

TOWN OF DUBACH

ORDINANCE NO. 394-A

AN ORDINANCE OF THE TOWN OF DUBACH TO AMEND ORDINANCE 394 REGARDING BUILDING AND STRUCTURE ABATEMENT TO PROVIDE FOR CRIMINAL PENALTIES FOR VIOLATIONS OF SAME

WHEREAS, it has been determined to be in the best interest of the Town of Dubach and its citizens that the Town's Building and Structures Abatement Ordinance be amended to provide for criminal penalties for the failure to comply with same;

NOW THEREFORE BE IT ORDAINED BY the Board of Aldermen of the Town of Dubach that Dubach Ordinance 394 titled Building and Structures Abatement Ordinance is hereby amended to add Section 10 regarding criminal penalties as follows:

**DUBACH BUILDING AND STRUCTURES ABATEMENT ORDINANCE**

**Section 5. Criminal Penalties**

- A. No unoccupied building or structure located within the municipal limits of the Town of Dubach shall be maintained in a dilapidated and dangerous condition which endangers the public welfare.
- B. For the purposes of this article, the term "dilapidated and dangerous condition which endangers the public welfare" shall mean, in addition to the ordinary meaning of the said term, any abandoned structure which is unfit for human occupancy, structurally unsound and unsafe, infested with rodents, and/or constitutes a fire hazard. Moreover, the term "owner", as used in this section, shall mean any person who has any ownership interest whatsoever in the subject property, irrespective of the percentage of that ownership interest.
- C. No person shall be liable for the criminal penalties set forth in subsection d below, nor shall any action be adopted to initiate criminal charges in connection with this section until and unless any owner, lessee, tenant, or occupant of any property is provided notice of the offending condition in compliance with Section 2 of the Dubach Building and Structures Abatement Ordinance. Any notice shall advise the said party of the right to appear before the Board of Aldermen on a date and at a time specified in the said notice to refute or rebut any contention that the property is in a dilapidated and/or dangerous condition which endangers the public welfare. At the said meeting, the Board of Aldermen for the Town shall decide whether the property should be declared by it to be in a dilapidated and/or dangerous condition which endangers the public welfare and setting forth the specific factual bases for that determination.
- D. After the deadline to appeal the Town's decision have elapsed, formal criminal proceedings can be instituted in accordance with this Section – which shall be in

addition to any civil enforcement sought.

- E. In addition to the civil penalties and costs relative to the condemnation proceedings, as set forth in Sections 3-8 of the Dubach Building and Structures Abatement Ordinance, any person who violates this Section shall be fined not less than \$250.00, nor more than \$500.00, and any such fine imposed shall not be subject to suspension.
- F. The conviction of any person for a second or subsequent violation of this section occurring within 12 calendar months of a prior conviction therefor shall result in a fine not less than \$400.00, nor more than \$500.00, imprisonment for not more than 60 days, or both. Additionally, any such fine imposed shall not be subject to suspension.
- G. For purposes of this section, the term "person" shall be interpreted to include any natural person and/or corporation, limited liability company, partnership, or similar juridical entity.

BE IT FURTHER ORDAINED that if any portion of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

This Ordinance was duly introduced at the regular meeting of the Town Council on \_\_\_\_\_, 2020, the title of this ordinance was duly published in accordance with law, a public hearing was held, and then duly read and adopted on the \_\_\_ day of \_\_\_\_\_, 2020 by the following votes:

YEAS: \_\_\_\_\_ NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

This Ordinance was adopted on the \_\_\_ day of \_\_\_\_\_, 2023 and presented to the Mayor for her signature on the \_\_\_ day of \_\_\_\_\_, 2023 (which is less than 3 days from the date the ordinance was adopted).

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\_\_\_\_\_  
TOWN CLERK

Approved by the Mayor on this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
MAYOR