

6-2-13-1: CRIME FREE PROPERTY / CHRONIC NUISANCE PROPERTY

ABATEMENT

07-14-14)

02-12-18)

(Ord. No. 2702-14/14

(Ord. No. 2777-17/18

(Ord. No. 2831-19/20 05-28-19)

(Ord. No. 2873-19/20 03-09-20)

(A) Any multi-family rental property or non-owner occupied property within the City of Pekin which becomes a Chronic Nuisance Property is in violation of this Chapter and is subject to its penalties and/or remedies.

(A) Any multi-family rental property or non-owner occupied property within the City of Pekin which becomes a Chronic Nuisance Property is in violation of this Chapter and is subject to its penalties and/or remedies.

(B) Any person in charge who permits property under his or her ownership or control to be a Nuisance Residential Property shall be in violation of this Chapter and subject to its penalties and/or remedies.

6-2-13-2 DEFINITIONS:

(Ord. No. 2856-19/20 11/25/2019)

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

Administrative Adjudication Law means 65 ILCS 5/1-2-1.1 et seq., which allows for home rule cities to provide by ordinance for a system of administrative adjudication of ordinance violations.

Chief of Police means the Chief of Police of the City of Pekin or his designee.

Chronic nuisance property means property, or dwelling unit in a multiple unit complex upon which two or more nuisance activities within a six-month period have occurred as a result of any two separate factual events that have been independently investigated by any law enforcement agency.

City means City of Pekin.

Conditional License means a temporary Residential Non-Owner Occupied License issued to permit the rental or occupancy of a person or persons other than the owner or owners of a residential unit or structure that has a violation or violations of applicable regulations, or to permit the rental or occupancy of a person or persons other than the owner or owners of a residential unit or structure prior to attendance by the landlord, or a designated agent/manager, at the required Crime Free Housing Seminar.

Control means the ability to regulate, restrain, dominate, counteract, or govern conduct that occurs on that property.

Crime Free Housing Seminar (Seminar) means a seminar sponsored by the Pekin Police Department to provide information to owners of non-owner occupied residential properties, and/or their designated managers or agents regarding the requirements of this Chapter, including the crime-free housing lease addendum.

Crime Free Multi-Housing Coordinator (Coordinator) means the person, designated by the Chief of Police, who maintains records of all landlords, owners of non-owner occupied residential properties, and/or designated agent/manager, who have attended the Crime Free Housing Seminar, along with the dates of attendance and verification that the landlord or designated agent/manager has otherwise complied with the City's Code to be eligible for issuance or renewal of a Residential Non-Owner Occupied Housing License.

Multi-Family Rental Property means a residential structure or collection of structures under common ownership, each containing two or more individual dwelling units for rent.

Non-Owner Occupied Residential Property means any residential property that is occupied solely by a person or persons other than the owner or owners of said property. This includes multi-family rental properties.

Nuisance activities means any of the following activities, behaviors, or conduct, as defined by federal, state, or City ordinance.

- (1) Disorderly conduct as defined in 720 ILCS 5/26-1.
- (2) Unlawful use of weapons as defined in 720 ILCS 5/24-1 et seq.
- (3) Mob action as defined in 720 ILCS 5/25-1.
- (4) Discharge of a firearm as defined in 720 ILCS 5/24-1.2 and 1.5.
- (5) Gambling as defined by 720 ILCS 5/28-1.
- (6) Possession, manufacture, or delivery of controlled substances as defined by 720 ILCS 570/401 et seq.
- (7) Public indecency as defined by 720 ILCS 5/11-9.
- (8) Assault or battery or any related offense as defined in 720 ILCS 5/12-1 et seq.
- (9) Prostitution as defined in 720 ILCS 5/11-14 et seq.
- (10) Trafficking in persons, involuntary servitude, and related offenses in 720 ILCS 5/10-9 et seq.
- (11) Criminal damage to property as defined in 720 ILCS 5/21-1 et seq.
- (12) Possession, cultivation, manufacture, or delivery of cannabis as defined in 720 ILCS 550/1 et seq., except as authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1 et seq.).
- (13) Illegal consumption or possession of alcohol as defined in 235 ILCS 5/1 et seq.
- (14) Criminal housing management [as] defined in 720 ILCS 5/12-5.1.
- (15) Structure unfit for human occupancy as defined in the City's most current version of the International Property Maintenance code.

