

**ORDINANCE NO. 2024-011**

**AN ORDINANCE OF THE CITY OF AMES, TEXAS, ADOPTING CHAPTER 214 OF THE TEXAS LOCAL GOVERNMENT CODE AND PROVISIONS FOR DEALING WITH SUBSTANDARD STRUCTURES; A SEVERABILITY CLAUSE; ESTABLISHING FINES AND PENALTIES; AND MAKING OTHER PROVISION RELATED THERETO; ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Ames, Texas has determined the necessity of adopting an Ordinance as described in Chapter 214 of the Texas Local Government Code; and

**WHEREAS**, the City Council has determined that the ordinance is necessary to deal with substandard structures in their jurisdiction to better serve the health safety and welfare of the citizens of Ames; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMES, TEXAS:**

**Section 1.** *Findings.* The foregoing recitals are hereby found to be true and correct and are hereby adopted as findings of fact and conclusions of law by the City Council and made a part hereof for all purposes.

**Section 2.** *Provisions.* The provisions required under Chapter 214 of the Texas Local Government Code are hereby adopted as shown in attached Exhibit "A" and incorporated herein for all purposes to be in compliance with law.

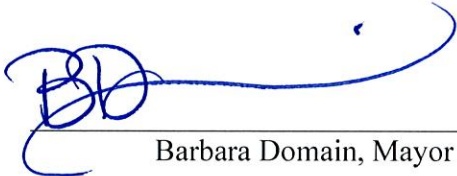
**Section 3.** *Repealing Clause.* All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 4.** *Severability.* It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

**Section 5.** *Compliance Clause and Effective Date.* The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the newspaper in the manner provided and for the time required by Section 52.011(a) of the Local Government Code, at which time this Ordinance takes effect.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Ames, Texas  
on this the 14<sup>TH</sup> th day of November 2024.

CITY OF AMES, TEXAS



Barbara Domain, Mayor

ATTEST:



Wellona Godfrey,  
City Secretary

**EXHIBIT "A"**

**ARTICLE I.**

**SUBSTANDARD STRUCTURES**

**Sec. 1 - Adoption of state law.**

Chapter 214 of the Texas Local Government Code is hereby adopted by the city and made a part of this article. In the event of any conflict or inconsistency between the terms and provisions of this article and chapter 214, the terms and provisions of Chapter 214 shall govern and control.

**Sec. 2 - Local regulations adopted.**

The city council hereby adopts the substandard building regulations as set forth below.

**Sec. 3 - Definitions.**

As used in this article, the following terms shall have the meanings given below:

*Building* means any building or structure built for the support, shelter, use or enclosure of persons, animals, chattels or property of any kind.

*Code enforcement authority* means the person designated by the city for purposes of making inspections, sending notices, and otherwise enforcing the provisions of this article.

*County* means Liberty County, Texas.

*Dangerous building, unsafe building, and substandard building* means any building located within the incorporated limits of the city that is:

(1) In such a state or condition of repair or disrepair that all or any of the following conditions exist:

(A) Walls or other vertical structural members list, lean, or buckle;

(B) Damage or deterioration exists to the extent the building cannot be used or occupied without risk of injury, or to the extent the building poses a danger to persons on the property or adjacent property;

(C) Loads on floors or roofs are improperly distributed or the floors or roofs are of insufficient strength to be reasonably safe for the purposes used;

(D) Damage by fire, wind, or other cause has rendered the building or structure dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city;

(E) The building or structure is so dilapidated, substandard, decayed, unsafe, unsanitary or otherwise lacking in the amenities essential to decent living or use that the same is unfit for human habitation or occupancy, or is likely to cause sickness, disease or injury or otherwise to constitute a detriment to the health, morals, safety or general welfare of those persons assembled, working, or living therein or is a hazard to the public health, safety and welfare;

(F) Light, air, and sanitation facilities are inadequate to protect the health, morals, safety, or general welfare of persons who assemble, work, or live therein;

