

ORDINANCE

WHEREAS, the Mayor and Council of the City of Duluth find that there exist properties in the City that negatively affect the health, safety and general welfare, as well as the appearance, and aesthetics of the City;

WHEREAS, the public health, safety and general welfare require that such properties be regulated in order to reduce the potential for harm, and in order to preserve the quality of urban life in residential and business areas of the community;

WHEREAS, the location of such properties may adversely affect property values, cause an increase in crime, and encourage residents and businesses therein to move elsewhere; and

NOW THEREFORE, the Council of the City of Duluth hereby ordains that the Code of Ordinances of Duluth, Georgia, is hereby amended by deleting Chapter 5 Article VI in its entirety and replacing it with the following section:

ARTICLE VI. PROPERTY MAINTENANCE

DIVISION 1. TITLE, PURPOSE, SCOPE, INTERCHANGEABILITY AND DEFINITIONS

Sec. 5-201. Title.

The title of this article shall be the “City of Duluth Property Maintenance Ordinance” and may be cited hereinafter as “this article.”

Sec. 5-202. Purpose.

The purpose and intent of this article is:

- (1) To establish minimum requirements and standards for premises and structures in order to promote and protect the public health, safety, convenience, order and general welfare of the citizens of the City;
- (2) To enhance and promote the maintenance of real property and by so doing, improve the livability, appearance and the social and economic conditions of the community;
- (3) To ensure that real properties do not reach such a state of deterioration or disrepair as to cause the depreciation of the value of surrounding property or be materially detrimental to nearby properties and improvements;
- (4) This article is not to be used as a vindictive or malicious tool by one person against another. City officials shall use discretion in acting upon repeated and trivial complaints that do not reflect the intent and purpose stated in this section.

Sec. 5-203. Scope.

This article shall apply to all existing structures and premises and constitute minimum

requirements and standards for existing structures and premises.

Sec. 5-204. Interchangeability.

Words stated in the present tense include the future. Words stated in the masculine gender include the feminine and neuter. Words stated in the singular number include the plural and the plural the singular.

Sec. 5-205. Definitions.

Terms not defined herein shall have their meaning as defined in the zoning ordinance, the development regulations, health and sanitation ordinance, buffer, landscape and tree ordinance, and the building code, or in the absence of such definition, words shall have their common dictionary definition. Whenever the words “dwelling unit,” “premises,” “building,” “rooming house,” “rooming unit” or “story” are stated in this article, they shall be construed as though they were followed by the words “or any part thereof.” The following definitions shall apply in the interpretation and enforcement of this article:

Automobile, inoperative or junked. Includes, but is not limited to, any automobile, motor vehicle, vehicle or trailer in one or more of the following conditions:

1. Abandoned
2. Discarded
3. Dismantled
4. Inoperative
5. Does not have a valid license plate attached thereto
6. Partially dismantled
7. Wrecked

Basement. The portion of a building located partly underground, but having less than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Boarding house. A building containing one (1) or more dwelling units but not more than twenty (20) dwelling units, all of which offer non-transient lodging accommodations. Meals, if provided, may only be provided from a single central kitchen and compensation for such meals shall be included in the rental rate. No restaurant, meeting, reception or banquet facilities shall be provided.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind.

Cellar. The portion of a building having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Director. The Director of Planning and Development or his or her designee.

Dwelling. Any structure which is wholly or partly used or intended to be used for living or sleeping by humans occupants, whether or not such structure is occupied or vacant.

Dwelling unit. One (1) or more rooms designed, occupied or intended for occupancy as a separate living quarter with sleeping and bathroom facilities provided within the unit for the exclusive use of a single-family maintaining a household.

Exterior property. The open space on the premises and on adjoining property under control of the owners or operators of such premises.

Floor area. The gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building.

Garbage. Putrescible animal and vegetable wastes resulting from the preparation, cooking and serving of food and the storage of produce, tin cans, glass containers and newspapers.

Habitable room. A space in a building for living, sleeping, eating or cooking. A cellar, bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms or spaces.

Maintenance. The act of keeping property, structures or vegetation in a proper condition so as to prevent their decline, failure or uncontrolled growth.