- (16) Unsafe structure as defined in the City's most current version of the International Property Maintenance code.
- (17) Unlawful structure as defined in the City's most current version of the International Property Maintenance code.
- (18) Multiple and serious violations of the City's most current version of the International Property Maintenance code continuing after disposition of a housing court complaint for those violations.
- (19) Activity that constitutes a violation of a felony or class A misdemeanor pursuant to a federal or Illinois statute.
- (20) A violation of City code pertaining to loud, disturbing, and unnecessary noises as defined in Title 6 Chapter 2 section 5-7.
- (21) Any violation of the methamphetamine Control Act as defined in 720 ILCS 646.
- (22) A violation of Section 5-1A-3, Litter, of the Pekin City Code.
- (23) A violation of Section 5-1A-4, Weeds, of the Pekin City Code.
- (24) A violation of Section 6-2-5-1, Nuisances, of the Pekin City Code.
- (25) A violation of Section 9-10B-3b, Residential parking areas, of the Pekin City Code.
- (26) A violation of Section 9-10B-3c, Prohibited front yard parking, of the Pekin City Code
- (27) Dangerous Buildings as defined in Section 7-2-1 of the Pekin City Code.

The foregoing shall not include, however, contacts made to police or other emergency services, if (A) (i) the contact was made with the intent to prevent or respond to domestic violence or sexual violence; (ii) the intervention or emergency assistance was needed to respond to or prevent domestic violence or sexual violence; or (iii) the contact was made by, or on behalf of, or otherwise concerns an individual with a disability and the purpose of the contact was related to that individual's disability; (B) an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the dwelling unit or on the premises; or (C) criminal activity or a local ordinance violation occurring in the dwelling unit or on the premises that is directly relating to domestic violence or sexual violence, engaged in by a tenant, member of a tenant's household, guest, or other party and against a tenant, household member, guest, or other party. The definition of the terms in this paragraph shall be as provided in Public Act 099-0441.

Occupancy means the person or persons residing in or in possession or control of a residential property.

Owner means any person, partnership, land trust, or corporation having any legal or equitable interest in the property. Owner includes, but is not limited to:

- (1) A mortgagee in possession in who is vested:
 - a. All or part of the legal title to the property.
 - b. All or part of the beneficial ownership and the rights to the present use and enjoyment of the premises.
- (2) An owner of record.

(3) Any person acting as an agent of an owner as defined herein.

Permit means to suffer, allow, consent to, and acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

Person means any natural person, association, partnership, corporation, or other entity capable of owning, occupying, or using property in the City.

Person in charge means any person in actual or constructive possession of a property, including but not limited to, an owner, occupant of property under his or her ownership or control.

Property means any real property, including land and that which is affixed, incidental, or pertinent to land, including but not limited to, any premises, room, house, building, or structure, or any separate part or portion thereof, whether permitted or not.

Residential Non-Owner Occupied Housing means any residential non-owner occupied property that is used as a dwelling, including lots or pads made available for placement of mobile homes thereon.

Residential Non-Owner Occupied License means a license, specifically licensing non-owner occupied residential property, current and unrevoked, issued by the City in the owner's name, to rent Residential Non-Owner Occupied Housing as required by this Article for a period of one calendar year, renewable as of January 1 of each year.

Single Family means single family residences.

6-2-13-3. RESIDENTIAL NON-OWNER OCCUPIED LICENSE FEE SCHEDULE:

- (A) Annual fees for the following Residential Non-Owner Occupied Licenses shall be at a rate prescribed in the Residential Non-Owner Occupied License Fee Schedule as established herein:
1. First License for Single Family Residence - \$10.00 per year.
Subsequent Licenses - no charge.
 2. First License for Multi-Family Rental Property - \$10.00 per year.
Subsequent Licenses - no charge.
- (B) Multi-Family Rental Properties will be issued one license per identified unit. As per the fee schedule above, the first identified unit will incur a fee of ten dollars (\$10.00) per year. Each license thereafter will incur no fee.
- (C) A group of more than one lot or pad made available for placement of mobile homes thereon under a common ownership or operation, commonly known as a mobile home park, shall be deemed to be a Multi-family Rental Property for the purposes of this Chapter. Otherwise, a single lot or pad made available for placement of a mobile home that is not within a mobile home park shall be deemed to be a Single Family Residence. Fees will not be assessed for the vacant lots or pads that are not for rent or are not non-owner occupied.

