

**TITLE I: GENERAL PROVISIONS**

Chapter

**10.GENERAL PROVISIONS**



## CHAPTER 10: GENERAL PROVISIONS

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**§ 10.01 TITLE OF CODE.**

(A) All ordinances of a permanent and general nature of the city, as revised, codified, rearranged, renumbered, and consolidated into component codes, titles, chapters, and sections, shall be known and designated as the “city code”, for which designation “code of ordinances”, “codified ordinances”, or “code” may be substituted. Code title, chapter, and section headings do not constitute any part of the law as contained in the code.

(B) All references to codes, titles, chapters, and sections are to the components of the code unless otherwise specified. Any component code may be referred to and cited by its name, such as the traffic code. Sections may be referred to and cited by the designation “§” followed by the number, such as §10.01. Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

**§ 10.02 RULES OF INTERPRETATION.**

(A) *Generally.* Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

(B) *Specific rules of interpretation.* The construction of all ordinances of this city shall be by the following rules, unless that construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(1) *AND or OR.* Either conjunction shall include the other as if written and/or, whenever the context requires.

(2) *Acts by assistants.* When a statute, code provisions, or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, that requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(3) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(4) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

**§ 10.03 APPLICATION TO FUTURE ORDINANCES.**

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted which amend or supplement this code unless otherwise specifically provided.

**§ 10.04 CAPTIONS.**

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

**§ 10.05 DEFINITIONS.**

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CITY.** The area within the corporate boundaries of the City of Avon as presently established or as amended by ordinance, annexation, or other legal actions at a future time. The term **CITY** when used in this code may also be used to refer to the City Council and its authorized representatives.

**CODE, THIS CODE, or THIS CODE OF ORDINANCES.** This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

**COUNTY.** Stearns County, Minnesota.

**MAY.** The act referred to is permissive.

**MONTH.** A calendar month.

**OATH.** An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**. All terms shall mean a pledge taken by the person and administered by an individual authorized by state law.

**OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT.** An officer, office, employee, commission, or department of this city unless the context clearly requires otherwise.

**PERSON.** Extends to and includes an individual, person, persons, firm, corporation, copartnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

**PRECEDING or FOLLOWING.** Next before or next after, respectively.

**SHALL.** The act referred to is mandatory.

**SIGNATURE or SUBSCRIPTION.** Includes a mark when the person cannot write.

**STATE.** The State of Minnesota.

**SUBCHAPTER.** A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have **SUBCHAPTERS**.

**WRITTEN.** Any representation of words, letters, or figures, whether by printing or otherwise.

**YEAR.** A calendar year, unless otherwise expressed.

**§ 10.06 SEVERABILITY.**

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

**§ 10.07 REFERENCE TO OTHER SECTIONS.**

Whenever in 1 section reference is made to another section hereof, that reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

**§ 10.08 REFERENCE TO OFFICES.**

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

**§ 10.09 ERRORS AND OMISSIONS.**

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

**§ 10.10 OFFICIAL TIME.**

The official time, as established by applicable state and federal laws, shall be the official time within this city for the transaction of all city business.

**§ 10.11 REASONABLE TIME.**

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is a legal holiday or a Sunday, it shall be excluded.

**§ 10.12 ORDINANCES REPEALED.**

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to

the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

**§ 10.13 ORDINANCES UNAFFECTED.**

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**§ 10.14 EFFECTIVE DATE OF ORDINANCES.**

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided.

**§ 10.15 REPEAL OR MODIFICATION OF ORDINANCE.**

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it when publication is required to give effect to it, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

**§ 10.16 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

(A) If the City Council shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section, containing the desired amendment, substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of the chapter or section. In addition to this indication as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

**§ 10.17 PRESERVATION OF PENALTIES, OFFENSES, RIGHTS, AND LIABILITIES.**

All offenses committed under laws in force prior to the effective date of this code shall be prosecuted and remain punishable as provided by those laws. This code does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this code. The liabilities, proceedings, and rights are continued; punishments, penalties, or forfeitures shall be enforced and imposed as if this code had not been enacted. In particular, any agreement granting permission to utilize highway rights-of-way, contracts entered into or franchises granted, the acceptance, establishment or vacation of any highway, and the election of corporate

officers shall remain valid in all respects, as if this code had not been enacted.

