

## CHAPTER 17: PENALTIES AND ENFORCEMENT

### Sec. 17.100 Suspension and Revocation of Permit or License

- (a) Purpose. The purpose of this Section is to establish uniform procedures to govern the revocation of permits and the City's recovery of its reasonable costs incurred in connection therewith.
- (b) Revocation of Permit. A permit may be revoked for:
- (1) The failure of the permittee to comply with the provisions of the City Code pursuant to which said permit was issued;
  - (2) The failure of the permittee to comply with the provisions of any relevant city ordinance other than and in addition to the sections of the Code pursuant to which the permit was issued;
  - (3) The failure of the permittee to comply with any term or requirement imposed by the City as a condition of the issuance of the permit, including but not limited to timely payment of all permit fees and third-party review costs; (**Amended 10-8-2013**)
  - (4) The making of any material misrepresentation or false or misleading statement by the permit applicant or one acting on his behalf in connection with or on the permit application;
  - (5) The failure of the permittee to timely commence the work as required or authorized by the permit as approved by the City; or
  - (6) The failure of the permittee to timely complete the work as required or authorized by the permit as approved by the City;
  - (7) Any other reason allowed by law.
- (c) If the City determines that a permittee is in noncompliance, as that term is defined herein, or that a permit should be revoked for any other reason allowed by law, the City shall give written notice by certified mail, return receipt requested, to the permittee and, if not the same person, the property owner, which notice shall:
- (1) State the nature of the noncompliance or other condition warranting revocation;
  - (2) Direct the specific action be taken to correct the noncompliance or other condition warranting revocation within thirty (30) days of the receipt of the notice, which action may include the requirement that the permittee provide such additional information as the City deems necessary;
  - (3) Advise that a hearing may be requested before the City Council to determine whether or not the permittee is in noncompliance, and whether or not the permit should be revoked;
  - (4) Advise that to request a hearing, a written application therefor must be filed with the City Secretary within ten (10) days of receipt of the notice provided for herein; and

- (5) Advise that if no hearing is requested within said ten (10) days, and if the required corrective work is not completed within the thirty (30) day period specified in the notice, the permit shall be revoked.
- (d) If no hearing is requested and if the required corrective action is not completed within the time specified by the City, the permit shall be revoked and shall be void and of no effect as if it had never been issued. No work shall be done in connection with the project for which the permit was issued except as thereafter expressly directed or authorized by the City.
- (e) Hearing Before the City Council.
- (1) If a hearing has been requested within ten (10) days of receipt of the notice by the filing of a written application therefor with the City Secretary, the City Council shall, no later than thirty (30) days after receipt of said request, hold a hearing to determine whether the permittee is in noncompliance or if some other reason recognized by law exists which would warrant the revocation of the permit and whether the permit should be revoked. Written notice of the date, time and place of the hearing shall be given to the permittee and, if not the same person, the owner of the property.
- (2) If, after hearing, the City Council determines that the permittee is in noncompliance or that such other condition exists that would warrant revocation of the permit, and that the permit should be revoked, it shall order that the necessary corrective action be completed within such time as the Council directs. If the work is not so completed, the permit shall be revoked, and shall be void and of no effect as if it had never been issued. No further work shall be done in connection with the project for which the permit was issued except as thereafter expressly directed or authorized by the City.
- (f) Inspections.
- (1) In addition to any inspection authorized or required pursuant to any city ordinance or sections of this Code in connection with the issuance of a permit, the City is authorized to enter upon any property to which a permit relates at any reasonable hour to inspect the work for which the permit was issued. If the property is occupied, the City's representative shall first present credentials and request entry. If the property is vacant, the City's representative shall first make a reasonable effort to locate the owner or other persons who have charge or control of the property and request that entry be granted.
- (2) If the owner, occupant or person in control refuses to grant the City's representative entry, and the City has reasonable cause to believe that the permittee is in non-compliance as that term is defined in this Section of the Code, the City's representative shall seek and obtain a search warrant from the Municipal Court Judge, the purpose of which is to determine whether or not the permittee is in non-compliance, before entering upon the property.
- (g) Extensions. The City may grant such extensions of time as it deems appropriate to those permittees who have made a reasonable effort to comply with the City's directives.

