

## CHAPTER 14 - ENFORCEMENT AND PENALTIES

### SECTION:

- 14.01: Enforcement
- 14.02 Enforcement Procedure
- 14.03: Correction of Zoning Violation
- 14.04 Enforcement Remedies

#### **14.01: ENFORCEMENT.**

The Zoning Ordinance shall be administered and enforced by the Zoning Administrator. It shall be unlawful to violate a provision of this Ordinance. The Zoning Administrator may institute in the name of the City of Osakis any appropriate actions or proceedings against a violator.

#### **14.02: ENFORCEMENT PROCEDURE.**

For the enforcement of the provisions of the Zoning Ordinance, the first zoning violation notice shall be sent by regular mail, and the second notice will be sent by certified mail, return receipt requested to the property owner of which the violation is taking place. A copy of all zoning violation notices shall be sent to the City Council, Planning Commission, Building Official, Law Enforcement Agency, and City and/or County Attorney. All zoning violation notices shall contain the following information:

- A. A description of the violation that is taking place.
- B. A picture (if possible) of the violation that is taking place.
- C. Legal Description, Location and/or address of the property at which the violation is taking place.
- D. Identification of the section of the Zoning Ordinance that is being violated.
- E. Date the violation was discovered.
- F. Steps necessary to correct the violation.
- G. Deadline in which the violation must be corrected, which is at the discretion of the Zoning Administrator, but which in no case may be longer than thirty (30) days from the date the first notice is mailed.

#### **14.03: CORRECTION OF ZONING VIOLATION.**

Upon correction of the violation in the manner stipulated by the zoning violation notice at any point during this enforcement process, the City shall take no further enforcement activity with respect to such specific violation incident.

#### **14.04: ENFORCEMENT REMEDIES.**

Failure to correct the zoning violation shall result in the City pursuing enforcement action following notification to the property owner, with the City having the authority to carry out the following enforcement remedies:

- A. Withhold Permits. The City shall have the authority to withhold or deny any and all permits or City approvals until the violation is corrected to the satisfaction of the Zoning Administrator.
- B. Stop Work Order. The City shall have the authority to issue a stop work order on the property in violation.
- C. Abatement. The City shall have the authority to require that the violation be abated by completely removing or stopping the item or use which has been identified in the zoning violation notice. Abatement action by the City shall not proceed until after a hearing before the City Council.

- D. Injunctive Relief. The City shall have the authority to seek an injunction in court to stop any violation of this Section.
- E. Civil Remedies. The City shall have the authority to institute appropriate civil action including injunctive and other equitable processes to enforce the provisions of this Section and, at the discretion of the civil court, shall recover reasonable court costs and attorney's fees that are incurred due to the enforcement of the subject violation.
- F. Assessment. The City shall have the authority to use the provisions of Minnesota Statutes Chapter 429, as amended, supplemented, or replaced from time to time, to assess charges against any property in violation of any of the provisions of this Section, and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.
- G. Criminal Remedies. The City shall have the authority to institute appropriate misdemeanor action or misdemeanor criminal action for a violation of this Section. All violations not otherwise noted shall be petty misdemeanors with a fine not to exceed Three Hundred and No/100 Dollars (\$300.00) per violation. All violations specifically noted as misdemeanors shall, upon conviction, be punished by fine or imprisonment pursuant to State law definitions of a misdemeanor in effect upon the date of conviction.
- H. Cumulative Remedies. The powers and remedies of this Section shall not be individually limited and are not exclusive. Failure to exercise any remedy shall not be a waiver of that remedy.