

ORDINANCE 7-2007

AN ORDINANCE AMENDING ARTICLES IX, XXVIII, XXXIV AND XXXVI OF THE ZONING ORDINANCE FOR THE CITY OF VALPARAISO.

WHEREAS, the City of Valparaiso's Zoning Ordinance includes several Articles that utilize the provisions of the City's Ordinance Violation Bureau as an enforcement measure, and

WHEREAS, the provisions of said Violation Bureau are revised from time to time, especially as it relates to the maximum amount of fine that may be levied, and

WHEREAS, it is cumbersome to amend each of said Articles when said provisions are revised, and

WHEREAS, it is the desire of the Common Council of the City of Valparaiso to minimize the need to amend all said Articles when the maximum fine provisions of the Violation Bureau Ordinance are revised, and

WHEREAS, the general public was given an opportunity to comment on the proposed changes to the Articles, and

WHEREAS, the Plan Commission voted to recommend the approval of proposed amendment changes by a vote of 7-0 on December 12, 2006.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

A. That Article IX, SIGN ORDINANCE, Section 930, "Fines for Violation" is amended to read as follows:

Section 931 Fines for Violation

In addition to any and all other remedies set forth in this Ordinance for a violation thereof, the Building Commissioner may, for any violation of this Ordinance, levy a fine against the violator of up to **the maximum allowed by the provisions of the Ordinance Violation Bureau, Chapter 37 of the Municipal Code**. The Building Commissioner shall notify the violator(s) in writing of such fine. The Building Commissioner may, in the event that the violator maintains a bond or deposit with the City for such violations, charge the fine against such bond or deposit and notify the violator of such action. If no bond or deposit is on file, the violator shall pay the levied fine through the Local Ordinance Violations Bureau. The Building Commissioner may levy a fine for each day the violation is continued. As to any person who violates § 915 by erecting a sign requiring a permit without a valid sign license or any person who, with knowledge of such violation, aids and abets such violation as by hiring such person to erect a sign without a license, the Building Commissioner may elect, in lieu of the fine set forth above but in addition to all other remedies set forth in this Ordinance, to seek a fine for such violation in a court of competent jurisdiction in an amount up to the maximum permitted by IC 36-1-3-8.

B. That Article XXVIII, EROSION CONTROL ON SITES WITH LAND DISTURBING ACTIVITIES, Section 2860, "Enforcement", paragraph C, "Fines for Violation" is amended to read as follows:

C. FINES FOR VIOLATION

In addition to any and all other remedies set forth in this ordinance for a violation thereof, the City Engineer may, for any violation of this ordinance, levy a fine against the violator(s) of up to **the maximum allowed by the provisions of the Ordinance Violation Bureau, Chapter 37 of the Municipal Code**, for each

occurrence, each day being a separate occurrence. The City Engineer shall notify the violator(s) of such fine, in writing, on a form approved by the Board. The violator shall pay the levied fine through the Local Ordinance Violations Bureau. The City Engineer may levy a fine for each and every day that the violation is continued.

C. That Article XXXIV, REGULATING DEVELOPMENT IN WETLANDS, Section 3480, "Enforcement and Penalties" is amended to read as follows:

Section 3480 Enforcement and Penalties

This Ordinance may be enforced by implementing any or all of the following remedies or penalties:

1. The issuance of a cease and desist order by the City of Valparaiso Building Commissioner or the City Engineer.
2. **The issuance of a fine by the City Engineer, of up to the maximum allowed by the Violation Bureau per chapter 37 of the Municipal Code.**
3. The filing of a suit for injunctive relief.
4. Notification of alleged violations of federal or state law to appropriate state or federal agencies.
5. Institution of legal action seeking the imposition of a fine and reimbursement of costs and expenses for violations of this Ordinance.
6. Upon a finding by a court of proper jurisdiction that a violation of this Ordinance by a person has occurred, a fine of up to two thousand five hundred dollars (\$2,500.00) per occurrence may be imposed. In addition, the City of Valparaiso shall be entitled to reimbursement from the person committing said violation of all out-of-pocket expenses which were incurred by the City of Valparaiso or any of its agencies as a result of the enforcement of this Ordinance. Said expenses include, but are not limited to, court costs, legal fees, administration fees, witness fees and consultant fees.

D. That Article XXXVI, COMMERCIAL COMMUNICATIONS FACILITIES, Section 3690. "Fines for Violation" is amended to read as follows:

Section 3690 Fines for Violation

In addition to any and all other remedies set forth in this Ordinance for a violation thereof, the Building Commissioner may, for any violation of this Ordinance, levy a fine against the violator of up to **the maximum allowed by the provisions of the Ordinance Violation Bureau, Chapter 37 of the Municipal Code.** The Building Commissioner shall notify the violator(s) in writing of such fine. The Building Commissioner may, in the event that the violator maintains a bond or deposit with the City for such violations, charge the fine against such bond or deposit, and notify the violator of his intent to take such action. If the violator does not protest the notice of violation, in writing, within thirty (30) days, the City may charge the fine against the bond or deposit without further notice. If no bond or deposit is on file, the violator shall pay the levied fine through the Local Ordinance Violations Bureau. The Building Commissioner may levy a fine for each day the violation is continued.

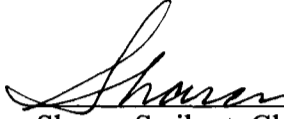
This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED by the Common Council of the City of Valparaiso, Indiana, by a 7 to 0 vote of all members present and voting this 12th day of Feb-, 2007.



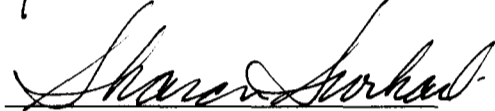
Jon Costas, Mayor

ATTEST:



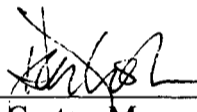
Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 12th day of Feb., 2007, at 7:45 o'clock p.m.



Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 12th day of Feb-, 2007, at 7:45 o'clock p.m.



Jon Costas, Mayor