- (h) Application. The provisions of this Section shall apply to the revocation of permits issued by the City pursuant to ordinances which do not include therein any specific procedure for permit revocation.
- (i) Recovery of Costs.
  - (1) The City may, upon notice to the permittee, retain such experts, including but not limited to engineers, sanitarians, hydrologists and attorneys, to advise and represent the City in connection with its determination that a permittee is in non-compliance, as that term is defined herein and/or, that a permit should be revoked. In the event that the City does determine that a permittee is in non-compliance and the permit is finally revoked, the permittee shall reimburse the City for the reasonable costs incurred in connection with the retention of such experts.
  - (2) In addition to any other method allowed by law pursuant to which the City can recover the costs it incurs in connection with the permit revocation proceedings, including those authorized by subsection (i)(1) above, the City may, at its discretion, collect on any bond or letter of credit required of the permittee. (Amended October 28, 2019 Ordinance191029-A).
  - (3) Nothing in this Section is intended to limit the remedies available to the City.

**Sec. 17.101 Penalties for Building Permit Violations**

Violation of any sections of this Code relating to building permits is a misdemeanor punishable by a fine of \$200.00 per day for each day that a structure is constructed and/or maintained in violation of these Sections of the Code.

**Sec. 17.102 Penalties for Violations of International Building Code, International Residential Code, International Energy Conservation Code, International Swimming Pool and Spa Code, NFPA 70 National Electrical Code and Various Regulations of Code Chapter 6 (Amended October 28, 2019)**

- (a) Any person, firm or corporation violating any of the provisions of the International Building Code, International Residential Code, International Energy Conservation Code, International Swimming Pool and Spa Code, or NFPA 70 National Electrical Code as adopted and amended in Chapter 6 of this Code which do not relate to public health, sanitation or fire safety, within the corporate limits of the City of Sunset Valley, Texas shall be deemed guilty of a Class "C" misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and upon conviction shall be fined an amount not exceeding five hundred dollars (\$500.00) for each day of such violation.
- (b) Any person, firm or corporation violating any of the provisions of the International Building Code, International Residential Code, International Energy Conservation Code, International Swimming Pool and Spa Code, or NFPA 70 National Electrical Code as adopted and amended in Chapter 6 of this Code, within the corporate limits of the City of Sunset Valley, Texas, that relates to public health and

sanitation or fire safety shall be deemed guilty of a Class "C" misdemeanor, and each such person shall be guilty of separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and upon conviction shall be fined an amount not exceeding one thousand dollars (\$1,000.00) for each day of such violation.

- (c) Any person, firm or corporation violating any of the provisions of Chapter 6 of this Code regarding (1) the requirement of first obtaining a permit for any construction, including any alteration of a street or right-of-way; (2) a suspension, revocation, or stop order; (3) occupancy of a building or structure without a Certificate of Occupancy; (4) trench safety; (5) restoration of a street following disturbance pursuant to a permit; and (6) a requirement to burrow under a street when extending a utility line which do not relate to public health, sanitation or fire safety, within the corporate limits of the City of Sunset Valley, Texas shall be deemed guilty of a Class "C" misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and upon conviction shall be fined an amount not exceeding five hundred dollars (\$500.00) for each day of such violation. Any such violation within the corporate limits of the City of Sunset Valley, Texas, that relates to public health and sanitation or fire safety shall be deemed guilty of a Class "C" misdemeanor, and each such person shall be guilty of separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and upon conviction shall be fined an amount not exceeding one thousand dollars (\$1,000.00) for each day of such violation.

**Sec. 17.103 Penalties for International Mechanical Code Violations (Amended October 28, 2019)**

- (a) Any person, firm or corporation violating any of the provisions of the International Mechanical Code as adopted and amended in Chapter 6 of this Code which do not relate to public health, sanitation or fire safety, within the corporate limits of the City of Sunset Valley, Texas shall be guilty of a Class "C" misdemeanor, and upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00). Each such person shall be guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued, or permitted.
- (b) Any person, firm or corporation violating any of the provisions of the International Mechanical Code as adopted and amended in Chapter 6 of this Code within the corporate limits of the City of Sunset Valley, Texas, that relates to public health and sanitation or fire safety shall be guilty of a Class "C" misdemeanor, and upon conviction shall be fined an amount not exceeding one thousand dollars (\$1000.00). Each such person shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted.

**Sec. 17.104 Penalties for Uniform Plumbing Code Violations (Amended 10-28-19)**

- (a) Any person, firm or corporation violating any of the provisions of the Uniform Plumbing Code as adopted which do not relate to public health, sanitation or safety, within the corporate limits of the City of Sunset Valley, Texas shall be deemed guilty of a Class "C" misdemeanor, and upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof

during which any violation of any of the provisions of this Code is committed, continued, or permitted.

