

ARTICLE IV. - PROPERTY MAINTENANCE

DIVISION 1. - GENERALLY

Sec. 18-71. - Adoption of 2012 International Property Maintenance Code (IPMC).

- (a) The City of Chamblee hereby adopts by reference the provisions of the 2012 International Property Maintenance Code (IPMC), as adopted and amended by the Georgia Department of Community Affairs, including all referenced standards and appendices with the following revisions:

The following sections are hereby revised:

- (1) In section 101.1 "Title" of the IPMC the City of Chamblee hereby replaces the word "jurisdiction" with the words "City of Chamblee".
- (2) In Section 103.5 "Fees" the City of Chamblee hereby replaces the words "Jurisdiction to insert appropriate schedule" with "Fee Schedule adopted under separate ordinance by the City of Chamblee".
- (3) In Section 106.4 "Violation Penalties" the City of Chamblee hereby replaces the words "Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense" with "A person convicted of a violation of this Code shall be punished by a fine not exceeding \$1,000.00, imprisonment for a term not exceeding six months, or any combination thereof. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense. With respect to violations of this Code that are not continuous with respect to time, each day the violation continues is a separate offense."
- (4) In Section 112.4 "Failure to Comply" the City of Chamblee hereby replaces the words "shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars" with the words "Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4."
- (5) In Section 302.4 "Weeds" the City of Chamblee hereby replaces the words "jurisdiction to insert height in inches" with the words "12 inches".
- (6) In Section 304,14 "Insect Screens" of the IMPC the City of Chamblee hereby replaces the words "[DATE] to [DATE]" with the words "March 1 to November 1".
- (7) In Section 602.3 "Heat Supply." of the IPMC the City of Chamblee hereby replaces the words "[DATE] to [DATE]" with the words "October 1 to April 1".
- (8) In Section 602.4" Occupiable Work Spaces." of the IPMC the City of Chamblee hereby replaces the words "[DATE] to [DATE]" with the words "October 1 to April 1".

(Ord. No. [743](#), 12-19-17)

Sec. 18-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory structure means a structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. "Accessory structure" includes, but is not limited to, any portable, demountable or permanent enclosure, shade structure and carport or garage.

Alter or alteration means any change or modification in construction.

Approved means approved by the city.

Basement see the latest edition of the International Property Maintenance Code.

Bathroom means a room containing plumbing fixtures, including a toilet, bathtub, or shower.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Boarding house see the latest edition of the International Property Maintenance Code.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Cellar means that portion of a building having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

~~*Chief of police* means the Chief of the Chamblee Police Department or designee.~~

City means Chamblee, Georgia.

Dangerous structure means any of the following:

- (1) An abandoned or vacant structure that constitutes a hazard to the health or safety of persons who may come on or near the property on which the structure is located and which is not fenced in or otherwise protected to reasonably prohibit public access thereto.
- (2) A structure that is severely damaged by fire, storm or other natural or manmade causes and which has remained in such damaged condition for a period of six months or more and which constitutes a hazard to the health or safety of persons who may come on or near the property on which it is located.
- (3) A structure that is in a condition of being partially constructed and construction thereon has ceased for a period of 12 months or more and which constitutes a hazard to the health or safety of persons who may come on or near the property on which it is located.
- (4) Any combination of the foregoing that would constitute a hazard to the safety and welfare of any person living on property located adjacent thereto.

Department means the ~~police department~~Planning and Development Department or such other department as may hereafter be designated to enforce the provisions of this article.

Director means the ~~director of development~~Planning and Development Director or designee.

Domestic sewage disposal system means a sewage disposal system designated or intended to dispose of domestic sewage that includes byproducts of domestic activities.

Dwelling means any structure which is wholly or partly used or intended to be used for living or sleeping by human occupants, whether or not such structure is occupied or vacant.

Dwelling unit see the latest edition of the International Property Maintenance Code.

Egress means a way to exit from a structure or dwelling unit.

Exterior property means open space on the premises and on any adjoining property under the control of owners or operators of such premises.

Extermination means the control or eradication of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods.

Family see the latest edition of the City of Chamblee Unified Development Ordinance.

Floor area means the gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building.

Garbage means putrescible animal and vegetable wastes resulting from the preparation, cooking and serving of food and the storage of produce, tin cans, glass containers and newspapers.

