

CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA

ORDINANCE NO. 124/24

**An Ordinance Amending Section 156.999; Penalty Provision of the Zoning Code to
Include an After-the-Fact Penalty for Land Use Violations**

Whereas, the City Council for the City of Elysian has the authority under Minnesota Law, to regulate land uses, and penalties for violating the same, within the corporate limits of the City of Elysian; and

Whereas, the current penalty provision of the Zoning Code does not contain what is commonly referred to as an “after-the-fact” penalty provision for violators who violate the Zoning Code and then request a Land Use Permit, Variance, or Conditional Use Permit, to authorize their violation. To deter violations, and encourage adherence, the City Council finds it appropriate to Amend its Penalty Provision to include an “after-the-fact” administrative financial penalty.

NOW THEREFORE, the City Council for the City of Elysian, hereby and herein Ordains as follows:

That Section 156.999 shall be amended to read as follows:

- (A) Any violation of the terms and conditions of this Ordinance shall be deemed a misdemeanor offense punishable by up to 90 days incarceration and a fine of up to \$1,000, or both. Each day that a violation exists shall constitute a separate offense. The city may, in addition to criminal prosecution, seek an injunction to stop any violation of this chapter and may commence an enforcement action to compel removal of unpermitted improvements.
- (B) Any person who violates any provision of this Chapter and then subsequently applies to the City for a Land Use Permit, Land Use Variance, or Conditional Use Permit with respect to the violation shall, in addition to any Permit, Variance, or Conditional Use Permit fee additionally be responsible for the payment to the City of an after-the-fact administrative penalty of \$2,500. Nothing herein shall be construed as a waiver of the City’s right to proceed with an enforcement action compelling the removal of unpermitted improvements or the prosecution of offenses in violation of the City’s Zoning Code. Any such administrative penalty shall be paid at the time of application of the Land Use Permit, Variance or Conditional Use Permit as set by the Council.

Upon motion made the same passed unanimously.

This Ordinance shall be effective upon publication.

Tom McBroom, Sr., Mayor

ATTEST:

Lorri Kopischke, City Administrator