

# CHAPTER 115. - ENFORCEMENT.

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**CHAPTER 115. - ENFORCEMENT.**

**Sec. 115-1. - Purpose.** The purpose of this Chapter is to designate responsibility and to provide procedures for the enforcement of this Unified Land Development Code, and to establish penalties for violations.

**Sec. 115-2. - Enforcement responsibilities.** The provisions of this Chapter shall be administered by the Director, or his designated representative. In addition to other remedies provided by this Unified Land Development Code and other applicable laws, regulations or ordinances, the Director shall take the following actions when a violation has been determined to exist:

A. No subsequent development approval or order or certificate of occupancy shall be issued until the violation has been corrected;

B. The violator shall be informed that no further work or construction under an existing development approval or order shall be permitted until the violation is corrected. A “stop work” order shall be issued by the building official or a code enforcement officer and shall become effective at the time of delivery to the violator or upon posting at the job site;

C. No clearing of land or construction, erection, placement, commencement of any other form of development shall occur in the City without a development order, and then only in accordance with the conditions of such order. Any unauthorized development may be declared a public nuisance by the City Commission pursuant to the provisions of Chapter 12, Chapter II, Panama City Code of Ordinances.

**D. An order may be issued to repair, restore, or demolish the work, to vacate the premises, or otherwise to abate the violation.**

**Sec. 115-3. - Enforcement procedures.**

A. The Director shall initiate proceedings against violators of this Unified Land Development Code.

B. Except as provided in subsection (c) of this section, when a violation of this Unified Land Development Code has been determined to exist, the Director or his designated representative shall issue a written “notice of violation” and cause the same to be served, mailed, or delivered to the violator or posted on the premises. The notice shall refer to the provisions of this Unified

Land Development Code that are alleged to have been violated. The violator shall have ten working days from the date of notice of violation to correct the violation or to enter into written agreement with the city outlining what actions will be taken to correct the violation by a date certain. If, after the applicable period, the violation has not been corrected, the Director shall issue a “stop order,” if applicable, to the violator. The violator shall be subject to the penalties prescribed in section 115-5.

C. If the Director has reason to believe that any violation of this Unified Land Development Code presents an imminent threat to the public health, safety and welfare, a notice of intent and a notice of violation shall not be a prerequisite to action to avert such threat or danger.

D. Extensions of the ten-day period to correct or remedy violations may be approved by the Director upon demonstration of extenuating circumstances by the violator.

E. Copies of all notices of intent or notices of violation shall be transmitted to the City Manager.

**Sec. 115-4. - Appeals.**

A. An appeal of any notice of violation may be initiated by any person charged with a violation of this Unified Land Development Code.

B. Initiation of an appeal shall stay the imposition of penalties provided in section 115-5 until such time as a final order is issued by **the appeals board Planning Board.**

C. Appeals board. The Planning Board shall conduct a hearing and make a determination at its next regularly held meeting and shall determine whether a violation exists or has occurred.

D. At the hearing, the Director shall have the burden of showing the existence of a violation to the satisfaction of the Planning Board. Formal rules of evidence will not apply to the proceeding.

**Sec. 115-5. - Penalties or remedies.**

A. Criminal penalties. Any person failing to comply with the provisions of the Unified Land Development Code shall be guilty of an offense and shall, upon conviction, be **subject to fine and imprisonment pursuant to section 1-8 sentenced to pay a fine, not to exceed**

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**\$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation and in addition, may include all costs of repairs and court costs. If the Code Enforcement Magistrate finds the violation to be irraparable or irreversible in nature, he/she may impose a fine not to exceed \$5,000 per violation.**

B. Civil remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained, or if any building, or structure, or land, or water is used in violation of this Unified Land Development Code, the City may institute appropriate civil action in a court of competent jurisdiction to prevent, correct, or abate the violation, including, but not limited to, injunctive relief.

C. Citation. After ten days following the service of a notice of violations, if no appeal has been taken, the violator may be fined an amount to not exceed \$500.00 per day and such fine shall constitute a lien against the premises which are the subject of the violation. Each day that the violation continues shall be a separate offense.

D. Double fees. Where work for which a development order is required by this Unified Land Development Code is started or proceeded prior to obtaining said development order, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Unified Land Development Code in the execution of the work nor from any other penalties prescribed herein.

E. Alternative remedies. The sanctions and procedures provided for in this Chapter are alternative remedies and do not prevent the City from enforcing this Unified Land Development Code by other means, **including, but not limited to Code Enforcement Magistrate action.**

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