Habitable room means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Heated water means water that has been heated sufficiently to ensure a temperature of not less than 120 degrees Fahrenheit at the outlets.

Infestation means the presence of insects, rodents, vermin or other pests within or contiguous to a structure or premises.

Inoperable vehicle means:

- (1) A vehicle which is incapable of operation or use upon a highway;
- (2) A vehicle that has no resale value except as a source of parts or scrap; or
- (3) Any wrecked or non-operable automobile, truck or other vehicle.

Inspection warrant means a warrant authorizing a search or inspection of private property where such search or inspection is necessary for the enforcement of any of the provisions of this article.

Lavatory means a washbowl or basin permanently installed with running hot and cold water.

Maintenance means the act of keeping buildings, structures and equipment in a proper condition so as to prevent their decline or failure.

Major overhaul means the repair, alteration or restoration of a motor vehicle which involves the removal of the paint or major parts of or the disassembly of major parts of a motor vehicle, including, without limitation, the following major parts: engine, body, interior seats, interior equipment necessary for the operation of the vehicle, and/or drive train.

Multiple dwelling means any dwelling which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of more than two families living independently of each other, each doing its own cooking in such dwelling. "Multiple dwelling" includes a flat or apartment.

Occupant means any person, over one year of age, living, sleeping, cooking, eating or having actual possession of a dwelling unit.

Operator means any person who has charge, care or control of a building, or part thereof, in which dwelling units are let.

Owner means any person, firm, corporation or entity who, alone or jointly or severally with others:

- (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, prime tenant, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this article to the same extent as the owner.

Party-in-interest or *interest holder* means an individual, association, entity or corporation, executor, administrator, guardian, or trustee, that has a legal interest in or possession of a dwelling, building, or structure.

Plumbing means the practice, materials and fixtures used in the installation, repair, extension and alteration of all piping fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting systems and the public or private water supply systems within or adjacent to any building, structure or conveyance; also the practice and materials used in the installation, repair, extension or alteration of stormwater, liquid waste or sewerage and water supply systems of any premises to their connection with a point of public disposal or other approved terminal.

Premises means a lot, plot or parcel of land including dwellings, buildings, or structures thereon.

Proper or *properly* means in accordance with the general provisions of this article and in accordance with standards of cleanliness, stability and safety as required by this article.

Property means land and whatever is erected or growing upon or affixed thereto.

Property maintenance code official (code official), as it is used in the 2012 International Property Maintenance Code shall have the same meaning as "director".

Public authority means any member of the ~~city~~ City Council, the ~~city~~ City Manager, the ~~public~~ Public Works Director, the Planning and Development Director, or the ~~Chief of~~ Police or his or her designee.

Reckless means the conscious disregard of a substantial and unjustifiable risk that an act or omission will cause harm or endanger the safety of another person and the disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

Repair means the replacement of existing work with approved material of a similar kind to that used in the existing work, not including additional work that would change the structural safety of the building or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of this article.

Rooming house see the latest edition of the International Property Maintenance Code.

Rubbish means combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust or other similar materials.

Safety means the condition of being free from danger and hazards that may cause accidents or disease.

Sanitary sewage disposal system means a sewage disposal system designed and intended to dispose of sanitary and domestic wastes including all liquid and solid wastes from the flush toilet, lavatory, bathtub or shower and clothes washing machine.

Stairway means one or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story to another in a building or structure.

Structure means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Toilet means a bowl flushed with water under pressure with a water-sealed trap above the floor level, used primarily for human elimination.

Townhouse means one of a row of houses connected by common sidewalls.

Trash means putrescible solid wastes, consisting of combustible and noncombustible materials such as, but not limited to, paper, cardboard, yard clippings, wood, glass, crockery and similar materials.

Unfit for human habitation means designation of dwellings or dwelling units as so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that such create a serious hazard to the health or safety or which lack illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

Unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not necessarily for cooking or eating purposes.

Unsanitary condition means the presence of a condition that is conducive to the spreading of disease or illness, or is conducive to harboring insects, rodents or other pests.

Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Water and sewer system includes private wells, public water utility mains, private septic tanks, sewage disposal systems and public sewer mains.

Water closet means a room containing a toilet or urinal but not a bathtub or shower.

Weeds means vegetative growth including but not limited to, kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths. This term shall not include cultivated flowers, fruits and vegetables and gardens.

