Chapter 64 Unified Development Code

Contents

Article 7 Enforcement.....255
Sec. 64-7-1 Violations and Penalties.....255
Sec. 64-7-2 Enforcement Procedures.....257

Article 7 Enforcement

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. Each day any violation of any provision of this Chapter shall continue shall constitute a separate offense. Further, said offense shall be subject to Chapter 1, Division 2, regarding violations subject to 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, 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 Section 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 Section hereinafter referred to as approval) may be revoked by the City, at any time, when any of the following conditions are 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; or

   (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.

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 Article, 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 laws existing 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 prior City Zoning laws to the same extent that it may secure remedies for violations of this Chapter.

Sec. 64-7-2 Enforcement Procedures

A. Notice. Whenever the Director determines that there has been a violation of this Chapter or has grounds to believe that a violation has occurred, notice shall be given to the Owner and the Person responsible for the violation. The Notice shall:

1. Be in writing;

2. Include a description of the real estate sufficient for identification;

3. Include a statement of the violation or violations;

4. Provide a reasonable time to complete the corrective actions required to bring the Site or Structure into compliance with the provisions of this Chapter;

5. Be delivered personally or sent by certified and first class regular U.S. mail.

(a) 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.

(b) The date of mailing is deemed the date of service of any Notice served by mail.

B. Failure to comply. Failure to correct the violation within the time required by the Notice may result in further enforcement action.

C. 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.