- (b) Any person, firm or corporation violating any of the provisions of the Uniform Plumbing Code as adopted, within the corporate limits of the City of Sunset Valley, Texas, that relates to public health and sanitation or fire safety shall be deemed guilty of a Class "C" misdemeanor, and upon conviction shall be fined an amount not exceeding one thousand dollars (\$1000.00). Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted.

**Sec. 17.105 Penalties for International Fire Code Violations (Amended 10-28-19)**

Any person, firm or corporation violating any of the provisions of the International Fire Code as adopted and amended in Chapter 6 of this Code within the corporate limits of the City of Sunset Valley, Texas, shall be guilty of a Class "C" misdemeanor, and upon conviction shall be fined an amount not exceeding one thousand dollars (\$1,000.00). Each such person shall be guilty of a separate offense for each and every day or portion thereof during which such violation is committed, continued, or permitted.

**Sec. 17.106 Penalties for Underground Storage Tank Violations**

The violation of any of the provisions of the Sections of this Code on underground storage tanks shall be unlawful and a misdemeanor offense. Upon conviction, any person violating these Sections of the Code shall be fined in an amount not to exceed two thousand dollars (\$2,000). Each day a violation of these Sections of the Code continues shall constitute a distinct and separate offense.

**Sec. 17.107 Penalties for Excavation Permit Violations**

Any person who shall violate any of the provisions of the Sections of the Code regulating excavation permits not relating to health, safety or sanitation or shall fail to comply therewith or any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall be liable for a fine, and upon conviction of any of such violations shall be fined in a sum of not more than Five Hundred (\$500.00) Dollars; and each day any such violation shall be permitted to exist shall constitute a separate and distinct offense. Any person violating any provision of these Sections of the Code relating to health safety, or sanitation shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding One Thousand Dollars (\$1,000.00).

**Sec. 17.108 Penalties for Underground Utility Line Violations**

- (a) Any person violating these Sections of the Code on underground utility lines within the corporate limits of the City of Sunset Valley, Texas, shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding five thousand dollars (\$5,000).
- (b) Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of these Sections of the Code.

**Sec. 17.109 Penalties for Subdivision Violations**

- (a) Any person violating any provision of this Code relating to non-health and sanitation subdivision requirements within the corporate limits of the City of Sunset Valley, Texas, shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount not exceeding two hundred dollars (\$200.00). Any person violating any provision of these sections of the Code within the corporate limits of the City of Sunset Valley, Texas, that relates to health or sanitation shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding one thousand (\$1,000.00) dollars.
- (b) Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of these sections of the Code.
- (c) In the event any provision of the subdivision requirements of the Code is violated within the corporate limits of the City, or outside such corporate limits but within the area of extraterritorial jurisdiction of the City, the City may institute any appropriate action or proceedings in District Court or another Court of competent jurisdiction to restrain and enjoin the violation of such Sections of the Code.

**17.110 Penalties for Watershed Development Violations (*Amended entire section 6-23-09*)**

- (a) Any person violating any provision of the Sections of this Code on watershed development which do not relate to health or sanitation within the corporate limits of the City of Sunset Valley, Texas, shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount not exceeding five hundred dollars (\$500.00). Any person violating any provision of the Sections of this Code on watershed development within the corporate limits of the City of Sunset Valley, Texas, that relates to health or sanitation shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding one thousand dollars (\$1,000.00).
- (b) Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of these Sections of the Code.
- (c) In the event any provision of these Sections of the Code is violated within the corporate limits of the City, or outside such corporate limits but within the area of extraterritorial jurisdiction of the City, the City may institute any appropriate action or proceedings in District Court or another Court of competent jurisdiction to restrain and enjoin the violation of such Sections of the Code.

**Sec. 17.111 Penalties for Sign Violations**

- (a) Any individual, association, corporation or legal entity violating any provision of Chapter 14 shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by the assessment of a fine not exceeding \$500.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

- (b) The primary beneficiary of any sign installed in violation of Chapter 14 shall be presumed to have authorized or caused, either directly or indirectly, the installation, use, or maintenance of the sign in violation of Chapter 14.
- (c) Whenever any construction, installation, alteration, or repair of a sign is being done contrary to the provisions of Chapter 14, another controlling ordinance or statute governing the sign, the building official may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the city shall post a STOP WORK ORDER on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the building official. The building official or code enforcement authority may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the sign.
- (d) The city and/or the city administrator shall enforce Chapter 14 by appropriate administrative action, including but not limited to, the rejection of plans, maps, plats and specifications not found to be in compliance with Chapter 14 and good engineering practices, and the issuance of stop work orders.
- (e) Upon the request of the city council, the city attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of Chapter 14, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to Chapter 14. ***(Amended October 28, 2014)***

**Sec. 17.112 Penalties for Landscaping Violations**

- (a) Any violation of the Sections of the Code regulating landscaping will constitute a misdemeanor. Upon conviction a fine shall be assessed (not exceeding two hundred dollars [\$200]). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of these Sections of the Code.
- (b) To avoid penalties involving the removal or damage of certain trees protected by this Code, the developer also should be familiar with and adhere to the requirements of the Sections of the Code regulating trees of this City.