Workmanlike condition of maintenance and repair means that such maintenance and repair shall be made in a reasonably skillful manner and in accordance with the requirements of all applicable manufacturer's specifications, ordinances and law.

(Ord. No. [743](#), 12-19-17)

Sec. 18-73. - Purpose and findings.

- (a) The governing authority finds that there is a need to establish minimum standards governing the use, occupancy, condition and maintenance of property, dwellings, buildings, and structures. Left completely unregulated, the failure to properly maintain property can become a threat to public safety and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of Chamblee in enacting this article is as follows:
- (1) To protect the health, safety and general welfare of the citizens of the city, and to implement the policies and objectives of a comprehensive property management plan throughout the city through the enactment of a comprehensive set of regulations governing property maintenance in the city;
 - (2) To preserve the value of property and maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the city;
 - (3) To establish minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings, buildings and structures and surrounding premises safe, sanitary and fit for human use and habitation;
 - (4) To establish minimum standards governing the use, occupancy, condition and maintenance of property, dwellings, buildings, and structures;
 - (5) To promote and protect the public health and safety through the control of weeds and grass which constitute a fire hazard and a public nuisance;
 - (6) To fix certain responsibilities and duties of owners, operators and occupants of dwellings;
 - (7) To provide for the condemnation of buildings and structures deemed unfit for human use and habitation and provide for removal of such buildings at public expense after hearing;
 - (8) To authorize the inspection of dwellings and structures; and
 - (9) To prohibit property owners from maintaining property in a manner not expressly authorized by this article, to provide for the maintenance of property, and to provide for the enforcement of the provisions of this article.

(Ord. No. [743](#), 12-19-17)

Sec. 18-74. - Scope and application.

- (a) Every building, dwelling or structure in the city, whether occupied or vacant, shall conform to the requirements of this article, regardless of when such building may have been constructed, altered or repaired. However, when a building, dwelling or structure is vacant, the owner shall only maintain the exterior of the property in compliance with this article, ensure the interior has been cleaned of trash, rubbish and debris, and secure the building, dwelling or structure in a closed and inaccessible manner until occupied. Any building, dwelling or structure that is vacant and closed shall be boarded to minimum specifications as determined by the ~~chief of police~~Planning and Development Director. Owners shall conform their property to the full requirements of this article prior to the occupation of any vacant property. Where applicable, this article also governs the condition of unimproved property.
- (b) Repairs and alterations in restoring a building to its condition previous to damage or deterioration, or altering such building in conformity with this article in such manners as will not extend or increase an existing nonconformity or hazard may be made with approved materials similar in kind to those of which such building is constructed and are authorized by law.
- (c) Where repairs, alterations, construction, maintenance and work required to meet the provisions of this article are regulated and/or required to be permitted by other ordinances, such repairs, alterations, construction, maintenance and work shall comply with all provisions of this code. In the event of a conflict between two regulations, the regulation most recently enacted shall govern.
- (d) The provisions of this code shall not be mandatory for existing buildings, dwellings or structures designated by the state or the city as historic buildings when such buildings, dwellings or structures are judged by the public authority to be safe and in the public interest of health, safety and welfare.

(Ord. No. [743](#), 12-19-17)

Sec. 18-75. - Vehicles.

- (a) *Inoperable vehicles.* No owner or occupant of any premises shall park any inoperable vehicle or permit any other person to park any inoperable vehicle on the owner's or occupant's premises for more than 72 hours, unless the inoperable vehicle is parked in an enclosed structure. This section does not apply to premises for which the zoning code permits the storage of junk vehicles outside an enclosed building. No person shall park any inoperable vehicle upon any public street, alley, or other public property. A court of competent jurisdiction shall have the authority, upon conviction of a violation of this subsection, to order the owner and/or occupant of the premises to replace ground cover beneath the inoperable vehicle, if appropriate.
- (b) *Major overhaul.*
 - (1) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on premises in a residential zone unless:
 - a. The person performing the overhaul is the occupant of the premises;
 - b. The person performing the overhaul is the owner of the vehicle; and
 - c. The work is done inside a garage or enclosed structure; provided, however, the major overhaul of such a vehicle on-premises in a residential zone may be resumed outside of a garage or enclosed structure as long as it is completed within three days of the initiating such overhaul.
 - (2) No person shall perform a major overhaul of any vehicle or permit any other person to perform a major overhaul of any vehicle on any premises in a business, commercial or industrial district, unless the overhaul is performed at an approved automobile sales or repair establishment and completely indoors.
- (c) *Tarps and covers over vehicles.* Within a residential zone, no owner or occupant of any premises shall cover a vehicle or permit any other person to cover a vehicle on the owner's or occupant's

premises with anything other than a cover specifically designed for covering vehicles. Said covers must be maintained in a good clean condition at all times.