(G) Stairways, fire escapes, and other facilities of egress in case of fire or panic are inadequate;

(H) Parts or appendages of the building or structure are so attached that they are likely to fall and injure persons or property;

(I) The floors, exterior walls, or roof fail to protect occupants of the building or structure from weather, injury, and the danger of collapse due to the presence of holes, cracks, and loose, rotten, warped, or protruding boards or other similar damage in floors, exterior walls or the roof;

(J) Conditions of the structure or building constitute a material violation of provisions of the city's building codes, plumbing code, fire prevention code, or electrical code (the "codes"). For the purposes of this section, a "material" violation is a violation of any provision or provision of the codes that creates a significant risk of personal injury, death, or property damage;

(2) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare of the city's residents;

(3) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(4) Boarded up, fenced or otherwise secured in any manner if:

(A) The building constitutes a danger to the public even though secured from entry; or

(B) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building to the extent it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children;

(C) Defined as a dangerous or unsafe building by the 2021 International Property Maintenance Code, published by the International Code Council, Inc.

*Responsible parties* means the owner, and any mortgagee or lienholder identified by the owner or by search of the public tax records and real property records of the county, and any occupant or person residing within, or in custody of, the building or structure.

*Structure* means that which is constructed.

#### **Sec. 4 - Declaration of nuisance.**

(1) It shall be unlawful for any person to maintain or permit the existence of any dangerous building in the city, and it shall be unlawful for any person to permit same to remain in such condition.

(2) All dangerous buildings, unsafe buildings, and substandard buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this article.

(3) The code enforcement authority shall enforce the provisions of this article.

#### **Sec. 5 - Inspections; duties of code enforcement authority.**

The code enforcement authority shall inspect, or cause to be inspected, every building, or portion thereof, reported to be dangerous. If such building, or any portion thereof, is determined to be dangerous, the code enforcement authority shall give the responsible parties notice in accordance with the requirements set forth in section 6 of this article. The code enforcement authority shall also:

(1) Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the city, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a "dangerous building" as defined herein.

(2) Inspect any building, wall or structure about which complaints have been filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.

(3) Report to the board of adjustments and appeals any noncompliance with the minimum standards set forth in this article. The city code enforcement authority shall obtain from the city secretary a hearing date for a public hearing by the board of adjustments and appeals on any building believed to be a dangerous building and shall provide the city secretary with copies of the written notice to persons with interests in the property as required under this article.

(4) Appear at all hearings conducted by the board of adjustments and appeals and testify as to the conditions of dangerous buildings within the city.

(5) Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the City of Ames Code Enforcement Authority. This notice is to remain on this building until it is repaired, vacated, or demolished in accordance with the notice which has been given to the owner(s), occupant(s) and person(s) with interests in the property as shown by the records of the City Secretary and the Tax Appraisal District. It is unlawful to remove this notice until such notice is complied with."

(6) Request the mayor, city secretary, or city clerk, as applicable, to have the building inspector, or an appropriate engineer or building inspector, provide additional inspections and reports and act as an expert witness at hearings for buildings that appear marginally dangerous.

(7) Make a diligent effort to determine the identity and address of each owner, lienholder, or mortgagee. The code enforcement authority satisfies the requirements of this subsection to make a diligent effort, to use best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the code enforcement authority searches the following records:

- (A) County real property records of the county in which the building is located;
- (B) Appraisal district records of the appraisal district in which the building is located;
- (C) Records of the secretary of state;
- (D) Assumed name records of the county in which the building is located;
- (E) Tax records of the city; and
- (F) Utility records of the city.

(8) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.

**Sec. 6 - Notice of dangerous building or dangerous condition of property.**

(1) Should the code enforcement authority determine that a building within the city is a dangerous building, he/she shall, in the manner provided for in this article, attempt to identify all the responsible parties that have an interest in the building, and give written notification of the dangerous building or condition by certified mail return receipt requested and regular U.S. mail to each of the identified responsible parties that are identified by the search made pursuant to Section 5 of this article. Such notice shall include:

- (A) The address or legal description of the property where the building or structure deemed unsafe is located;

(B) A statement of the specific conditions, violations, or defects which make the building or structure a dangerous building;

(C) Notice of the date and time of a public hearing before the board of adjustments and appeals to determine whether the building complies with the standards set out in this article; and

(D) A statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work.

