

ARTICLE 20 – ENFORCEMENT

SECTION 2001 PERMITS, CERTIFICATES AND LICENSES

All officials, departments and employees of the City of Isleton vested with the authority or duty to issue permits, certificates or licenses, shall comply with the provisions of this ordinance and shall issue no permit, certificate or license which conflicts with the provisions of this ordinance. Any permits, certificates or licenses issued in conflict with the provisions of this code shall be void.

Before issuing a business license for any new business or for a new location for any existing business activity, the City Finance Director or other authorized licensing official shall obtain the approval of the Building Official respecting compliance with the provisions of this ordinance.

SECTION 2002 DUTIES OF THE BUILDING OFFICIAL

The Building Official shall be the official responsible for the enforcement of this ordinance. In the discharge of their duty, the Building Official shall have the right to enter on any site or to enter any structure for the purpose of investigation and inspection, provided that the right of entry shall be exercised only at reasonable hours and that in no case shall any structure be entered in the absence of the owner or tenant without the written order of a court of competent jurisdiction. The Building Official may serve notice requiring the removal of any structure or use in violation of this ordinance to the owner or his authorized agent, on a tenant, or on an architect, builder, contractor or other person who comments or participates in any violation. The Building Official may call upon the City Attorney to institute necessary legal proceedings to enforce the provisions of this ordinance, and the City Attorney is hereby authorized to institute appropriate actions to that end. The Building Official may call upon the Chief of Police and his authorized agents to assist in the enforcement of this ordinance.

SECTION 2003 VIOLATIONS – PENALTIES

- A. Any person, firm, corporation or organization violating any provision of this ordinance shall be guilty of an infraction. A person, firm or corporation or organization shall be deemed guilty of a separate offense for each day during any portion of which a violation of this ordinance is committed, continued or permitted by the person, firm, corporation or organization.
- B. Any structure erected, moved, altered, enlarged or maintained and any use of site contrary to the provisions of this ordinance shall be and is hereby declared to be unlawful and a public nuisance, and the City Attorney shall immediately institute necessary legal proceedings for the abatement, removal and enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends, and shall apply to a court of competent jurisdiction to grant such relief as will remove or abate the structure or use and restrain or enjoin the person, firm, corporation or organization from erecting, moving, altering, or enlarging the structure or using the site contrary to the provisions of this ordinance.

C. All remedies provided for herein shall be cumulative and not exclusive.

SECTION 2004 PROPERTY MAINTENANCE

- A. It is hereby declared to be a public nuisance for any person owning, leasing, occupying or having charge or possession of any property within the City of Isleton to maintain such premises in such manner that any of the following conditions are found to exist thereon:
1. Building or structures which violate the City's Building Code by creating a fire hazard, danger to human life, or hazards to public health, safety and general welfare, including dilapidation, broken equipment, hazardous pools, excavations, neglected machinery, indiscriminate outdoor storage of household goods or equipment, the keeping and outdoor storage of vehicles incapable of moving under their own power, and other similar attractive nuisances.
 2. Premises unmaintained so as to constitute a fire hazard by reason of weeds, grasses, rank overgrowth or accumulation of debris, or which could harbor rats or other vermin, create unsightly appearance, or create conditions which are detrimental to neighboring properties.
 3. Broken windows or other structural defects which create hazardous conditions and invite trespassing and malicious mischief, including unsafe structural supports, boarded doorways and windows, dry rot, termites and similar hazards.
 4. Clothes lines within front yard areas.
 5. Garbage cans and garbage receptacles permanently stored within front yards which are visible from the public street and neighboring properties.
 6. Failure to maintain any wall, fence or hedge as to constitute a hazard to persons or property or to cause depreciation in the value of adjacent property.
- B. Whenever the Building Official determines that any building or premises is in violation of the provisions of this Section, he or she shall give written notice thereof to the owner of record as shown on the last assessment roll, and shall post said written notice on the premises.
- C. If the owner, duly noticed under paragraph B of this Section, fails to comply with directives requiring abatement of violations of this Section, the Building Official shall file the official complaint with the Isleton City Council, with a copy of said complaint being sent to the affected property owner by certified mail. Said complaint, or notice of complaint, shall be made the subject of a public hearing before the City Council in the manner prescribed for the conduct of public hearings provided in Sections 1004 and 1905 of this code.

- D. The City Council shall hear the matter, review all pertinent testimony and information, and determine whether a public nuisance does in fact exist, and further determine the method by which abatement of the nuisance shall be accomplished by the affected property owner. A copy of the City Council's decision shall be served by certified mail upon the affected property owner.

- E. Failure on the part of an affected property owner to abate public nuisance determined by the City Council to exist under the provisions of this Section shall constitute an infraction, and shall be abated under the proceedings prescribed under Section 2003.