written policy required by this chapter may be obtained or derived from commercial providers of law enforcement policy guidance as long as the final product describes the manner and circumstances in which an operator of an authorized emergency vehicle shall engage, conduct, and terminate vehicle pursuit; and,~~
- ~~2. The policy adopted conforms with the minimum standards set forth pursuant to under Utah Code section 41-6a-212 subsection (6). (Ord. 18-15, 11-20-2018, eff. 11-20-2018)~~

10-21A-2: Enforcement

1. ~~Building Official:~~ The ~~building official~~ code compliance official is responsible for the enforcement and administration of this chapter. The ~~building official or his designee~~ code compliance official shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to this chapter.
2. Enter Upon Premises: Upon presentation of proper credentials, the ~~building official~~ code compliance official may enter at reasonable times any building, structure or premises in the City to perform any duty imposed upon him by this chapter.
3. Noncompliance Fee Schedule: ~~Building official or acting agent~~ Code compliance official shall enforce noncompliance fee based on noncompliance fee schedule for each offense:

FEE SCHEDULE

First violation	Warning <u>Warning and a set time given by the code compliance official to remedy the noncompliance</u> \$125.00 <u>\$125.00 if the noncompliance is not remedied within set time.</u> with the prospect of revoking the fee
Second violation	\$250.00
Third violation	Revoke business license Class C Misdemeanor

10-21A-5: Violations A Misdemeanor

~~Any person who shall fail to comply with, or shall violate any of this chapter, or any rules or regulations promulgated hereunder, shall be deemed guilty of a Class C misdemeanor and upon conviction, subject to penalty as provided in section 1 4 1 of this Code. The penalty provided shall be in addition to any suspension or revocation of any license or permit issued. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, maintained, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)~~

~~First Offense: The code compliance official will issue a fee that can be reversed in the allotted time given by the code compliance official for the resident to remedy the incompliance.~~ warning and set an allotted timeframe with the resident to remedy the noncompliance.

2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then ~~the a~~ fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .
3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

10-21C-7: Refusal Of Owner To Remove Dangerous Signs; Removal By ~~Building Official~~ Code Compliance Official

Where immediate action to remove a dangerous sign is deemed necessary to protect limb, life or property and where the owner of a sign or the owner of the property upon which the sign is erected fails to remove such sign upon receipt of notice from the ~~building official~~ code compliance official and within a specified time fixed in such notice, the ~~building official~~ code compliance official may proceed in any manner deemed necessary to cause the immediate removal of such sign. The ~~building official~~ code compliance official shall certify a statement of the expenses incurred in such removal to the City Manager, who in turn shall assess and charge the same against the real estate upon which the sign was erected, and unless said assessment is paid within ninety (90) days after and from the date of notice thereof, the same shall, when recorded in the Offices of the County Clerk and City Recorder, become a lien upon the real estate whereon the sign is erected and collectible in the same manner as general taxes. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)

10-21C-14: Signs To Comply With Zoning Ordinance

1. Required: All signs shall be erected and maintained in full compliance with this title.
2. Removal Of Nonconforming Signs:
 1. Any sign not in conformance with this title and which was erected or installed without a permit or are not maintained as per section 10-21C-12 of this article shall be removed within thirty (30) days upon notification from the ~~building official~~ code compliance official. (Ord. 18-04, 5-15-2018, eff. 5-15-2018)

10-1-15: Penalty

~~Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be guilty of a Class C misdemeanor and upon conviction thereof shall be subject to penalty as provided in section 1-4-1 of this Code. Such person, firm or corporation shall be deemed guilty of a separate offense for each day any portion of any~~

~~violation of this title is committed, maintained, continued or permitted by such person, firm or corporation. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)~~

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this title shall be subject to the following penalties:

1. First Offense: The code compliance official will issue ~~a fee that can be reversed in the allotted time given by the code compliance official for the resident to remedy the incompliance.~~ a warning and set an allotted timeframe with the resident to remedy the noncompliance.

2. Second And Subsequent Offenses: If the allotted time given by the code compliance official has expired and the issue has not been remedied, then ~~the a~~ fee of not more than one hundred and twenty-five dollars (\$125.00) shall be paid. Failure to comply after fourteen (14) additional days or any additional time allotted by the code compliance official, will result in a second fee in the amount of two hundred and fifty dollars (\$250). In the event of an abatement, procedures outlined in section 4-2-4 and section 4-2-13 shall be followed. All fees may be appealed to the City's appointed hearing officer as provided in 3-1A-2 .

3. Criminal Enforcement: Failure to remedy the city code violation may result in escalation to a Class C misdemeanor.

10-1-5: Administration And Enforcement

- A. Official Designated: The provisions of this article shall be administered and enforced by the City Manager or designee, unless otherwise specifically stated. For the purposes of this article, the term City Manager shall be inclusive of his or her designees.
- B. Issuance Of Permits, Certificates: The chief building official shall not grant a permit for the construction or alteration of any building or structure, nor issue any certificate of occupancy for a change in the use of land, if such construction or alteration or change would be in violation or would involve a violation of any of the provisions of this title or any other ordinance of the City or of any law of the State.
- C. Inspections; Orders; Abatements: ~~The chief building official shall enforce all this title. He shall inspect or cause to be inspected all buildings in the course of construction, alteration or repair, and any change in the use of land. If, such inspection or otherwise, he finds that any such construction, alteration or repair, or that any use or contemplated use of land violates this title, he shall issue his written order to the person responsible therefor, ordering and directing such person to cease and desist such construction, alteration, repair or use. He shall report violation of this title to the Legal Department for prosecution and shall make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the City Council, the Legal Department shall bring a civil action for the abatement of any nuisance found to be in violation of this title.~~

The code compliance official shall enforce all this title involving land use violation.

The chief building official shall inspect or cause to be inspected all buildings in the course of construction, alteration or repair, and any change in the use of land. If, such inspection or otherwise, he finds that any such construction, alteration or repair, he shall issue his written order to the person

responsible therefor, ordering and directing such person to cease and desist such construction, alteration, or repair.

The code compliance official shall report violation of this title to the Legal Department for prosecution and shall make complaint thereof before the court or courts having jurisdiction of such violation. Upon the recommendation of the City Council, the Legal Department shall bring a civil action for the abatement of any nuisance found to be in violation of this title.

- D. Assistance Of Law Enforcement: The ~~chief building official~~ code compliance official may call for the assistance of law enforcement personnel whenever in his opinion such assistance is necessary in the investigation of a suspected violation of this title.
- E. Rules Established; Filed: The ~~chief building official~~ code compliance official may establish reasonable rules and regulations necessary or desirable in the administration of this title. Three (3) copies of such rules and regulations shall be filed with the City Recorder and such rules and regulations shall become effective when so filed.
- F. Fees: The City Council may, by resolution or ordinance, prescribe reasonable fees to cover the expense of examining plans, issuing building permits, inspecting uses and issuing certificates of occupancy, and may determine the method of collecting such fees. (Ord. 17-23, 11-21-2017, eff. 11-21-2017)