

Sec. 6-1. - Penalties and remedies.

- (a) A violation of any of the provisions of this chapter shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days, unless otherwise provided herein.
- (b) Except as otherwise provided herein, a violation of any of the provisions of this chapter shall also subject the offender to a civil penalty of twenty-five dollars (\$25.00).
 - (1) Any person violating section 6-3.1 of this chapter shall be subject to the following maximum penalties:
 - a. For a first violation, up to twenty-five dollars (\$25.00).
 - b. For a second violation, up to seventy-five dollars (\$75.00).
 - c. For a third violation, up to one hundred twenty-five dollars (\$125.00).
 - d. For a fourth violation, up to two hundred dollars (\$200.00).
 - e. For a fifth or subsequent violation, up to two hundred fifty dollars (\$250.00).
 - (2) A violation of any provision of Article II of this chapter shall subject the offender to the following penalties:
 - a. The first violation on a civil citation within a rolling one (1) year period subjects the violator to a civil penalty of \$200.00.
 - b. A second violation on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject the violator to a penalty of \$350.00.
 - c. A third violation on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject both the violator and any non-occupant owner of the premises to a civil penalty of \$500.00, subject to the owner notice requirements of Sec. 6-36 of Article II.
 - d. All fourth and subsequent violations on a civil citation by the same person or business or at the same location within a rolling one (1) year period of the first violation shall subject both the violator and any non-occupant owner of the premises to a civil penalty of \$1,000.00, subject to the owner notice requirements of Sec. 6-36 of Article II.
 - e. A written warning is not required to be given prior to the issuance of a civil citation but may be used in the officer's discretion.
 - f. No more than one written warning may be given within a rolling one (1)

year period.

g. A police officer may only arrest for a violation under Article II for instances when:

- (1) The alleged violator refuses to provide the officer with such person's or owner's, name and address and any proof thereof as may be reasonably available to the alleged violator; or
- (2) The alleged violator refuses to cease such illegal activity after being issued a civil citation; or
- (3) Any person interferes with the enforcement activities of the officer; or
- (4) An arrest is also being made for other charges.

h. Failure to pay a civil penalty imposed under Article II within ten (10) business days shall subject the offender to an additional \$50.00 delinquency charge.

i. Each separate time that an officer responds to the same location to assess a violation under Article II shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

(3) Any person violating section 6.2 of this chapter shall be subject to a penalty not to exceed one hundred dollars (\$100.00) per violation.

(4) Any person violating section 6-9 of this chapter shall be subject to a penalty of fifty dollars (\$50.00) per violation. Conviction for a violation of section 6-9 shall be an infraction and shall have no consequence other than payment of this penalty.

(5) If a person fails to pay a civil penalty within ten (10) days after being cited for a violation, the city may seek to recover the penalty by filing a civil action in the nature of a debt.

(c) The city may seek to enforce this chapter through any appropriate equitable action.

(d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(e) A violation of any provision of section 6-12 of this chapter shall be cause for the suspension or revocation of any license or permit issued by the city.

(f) The city may seek to enforce this chapter by using any one (1) or any combination of the forgoing remedies.