

***ORDINANCE 2023-***

AN ORDINANCE, AMENDING CHAPTER 8, ARTICLE III, ENTITLED “ABANDONED AND VACANT BUILDINGS” BY REPEALING, IN ITS ENTIRETY AND REPLACING, IN ITS ENTIRETY, WITH CHAPTER 8, ARTICLE III TO BE ENTITLED “REGISTRATION OF FORECLOSING MORTGAGED PROPERTY AND VACANT PROPERTY”; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE CITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

***(RECITALS)***

WHEREAS, the City Commission desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the City of Emporia and maintain a high quality of life for the citizens of the City through the maintenance of structures and properties in the City; and

WHEREAS, the Commission recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as “Registrable Properties”) located throughout the City lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Commission has already adopted property maintenance codes to regulate building standards for the exterior and interior of structures and the condition of the property as a whole; and

WHEREAS, the Commission recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Commission has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the City to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected, or left unsupervised.

***(RESOLUTION)***

**NOW THEREFORE, BE IT RESOLVED BY THE CITY:**

The Commission finds that the implementation of the following changes and additions will assist the City in protecting neighborhoods and business areas from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing City regulations and laws.

- (a) That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.

- (b) That the Commission does hereby amend the City Codified Ordinances by repealing, in its entirety, Chapter 8, Article III entitled “Abandoned and Vacant Buildings” and replacing it, in its entirety, with Chapter ##, Article ## entitled “Registration of Vacant Property and Foreclosing Mortgaged Property” to read as follows.

## **REGISTRATION OF VACANT PROPERTY AND FORECLOSING MORTGAGED PROPERTY**

### **PURPOSE AND INTENT.**

It is the purpose and intent of the Commission to establish a process to address the deterioration, crime, and decline in value of City neighborhoods and business districts caused by property with foreclosing or foreclosed mortgages and owner vacated property located within the City, and to identify, regulate, limit, and reduce the number of these properties located within the City. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential or commercial areas where the properties are located. It is the Commission’s further intent to establish a registration program as a mechanism to help protect neighborhoods and area’s from becoming blighted through the lack of adequate maintenance of properties that are vacant and/or in Foreclosure or Foreclosed.

### **DEFINITIONS**

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

**Default** shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

**Enforcement Officer** shall mean any building official, zoning inspector, code enforcement officer, fire inspector, building inspector, law enforcement officer or other person authorized by the City to enforce the applicable code(s).

**Evidence of Vacancy** shall mean any condition that on its own, or combined with other conditions present, would lead the Chief Building Inspector or one of his/her appointed officers to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

**Foreclosure or Foreclosure Action** shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm’s length transaction to satisfy the debt or lien.

**Mortgagee** shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities as the assignee or owner.

**Owner** shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

**Property Manager** shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

**Real Property** shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City limits.

**Registrable Property** shall mean:

- (1) Any commercial or residential property that is vacant, meaning any building or structure intended for residential or commercial use which does not appear to be occupied or in use by the owner or tenant on a permanent, nontransient basis for more than 180 days and/or not used as intended by the City adopted Zoning Ordinance.
- (2) Any real property located in the City, whether vacant or occupied, that meets any of the following conditions:
  - (a) The property is the subject of a foreclosure action filed by the mortgagee;
  - (b) A judgment of foreclosure has been entered;
  - (c) A foreclosure sale has occurred and title transferred to the beneficiary of a mortgagee; or
  - (d) The property has been transferred to a mortgagee under a deed in lieu of foreclosure/sale.

The designation of a property as "registrable" shall remain in place until such time as the property is sold to a bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

**Registry** shall mean a web-based electronic database of searchable Real Property records, used by the City to allow Mortgagees and Owners the opportunity to register properties as required in this Chapter.

**Renovation activities** shall mean actions that demonstrate that property is being repaired, remodeled, or rehabilitated and subject to all requirements pertaining to the cities adopted building and zoning ordinances with all permitting requirements adhered to. Such activities shall include, but not be limited to, painting, roofing, wallpapering, tiling, carpeting, installing cabinets/counter tops, installing heating/cooling systems, and repairs to any part of the structure including, but not limited to, the foundation, windows, doors, siding, and porches.

**Utilities and Services** shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all City codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

**Vacant** shall mean any building or structure intended for residential or commercial use which does not appear to be occupied or in use by the owner or tenant on a permanent, nontransient basis. Evidence that a property is vacant shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property has not been occupied or in use for at least 180 days. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings.

## **APPLICABILITY AND JURISDICTION**

This Chapter applies to Vacant and Foreclosing, Foreclosed property within the City of Emporia.

## **ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of Section ## the City, or its designee, shall establish a registry cataloging each Registrable Property within the City, containing the information required by this Chapter.

