
ARTICLE 8. ENFORCEMENT AND PENALTIES

8.1. PURPOSE

This article establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Code.

8.2. VIOLATIONS

Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.

8.2.1. ESTABLISH USE, STRUCTURE, OR SIGN WITHOUT PERMIT OR APPROVAL

To establish or place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.

8.2.2. DEVELOPMENT OR SUBDIVISION WITHOUT PERMIT OR APPROVAL

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Code without all of the approvals required by this Code.

8.2.3. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH PERMIT

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.

8.2.4. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH CONDITIONS OF APPROVAL

To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

8.2.5. DEVELOPMENT, SUBDIVISION, OR SIGN INCONSISTENT WITH THIS CODE

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this Code.

8.2.6. MAKING LOTS OR SETBACKS NONCONFORMING

To reduce or diminish any lot area so that the lot size, setbacks, or open spaces shall be smaller than prescribed by this Code.

8.2.7. INCREASING INTENSITY OR DENSITY OF USE

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code.

8.2.8. REMOVING OR DEFACING REQUIRED NOTICE

To remove, deface, obscure, or otherwise interfere with any notice required by this Code.

8.2.9. FAILURE TO REMOVE SIGNS

To fail to remove any sign installed, created, erected, or maintained in violation of this Code or for which the sign permit has lapsed.

8.3. RESPONSIBLE PERSONS

Any person who violates this Code shall be subject to the remedies and penalties set forth in this article.

8.4. RESPONSIBILITY FOR ENFORCEMENT

The Zoning Administrator shall have primary responsibility for enforcing all provisions of this Code. Other officers of the City as designated by the Zoning Administrator shall share responsibility for enforcing provisions of this Code.

8.5. ENFORCEMENT PROCEDURES**8.5.1. REMEDIES AND ENFORCEMENT POWERS**

The City shall have the following remedies and enforcement powers.

8.5.2. WITHHOLD PERMIT

- A.** The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
- B.** The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

8.5.3. PERMITS APPROVED WITH CONDITIONS

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected.

8.5.4. REVOKE PERMITS

Any development permit or other form of authorization required under this Code may be revoked pursuant to Section 8.5.2.

8.5.5. STOP WORK

With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

8.5.6. INJUNCTIVE RELIEF

The City may seek an injunction or other equitable relief in court to stop any violation of this Code or of a permit, certificate, or other form of authorization granted hereunder.

8.5.7. ABATEMENT

The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

8.5.8. CIVIL ACTION AND ADMINISTRATIVE ADJUDICATION

The City may enforce the provisions of this Code through civil action through:

- A. Civil action, as provided by state law; and
- B. Administrative adjudication under Municipal Court Chapter, Article IX, as amended, and Texas Local Government Code Chapter 54, Subchapter C, as amended.

8.5.9. WITHHOLD PUBLIC SERVICES

The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.

8.5.10. OTHER REMEDIES

The City shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related Code provisions.

8.5.11. OTHER POWERS

In addition to the enforcement powers specified in this article, the City may exercise any and all enforcement powers granted by law.

8.5.12. CONTINUATION

Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

8.6. REMEDIES CUMULATIVE

The remedies and enforcement powers established in this article shall be cumulative and the City may exercise them in any order or combination at any time.

8.7. PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this Code or fail to comply with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed

statement or plan submitted and approved hereunder shall be guilty of a misdemeanor punishable under this section.

The owner or owners or tenant of any building or premises or part thereof, where anything in violation of this Code shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense punishable under this section.

A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist shall be a separate offense.

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents (\$500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

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