- (D) All applications and fees for all landlords/owners shall be due by October 15, 2014. Thereafter, all renewals shall be received no later than December 31 of each year, beginning December 31, 2015.
- (E) If renewal fees are not paid within thirty (30) days after the renewal date, it shall be deemed a violation of this Chapter and shall be subject to the penalties as stated herein.

6-2-13-4. LICENSING PROCEDURES AND STANDARDS:

- (A) For anyone applying for a license after October 15, 2014, Residential Non-Owner Occupied Licenses shall be applied for within thirty (30) days of a property becoming a non-owner occupied property. If an owner fails to apply within the thirty (30) day period, the license origination date shall be retroactive to the date the property became a non-owner occupied property; and the Residential Non-Owner Occupied License fee shall be calculated from that date and the owner shall be subject to all penalties as outlined in this Chapter.
- (B) Residential Non-Owner Licenses shall be issued for a period comprising one calendar year beginning January 1, 2015. Any Residential Non-Owner Occupied Licenses applied for thereafter will be prorated for the remainder of the calendar year. The license shall not be transferrable. A new Residential Non-Owner Occupied License must be obtained by a new owner in the event of a change in ownership of the non-owner occupied housing.
- (C) The City is hereby authorized, upon application, to issue new Residential Non-Owner Occupied Licenses and renewals thereof in the names of owners, or, if operated by a separate person or entity, jointly in the names of both the owner and the manager/agent of the non-owner occupied housing.
- (D) No Residential Non-Owner Occupied License shall be issued or renewed unless the completed application form for each non-owner occupied property, identifying the specific units, is accompanied by payment of the appropriate annual license fee as established in this Chapter. Payments must be made in full prior to the license being renewed. Failure to pay any balance will serve as grounds to deny further permits or licenses being issued by the City.
- (E) A Residential Non-Owner Occupied License may be issued or renewed for an owner living more than thirty (30) miles from the City provided that such owner designates in writing, to the City, the name of the owner's agent for the receipt of any service of notices, violations etc. The named agent shall reside within thirty (30) miles of the City.
- (F) No Residential Non-Owner Occupied License shall be issued or renewed for an owner unless such applicant has first designated an agent for the receipt of service when the owner is absent from the City for thirty (30) consecutive days or more. Such designation shall be made in writing and on file with the City.
- (G) No Residential Non-Owner Occupied License shall be renewed unless an application has

been made within sixty (60) days prior to the expiration of the present license. Current Residential Non-Owner Occupied License holders will be mailed an application of renewal more than sixty (60) days prior to the expiration of the present license to ease the renewal process. Completed renewal applications must be received no later than December 31 of the licensed year.

- (H) No Residential Non-Owner Occupied License shall be transferable to another rental housing unit. Every owner holding a Residential Non-Owner Occupied License shall give notice in writing to the City within seven days after having transferred or otherwise disposed of the legal control of any licensed non-owner occupied housing. Such notice shall include the name and address of the person succeeding to the ownership or control of such non-owner occupied housing. Failure to notify the City shall constitute a violation of this Chapter.
- (I) Upon request by the Coordinator, owners shall provide a list of all occupants of non-owner occupied housing so long as the request is in response to a bona fide investigation of a violation of this Chapter or any alleged violation of law.
- (J) **Exceptions:** Residential Non-Owner Occupied Licenses, for the purposes of this Chapter, shall not include the following:
 - 1. Lawfully operating housing for the elderly that meets the definition of “housing for older persons”, as provided in 42 U.S.C. 3607;
 - 2. Lawfully operating group homes governed by Specialized Living Centers Act, ILCS 405/25-1 et seq., as amended, dealing with the developmentally disabled, and also such other similar non-profit uses governed by state or federal laws, rules or regulations if provided such similar uses are required to be exempted by law;
 - 3. Owner-occupied single-family dwellings having not more than one authorized boarder;