**§ 10.18 COPIES OF CODE.**

The official copy of this code shall be kept in the office of the City Clerk/Administrator for public inspection. The Clerk/Administrator shall provide a copy for sale for a reasonable charge.

**§ 10.19 ADOPTION OF STATUTES AND RULES BY REFERENCE.**

It is the intention of the City Council that, when adopting this code, all future amendments to any state or federal rules and statutes adopted by reference in this code or referenced in this code are hereby adopted by reference or referenced as if they had been in existence at the time this code was adopted, unless there is clear intention expressed in the code to the contrary.

**§ 10.20 ENFORCEMENT.**

(A) Any licensed peace officer of the city's Police Department, or the County Sheriff, or any Deputy Sheriff shall have the authority to enforce any provision of this code.

(B) As permitted by M.S. § 626.862, as it may be amended from time to time, the City Clerk/Administrator shall have the authority to administer and enforce this code. In addition, under that statutory authority, certain individuals designated within the code or by the Clerk/Administrator or City Council shall have the authority to administer and enforce the provisions specified. All and any person or persons designated may issue a citation in lieu of arrest or continued detention to enforce any provision of the code.

(C) The City Clerk/Administrator and any city official or employee designated by this code who has the responsibility to perform a duty under this code may with the permission of a licensee of a business or owner of any property or resident of a dwelling, or other person in control of any premises, inspect or otherwise enter any property to enforce compliance with this code.

(D) If the licensee, owner, resident, or other person in control of a premises objects to the inspection of or entrance to the property, the City Clerk/Administrator, peace officer, or any employee or official charged with the duty of enforcing the provisions of this code may, upon a showing that probable cause exists for the issuance of a valid search warrant from a court of competent jurisdiction, petition and obtain a search warrant before conducting the inspection or otherwise entering the property. This warrant shall be only to determine whether the provisions of this code enacted to protect the health, safety and welfare of the people are being complied with and to enforce these provisions only, and no criminal charges shall be made as a result of the warrant. No warrant shall be issued unless there be probable cause to issue the warrant. Probable cause occurs if the search is reasonable. Probable cause does not depend on specific knowledge of the condition of a particular property.

(E) Every licensee, owner, resident, or other person in control of property within the city shall permit at reasonable times inspections of or entrance to the property by the City Clerk/Administrator or any other authorized city officer or employee only to determine whether the provisions of this code enacted to protect the health, safety, and welfare of the people are being complied with and to enforce these provisions. Unreasonable refusal to permit the inspection of or entrance to the property shall be grounds for termination of any and all permits, licenses, or city service to the property. Mailed notice shall be given to the licensee, owner, resident, or other person in control of the property, stating the grounds for the termination, and the licensee, owner, resident, or other person in control of the property shall be given an opportunity to appear before the City Clerk/Administrator to object to the



termination before it occurs, subject to appeal of the Clerk/Administrator's decision to the City Council at a regularly scheduled or special meeting.

(F) Nothing in this section shall be construed to limit the authority of the city to enter private property in urgent emergency situations where there is an imminent danger in order to protect the public health, safety, and welfare.

#### **§ 10.98 SUPPLEMENTAL ADMINISTRATIVE PENALTIES.**

(A) *Purpose and Intent.* The Administrative enforcement procedures established within this Ordinance are intended to provide the City of Avon with an informal, cost-effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of the adopted City Code and City Ordinances. The City of Avon retains the right, at its sole discretion, to enforce provisions of its Code and Ordinances by bringing criminal charges or commencing civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that that such a process is a legitimate and necessary alternative method of enforcing Code or Ordinance violations.