(2) The notice required under this section must be either personally delivered or mailed on or before the 10th day before the date of the hearing unless the code enforcement authority determines that the property, building, or structure is in immediate need to be secured, repaired, or abated and the property, building, or structure presents an immediate threat to the health, safety, and welfare of the public. For purposes of providing the minimum notice under this subsection, the notice of dangerous building or dangerous condition of property shall be deemed served upon the responsible parties on the date the notice is deposited with the U.S. Postal Service.

(3) Such notice shall be served upon the responsible parties both by certified mail and regular U.S. mail as required in this section.

**Sec. 7 - Sufficiency of notice.**

(1) A notice of dangerous building or dangerous condition of property as required under this article shall include notice of the date and time of a public hearing and shall be deemed properly served upon the responsible parties if a copy thereof is:

(A) Served upon him/her personally;

(B) Sent by registered or certified mail, return receipt requested, and regular U.S. mail to the last known address of such person as shown on the records of the city; or

(C) Posted in a conspicuous place in or about the building affected by the notice.

(2) When the city mails a notice in accordance with this section to a property owner, lienholder, or mortgagee, and the United States Postal Service returns the notice "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(3) The city shall file notice of the hearing in the public records of real property of the county.

**Sec. 8 - Securing of building by city.**

(1) Should the code enforcement authority determine that any building or structure within the incorporated limits of the city is a dangerous building, or is unoccupied and unsecured, or is occupied only by persons who do not have a right of possession of the building, he/she shall cause the building to be secured.

(2) Before the 11th day after the date the building is secured, the municipality shall give notice to the owner by:

(A) Personally serving the owner with written notice;

(B) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;

(C) Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located if personal service cannot be obtained and the owner's post office address is unknown; or

(D) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

(3) The notice must contain:

(A) Identification, which is not required to be a legal description, of the building and the property on which it is located;

(B) A description of the violation of the city standards that is present at the building;

(C) A statement that the city will secure or has secured, as the case may be, the building; and

(D) An explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the building.

(4) The board of adjustments and appeals shall conduct a hearing at which any of the responsible parties may testify and present witnesses and written information about any matter relating to the city's securing of the building, if, within 30 days after the date the code enforcement authority secures or causes to be secured the building, a responsible party files a written request for the hearing. The board of adjustments and appeals shall conduct the hearing within 20 days after the date the request is filed with the city.

(5) The city shall impose a lien against the land on which the building stands, unless it is a homestead, to secure the payment of the cost of securing the building. Promptly after the imposition of the lien, the city shall file for record, in recordable form in the official public records



of the county, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.

**Sec. 9 - Duties of City Council (acting as board of adjustment and appeals); procedures; issuance of order.**

The City Council shall:

(1) Schedule and conduct a hearing and hear testimony from the code enforcement authority, the owner and other persons having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the dangerous building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the dangerous building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

(2) Upon conclusion of the hearing, the City Council shall determine by majority vote whether the building or structure in question is a dangerous building. Upon a determination that the building or structure in question constitutes a dangerous building, the City Council shall issue a written order:

(A) Containing an identification of the building and the property on which it is located;

(B) Making written findings of the minimum standards violations that are present at the building;

(C) Requiring the owner and persons having an interest in the building to secure, repair, vacate, and/or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the board of adjustments and appeals shall specify a reasonable time for the completion of the work; and further provided that the City Council may require the owner and occupants to vacate the building within a shorter period of time if the building has fallen, is at risk of immediate collapse, or is in such a condition that life is endangered by further occupation of the building; and

(D) Containing a statement that the city will vacate, secure, remove or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the City Council and it is found and determined by the City Council in its order that there is an immediate clear and present danger to other property or the public.