6-2-13-5. CRIME FREE HOUSING PROGRAM SEMINAR: CONDITIONAL LICENSE

Any owner and/or manager of non-owner occupied housing shall attend and complete a Seminar every three years. The owner and/or manager shall attend the Seminar prior to obtaining or being issued a City Residential Non-Owner Occupied License. In the event a Seminar is not available prior to obtaining the operating license, a conditional license may be issued subject to the owner attending the Seminar within three months of issuance of the license. In the event that the Seminar is made available and is not attended within three months, the license shall be void without any need for further action or notice by the City. After the Seminar is attended, the license shall be issued for the balance of the year. Owners who have attended and successfully completed a Seminar from another jurisdiction approved by the Chief of Police may request a waiver from the training. After completing the initial seminar and the discretion of the Coordinator, owners and or managers may be permitted to attend and complete subsequent Seminars in an on-line format or have Seminar requirement waived.

6-2-13-6. PROPERTY MANAGER:

A property manager may be considered an agent of the owner and may attend the Seminar on behalf of an owner. If a new manager is hired, the new manager shall have three months after hiring to attend the Seminar.

6-2-13-7 RE-ATTENDANCE OF SEMINAR:

- (A) Any owner may be required to re-attend the Seminar prior to three years if the Coordinator recommends re-attendance.
- (B) The Coordinator, in determining whether or not to have the person re-attend the Seminar shall consider the following:
 - 1. If the non-owner occupied housing is at a substantial risk of becoming a Nuisance Residential Non-Owner Occupied Property as defined in this Chapter; or
 - 2. Criminal activity is occurring on the premises and the owner and/or property manager/agent have failed to initiate eviction proceedings.

6-2-13-8 LIST OF ATTENDEES:

The Coordinator, as designated by the Chief of Police, shall maintain a list of owners and/or property managers/ agents who have attended and completed the Seminar, with the date of attendance and verification that the owner and/or property manager/agent complied with this Chapter and is eligible to obtain, maintain or renew the Residential Non-Owner Occupied License.

6-2-13-9 CRIME-FREE LEASE ADDENDUM:

No owner of non-owner occupied housing may rent, lease, or authorizing occupancy of any non-owner occupied housing without requiring the occupant or occupants to sign a Crime-free Lease Addendum, regardless of whether any formal written lease is executed, . A copy of the Crime Free Lease Addendum shall be provided to the Coordinator at the time the Seminar is attended and completed. At the Seminar, the Coordinator shall provide, at no cost, samples of the Crime Free Lease Addendum and shall review any clauses within actual leases with the City's Legal Counsel to determine if the clause is similar to the Crime Free Lease Addendum. This clause shall make criminal activity (not limited to violent criminal activity or drug related criminal activity) engaged by, facilitated by or permitted by the occupant, guest or other party under the control of the occupant, a lease or occupancy violation authorizing eviction. The owner shall then have the authority, under the clause, to initiate an eviction proceeding as specified in the Illinois Eviction Statutes (725 ILCS 5/9-101 et seq.). Proof by a preponderance of the evidence of the criminal violations shall be sufficient for purposes of eviction. The Crime-Free Lease Addendum shall be substantially as follows:

CRIME-FREE LEASE ADDENDUM

In addition to all other terms of the lease, the owner/landlord and occupant/tenant agree as follows:

The occupant/tenant, any member of the occupant/tenant's household, any guest or any other person or persons associated with the occupant/tenant or his or her household, common areas or appurtenances shall not:

1. Engage in any quasi-criminal or criminal activity as defined by local, state, or federal law while on or near the licensed property or constituting a nuisance relating to such property as defined by applicable law;
2. Engage in any act intended to facilitate any quasi-criminal or criminal activity and/or obstruct or resist law enforcement against criminal activity while on or near the licensed property or constituting a nuisance relating to such property defined by applicable law.
3. Permit and/or allow the dwelling unit, common areas or appurtenances to be used for or facilitate any quasi-criminal or criminal activity as defined by local, state or federal law.

Should the occupant/tenant, any member of the occupant/tenant's household, any guest or any other person or persons associated with the occupant/tenant or his or her household violate any provisions stated herein, while on or near the common areas, appurtenances or property, such a violation shall constitute material non-compliance with this occupancy/lease and shall further constitute grounds for termination of tenancy and eviction.