(B) *Definitions.*

- (1) *Code Compliance Officer.* Is any officer of the Stearns County Sheriff's Department, any employee of the City of Avon, or any person or company contracted to provide code enforcement services who has received official authority by the Avon City Council to enforce the City Code and Ordinances. There may be more than one person designated as Code Compliance Officer at any given time.
- (2) *Code Offense.* Is a violation of any section, subdivision, paragraph or provision of the Avon City Code or any Avon City Ordinance and is subject to a civil penalty determined according to a schedule adopted by Resolution of the Avon City Council from time to time and payable directly to the City Treasurer. Each day the violation exists constitutes a separate Code Offense.
- (3) *Owner.* Is an individual, association, syndicate, partnership, corporation, limited liability company, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.
- (4) *Person.* Means a natural person of either sex, a firm, partnership, corporation, limited liability company, any other association of people, and includes the manager or agent of that person or organization.

(C) *Procedure.*

- (1) *Administrative Notice.* A Code Compliance Officer may issue, either in person or by United States first class mail, an Administrative Notice to a person suspected or known to have committed a Code Offense and/or to be the owner of property upon which a Code

Offense is being committed. The Administrative Notice shall identify the Code Offense, the location upon which the Code Offense occurred or is occurring, and the recommended corrective action for the Code Offense. The Administrative Notice may also state that the alleged violator has, at the discretion of the Code Compliance Officer, up to fifteen (15) days to correct or abate the Code Offense. If the alleged violator and/or owner of property upon which a Code Offense is being committed is unable to correct or abate the Code Offense within the prescribed time, that person may request in writing an extension of no more than 30 additional days from the Code Compliance Officer. Any extension granted by the Code Compliance Officer shall be in writing and shall specifically state the date of expiration. If the Code Offense is not corrected or abated, as outlined in the Administrative Notice, within the prescribed time or any extension thereto, the Code Compliance Officer may issue a citation, as provided below.

- (2) *Citation.* A Code Compliance Officer is authorized to issue a citation upon the belief that a Code Offense has occurred, whether or not an Administrative Notice has first been issued in regard to said Code Offense. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the violation has occurred, either by personal service or by United States first class mail. Said citation shall state the nature of the Code Offense, the time and date said Code Offense occurred, the civil penalty applicable to that Code Offense as set forth in a schedule of civil penalties which shall be adopted by Resolution of the City Council from time to time, and the manner for paying the civil penalty or requesting a hearing before a Hearing Officer to contest the citation.
- (3) *Responding to a Citation / Payment.* Once a citation is issued, the alleged violator and/or the owner of the property upon which the violation has occurred shall, within fifteen (15) days of the time of issuance of the citation, either pay the civil penalty set forth in the citation or request a hearing in writing according to the procedure set forth in this Section. The civil penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) days. Payment of the civil penalty shall be deemed to be an admission of the Code Offense.

(D) *Appeal to Hearing Officer.*

- (1) *Requesting a Hearing.* Any person contesting a citation issued pursuant to this Chapter may, within fifteen (15) days of the time of issuance of the citation, request a hearing before a Hearing Officer. Any request for a hearing before a Hearing Officer shall be made in writing on a form provided by the City for such a request and either delivered personally to the City at City Hall or mailed to the City by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) days. The hearing shall be held at City Hall within thirty (30) days of the date the City received a timely written notice that a hearing has been requested. Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. A determination of good cause shall be made by the Hearing Officer, but does specifically not include forgetfulness or intentional delay.

- (2) *Hearing Officer.* The City Council shall by Resolution from time to time appoint a list of persons authorized to act as a Hearing Officer. The Hearing Officer is authorized to conduct an informal hearing to determine if a Code Offense has occurred. The Hearing officer may be compensated by the City for such hearings and related findings. The Hearing Officer shall have the authority to uphold or dismiss the citation or reduce, stay or waive the civil penalty imposed upon such terms and conditions as the Hearing Officer shall determine. The Hearing Officer's decision shall be made in writing on a form provided by the City for such purpose. A copy of the Hearing Officer's decision shall be served by United States first class mail upon the person requesting the hearing. The Hearing Officer's decision is final, except for appeal of the Hearing Officer's decision in limited cases to the City Council, as set forth below.
- (3) *Conduct of Hearing.* At the hearing, the parties will have the opportunity to present testimony, documents and exhibits and question witnesses. The Hearing Officer shall tape record the proceedings and receive testimony and exhibits. Strict rules of evidence will not apply. The Hearing Officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(E) *Appeal of Hearing Officer Decision.*

