

ARTICLE III ENFORCEMENT

Sec. A. Enforcing officer.

The provisions of this ordinance shall be administered and enforced by the *City Planner and the building/codes official*. *These* officials shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary in carrying out his/her duties in the enforcement of this ordinance.

Sec. B. Building permit required.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or to erect temporary field offices, or to commence the moving, alteration, or repair (except repairs not changing the character of the structure and not exceeding \$1,000.00 in cost, or painting or wallpapering) of any structure, including accessory structures, until the building/codes official of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building/codes official of the municipality on forms provided for that purpose.

Sec. C. Approval of plans and issuance of building permit.

It shall be unlawful for the building/codes official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the building/codes official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a map or plat drawn to scale and showing the following in sufficient detail to enable the building/codes official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance:

- A. The actual shape, proportion and dimension of the lot to be built upon.
- B. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
- C. The existing and intended use of all such buildings or other structures.
- D. The setback and side lines of buildings on adjoining lots, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, moving or alterations as set forth in the application is in conformity with the provisions of this ordinance, the building/codes official of the municipality shall issue a building permit. If an application for a building permit is not approved, the building/codes official of the municipality shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall in no case be construed as waiving any

provisions of this ordinance.

Sec. D. Certificate of occupancy required.

No land, building, or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the building/codes official of the municipality shall have issued a certificate of occupancy, stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance. Within three days after the owner or his agent has notified the building/codes official of the municipality that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building/codes official of the municipality to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance. If such certificate is refused, the building/codes official shall state in writing the reasons for refusal to issue the certificate of occupancy.

Section E. Contractual Agreement, Violations, and Penalties

- A. *The filing of a proposed Development Plan for approval constitutes an agreement by the owner and applicant, their successors and assigns, that if the Development Plan is approved, permits issued for the improvement of the property, then the activities subsequent thereto, shall be in conformance with the approved Development Plan.*
- B. *An approved Development Plan authorizes only the arrangement and construction set forth in such approved plan and application. Arrangement and construction different from the approved Development Plan, or any approved modifications thereto, shall constitute a violation of these standards.*
- C. *The approved Development Plan shall have the full force and effect of City Ordinance. The failure or refusal of any person, firm or corporation to comply with any of the provisions of the Article requiring an approved Development Plan before commencing development work, and the violation of any provision of this article by any person, firm or corporation shall constitute a misdemeanor. Any person, firm, or corporation violating any of the terms, conditions, or provisions of these standards shall, upon conviction thereof, be subject to a fine of not less than \$100.00 or more than five hundred dollars (\$500.00). Each day that a violation continues shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these standards.*
- D. *In addition to the penalties hereinabove authorized and established, any violation shall be sufficient grounds for the Planning Director or building codes official to issue stop work orders, withhold further permits, and void current permits. The City Attorney is also authorized to take such other actions in law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of these standards.*

Sec. F. Other Violations and Penalties

- A. Any person violating any provision of the ordinance shall, upon conviction, be fined not less than \$100.00 nor more than \$500.00 plus court costs for each offense, and each day such violation continues shall constitute a separate offense.
- B. Any person violating any provision of the sign controls shall, upon conviction, be fined not less than \$50.00 nor more than \$500.00 plus court costs for each offense, and each day such violation continues shall constitute a separate offense.

Sec. G. Remedies.

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building/codes official of the municipality, or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations, or to prevent occupancy of such buildings, structures or land.

Proposed Zoning Ordinance Revisions and Additions

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