6-2-13-10 CHRONIC NUISANCE PROPERTY

It is hereby declared a nuisance and against the health, peace, and comfort of the City for any property owner, agent, or manager to allow or permit the following:

- (a) For a property to become or remain a chronic nuisance property in violation of this article.
- (b) Allow any person or person in charge to:
 - (1) Encourage or permit a property to become a chronic nuisance property; and
 - (2) Allow a property to continue as a chronic nuisance property.
- (c) Each day that a violation of this article continues shall be considered a separate and distinct offense.

6-2-13-11 PROCEDURE.

When the Chief of Police, or his designee, of the City receives one or more Police reports documenting the occurrence of a nuisance activity on or within a property the Chief of Police, or his designee, shall independently review such reports to determine whether they describe nuisance activities. Upon such findings, the Chief may:

- (a) Notify the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:

1. The street address or legal description sufficient for identification of the property.
2. A statement that the Pekin Police Department has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist or that have occurred.

(b) Service

1. Service shall be made either personally or by first class or certified mail, addressed to the person in charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the chief of police.
2. A copy of the notice shall be served on the taxpayer of record at such address as shown on the tax rolls of the county and/or the occupant, at the address of the property, if these persons are different from the person in charge, and shall be made either personally or by first class or certified mail.
3. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this section. (Ord. No. 2849-19/20 10/14/19)

6-2-13-12 ABATEMENT; ADMINISTRATIVE HEARING.

- (a) At hearing before the administrative hearing officer, the City shall have the initial burden of proof to show, by a preponderance of evidence, that the property is a chronic nuisance property.
- (b) The City's representative shall present evidence in support of its claim that the property is a chronic nuisance property. The person in charge or the person in charge's local representative shall be permitted to rebut such evidence.

No continuances shall be authorized except by the hearing officer or by an agreed upon order between the parties involved. Any continuance authorized by a hearing officer under this article shall not exceed 30 days.

At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. The formal rules of evidence shall not govern. The formal and technical rules of evidence do not apply in an adjudicatory hearing. Evidence, including hearsay, may be admitted only if it is the type commonly relied upon by reasonable, prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.

- (c) At the conclusion of the hearing, the hearing officer shall make a determination on the basis of the evidence presented at the hearing, whether or not a violation exists. The determination shall be in writing and shall be designated as the findings, decisions, and order. The hearing officer's decision shall be final and binding, except that the provisions of the administrative review law shall apply. The findings, decision, and order shall include the hearing officer's findings of fact, a decision whether or not a violation exists based upon

the finding of fact, and sanctioning the person in charge/owner/occupant, as specified in subsection (d) below, or dismissing the case in the event a violation is not proved. A copy of the findings, decision, and order shall be served upon the person in charge, or owner/occupant if different than the person in charge, within ten business days.

- (d) If the hearing officer makes a finding that a property was, or is, a chronic nuisance property, he may fine the person in charge and/or the owner/occupant of the property if those persons are different than the person in charge a minimum fine of \$250.00 up to \$750.00 for each violation of this section. Each day a nuisance activity occurs or continues shall be considered a separate and distinct violation. The hearing officer may, at his/her discretion, impose such a fine for each day the nuisance activity goes unabated. No person shall be found in violation of this section unless the City proves such by a preponderance of the evidence.

6-2-13-13 ABATEMENT; COURT PROCEEDINGS.

- (a) *Abatement of nuisance.* The City, as an alternative to section 6-2-13-12, may commence an action to abate a chronic nuisance property in court by filing a motion for a temporary restraining order or preliminary injunction as per state statute.

6-2-13-14. SUSPENSION OR REVOCATION OF LICENSE:

- (A) The Chief of Police may require corrective action up to and including suspension or revocation of any license issued hereunder if it is determined that the licensee has violated this Chapter or permitted a chronic nuisance to occur. Suspension or revocation shall be limited to specific units involved in violations of this Chapter, unless it is reasonably determined by the Chief of Police that the revocation of the license for other or all units is required to protect the public safety or to prevent continued violations.
- (B) Any suspension or revocation of a license may be appealed directly to the Administrative Hearing Officer with a copy to the Chief of Police for review and determination under such rules as provided for appeals to the Administrative Hearing Officer; such appeals shall be filed within 15 days of the Chief of Police's decision. Such suspension or revocation may be stayed by the City pending the decision of the Administrative Hearing Officer unless the Chief of Police confirms specifically in writing that public safety may be threatened by such stay.
- (C) Any owner whose Residential Non-Owner Occupied License has been suspended may not collect rent or allow occupancy for the non-owner occupied housing or units for which the suspension or revocation is in effect under any lease or other occupancy agreement entered into after the effective date of this Chapter. It shall be a violation for any person to occupy a non-owner occupied property where the Residential Non-Owner Occupied License has been suspended or revoked.

