

ARTICLE 12 REMEDIES

Section 12.010 PENALTY

A person violating a provision of this Ordinance shall, upon conviction, be punished by imprisonment for not more than thirty (30) days or by a fine of not more than \$150.00, or both. A violation of this Ordinance shall be considered a separate offense for each day the violation continues.

Section 12.020 ALTERNATIVE REMEDY

In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, or altered, or used in violation of this Ordinance, the building or land in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this Ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

Section 12.030 PAYMENT IN LIEU OF CONDITION

The Planning Commission may require a person who violates a condition of approval to make a payment in lieu of or in addition to complying with the condition. Payment in lieu of complying with the condition will be allowed only if the Planning Commission determines it is unreasonable for the person to comply with the condition.

Payment in lieu of complying with the condition may be allowed for violating a condition regarding the following:

Trees: Payment at a rate of \$2,000 per tree with a diameter breast height (DBH) of ten inches (10") or more measured at four feet (4') above the ground. For trees with a DBH of five-to-ten inches (5-10"), payment at a rate of \$250 per tree.

A mitigation bank fund will be established which directs the money to be paid for public purpose related to the purpose of the condition.