

ARTICLE 08. ENFORCEMENT AND PENALTIES

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Sec. 08-01. GENERAL

A. Administration.

1. This Article contains the regulations pertaining to administration and enforcement of the provisions of the Unified Development Code, inspection of property, and issuance of Stop Work or Stop Use Orders.
2. This Unified Development Code (UDC) shall be enforced by the City of Chesterfield.

Sec. 08-02. ZONING ENFORCEMENT

A. General.

1. Stop Work and Stop Use Orders. The cessation of any construction, reconstruction, alteration, conversion, maintenance, or use in violation of this UDC may be affected by posting a stop work or stop use notice on the premises; or by notice in writing to the owner of the property involved, or to his agents, or to the person doing the work, in the case of a stop work order, stating the nature of the violation. Stop Work Orders and Stop Use Orders may be issued by the Planning and Development Services Director and/or Public Works Director and may be issued for such items as grading permit, municipal zoning approval or building permit violations.
2. Powers. The Planning and Development Services Director or his/her designee shall have the power to order all work to be stopped on any building or structure where such work is being done in violation of any provision of the UDC. Such Stop Work Orders may be given orally and may be enforced when so given, provided, however, that any oral stop work order shall be followed by a written order within four (4) hours. All work that is stopped shall not be resumed except upon permission of the Planning and Development Services Director. Written Stop Work or Stop Use Orders may be served by any Police Officer or Code Compliance Inspector and may be served by personal service or by posting on the premises affected.
3. Issuance of a Stop Work Order shall result in a suspension of all construction activity on the site, except for work related to remediation of the violation, until the violation is abated.
4. The Stop Work Order shall also suspend the right of the permittee, applicant, owner, contractor, developer or any related entity to build or construct any structure or public improvement on any portion of the site. The Planning and Development Services Director or Public Works Director, upon the issuance of a Stop Work Order is authorized to suspend all inspections and plan review related to any other work that is taking place on the site, until such time as the violation is abated. Stop

Work Orders shall specifically state the provisions of this Article (or in the instance of a grading permit violation, shall state the provisions of the grading permit being violated). Any person who shall continue any work in or about the site after having been served with a Stop Work Order, except work related to remediation of the violation, shall be subject to all applicable penalties.

5. The written Stop Work Order shall be mailed, postage pre-paid, to both the permittee and owner. All Stop Work Orders that are issued by the Department of Public Services (the Department) must be posted on the site on which the activity is taking place.
6. Inspection and entry of land and buildings.
 - a.) Authorized personnel of the Department are hereby empowered, in the performances of their functions, to enter upon any land in the City of Chesterfield for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards required to effectuate the purpose and provisions of this UDC. The above-authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Section.
 - b.) The Code Compliance Inspector is authorized to inspect or cause to be inspected any building or other structure or any land on which work is in progress and report to the Planning and Development Services Director any suggested stoppage of work.
7. Police assistance. The Police Department shall aid the Department in posting of stop work or stop use orders when requested by the Planning and Development Services Director or their designee.

Sec. 08-03. VIOLATIONS

A. Notice and Warning.

Any person who shall violate the provisions of the UDC of the City of Chesterfield shall be served notice and warned as follows:

1. Procedure. Whenever it comes to the attention of the Department, or the City becomes aware of the existence of a violation of the UDC hereinafter referred to as the "violation", the Department shall investigate the violation and shall prepare a report concerning the same. If a violation of the UDC is found to exist, a warning notice shall be left with any person occupying such property, whether such person is the owner, renter or lessee thereof, by delivering such warning notice to such person, or if no one is present in the property or refuses to accept the notice, then by

posting the warning notice on the front, or side or rear entrance to the residence or building.

2. Warning notice contents. The warning notice provided above shall contain:
 - a.) The address or legal description of the property;
 - b.) The ordinance number of the Ordinance being violated;
 - c.) The nature and location of the violation, and the date by which such violation shall be removed or abated;
 - d.) A notice of the penalty for failure to remove or abate the violation, stating that if the violation reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.
3. Notice for unimproved or unoccupied property. If the violation occurs on unimproved property or where the residence or building is unoccupied, the written notice shall be mailed and the property may be posted as provided in this Section. If the property is unimproved, the property may be posted by placing the notice upon a tree or other object upon such property, as may be available.
4. Written notice. A notice in writing containing the same information as provided on the warning notice provided in this Section shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by ordinary mail, postage prepaid.

B. Failure to Act Upon Warning Notice.

Upon neglect or failure to act upon the warning notice by the property owner, the City shall issue a summons as follows:

1. Summons, service of. If a warning notice is given as provided in this Article, and if after the time for removal or abatement has lapsed the property is re-inspected and the inspector finds and determines that the violation has not been abated, the inspector shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the occupant, owners, or person in charge of the property, showing the address or legal description of property on which the violation is located, and such other information as may be available to the inspecting officer as shown on the summons, and specifying the Section of the Article which is being violated and setting forth in general the nature of the violation, and may serve the summons on the occupant, owners, or person in charge, or any or all of such persons. The summons shall contain a date on which the case will be on

the Municipal Court docket for hearing. The Prosecuting Attorney shall sign the original copy of all such summons, and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the court's docket for the date shown on the summons.