- (d) *Storage of vehicles used for recreational purposes.* No person shall park or permit any other person to park any inoperable or junk vehicles which are used for recreation purposes including, but not limited to, boats, snowmobiles, travel trailers, cargo trailers, campers, all-terrain vehicles and motor homes, on premises in a residential district, unless they are stored within an enclosed building. No person may park or permit any other person to park a vehicle used for recreation purposes except in the manner described in chapter 250 of the Chamblee Zoning Ordinance, as amended.
- (e) *Storage of machinery, implements and equipment.* No person shall park or permit any other person to park any machinery, implements or equipment designed for use in agriculture, construction or other commercial enterprise, unless the machinery, implement or equipment is parked in an enclosed garage. This requirement does not apply to single parcels zoned for commercial or industrial purposes. This requirement does not apply to such machinery, implements or equipment that is being used in construction of structures or dwellings so long as such machinery, implements or equipment is removed within 15 days after completion of its use.

(Ord. No. [743](#), 12-19-17)

Sec. 18-76. - Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice of violation have been complied with or until such owner or the owner's authorized agent shall furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation.

(Ord. No. [743](#), 12-19-17)

Sec. 18-77. - Vegetation and debris.

- (a) *Vegetation.* There shall be no dead or hazardous trees, shrubs, ground cover or weeds likely to: harbor vermin or insects, create a health menace or fire hazard, restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants, or pose a risk of physical injury to the public.
- (b) *Height of grass and weeds.* Owners and occupants of property shall not permit weeds or grass within 150 feet of any building or structure to grow on such property to a height exceeding 12 inches.
- (c) *Debris.* There shall not be maintained on a property for more than seven calendar days any used or damaged lumber, junk, trash, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, and abandoned, discarded, inoperative or unusable furniture, stove, refrigerator, freezer, sink, toilet, cabinet or other household fixtures, yard waste or equipment stored so as to be visible from public street, alley or from an adjoining property unless appropriate permits have been obtained from the city. Nothing herein shall preclude the placement of stacked firewood for use on the premises in the side or rear yards of the premises.
- (d) *Shared property.* Where parking in open areas is used jointly for the benefit of two or more owners or tenants, the responsibility for maintaining these parking areas free of garbage and trash shall be the joint and several responsibility of the owners and tenants.

(Ord. No. [743](#), 12-19-17)

Secs. 18-78—18-90. - Reserved.

DIVISION 2. - DWELLINGS AND BOARDING HOUSES

Sec. 18-91. - Dwellings and boarding houses regulations.

See latest version of International Property Maintenance Code.

(Ord. No. [743](#), 12-19-17)

Secs. 18-92—18-115. - Reserved.

DIVISION 3. - ADMINISTRATION, ENFORCEMENT, VIOLATION AND PENALTIES

Sec. 18-116. - Enforcement generally.

- (a) The ~~chief of police~~Planning and Development Director is hereby authorized and directed to administer and enforce all of the provisions of this article. Authorized agents of the department may be selected and vested by the Planning and Development Director ~~chief of police~~ with the police power to prosecute persons charged with violating the terms of this article and to take all necessary steps to ensure compliance with the terms of this article.
- (b) Whenever necessary to make an inspection or to enforce any of the provisions of this article or whenever the Planning and Development Director ~~chief of police~~ has reasonable cause to believe that there exists in any building or structure any condition which makes such building or structure unsafe, the Planning and Development Director ~~chief of police~~ may enter the building or structure during normal work hours with the consent of the owner or an inspection warrant to inspect the same or to perform any duty imposed upon the ~~chief of police~~Planning and Development Director by this article.
- (1) If such property is occupied, the ~~chief of police~~Planning and Development Director shall first present proper credentials and request and obtain consent to enter before entering the building or structure. Reasonable effort must be made to locate the owner or other persons having charge or control of the property when seeking permission for entry.
 - (2) If no consent has been given to enter or inspect any building or structure, no entry or inspection shall be made without the procurement of a warrant from a municipal court judge, magistrate of the county, or a judge of the state or superior court of the county.
 - (3) The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
 - (4) The ~~chief of police~~Planning and Development Director may enter the premises without consent or an inspection warrant to make an inspection or enforce any provisions of this code only if so authorized by state or federal law.