Motor vehicle, inoperative or junked. See Automobile, inoperative or junked.

Occupant. Any individual living or sleeping in a building; or having possession of a space within a building.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state or county as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Premises. A lot, plot or parcel of land including any structures thereon.

Rooming house. See boarding house.

Sewage. Liquids, solid waste or waste matter carried off by sewage disposal systems or

drains.

Sewage disposal systems. A system designed and intended to dispose of sanitary and domestic wastes including all liquid and solid wastes from the flush toilet, lavatory, bathtub or shower and clothes washing machine.

Trash. Combustible and noncombustible waste material, excluding garbage, including paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, cans, metals, bricks, lumber, concrete, mineral matter, glass crockery, and including the residue from the burning of wood, coal, coke or other combustible material.

Workmanlike condition of maintenance and repair. In order to be competed in a workman like condition, maintenance and repair shall be made in a reasonably skillful manner and in accordance with the requirements of all applicable manufacturer's specifications, ordinances and laws.

Weeds. All rank vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths; however, this term shall not include cultivated flowers, fruits and vegetables, and gardens.

Yard trimmings. All leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, and vegetative matter resulting from landscaping or maintenance activities.

Secs. 5-206–5-210. Reserved.

DIVISION 2. PROPERTY MAINTENANCE

Sec. 5-211. Automobiles or motor vehicles.

It shall be unlawful for any person to retain in the city an inoperative, wrecked or junked automobile or other motor vehicle for more than seventy-two hours.

Sec. 5-212. Fences and Walls.

Fences and walls shall be maintained in a structurally sound condition and in good repair. Fences and walls shall be free from loose or rotting materials to the extent that they have become unsafe and an eyesore and shall have braces and supports attached to or fastened in accordance with common building practices.

Sec. 5-213. Grading and Drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon with the exception of approved retention areas and reservoirs.

Sec. 5-214. Grass, weeds and uncultivated vegetation.

Premises and exterior property shall be maintained free from grass, weeds or uncultivated vegetation in excess of twelve (12) inches in height by the owner, tenant, occupant, or other designated authority. It shall be the responsibility of the property owner, occupant, tenant, or other designated authority to cut and remove grass, weeds or uncultivated vegetation as often as may be necessary, provided that the removing and cutting of same at least once every thirty (30) days shall be deemed in compliance with this article and to use every precaution to prevent the same growing on such premises as to become a nuisance. Property shall be maintained to side and rear property lines and to the curb or edge of pavement.

Exceptions:

1. Undeveloped property one (1) acre or greater in size which shall maintain weeds a minimum of twenty (20) feet from all property lines;
2. Property zoned RA-200 (residential agriculture district) which shall maintain weeds a minimum of twenty (20) feet from all property lines.

Sec. 5-215. Open and outdoor storage.

The open or outdoor storage of any used or damaged lumber, building materials, junk, trash, garbage, debris, scrap metal, concrete, asphalt, cans, bottles, glass, tires, salvage materials, boxes, containers, bins, and abandoned, discarded, inoperative, or unusable furniture, stove, refrigerator, freezer, sink, toilet, cabinet or other household appliances or fixtures, yard waste or equipment (excluding residential law maintenance equipment), shall not be permitted for more than twenty-four (24) hours. Refer to the city health and sanitation ordinance for additional requirements on the storage of garbage, rubbish, refuse and other litter being stored on private property.

Exceptions:

1. Property where outdoor storage is authorized by the zoning ordinance;
2. Cut wood which is neatly stacked in lengths not to exceed three (3) feet and is for the personal use of the owner or occupant.

Sec. 5-216. Parking.

Parking or storing any motor vehicle, boat, RV, trailer, camper, camper top, machinery, mobile equipment or automobile shall not be allowed in the front yard, side yard or rear yard of a dwelling unless said motor vehicle, boat, RV, trailer, camper, camper top, machinery, mobile equipment or automobile is parked on a concrete or gravel driveway. Therefore, it shall be unlawful to park or store any such named item or similar item on the grass, lawn, or dirt areas in the yard of any dwelling located within the corporate boundaries of the City of Duluth. No more than thirty-five percent (35%) of a combination of the front, side and rear yards may consist of a concrete or gravel driveway or parking area and the remaining percentage shall be grass or landscaped areas.