**Sec. 17.113 Penalties for Oak Wilt Disease Regulations Violations**

It shall be unlawful for any person, firm, or corporation to violate the provisions of Chapter 12 of this Code. Any person violating any of the provision of Chapter 12 of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of Chapter 12 of this Code is committed,

continued, or permitted and upon the conviction of any such violation, such offense shall be punishable by a fine of not more than Two Thousand Dollars (\$2,000.00).

**Sec. 17.114 Penalties for Drainage Criteria Violations**

- (a) Any person, firm, or corporation violating any of the provisions of the Sections of this Code on drainage criteria which do not relate to health or sanitation within the corporate limits of the City of Sunset Valley, Texas, shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount not exceeding two hundred dollars (\$200.00). Any person violating any provision of these Sections of the Code within the corporate limits of the City of Sunset Valley, Texas, that relates to health or sanitation shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding one thousand dollars (\$1,000.00).
- (b) Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of these Sections of the Code.
- (c) In the event any provision of these Sections of the Code is violated within the corporate limits of the city, or outside such corporate limits but within the area of extraterritorial jurisdiction of the City of Sunset Valley, the city may institute any appropriate action or proceedings in District Court or another court of competent jurisdiction to restrain and enjoin the violation of such Sections of the Code.

**Sec. 17.115 Penalties for Blasting Permit Violations**

Failure to comply with the regulations in this Code on blasting permits will be subject to fines not to exceed one thousand dollars (\$1,000) per day, each day of violation constitutes a separate offense.

**Sec. 17.116 Penalties for Fire Lane Violations**

A violation of the requirement of a fire lane is a misdemeanor punishable by a fine of up to \$100 per day for each day that a parking facility is in use in violation of these Sections of the Code regulating fire lanes.

**Sec. 17.117 Penalties for On-site Sewage System Permit Violations**

Any person violating any of the provisions of the Sections of the Code regulating on-site sewage systems shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of these Sections is committed, continued or permitted and upon conviction of any such violation, such offense shall be punishable by a fine of not more than One Thousand Dollars (\$1,000.00). Prosecution under this section shall not bar any action under other federal or state statute or local ordinance.

**Sec. 17.118 Penalties for Wastewater System Violations**

- (a) Any person violating any provision of these sections of the Code regulating the wastewater system which do not relate to health or sanitation within the corporate limits of Sunset Valley, Texas shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00).

- (b) Any person violating any provision of these sections of the Code within the corporate limits of the City of Sunset Valley, Texas, that relates to health or sanitation shall be guilty of a misdemeanor and upon conviction shall be fined an amount not exceeding two thousand dollars (\$2,000.00). ***(Effective May 13, 2006)***
- (c) Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of these sections of the Code.

**Section 17.119 Penalties for Violation of Floodplain Regulations**

- (a) Any person violating any provision of Chapter 5 (flood regulations) of this Code within the corporate limits of Sunset Valley, Texas shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding five hundred dollars (\$500.00).
- (b) Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of the provisions of Chapter 5 of the Code.

**Section 17.120 Penalties for Violation of Obligation to Timely Pay Permit**

It shall be unlawful for any person, firm, or corporation to continue any development activity or to use any improvement installed or constructed pursuant to a permit issued for such development or improvement without timely paying all application fees owing in connection with such permit, including third party review fees first due and payable by the applicant after issuance of such permit. Any person violating the provisions of this Section 17.120 shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted and upon the conviction of any such violation, such offense shall be punishable by a fine of not more than Two Hundred Dollars (\$200.00). (*Approved 10-8-2013*)

**Section 17.121 Penalties for Violation of Zoning Regulations**

- (a) Any person violating any provision of Chapter 2 (zoning regulations) of this Code within the corporate limits of Sunset Valley, Texas shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding five hundred dollars (\$500.00).
- (b) Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of the provisions of Chapter 2 of the Code. (*Approved 5-20-2014*)