

CHAPTER 1177
Enforcement

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1177.01 COMPLIANCE REQUIRED.

Except as specifically allowed elsewhere in this code:

- (a) No person shall use land except for a purpose permitted in the district in which it is located.
- (b) No person shall erect, convert, enlarge, reconstruct, move or structurally alter any building, nor shall any person use any building, except for a use permitted in the district in which such building is located.
- (c) No person shall erect, convert, enlarge, reconstruct, move or structurally alter any building, nor shall any person use any building, except in conformity with the area regulations of the district in which such building is located.
- (d) No person shall erect or enlarge any building except in conformity with the off-street parking and loading requirements of this Springfield Zoning Code.
- (e) No person owning a building at the time of passage of this Springfield Zoning Code or who hereafter erects or structurally alters a building, shall cause or permit such building to encroach upon the minimum yards, frontage, parking spaces and open spaces, including lot area per family, required by this Springfield Zoning Code nor shall any lot area be reduced below the requirements of this Springfield Zoning Code for the district in which such lot is located.
(Ord. 02-177. Passed 4-16-02.)
- (f) No person shall erect, convert, enlarge, reconstruct, move or structurally alter any building as to cause the minimum yards, frontage, or parking spaces and open spaces, including lot area per family, required by this Springfield Zoning Code for such building to encroach upon any part of the yards, frontage, parking space or open spaces, including lot area per family, required by this Springfield Zoning Code for any other building.

1177.02 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Springfield Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Community Development Director or his designee. He shall properly record such complaint, investigate such complaint, and take action as provided by this Springfield Zoning Code.

1177.03 ENTRY AND INSPECTION OF PROPERTY.

The Community Development Director or his designee is authorized to make inspections of properties and structures for the purpose of enforcing the provisions of this Springfield Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, he shall attempt to obtain the permission of the owner or occupant to inspect the property or structure. If such permission is denied or cannot be obtained, he shall request the assistance of the City Law Director in securing a valid search warrant prior to entry.

1177.04 NOTICE OF VIOLATION.

(a) Whenever the Community Development Director or his designee determines that there is a violation of any provision of this code, a warning shall be issued and shall serve as a notice of the violation. Such notice shall:

- (1) Be in writing;
- (2) Identify the violation;
- (3) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Springfield Zoning Code being violated; and
- (4) State the time by which the violation shall be corrected.

(b) Service of notice of violation shall be as follows:

- (1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion;
- (2) By certified mail deposited in the United State Post Office addressed to the person or persons responsible at a last known address;
- (3) If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing. Service shall be deemed complete when the fact of mailing is entered of record, provided the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- (4) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1177.05 VIOLATION CITATION TAGS.

The Community Development Director or his designee is authorized and directed to provide inspectors with citation tags which may be used for the purpose of giving due notice and summons to the person responsible for violations of this Springfield Zoning Code by the following procedure:

- (a) Each citation tag shall be put in writing on an appropriate form, describe the offense charged, refer to the section of the chapter violated, and order the defendant to appear at a stated time and place.
- (b) The citation tag shall be served on such person in person. However, a citation tag shall be deemed to be properly served upon such person if a copy thereof is sent by registered or certified mail to his last known mailing address, residence, or place of business, and a copy is posted in a conspicuous place in or on the

- property affected.
- (c) If a registered or certified mail envelope is returned with an endorsement showing that service was refused or unclaimed, the notice may be served by ordinary mail to his last known mailing address, residence, or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided the ordinary mailing envelope is not returned from the postal authorities with an endorsement showing failure of delivery.
 - (d) Alternatively:
 - (1) The citation tag may be served by leaving it at his last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof; or
 - (2) If service is not accomplished by any of the above means, then a notification of the existence of the citation tag may be published at least once in a local newspaper of general circulation.
 - (e) The citation tag shall inform the defendant that, in lieu of appearing at the time and place stated, he may, within the stated time, sign a plea of guilty and a waiver of trial and pay a stated fine and stated costs, if any.
 - (f) When the defendant fails to appear within the stated time, a warrant may be issued for his arrest.
 - (f) When a defendant appears, but does not sign a guilty plea and waiver of trial, the court shall proceed according to criminal procedures.
 - (g) The citation tag as herein provided, shall be sufficient notice, summons, and legal service thereof for the purpose specified thereon, provided the use of such tags shall not prohibit the issuance of either additional citation tags in the event such violation is continued or repeated.

1177.99 PENALTIES AND FINES.

(a) It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provisions of this Springfield Zoning Code or any amendment thereto. Any person who violates this Springfield Zoning Code or fails to comply with any of its requirements shall upon conviction be guilty of a minor misdemeanor and be fined not more than 100 dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(b) Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Springfield Zoning Code, or in the case of an imminent threat of such a violation, the City Law Director or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, enjoin or terminate such violation.