6-2-13-15. APPEALS:

- (A) Any owner may appeal to the Administrative Hearing Officer a suspension, revocation or

denial of a Residential Non-Owner Occupied License by the Chief of Police. A written request for an appeal specifying the grounds thereof shall be filed within 15 days of the suspension, revocation or denial complained of.

- (B) Any such appeal shall be based solely upon and shall state a claim that: the true intent of this Chapter or the rules or regulations adopted pursuant thereto have been incorrectly interpreted, the provisions of this Chapter do not apply, or criminal violations sufficient to allow for evictions under the Crime Free Lease Addendum were not established with the requisite standard of proof.
- (C) No fee for the owner shall be associated with filing an appeal to the Chief of Police or the Hearing Officer.
- (D) Upon receiving a timely-filed notice of appeal, the City shall transmit to the Administrative Hearing Officer all papers constituting the record upon which suspension, revocation or denial was taken.
- (E) An appeal shall stay any suspension or revocation unless the Chief of Police certifies to the Administrative Hearing Officer, after the notice of appeal has been filed, that by reason of facts stated in the certificate the stay would, in his or her opinion, cause eminent peril to life, property or public safety, in which case the suspension or revocation shall not be stayed other than by a restraining order which may be granted by the Administrative Hearing Officer or by a Court of Record on application, or notice to the Chief of Police and on due cause shown.
- (F) The Administrative Hearing Officer shall act upon any appeal hereunder within 30 days of receiving a timely-filed notice of appeal by conducting a hearing upon such appeal; except, such hearing may be extended to a later date upon application to the Administrative Hearing Officer for cause. The hearing shall be conducted according to the following procedures.
 - (1) Hearings conducted by the Administrative Hearing Officer shall be open to the public, held at the call of the Administrative Hearing Officer and at such times as he or she may determine. Any interested person may appear in person or through a duly authorized agent or attorney. All testimony before the Administrative Hearing Officer shall be given under oath. The Administrative Hearing Officer shall administer oaths and may compel attendance of witnesses. The Administrative Hearing Officer shall keep a record of his or her proceedings and other official actions. The Administrative Hearing Officer shall hold all hearings in accordance with the Administrative Adjudication Law as defined herein.
 - (2) The Administrative Hearing Officer may reverse, affirm, modify or amend, wholly or partly, the suspension, revocation or denial appealed from, to the extent and in the manner that the Administrative Hearing Officer determines is necessary to conform with the intent and requirements of this Chapter. Unless otherwise required by law, no challenge to any decision subject to this section shall be filed

in any court until or unless a timely appeal has been filed and prosecuted to completion by the owner as provided for in this section so as to establish a final appealable decision.

6-2-13-16. EVICTION OR RETALIATION PROHIBITED:

It shall be unlawful for an owner to terminate the lease agreement or occupancy of an occupant or otherwise retaliate against any occupant because that occupant complained to an agent of the City about nuisance activities or violations of law on the owner's premises. Nothing herein shall preclude an owner from evicting an occupant or taking other lawful action due to a violation of law or lease provision by the occupant.

6-2-13-17 PENALTY:

- (A) Any person who shall violate the provisions of this Chapter or shall fail to comply with any lawful order pursuant to any section of this Chapter, upon conviction thereof, shall, in addition to any other remedy established herein, be subject to punishment in accordance with the general penalty for violations of ordinances of the City. Each day that such violation or failure to comply continues after issuance of notice by Chief of Police shall constitute a separate offense.
- (B) Any person whose Residential Non-Owner Occupied License has been suspended or revoked shall be deemed to be in violation of this Chapter, and in addition to any other remedies as may be provided by law, shall be subject to any of the following:
 - (1) A fine in the amount of not less than \$250 and no more than \$750 per unit for each day the violation exists; and
 - (2) Any and all civil remedies available to the City, including any and all injunctive remedies that a court of competent jurisdiction may impose.
- (C) The City may seek to enforce this Chapter by seeking any one or more remedies authorized under this Chapter.