Sec. 5-217. Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

Sec. 5-218. Sanitation.

All exterior property areas and the interior of every dwelling shall be maintained in a clean and sanitary condition free from any accumulation of trash, rubbish or garbage. The storage and disposal of refuse shall be in accordance with the City of Duluth Code, Health and Sanitation Ordinance, as amended.

Sec. 5-219. Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

Sec. 5-220. Swimming Pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. Stagnant water in swimming pools conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any premises. A finding by the code enforcement officer or a health official of the county environmental health department shall constitute prima-facie evidence that stagnant water in a swimming pool is conducive to the breeding or harboring of mosquitoes or other insects.

All outdoor swimming pools, private swimming pools, hot tubs and spas, containing water more than 24 inches (2 feet) in depth shall be completely surrounded by a fence or barrier around the exterior of the pool that shall be at least 60 inches above grade of the pool measured on the side of the fence or barrier which faces away from the swimming pool. Gates to the fence or barrier shall meet the following standards:

- a. All gates shall be self-closing and have a self-latching device. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches or more from the gatepost.
- b. Pedestrian access gates shall open outward away from the pool.
- c. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - i. The release mechanism shall be located on the pool side at least 3 inches below the top of the gate, and
 - ii. The gate and fence or barrier shall have no opening greater than 0.5 inch within 18 inches of the release mechanism.

No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Sec. 5-221. Trees.

- (a) Hazardous trees. There shall be no dead, dying, damaged, diseased or hazardous trees, shrubs, ground cover or weeds likely to harbor vermin or insects, restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants, or pose a risk of physical injury to the public.
- (b) Tree stumps. Tree stumps visible from a public street greater than twelve (12) inches in height above ground level shall not be permitted or maintained on any premises for more than thirty (30) days after the tree has been cut.
Exceptions:
 - 1. Property covered by a valid land disturbing permit;
 - 2. Property one (1) acre or greater in size;
 - 3. Property zoned RA-200 (residential agriculture district).
- (c) Tree debris. Felled trees, slash, removed tree limbs, or other portions of any tree shall not be permitted or maintained on the ground on any premises for more than thirty (30) days.
Exceptions:
 - 1. Property covered by a valid land disturbing permit;
 - 2. Property one (1) acre or greater in size;
 - 3. Cut wood which is neatly stacked in lengths not to exceed three (3) feet;
 - 4. Property zoned RA-200 (residential agriculture district).

Secs. 5-222–5-230. Reserved.

DIVISION 3. BUILDING MAINTENANCE

Sec. 5-231. Building Interiors.

- 1. Freedom from dampness. Every building shall be maintained free from dampness to prevent conditions conducive to decay, mold, electrical hazards or deterioration of the structure.
- 2. Structural members. The supporting structural members of every building shall be structurally sound, showing no evidence of deterioration or damage that would render them incapable of carrying the imposed loads.
- 3. Interior wall, ceilings, floors, stairways and handrails. All interior walls, ceilings, floors, stairways and handrails shall be structurally sound, in good repair, free from defects and painted, decorated or properly covered.
- 4. Bathroom and kitchen floors. Every kitchen and wet floor areas of bathrooms shall be covered and protected by non-absorbent floor coverings. Dressing areas may transition to carpet.

Sec. 5-232. Building security.

Doors, windows or hatchways for dwelling units, rooming units or housekeeping units shall be provided with devices designed to provide security, such as deadbolt locks or professionally monitored security/alarm systems, for the occupants and property within.

Sec. 5-233. Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in a good repair with proper anchorage in a safe condition.

Sec. 5-234. Dwelling space.

- (a) Required space in dwellings. Each dwelling shall contain at least six hundred fifty (650) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant.
- (b) Required space in sleeping rooms. In every dwelling of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor area, and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- (c) Sleeping area requirements. No kitchen, bathroom, toilet room, hall, closet, cellar or utility or storage area shall be used as a sleeping space. No more than seventy percent (70%) of a dwelling can be used as sleeping space.
- (d) Conditions on inhabiting basement. No basement or cellar shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface runoff water and are adequately protected against dampness; and
 - (2) All sleeping rooms shall have an emergency escape window or door leading directly to the exterior.