## **VIOLATIONS AND PENALTIES**

Any person who fails to file a registration statement, amendment or other statement required by this division or violates the provisions of sections "INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE", "INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE", shall be issued a violation for a Class C misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by confinement in the county jail for a definite term not exceeding one month, or by both such fine and confinement. No portion of the minimum fine shall be paroled by the court. Each property and/or parcel owned shall constitute a separate offense. A citation may be issued under this section every 30 days by any enforcement officer until such registration statement, amendment or other statement required by this division is filed.

## **INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE**

- (a) Any Mortgagee who holds a mortgage on Real Property located within the City shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the City Registry, and, at the time of registration, indicate whether the property is Vacant, and if so, shall designate in writing a Property Manager to inspect, maintain, and secure the Real

Property subject to the mortgage under a Foreclosure Action when legally possible. Separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.

- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- (f) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- (h) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (i) Properties subject to this section shall remain subject to the Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (j) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (k) If any property is in violation of this Chapter, the City may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

- (l) Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.

#### **INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE**

- (a) Any Owner of Vacant property located within the City shall within one hundred eighty (180) days after the property becomes Vacant, register the Real Property with the City Registry.
- (b) If the owner resides outside a 45-mile radius of the City limits, the owner shall appoint an agent who resides within the City limits. The owner shall provide the agent's full name, property management company name (if applicable), email address (if applicable), telephone number and mailing address.
- (c) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

Name of Owner: \_\_\_\_\_  
Mailing Address of Owner: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_  
Telephone/Cell Phone Number: \_\_\_\_\_

Name of Property Manager: \_\_\_\_\_  
Mailing Address of Property Manager: \_\_\_\_\_  
E-mail Address of Property Manager: \_\_\_\_\_  
Telephone/Cell Phone Number of Property Manager of Property Manager: \_\_\_\_\_

- (d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee at the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property. Said fees shall be used to offset the costs of:

- (1) registration and registration enforcement,
- (2) code enforcement and mitigation related to vacated properties,
- (3) for any related purposes as may be adopted in the policy set forth in this Chapter.

Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance and fulfilling the purpose and intent of this Chapter.

- (f) Properties subject to this section shall remain subject to the Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.

- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (h) If any property is in violation of this Chapter, the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

## **MAINTENANCE REQUIREMENTS**

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable codes of the City. Pursuant to a finding and determination by the city attorney, the city may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) and the International Property Maintenance Code of the City.

## **SECURITY REQUIREMENTS**

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by proper re-glazing the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the City.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the City Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY \_\_\_\_\_.  
 AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_.  
 THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_.  
 BY TELEPHONE AT \_\_\_\_\_.  
 OR BY EMAIL AT \_\_\_\_\_.

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the City. The city may take the necessary action to ensure compliance with this section and recover costs and expenses in support thereof.

#### **EXCEPTION TO THE FEE PROVISIONS**

In the case in which a registered vacant property does not receive any violations for a minimum of one (1) year, as set forth in this ordinance, meets all maintenance and security requirements, also the registered vacant property shall be compliant with Emporia currently adopted International Property Maintenance Code. The Chief Building Inspector, or an appointed officer may grant the owner of the vacant property a reduction of fees semi-annual required by section “INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE (e)”.



If all requirements of this ordinance are complied with the semi-annual fees will be reduced to \$50.00 for residential and \$150.00 for commercial properties. Failure of the property owner to comply with the maintenance and security requirements set forth in sections "INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE", "INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE", the semi-annual registration fee for vacant property will immediately be re-instated.

## **PROVISIONS SUPPLEMENTAL**

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the City from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

## **PUBLIC NUISANCE**

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the City.

## **ADDITIONAL AUTHORITY**

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner and may bring the violations before the Chief Building Inspector, City Manager or City Attorney as soon as possible to address the conditions of the property. Nothing herein shall limit the City from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Chief Building Inspector, code enforcement officer, or city attorney shall have the authority to require the Owner or Mortgagee affected by this ordinance, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Chief Building Inspector, code enforcement officer, or city attorney may direct the City to abate the violations and charge the Mortgagee or Owner with the cost of the abatement. If the vacant property is or becomes a life safety hazard, then the city shall use *K.S.A. 12-1756. Same; immediate hazard; action to protect public; notice not required*; to abate the structure and charge the owner with the cost of abatement.
- (d) If the Mortgagee or Owner does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by the Chief Building Inspector, code enforcement officer, or city attorney, within thirty (30) days of the City sending the Mortgagee or Owner the invoice then the City may lien the property with such cost, along with an administrative fee as determined in the City's fee ordinance to recover the administrative personnel services. In addition to filing a lien the City may pursue financial penalties against the Mortgagee or Owner.
- (e) The City may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the City contracted with for that purpose.

## **OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

## **IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

## **PENALTIES**

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

## **AMENDMENTS**

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the Commission.

## **SEVERABILITY**

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

## **REPEALER**

All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

## **CODIFICATION**

It is the intention of the Commission, that the provisions of this Ordinance shall become and be made a part of the City Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

## **EFFECTIVE DATE**

This ordinance shall become effective immediately upon adoption.