- (1) The Hearing Officer's decision shall be appealable to the City Council only for the following matters:
  1. an alleged failure to obtain a required permit, license, or other approval from the City Council as required by the City Code;
  2. an alleged violation of a permit, license, or other approval, or the conditions attached to the permit, license or approval, that was issued by the City Council; or
  3. an alleged violation of regulations governing a person or entity who has received a license issued by the City Council.
- (2) An appeal to the City Council of the Hearing Officer's decision must be made in writing on a form provided by the city for such an appeal and must be served on the City Clerk by United States first class mail, postage prepaid, within ten (10) days after the date of the Hearing Officer's decision.
- (3) A timely appeal will be heard by the City Council after a notice of hearing is served by the City upon the appellant in person or by certified mail at least ten (10) days in advance of the date of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Hearing Officer's decision.
- (4) The City Council shall consider the record, the Hearing Officer's decision, and any additional arguments before making a determination. The City Council is not bound by

the Hearing Officer's decision, but may adopt all or part of the Hearing Officer's decision. The City Council's decision may be voted upon and given at the hearing or may be given in writing within fifteen (15) days of the hearing.

- (5) The failure of the appellant to appear in front of the City Council or participate in the appeal constitutes a waiver of the violator's right of appeal and an admission of the violation. The Council may waive the result upon good cause shown. The determination of a showing of good cause shown shall be made solely at the discretion of the City Council but does not include forgetfulness and intentional delay.

(F) *Failure to Pay.*

- (1) In the event a person charged with a Code Offense fails to pay the civil penalty and correct or abate the Code Offense for which a citation was issued within the prescribed time, a late charge of fifteen percent (15%) shall be imposed thereon, as well as interest at the rate of 8% per annum for as long as the civil penalty remains unpaid and the Code Offense remains uncorrected or unabated beyond the due date.
- (2) An unpaid civil penalty and accrued late charge and interest will constitute a personal obligation of the person(s) to whom the citation was issued and the City shall have the right to collect such unpaid civil penalty and accrued late charges, together with the City's costs and reasonable attorney's fees, in criminal or civil proceedings.
- (3) Pursuant to Minn. Stat. § 429.101, Minn. Stat. § 514.67, Minn. Stat. § 366.012 and other applicable law, a lien in the amount of the civil penalty and any accrued late charge and interest may be assessed against the property where the Code Offense occurred and collected in the same manner as taxes. Any such assessment shall not preclude the City from issuing additional citations for a continuing Code Offense, nor shall it preclude the City from making additional assessments against the same property resulting from a continuing or new Code Offense.
- (4) The City may suspend or revoke a license or permit or other approval associated with the Code Offense if the civil penalty and accrued late charges are not timely paid.

(G) *Subsequent Violations.* If a second citation for a Code Offense is issued by the City to the alleged violator and/or owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same Code Offense, the civil penalty shall increase by 25% over the scheduled civil penalty amount. If a third citation for a Code Offense is issued by the City to the alleged violator and/or the owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same Code Offense, the civil penalty shall increase by 50% over the scheduled civil penalty amount. If a fourth citation for a Code Offense is issued by the City to the alleged violator and/or the owner of the property upon which the violation has occurred within twenty-four (24) months of the issuance of a previous citation for the same Code Offense, the civil penalty shall increase by 100% over the scheduled civil penalty amount.

**SECTION 2:** This Ordinance shall take effect upon its passage and publication according to law.

(Ordinance No. 223 passed August 31, 2020)

**§ 10.99 GENERAL PENALTY.**

(A) Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

(B) Any person, firm, or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

(C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

(E) In addition to any penalties provided for in this section or in § 10.98, if any person, firm, or corporation fails to comply with any provision of this code, the Council or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

**APPENDIX A: RESOLUTION TO ADOPT A SCHEDULE OF OFFENSES  
AND VOLUNTARY ADMINISTRATIVE PENALTIES**

**WHEREAS**, the City Council of the City of Avon, at their regular meeting on August 31, 2020, has adopted an ordinance establishing a procedure for adjudicating administrative offenses and providing for a schedule of offenses and administrative penalties; and