Sec. 5-235. Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet (toilet) and kitchen sink which shall be maintained in a sanitary, safe, working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

Sec. 5-236. Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

Sec. 5-237. Exterior doors and frames.

Exterior doors of buildings shall be maintained so that they fit reasonably well within their frames so as to substantially prevent rain and wind from entering a building. Exterior door-jams, stops, headers and moldings shall be securely attached to the structure and maintained in good condition without splitting or deterioration. Additionally, exterior doors shall be provided with proper hardware and maintained in proper working condition.

Sec. 5-238. Exterior stairways, decks, porches and balconies.

Exterior stairways, decks, porches, elevated floors and balconies, and all appurtenances attached thereto, of buildings shall be maintained so that they are structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Sec. 5-239. Exterior surface treatment.

All exterior surfaces, included but not limited to doors, door and window frames, cornices, porches, and trim shall be maintained in good repair. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints shall be maintained weather resistant and water tight.

All graffiti, vulgar language, gang related symbols or other painting on the outside of a building that is not related to a sign permitted by the city shall be covered with paint, washed off or removed by other means of removing the vandalism.

Sec. 5-240. Fire protection systems.

All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times.

Sec. 5-241. Fire Safety/Mean of egress.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

Sec. 5-242. Foundation and exterior walls.

Every foundation, exterior wall, chimney and all other exterior surfaces shall be maintained free from holes, breaks, and loose or rotting materials; shall be maintained weatherproof and properly surface coated as needed to prevent deterioration. The foundation elements shall adequately support the building at all points.

Sec. 5-243. Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 5-244. Kitchen sink.

Every dwelling shall contain a kitchen sink apart and separate from the room with a water closet and related lavatory.

Sec. 5-245. Locked doors.

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort.

Sec. 5-246. Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 5-247. Premises identification.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property or on a mailbox visible from the right-of-way.

Sec. 5-248. Plumbing Fixtures.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Sec. 5-249. Roofs.

Roofs of buildings shall be maintained so that they are structurally sound and in a safe condition and have no defects, which might admit, rain or cause dampness in the interior portions of a building. All portions, additions or sections of a roof including, but not limited to, the fascia, eaves, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports attached or fastened in accordance with common building practices. Roof water shall

not be discharged in a manner that interferes with the use and enjoyment of another's property.

Sec. 5-250. Sanitary toilet requirement.

All dwellings and living quarters located in the city limits shall have sanitary toilets using a septic tank, drain field or sanitary sewer and running water. No person shall maintain any unsanitary outside toilet after being given thirty (30) days written notice delivered personally or sent via certified mail by the Code Enforcement Officer or the Department of Planning and Development to remedy the situation.

Sec. 5-251. Smoke alarms.

Single or multiple-station smoke alarms shall be installed and maintained in dwellings, regardless of occupant load at all of the following locations:

- On the wall or ceiling outside of each separate sleeping area, in the immediate vicinity of bedrooms.
- In each room used for sleeping purposes.
- In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics.

Sec. 5-252. Water closet, bathtub or shower requirements.

Every dwelling shall contain within its walls at least one (1) room, separate from the habitable rooms, which affords privacy and is equipped with a toilet and a lavatory. Every dwelling shall contain at least one (1) room which affords privacy to a person and which is equipped with a bathtub or shower. There must be at least one toilet, lavatory and bathtub or shower (a full bathroom) for each five persons living and sleeping in a dwelling.

Sec. 5-253. Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

Sec. 5-254. Windows

Windows of buildings shall be fully supplied and maintained with glass windowpanes or with a substitute approved by the Code Enforcement Officer, which are without open cracks, broken glass or holes. Screens, if provided, shall be securely fastened to the window.

Sec. 5-255--5-265. Reserved.

DIVISION 4. ENFORCEMENT, SUBPOENA POWER, UNLAWFUL ACTS AND NOTICE OF VIOLATION

Sec. 5-266. Enforcement.