2. Summons, delivery by mail. If no one is found at the property to accept a summons for failure to remove or abate a violation, the inspecting officer shall fill out and sign the summons as the complainant as provided in subsection B.1. and deliver the original and one copy of the summons to the Clerk of the Municipal Court, who shall verify or insert the date that the case has been set for hearing before the Municipal Court. The Clerk shall then mail the copy of the summons by ordinary mail, postage prepaid to the person named therein at the address shown on the summons, or at such other address as the person charged therewith may be found, or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.
3. Abatement by City; costs assessed. If the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a violation, fails to remove or abate the violation in the time specified in the notice, whether on public or private property, the City may remove the same and thereby abate the violation and, if necessary, may lawfully enter upon the property on which the violation remains unabated to remove or abate such violation at the costs of the property owner.
4. Payment of costs; use of surety, special tax bill or judgment. All costs and expenses incurred by the City in removing or abating any violation on any private property may be deducted from the surety deposited with the City or may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the violation, whether on public or private property, may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a violation on public or private property.
5. Warning notice, first offense. In all cases where the violation on public or private property is the first offense of the specified Ordinance violation for the person charged therewith, the warning notice provisions of this Article shall be observed. The notice shall specify the number of days in which the violation shall be removed or abated, which time shall not be less than three (3) days nor more than ten (10) days, except in emergency cases.

6. Warning notice, subsequent offenses. In all cases where the violation on public or private property is a repeat or continued offense on such property, after the expiration of the time period set out in the Section above, the warning notice provisions of this Section need not be observed. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

Sec. 08-04. PENALTIES

A. General.

Except as otherwise specifically established herein, any person, persons, firm, association or corporation violating any provision of the UDC, or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of the UDC, shall be guilty of a misdemeanor punishable by a fine of not less than \$5.00, and not more than \$1,000.00 for each and every day that such violation continues; but, if the offense be willful on conviction thereof, the punishment shall be a fine of not less than \$5.00, or more than \$1,000.00, for each and every day that such violation shall continue, or by both such fine and imprisonment, not to exceed three (3) months in the discretion of the court. This shall apply to all violations of this UDC except as otherwise noted in this or other Articles of this UDC.

B. Removal or Replacement of Public Hearing Signs.

Any person or persons, firm, association, or corporation, who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of a violation of this Article and upon conviction shall be punished as provided for in this Section.

C. Removal of Trees.

1. Administration and enforcement of the tree protection provisions shall be in accordance with this UDC. If any tree is removed without first obtaining the necessary approval from the City of Chesterfield, or if any tree is damaged or destroyed this shall constitute a violation of Article 04-02 of this UDC and a fine shall be assessed. Said fine shall be based upon the value and number of each tree or plant which was removed, damaged, or destroyed. Tree and plant values shall be based on procedures in "Guide for Plant Appraisal," latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account as established in Article 04-02 of this UDC.
2. Prior to the issuance of any occupancy permits, should any preserved tree die or be damaged beyond repair as a result of grading or construction damage, the Applicant shall pay a fine to the City equal to the value for the trees that died or are damaged beyond repair as

certified and determined by the City's Tree Specialist. Said cost shall include the cost of appraisal incurred by the City of Chesterfield. The City will withhold occupancy permits and/or any other required permits until the fine is paid. Tree values shall be based on procedures in "Guide for Plant Appraisal," latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account as established in Article 04-02 of this UDC.

3. Any other violation of Article 04-02 of this UDC shall be a municipal violation and, in addition to any fines or other requirements of this Section, punishable by a fine of not less than \$5.00 and not more than \$1,000 or by imprisonment for a period not to exceed three (3) months or by both fine and imprisonment. Each occurrence, location, and failure to conform to the requirements of this Section shall constitute a separate offense, and each and every day that such violation shall continue shall be an additional violation with each violation being punishable by a separate fine and/or imprisonment.

D. Adult Entertainment Business Uses.

Any person violating the Adult Entertainment Business requirements of the UDC shall be subject to a fine of not more than \$500.00 per each day of violation or by imprisonment for a period not to exceed three (3) months, or by both fine and imprisonment. Each occurrence and failure to conform to the requirements of Article 03-05 of this UDC, shall constitute a separate offense, and each and every day that such violation continues shall be an additional violation with each violation being punishable by a separate fine and/or imprisonment.

E. Flood Plain.

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of Article 05 of this UDC and other applicable regulations. Violation of the provisions of Article 05 of this UDC or failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor.
2. Any person who violates this Article or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$5.00 and not more than \$1,000.00 or imprisoned for a period not to exceed three (3) months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
3. Nothing herein contained shall prevent the City of Chesterfield or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

F. Other Actions.

In addition to the penalties herein authorized and established, the City Attorney shall take such other actions at law, or in equity, as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Article.

Sec. 08-05. SUBDIVISION VIOLATIONS AND PENALTIES

A. Prohibition on Recordation.

No property description of any subdivision within the jurisdiction of this UDC shall be entitled to be recorded in the St Louis County Office of the Recorder of Deeds or have any validity until it has been approved in a manner prescribed herein. In the event any such unapproved property description is recorded, it shall be considered invalid and the City Attorney may cause proceedings to be instituted to have such plat or deed declared invalid.

B. Violations and Penalties.

Any person, firm, association, or corporation violating any provisions of this Section, or any employee, assistant, agent, or any other person participating or taking any part in, joining, or aiding in, a violation of any provision of this Article may be prosecuted as provided by law for the violation of Ordinances of the City of Chesterfield and upon conviction shall be punished by a fine not exceeding \$500.00 for any one offense or imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment. Each day a violation continues after service of written notice to abate it shall constitute a separate offense, but no notice to abate is a prerequisite to prosecution of any single violation.

C. Additional Action.

In addition to the penalties hereinabove authorized and established, the City Attorney may take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this UDC.