

ARTICLE 16 ENFORCEMENT

Sec. 29.1600. AUTHORITY.

This Ordinance shall be enforced by the Zoning Enforcement Officer or such other officer of the City as may from time to time be designated by the City Manager.

Sec. 29.1601. ISSUANCE OF PERMITS.

No person in the employ of the City or acting on behalf of the City shall issue any Building Permit, grant any Occupancy Permit or otherwise allow a building or use that would violate the provisions of this Ordinance. Any permit issued upon a false statement of fact that is material to the issuance of such permit shall be void.

Sec. 29.1602. TYPES OF VIOLATIONS.

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by Iowa law:

- (1) **Without Permits.** To engage in any development, use, construction, remodeling or other activity of any nature that is subject to the provisions of this Ordinance without all of the required permits, approvals, certificates and other forms of authorization required by this Ordinance in order to conduct or engage in such activity;
- (2) **Inconsistent with Permit.** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms, conditions, or qualifications of any permit, approval, certificate or other form of authorization required in order to engage in such activity;
- (3) **Inconsistent with Ordinance.** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to use any land in violation or contravention of any regulation of this Ordinance;
- (4) **Making Lot or Setback Noncomplying.** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance;
- (5) **Increasing Intensity of Use.** To increase the intensity of use of land or structure, except in accordance with the procedural and substantive requirements of this Ordinance;
- (6) **Removing, Defacing, Obscuring Notice.** To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance; and
- (7) **Continuing Violation.** To continue any of the above violations.

Sec. 29.1603. REMEDIES.

The City shall have the following remedies and enforcement powers, which shall be cumulative and are not exclusive of any other remedy available at law or in equity:

- (1) **Withhold Permits.** The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City, the Planning & Zoning Commission or the Zoning Board of Adjustment. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this Section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
- (2) **Revoke Permits.** Any permit may be revoked when the Zoning Enforcement Officer determines that any of the following conditions exist:
 - (a) That there is departure from the plans, specifications, or conditions that apply to the permit;
 - (b) That the same was procured by false representation or was issued by mistake; or
 - (c) That any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no

construction shall proceed.

(3) **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 Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under the City Building Code.

(4) **Revoke Plan or Other Approvals.** Where the violation involves a failure to comply with approved plans or conditions to which the approval was made subject, the body with authority to approve the plans or applications may, upon notice to the applicant and after a hearing, revoke the plan or other approval, or condition the continuance of approval on such conditions as may reasonably be imposed.

(5) **Injunctive Relief.** The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance, pursuant to Iowa Code §414.20.

(6) **Abatement.** The City may file an action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation, pursuant to Iowa Code §414.20.

(7) **Civil Penalties.** A violation of any provision of chapter 29, Zoning, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

(8) **Other Remedies.** The City shall have such other remedies as are and as may be from time to time prescribed by Iowa law.

Code 1956, Ord. No. 2109, 12-21-65; Ord. No. 2124, 1-25-66; Ord. No. 2131, 4-5-66; Ord. No. 2151, 8-9-66; Ord. No. 2152, 8-9-66; Ord. No. 2175, 2-21-67; Ord. No. 2225, 2-2-68; Ord. No. 2244, 3-26-68; Ord. No. 2245, 3-26-68; Ord. No. 2264, 7-29-68; Ord. No. 2288, 3-18-69; Ord. No. 2289, 3-18-69; Ord. No. 2333, 4-7-70; Ord. No. 2372, 7-20-71; Ord. No. 2383, 12-30-71; Ord. No. 2384, 12-30-71; Ord. No. 2406, 7-25-72; Ord. No. 2418, 10-17-72; Ord. No. 2465, 1-15-74; Ord. No. 2536, 3-2-76; Ord. No. 2553, 7-6-76; Ord. No. 2557, 7-20-76; Ord. No. 2576, 12-21-76; Ord. No. 2583, 2-1-77; Ord. No. 2640, 2-28-78; Ord. No. 2682, 9-26-78; Ord. No. 2707, 1-16-79; Ord. No. 2738, 10-30-79; Ord. No. 2751, 7-1-80; Ord. No. 2787, 9-22-81; Ord. No. 2810, 3-9-82; Ord. No. 2819, 4-6-82; Ord. No. 2838, 1-4-83; Ord. No. 2861, 10-25-83; Ord. No. 2887, 1-24-84; Ord. No. 2906, 9-25-84; Ord. No. 2909, 10-9-84; Ord. No. 2916, 12-18-84; Ord. No. 2925, 6-4-85; Ord. No. 2926, 6-18-85; Ord. No. 2959, 8-19-86; Ord. No. 2962, 9-30-86; Ord. No. 2972, 2-24-87; Ord. No. 2973, 2-24-87; Ord. No. 3003, 2-23-88; Ord. No. 3008, 4-12-88; Ord. No. 3019, 8-2-88; Ord. No. 3023, 9-27-88; Ord. No. 3051, 6-13-89; Ord. No. 3089, 7-24-90; Ord. No. 3113, 12-11-90; Ord. No. 3143, 9-10-91; Ord. No. 3161, 2-25-92; Ord. No. 3162, 2-25-92; Ord. No. 3169, 4-28-92; Ord. No. 3174, 5-26-92; Ord. No. 3175, 5-26-92; Ord. No. 3181, 7-14-92; Ord. No. 3182, 7-14-92; Ord. No. 3206, 12-8-92; Ord. No. 3208, 12-8-92; Ord. No. 3282, 8-9-94; Ord. No. 3283, 8-9-94; Ord. No. 3284, 8-9-94; Ord. No. 3285, 8-9-94; Ord. No. 3297, 9-27-94; Ord. No. 3298, 9-27-94; Ord. No. 3329, 6-13-95; Ord. No. 3355, 10-24-95; Ord. No. 3363, 12-20-95; Ord. No. 3366, 1-23-96; Ord. No. 3390, 6-25-96; Ord. No. 3406, 10-22-97; Ord. No. 3414, 12-3-96; Ord. No. 3417, 12-17-96; Ord. No. 3421, 1-28-97; Ord. No. 3425, 4-22-97; Ord. No. 3344, 9-12-95; Ord. No. 3443, 6-24-97; Ord. No. 3497, 8-25-98; Ord. No. 3515, 2-9-99; Ord. No. 3529, 7-13-99; Ord. No. 3532, 8-10-99; Ord. No. 3233, 8-24-99; Ord. No. 3557, 4-25-00