**WHEREAS**, said ordinance authorizes the City Council, from time to time, to identify administrative offenses and establish penalties for such offenses.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Avon does here by resolve:

1. The administrative offenses and administrative penalties for such offenses listed below are hereby established:

|  |                        |              |
|--|------------------------|--------------|
| <b><u>ANIMAL VIOLATIONS</u></b>                            | <b><u>CH 91</u></b>    |              |
| 1 <sup>ST</sup> OFFENSE                                    |                        | \$50         |
| 2 <sup>ND</sup> OFFENSE                                    |                        | \$75         |
| 3 <sup>RD</sup> OFFENSE                                    |                        | \$100        |
| <br>   |                        |              |
| <b><u>BUILDING CODE VIOLATIONS</u></b>                     | <b><u>TITLE XV</u></b> |              |
| PERMIT VIOLATIONS  |                        | \$100.00/day |
| LACK OF PERMIT   |                        | \$100.00     |
| <br>   |                        |              |
| <b><u>CURFEW</u></b>                                       | <b><u>SECT 130</u></b> | \$50.00      |
| <br>   |                        |              |
| <b><u>FIREWORKS</u></b>                                    |                        |              |
| USE, POSSESSION, PROHIBITED SALES – SS 624.21              |                        | \$50.00      |
| <br>   |                        |              |
| <b><u>HOUSING CODES</u></b>                                | <b><u>ORD #114</u></b> | \$50.00/day  |
| <br>   |                        |              |
| <b><u>ZONING ORDINANCE/LAND USE</u></b>                    | <b><u>TITLE XV</u></b> | \$100.00/day |
| <br>   |                        |              |
| <b><u>VIOLATION OF VARIANCE/CONDITIONAL USE PERMIT</u></b> |                        | \$200.00/day |
| <br>   |                        |              |
| <b><u>PARK AND BEACH VIOLATIONS</u></b>                    | <b><u>CH 90</u></b>    | \$50.00      |
| <br>   |                        |              |
| <b><u>PUBLIC NUISANCES</u></b>                             | <b><u>CH 94</u></b>    | \$50/day     |

|   |                        |              |
|---|------------------------|--------------|
| <b><u>OPEN FIRE VIOLATION</u></b>           | <b><u>CH 92</u></b>    | \$50.00      |
| <b><u>SNOWMOBILE VIOLATIONS</u></b>         | <b><u>ORD #126</u></b> | \$50.00      |
| <b><u>WETLAND/SHORE LAND VIOLATIONS</u></b> | <b><u>TITLE XV</u></b> | \$100.00/day |

(Adopted August 31, 2020)

**APPENDIX B: NOTICE OF CODE VIOLATION**

To: (Name and address of person who is alleged to have violated the code)

From: (Name and title of city official giving the notice)

Re: Alleged violation of Section of the Avon City Code, relating to (give title of section)

Date: (Date of notice)

I hereby allege that on (date of violation) you violated § \_\_\_\_\_ of the Avon City Code relating to \_\_\_\_\_.

The City Council has by resolution established an administrative penalty in the amount of \$\_\_\_\_ for this violation.

Payment of this administrative penalty is voluntary, but if you do not pay it the city may initiate criminal proceedings for this alleged violation.

Payment is due within 14 days of the date of this notice. Before the due date, you may request an additional 14-day extension of the time to pay the administrative penalty.

As an alternative to the payment of this administrative penalty, if the situation that gave rise to this alleged violation is corrected by \_\_\_\_\_ (establish date), then the payment of the administrative penalty will be waived.

Even if the administrative penalty is paid, the city reserves the right to institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Before the due date, you may request to appear before the City Council to contest the request for payment of the penalty. After a hearing before the Council, the Council may determine to withdraw the request for payment or to renew the request for payment. Because the payment of the administrative penalty is voluntary, there shall be no appeal from the decision of the Council.

If you pay the administrative penalty, the city will not initiate criminal proceedings for this alleged violation. However, the Council, or any city official designated by it, may institute appropriate proceedings at law or at equity to restrain, correct, or abate the violation.

Payment of the administrative penalty may be made by check, cash, or money order to the City Treasurer.

Signed:

(Name and title of person giving notice)