(3) If repair or demolition is ordered, the City Council shall send a copy of the order by certified mail to the owner and all persons having an interest in the property, including all identifiable mortgagees and lienholders, within a reasonable period of time after the hearing. Within 10 days after the date that the order is issued, the city shall:

(A) File a copy of the order in the office of the municipal secretary or clerk; and

(B) Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:

(i) The street address or legal description of the property;

(ii) The date of the hearing;

(iii) A brief statement indicating the results of the order (may be a copy of the order); and

(iv) If not provided in the notice, instructions stating where a complete copy of the order may be obtained.

(4) If repair or demolition is ordered and notice of public hearing was not filed in the official public records of real property of the county, the city may file and record a copy of the order in such records of the county.

(5) If the City Council allows the owner or a person with an interest in the dangerous building more than the 30 days to repair, remove, or demolish the building, the City Council in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the city code enforcement authority. Any required permits or approvals shall be obtained prior to commencing the repair, removal, or demolition of the building.

(6) The City Council may not allow the owner or person with an interest in the dangerous building more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:

(A) Submits a detailed plan and time schedule for the work at the hearing; and

(B) Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(7) If the City Council allows the owner or person with an interest in the dangerous building more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the City Council shall require the owner or person to regularly submit progress reports to the City Council to demonstrate that the owner or person has complied with the time schedules established

for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the city code enforcement authority to demonstrate compliance with the time schedules.

(8) In the event the owner or a person with an interest in a dangerous building fails to comply with the order within the time specified therein, the city may cause any occupants of the dangerous building to be relocated, and may cause the dangerous building to be secured, removed, or demolished at the city's expense. The city may assess the expenses on, and the city has a lien against, unless it is a homestead as protected by the state constitution, the property on which the dangerous building was located. The lien is extinguished if the property owner or a person having an interest in the building reimburses the city for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain:

- (A) The name and address of the owner of the dangerous building if that information can be determined by a diligent effort;
- (B) A legal description of the real property on which the building was located;
- (C) The amount of expenses incurred by the city; and
- (D) The balance due.

(9) Such lien is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property.

(10) In addition to the authority set forth in subsection (8) above, after the expiration of the time allotted in the order for the repair, removal, or demolition of a dangerous building, the city may repair the building at its expense and assess the expenses on the land on which the building stands or to which it is attached. The repairs contemplated by this section may only be accomplished to the extent necessary to bring the building into compliance with the minimum standards established by city ordinance, and to the extent such repairs do not exceed minimum housing standards. This section shall be applicable only to residential buildings with ten or fewer dwelling units. The city shall follow the procedures set forth in subsection (8) above for filing a lien on the property on which the building is located.

#### **Sec. 10 - City council action upon failure to comply with order.**

If the responsible parties that have an interest in a building or structure that is ordered to be repaired, rehabilitated, demolished, or removed fail to timely comply with such order, the city council may:

(1) Authorize the code enforcement authority to obtain the repair and/or securing of the building or structure, and to file a lien against such property for the cost and expense of such work;

(2) By ordinance, assess a civil penalty of up to \$1,000.00 per day against the owners and persons having an interest in the property; and

(3) Authorize and take such other action as contemplated by this article, or chapter 214 of the Local Government Code, as is necessary or advisable in the judgment of the city council to protect the public health, safety or welfare.

### **Sec. 11 - Judicial review/Appeal Process**

(1) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the city council issued under this article and section 214.001 of the Tex. Loc. Gov't Code may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lienholder, or mortgagee within 30 calendar days after the respective dates a copy of the final decision of the municipality is personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by the United States Postal Service using signature confirmation service, or such decision shall become final as to each of them upon the expiration of each such 30 calendar day period.

(2) On the filing of the petition, the court may issue a writ of certiorari directed to the municipality to review the order of the municipality and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than ten days, and served on the relator or the relator's attorney.

(3) The city may not be required to return the original papers acted on by it, but it is sufficient for the municipality to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.

