

**NEW CODE ENFORCEMENT ORDINANCE ADOPTED BY THE CITY COUNCIL
BECOMES EFFECTIVE ON AUGUST 30, 2010**

The Grandview City Council finds that enforcement of the Grandview Municipal Code and applicable State codes is an important public activity. Code enforcement is vital to the protection of the public health, safety, welfare, and quality of life. The City Council recognizes that code enforcement is effective only when done quickly and fairly. The City Council further finds that an enforcement system that allows a combination of judicial and administrative remedies is effective in correcting violations.

By establishing performance standards or by establishing obligations to act, it is the intent of the City Council that City employees and officers are exercising discretionary authority in pursuit of an essential government function and that any such standards or obligations shall not be construed as creating a ministerial duty for purposes of tort liability.

An outline of the new ordinance is as follows:

The enforcement officer having knowledge of any Grandview Municipal Code violation, may cause any owner or other responsible person to be notified of the violation on any premises by serving upon the owner or other responsible person, or if the owner or other responsible person is not present by posting a "Property Violation Notice" on the premises and by mailing a copy of said notice by 1st class mail postage prepaid to the address of the violation. **The purpose of this notice is to notify the owner or other responsible party to either abate the nuisance within ten days of the date of the notice, appeal the notice to the city or to enter into a voluntary correction agreement.**

The enforcement officer may issue a civil infraction without notice under the following circumstances:

1. When an emergency exists; or
2. When a repeat violation occurs; or
3. When the violation creates a situation or condition which cannot be corrected; or
4. When the person knows or reasonably should have known that the action is in violation of city regulations or ordinances.

In the event the owner or other responsible party does not take one of the three steps set forth in the property violation notice within 10 days of the date of the notice, the Code Enforcement Officer shall issue a civil infraction citation with a penalty of not less than \$50.00 and not more than \$200.00 and the Code Enforcement Officer shall serve upon the owner or other responsible party, or, if the owner or other responsible party is not available, shall post on the premises, a Notice to Abate Unsafe or Unlawful Condition.

Should you fail to abate the condition(s) of the notice to abate within fourteen (14) days, the Code Enforcement Officer shall serve upon you and file with the Grandview

Municipal Court, a civil infraction with a penalty of not less than \$200.00 nor more than \$500.00, and, **in addition, failure to abate the described condition within 30 days of the date on the Notice to Abate is a misdemeanor with a maximum penalty of 90 days in jail and a fine of not more than \$1,000.00.**

You will be further notified that you have the right to appeal the notice to the Grandview Code Enforcement Officer and to the City Clerk pursuant to Grandview Municipal Code Chapter 2.50 by filing a written statement setting forth fully the grounds for your appeal within five (5) calendar days from the date of the notice. GMC 2.50.100 provides that all appeals shall be accompanied by a fee of \$150.00. Further action on the abatement as specified in the original notice shall be stayed pending the decision of the hearing examiner on the appeal.

It shall be unlawful for any responsible person to fail to comply with the terms and deadlines set forth in a notice of violation. **A violation of this section shall be a misdemeanor.**

It shall be the duty of the responsible person to request an inspection when a violation has been corrected. If no inspection is requested, it shall be deemed prima facie evidence that the violation remains uncorrected. If more than one inspection is necessary, an inspection fee of \$50.00 shall be assessed for each subsequent inspection.

The City shall withhold business licenses; permits for home occupation; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property or any permits pertaining to the use and development of real property or the structure where a violation is located. The City shall withhold such permits until a notice of compliance has been issued by the Director. The City shall not withhold permits necessary to obtain a notice of compliance or to correct serious health and safety violations.

Whenever the Director determines that a safety hazard exists that requires immediate correction **or violations within a structure have not been corrected**, the Director may exercise the following powers without notice to the responsible person:

1. **Order the immediate vacation of any tenants and prohibit occupancy until all repairs are completed;**
2. **Post the premises as unsafe, substandard, or dangerous;**
3. Board, fence or secure the building or site;
4. Raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public;
5. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
6. Take any other action appropriate to eliminate the emergency.

The Director may, based on probable cause, enter property without a search warrant or court order to accomplish the above-listed acts.

Whenever actual costs are incurred by the City to enforce the City code and applicable State codes, such costs shall be assessed against the responsible person and the Director shall serve the responsible person with an itemized bill for costs and a reasonable date for payment.

The failure of any person to pay assessed costs by the deadline specified in an invoice shall result in a late fee calculated at the rate of one and one-half percent per month. Additionally, the City may file a lien against the subject property for the amount of unpaid costs and/or fees, plus recording fees, with interest at the legal rate.