

Chapter 64 Unified Development Code

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Sec. 64-7-1 Violations and Penalties

A. Generally

1. Wherever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or wherever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Chapter shall be punished as prescribed in Chapter 1, Article II, of the Mobile City Code (1991). Each day any violation of any provision of this Chapter shall continue shall constitute a separate offense. Further, said offense shall be subject to [section 1-31](#) et seq. herein, regarding administration of municipal offense tickets.

B. Withhold permits or approvals

1. The City may deny or withhold all permits, certificates, plan or plat approvals or other forms of authorization on any building, structure or land, or improvements, upon which there is an uncorrected violation of any provision of this Chapter or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City.
2. The City may, instead of withholding or denying an authorization, grant the authorization subject to the condition that the violation be corrected within a time frame determined by the Director.
3. This subsection applies regardless of whether the current owner or applicant is responsible for the violation in question.

C. Revoke permits or approvals

1. A permit, certificate or approval (for the purposes of this subsection hereinafter referred to as approval) may be revoked by the City, at any time, when any of the following conditions is present:
 - (a) There is departure from the approved plans, specifications or conditions.
 - (b) The approval was procured by false representation.
 - (c) The approval was granted by mistake.
 - (d) A violation of any provision of this Chapter.
2. Written notice of the revocation shall be served upon the owner, the owner's agent or contractor, or shall be posted in a prominent location on the property. Where notice of revocation is served or posted, no further construction or use of the property shall continue without written approval of the Director.
3. Any revocation of an approval may be appealed to the Board of Adjustment as provided for in Article 5.

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- D. Stop work.** With or without revoking permits, the City may stop work on any development, building, or structure on any land on which there is an uncorrected violation of a provision of this Chapter or a violation of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City.
- E. Civil Remedies.** The City may take any action authorized by Code of Ala. § 11-52-83 to prevent, restrain, enjoin, correct or abate a violation of this Chapter.
- F. Cumulative.** These remedies are cumulative.
- G. Other Remedies.** In addition to the enforcement powers and remedies specified in this title, the City may exercise any and all enforcement powers and remedies granted to it by Alabama state law.

H. Violations of Prior Regulations

- 1. All violations of prior City zoning regulations in the corporate area of the City as of the effective date of this Chapter, continue to be violations and are not considered legal nonconforming situations under this Chapter.
- 2. The City has the same authority to secure remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Chapter.

Sec. 64-7-2 Enforcement Procedures

A. Notice

- 1. The Director shall serve written orders requiring compliance (“Compliance Orders”) with this Chapter personally or by certified or registered mail.
- 2. Compliance Orders shall be served upon the person, firm, or corporation that the Director deems to be violating this chapter.
 - (a) If that person, firm or corporation is not the owner of the land on or the structure in which the violation is deemed to exist or to have occurred, the Director shall send a copy of the Compliance Order by certified or registered mail to the owner of the land or structure.
 - (b) The owner is to be determined from the most recent information maintained by the office of the Revenue Commissioner of Mobile County and the Mobile County Probate Judge.
 - (c) The date of mailing is deemed the date of service of any Compliance Order served by certified or registered mail.
- 3. The contents of the Compliance Order shall describe the nature of the violation in terms that would reasonably allow the property owner or other responsible person, representative or tenant to determine the nature of the violation to allow for correction.
- 4. Failure to correct the violation within the time required by the Compliance Order may result in further enforcement action.

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B. Immediate enforcement

- 1.** If the Director or an authorized building official, or public officer makes a reasonable determination that a violation of this Chapter creates an emergency situation that endangers life, health or safety, the City may immediately use all authorized enforcement powers and remedies.
- 2.** No other notification procedures are required as a prerequisite to this action.