This article shall be enforced by the Director or his/her duly authorized representative or by any other agency or individual designated by the City Council to enforce this article.

Sec. 5-267. Transfer of ownership.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a citation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or citation issued by the code compliance official and shall furnish to the code compliance official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or citation and fully accepting the responsibility without condition for the corrections or repairs required by such compliance order or citation.

Sec. 5-268. Owner's right of entry.

Every occupant of a building, dwelling or dwelling unit shall give the owner thereof, or the owner's agents or employees, access to any part of such building, dwelling or dwelling unit or its premises, at all reasonable times, for the purpose of maintenance, improving or making such repairs or alterations as are necessary to effect compliance with the provisions of this article or with any lawful rule or regulation adopted pursuant to the provisions of this article.

Sec. 5-269. Right of entry.

No person shall refuse entry or access to any authorized representative or agent of the city who has reason to believe that a health or safety threat exists and who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his/her official duties.

Sec. 5-270. Subpoena Power.

Any duly authorized enforcement personnel shall have the power to issue subpoenas requiring occupants, residents, owners, or parties-in-interest of buildings under inspection, investigation, or who have been accused of a violation this article to appear in Duluth Municipal Court. The duly authorized enforcement personnel shall also have the power to issue subpoenas to occupants, residents, owners, or parties-in-interest to produce written records related to the property under inspection or investigation.

Sec. 5-271. Unlawful acts.

It shall be unlawful for a person, firm or corporation to be in conflict with, or in violation of, this article.

Sec. 5-272. Notice of violation.

Enforcement shall begin with a written notice of violation provided to the owner, occupant, or party in interest. The notice shall be served by either personal service or certified mail. The notice shall contain a deadline of, no less than ten (10) and not more than thirty (30) days for compliance, which may be extended by the Director. If the violation continues past the deadline, the Director may issue a citation or take such other legal action authorized under this article. Any property owner, occupant or party in interest who receives more than one notice of violation within a twenty-four (24) month period shall be given a deadline of no more than seven (7) days to correct the violation and if convicted of the violation shall be subject to a fine of not less than five hundred dollars (\$500.00).

If any person fails or refuses to comply with the provisions of section 5-214 of this article within the specified deadline of the Director, the City, through its agents and employees, may go upon such property and do or cause to be done the work necessary to obtain compliance with this article. The expense incurred in correcting this condition on such property and any administrative costs involved shall be paid by the City and charged to the owner of such property. A bill for such services shall be promptly sent to the owner of the property on which such services were performed by the Department of Planning and Development. Should said amount go unpaid for a period of thirty (30) days following the mailing of said bill via certified mail, the City may institute a law suit or place a lien on said property to seek recovery of the amounts expended by the City including applicable interest and attorney's fees. This provision is not exclusive of any other rights and remedies available to the city under its charter and laws of the state.

Sec. 5-273. Non-compliance.

If any person fails to comply within the time specified in the notice of violation, the Director shall issue a citation for the violator to appear in Duluth Municipal Court. The citation shall specifically allege that Section violated and the nature of such violation.

Sec. 5-274--5-280. Reserved

DIVISION 5. PENALTIES

Sec. 5-281. Penalties.

Any person violating any of the provisions of this article shall be subject to a fine or imprisonment, upon conviction in the Duluth Municipal Court, and each and every day that the

premises shall remain in a condition in violation of the terms of this article shall constitute a separate offense. This section shall be in addition to the provisions of the abatement of said nuisance and the charge of the cost of the same against the owner of the premises by the city. A fine imposed under this article shall be no less than two hundred fifty dollars (\$250.00) and shall not exceed one thousand dollars (\$1,000.00) per offense. A sentence of imprisonment under this article shall not exceed sixty (60) days per offense. At the discretion of the Municipal Court judge, any sentence may be probated, altered or amended.

IT IS SO ORDAINED this ____ day of _____, 2005.

Shirley Fanning-Lasseter, Mayor

Maxine Garner, Post 1

Jim Dugan, Post 2

Jim Hall, Post 3

Doug Mundrick, Post 4

Doris Kirouac, Post 5

ATTEST:

Teresa Lynn, City Clerk