

**COUNCIL OF THE CITY OF ABERDEEN**  
**Ordinance No. 19-O-03**

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**Date Introduced:** February 25, 2019

**Sponsored By:** Councilwoman Sandra Landbeck and Councilman Timothy Lindecamp

**Public Hearing:** March 11, 2019

**Amendments Adopted:**

**Date Adopted:**

**Date Effective:**

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**AN ORDINANCE concerning**

**CODE ENFORCEMENT AND FINES**

**FOR** the purpose of revising certain fines and mechanisms for enforcement of municipal infraction violations; and generally relating to enforcement of City ordinances.

**BY** repealing and reenacting, with amendments  
Chapter 95. MUNICIPAL INFRACTIONS  
Sections 95-5  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 250. ENVIRONMENTAL CONTROL  
Article III. Property Maintenance and Control  
Section 250-8.F.  
Code of the City of Aberdeen (2010 Edition as amended)

**BY** repealing and reenacting, with amendments  
Chapter 250. ENVIRONMENTAL CONTROL  
Article XI. Enforcement  
Section 250-33  
Code of the City of Aberdeen (2010 Edition as amended)

**EXPLANATION:**  
CAPITALS INDICATE MATTER ADDED TO EXISTING  
LAW  
((Double Parenthesis)) indicate matter deleted from existing  
law.  
Underlining indicates amendments to bill.  
~~Strike Out~~ indicates matter stricken from bill by amendment  
or deleted from the law by amendment.  
\* \* \* indicates existing unmodified text omitted from  
Ordinance

**SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF  
ABERDEEN,** that Section 95-5 of the Code of the City of Aberdeen (2010 Edition as amended),  
Chapter 95, MUNICIPAL INFRACTIONS, is repealed and reenacted, with amendments, to read  
as follows:

**Chapter 95. MUNICIPAL INFRACTIONS**

**§ 95-5. Fine.**

- A. Any person who commits a municipal infraction shall be deemed to have committed a  
municipal infraction and shall be subject to a fine IN AN AMOUNT SPECIFIED BY THE  
MAYOR AND COUNCIL BY ORDINANCE BUT not to exceed \$1,000.
- B. A fine IN AN AMOUNT SPECIFIED BY THE MAYOR AND COUNCIL BY  
ORDINANCE BUT not to exceed \$1,000 may be imposed for each conviction of a municipal  
infraction.
- C. UNLESS OTHERWISE SPECIFIED BY THE MAYOR AND COUNCIL BY  
ORDINANCE, A PERSON WHO COMMITS A MUNICIPAL INFRACTION IS SUBJECT  
TO A FINE IN THE AMOUNT OF:
- (1) \$50 FOR A FIRST OFFENSE.
- (2) \$250 FOR A SECOND OFFENSE.
- (3) \$400 FOR A THIRD AND EACH SUBSEQUENT OFFENSE.

D. (((C))) The fine is payable by the recipient of the citation to the municipality within 20 calendar days of receipt of the citation. Each twenty-four-hour period in which a violation exists shall constitute a separate violation.

E. (((D))) A municipal infraction will constitute a separate offense for each twenty-four hour period that the violations exists.

**SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Section 250-8.F. of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 250, ENVIRONMENTAL CONTROL, Article III, Property Maintenance and Control, is repealed and reenacted, with amendments, to read as follows:

## **Chapter 250. ENVIRONMENTAL CONTROL**

### **Article III, Property Maintenance and Control**

#### **§ 250-8. Responsibility of owner and occupant.**

F. A violation of this section is a municipal infraction. A property owner and/or tenant or occupant who fails to abate a violation of this section shall be fined in accordance with the provisions in Article ((X)) XI (Enforcement) of this chapter and shall be assessed all costs incurred by the City associated with the abatement of the violation and the City's administrative costs. All costs shall be a lien on the owner's land and shall be collected and enforced in the same manner as City real property taxes ((, except the land may not be sold at tax sale to satisfy the lien)).

**SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN**, that Section 250-33 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 250, ENVIRONMENTAL CONTROL, Article XI. Enforcement, is repealed and reenacted, with amendments, to read as follows:

## **Chapter 250. ENVIRONMENTAL CONTROL**

### **Article XI. Enforcement**

#### **§ 250-33. Violations and penalties.**

A violation of this chapter, except for a violation of Article XII, Illicit Discharge, is deemed to be a municipal infraction. Each twenty-four hour period in which a violation exists shall constitute a separate offense. Any person violating any provision of this chapter shall be subject to the following civil penalties:

A. Violation of § 250-2, 250-8, 250-13, 250-14, 250-15 or 250-16:

(1) First offense: \$50.

(2) Second offense: \$250.

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2 (3) Third AND EACH SUBSEQUENT offense IN THE SAME CALENDAR YEAR: \$400.  
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4 B. Violation of §§250-9, 250-10, 250-11, 250-18, 250-19, 250-23, 250-24, 250-25, 250-26, 250-31 and  
5 250-32:

6  
7 (1) First offense: \$100.  
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9 (2) Second offense: \$300.  
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11 (3) Third AND EACH SUBSEQUENT offense IN THE SAME CALENDAR YEAR: \$400.  
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13 IN ADDITION TO THE FINES SPECIFIED BY SUBSECTIONS A. AND B. OF THIS  
14 SECTION AND OTHERWISE IN THIS CHAPTER, AN OWNER OR OCCUPANT OF  
15 PROPERTY WHO, AFTER WRITTEN NOTICE, FAILS TO CORRECT A VIOLATION  
16 SHALL BE LIABLE TO THE CITY FOR THE CITY'S COSTS OF ABATEMENT AND  
17 AN ADMINISTRATIVE FEE OF \$50. WHEN WRITTEN NOTICE TO CORRECT A  
18 VIOLATION HAS BEEN GIVEN TO THE OWNER OF PROPERTY, THE COSTS OF  
19 ABATEMENT AND THE ADMINISTRATIVE FEE SHALL BE A LIEN ON THE  
20 OWNER'S LAND AND SHALL BE COLLECTED AND ENFORCED IN THE SAME  
21 MANNER AS CITY REAL PROPERTY TAXES.  
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23 **SECTION 4. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF**  
24 **ABERDEEN**, that this Ordinance shall become effective at the expiration of twenty (20) calendar  
25 days following adoption.  
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**COUNCIL OF THE CITY OF ABERDEEN**

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**Patrick L. McGrady, Mayor**

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**Steven E. Goodin, Councilman**

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**Sandra J. Landbeck, Councilwoman**

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**Timothy W. Lindecamp, Councilman**

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**Melvin T. Taylor, Councilman**

**ATTEST:**

**SEAL:**

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**Monica A. Correll, City Clerk**

**Date** \_\_\_\_\_