(4) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(5) The issuance of the writ does not stay proceedings on the decision appealed from.

(6) Appeal in the district court shall be limited to a hearing under the substantial evidence rule. The court may reverse or affirm, in whole or in part, or may modify the decision brought up for review.

(7) Costs may not be allowed against the city.

(8) If the decision of the municipality is affirmed or not substantially reversed but only modified, the district court shall allow to the city all attorney's fees and other costs and expenses incurred by it and shall enter a judgment for those items, which may be entered against the property owners, lienholders, or mortgagees as well as all persons subject to the proceedings before the city.

**Sec. 12 - Assessment of expenses and penalties.**

(1) If the time allotted for the repair, removal or demolition of a building under this article has expired, then the city council may, in addition to the authority granted under chapter 214 [of the Local Government Code], and the foregoing sections of this article:

(A) Order the repair of the building at the city's expense and assess the expenses on the land on which the building stands or to which it is attached; or

(B) Assess a civil penalty of up to \$1,000.00 per day against the responsible party for failure to repair, remove, or demolish the building.

(C) Authorize the city code enforcement authority to invite at least two or more building contractors to make estimates pertaining to the needed repair, removal or demolition of a building. The code enforcement authority shall cause to be made an assessment of expenses, and may also recommend civil penalties, based on such estimates. The code enforcement authority shall endeavor to minimize the expenses of any building repairs, removal or demolitions order pursuant to this article.

(2) The city shall impose a lien against the land on which the building stands or stood, unless it is a homestead as protected by the state constitution, to secure the payment of the repair, removal, or demolition expenses or the civil penalty. Promptly after the imposition of the lien, the city shall file for record, in recordable form, in the office of the county clerk, a written notice of the imposition of the lien. The notice shall contain a legal description of the land.

(3) The city's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's lien attaches if the mortgage lien was filed for record in the office of the county clerk before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the city. The city's lien is superior to all other previously recorded judgment liens.

(4) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten percent a year from the date of the assessment until paid in full. The city may further file with the district clerk a copy of an ordinance assessing a civil penalty pursuant to this article.

(5) In any judicial proceeding regarding enforcement of the city's rights under this section, the prevailing party is entitled to recover reasonable attorney's fees as otherwise provided by statute.

(6) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

**Sec. 13 - Violations.**

(1) The owner of any dangerous building who shall fail to comply with any notice or order to repair, secure, vacate or demolish said building or structure, such notice or order given by the authority of the City Council, or the District Court, shall be guilty of a misdemeanor.

(2) An occupant or lessee in possession of any dangerous building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the board of adjustments and appeals shall be guilty of a misdemeanor.

(3) Any person removing the notice of a secured building as provided for in section 8 and/or a notice of dangerous building as provided in section 6 of this article shall be guilty of a misdemeanor.

**Sec. 14 - Penalty.**

Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits, shall be deemed guilty of an offense and shall be liable for a fine in accordance with the general penalty provided in associated ordinances. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. To the extent of any conflict between this section and a penalty provision in the codes adopted herein, such penalty provision shall be amended and this section shall control.

**Sec. 15 - Enforcement.**

(1) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the city for or with respect to any lot, tract or parcel of land within the city limits, after the effective date of this article, except in compliance with all then-applicable requirements of this article and the codes adopted by this chapter.

(2) Whenever any building work is being done contrary to the provisions of this article or another controlling ordinance or statute governing the building, the building official or code enforcement officer designated by the mayor may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the city shall post a stop work order on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the building official or code enforcement officer to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the building official or code enforcement officer. The building official or code enforcement officer may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the construction project. The work on other aspects of the construction not in violation of the city's ordinances may proceed, but work shall cease as to that aspect in violation of the city's ordinances.

(3) This article and any code or provision adopted by this article may be further enforced by injunction and other judicial proceedings, either at law or in equity, and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this article, with respect to any land, building or development within the city, [shall be punishable] by fine and penalties as provided herein.