(Ord. No. [743](#), 12-19-17)

Sec. 18-117. - No financial interest.

No official or employee of the ~~police~~ Police ~~d~~Department, the ~~development department~~ Planning and Development Department, the ~~p~~Public ~~w~~Works ~~d~~Department or the department making inspection of properties for the purpose of determining the necessity for repairs or corrections shall or may have any financial interest, directly or indirectly in any repairs or corrections which may be required by this article.

(Ord. No. [743](#), 12-19-17)

Sec. 18-118. - Owner's right of entry.

Every occupant of a building, dwelling, or dwelling unit shall give the owner thereof, or the owner's agents or employees, access to any part of such building, dwelling or dwelling unit or its premises, at all reasonable times, for the purpose of maintenance, improving or making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful rule or regulation adopted pursuant to the provisions of this article.

(Ord. No. [743](#), 12-19-17)

Sec. 18-119. - Stopping work.

Whenever the department determines defective or illegal work is performed in violation of a provision or requirement of this article, it shall order, in writing, all further work to cease until such defective or illegal work is corrected.

(Ord. No. [743](#), 12-19-17)

Sec. 18-120. - Prohibited manner of managing or controlling real property.

- (a) It shall be a violation of this article for any person who has management authority over or control of property within a residential zoning district or of residential units within a mixed-use district, whether as a legal or equitable owner, managing agent, leasing agent, rental agent or otherwise, to recklessly permit the physical condition or facilities of the property to become or remain in any condition which endangers the health or safety of any person. Such conduct shall include, but not be limited to:
- (1) Recklessly allowing property to be improperly secured;
 - (2) Recklessly allowing property to collapse or partially collapse;
 - (3) Recklessly allowing property to remain in violation of applicable building codes, fire codes, or other applicable provisions of this code;
 - (4) Recklessly failing to respond to reasonable requests by the city to repair property that is in violation of an applicable provision of the code; or
 - (5) Recklessly endangering the health and safety of any person by illegally altering or modifying a structure to increase the number of dwelling units or habitable rooms within the structure, or by allowing any such alteration or modification to continue or be used.
- (b) Any person found to have violated subsection (a) shall be subject to a fine of not less than \$500.00 for each offense. A separate and distinct offense shall be regarded as committed each day on which such person shall continue any such violation.
- (c) This section shall not apply to any freestanding, owner-occupied single-family home or to any owner-occupied townhouse; provided, however, the requirements of this section shall apply to any single-family home, or townhouse, which is rented, or to any structure that is altered or modified in violation of this code.

(Ord. No. [743](#), 12-19-17)

Sec. 18-121. - Violations.

A person who violates a provision of this article or fails to comply with this article is guilty of an offense. The owner of a building, structure or premises, where anything in violation of this article shall be placed or shall exist, or any person who may have assisted in the commission of such violation, shall each be guilty of a separate offense. A purchaser, transferee, lessee or mortgagee who has actual or constructive knowledge of the issuance of a citation or notice of violation pursuant to this article shall be deemed to have notice of the violation as of the date of such sale, transfer, lease or mortgage.

(Ord. No. [743](#), 12-19-17)

Sec. 18-122. - Penalties.

- (a) Any person, firm or corporation that does anything prohibited or fails to do anything required by the provisions of this article, as they now exist or as they may hereafter be amended, upon citation by the ~~chief of police~~Planning and Development Director or his/her designee and conviction of the violation in a court of competent jurisdiction, shall be subject to a fine and/or imprisonment in accordance with the city Charter. Where any offense or violation continues from day to day, each day's continuance thereof shall be deemed a separate offense.
- (b) Without limiting the foregoing, upon the presentment of evidence, the judge may consider whether the imposition of a fine authorized under this article would:
- (1) Result in undue burden or hardship;
 - (2) Alter or impair the obligations created by court order or decree; or
 - (3) Otherwise not further the health, safety and welfare of the citizens of the city.

(Ord. No. [743](#), 12-19-17)

Secs. 18-123—18-149. - Reserved.