

ARTICLE III ADMINISTRATION AND ENFORCEMENT

SECTION 3-1 CERTIFICATE OF OCCUPANCY

In order to ensure that all new construction and the use of all existing and new structures and the use of land shall comply with the terms of this ordinance, a Certificate of Occupancy shall be required in accordance with the rules below.

A. APPLICATION FOR CERTIFICATE OF OCCUPANCY

An application for a Certificate of Occupancy shall be filed in the office of the Zoning Official on forms provided by the Zoning Official. Upon approval a Certificate of Occupancy shall be issued stating that the building or proposed use of a building or premises complies with all the building and health laws and with the provisions of the Zoning Official. A permanent record of all such certificates shall be kept on file in the office of the Zoning Official, and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building affected.

B. CERTIFICATE TO ESTABLISH NEW USE OF PROPERTY

No vacant land shall be occupied or used, except for agricultural purposes, and no building hereafter erected, reconstructed, altered, or enlarged, shall be occupied or used until a certificate of occupancy shall have been issued by the Zoning Official stating that the building or proposed use of the building or premises complies with the building and health laws and with the provisions of the Zoning Ordinance.

C. CERTIFICATE AND BUILDING PERMIT

A Certificate of Occupancy shall be applied for coincident with the application for Building Permit; it shall be issued within ten (10) days after the erection or structural alteration of such building has been completed in conformity with the provisions hereof.

D. CERTIFICATE FOR NON-CONFORMING USES, LOTS AND STRUCTURES

A Certificate of Occupancy shall not be required but may be applied for and shall be issued for non-conforming uses, lots, or structures. However, in the event of any subsequent application for building permit or of any change in occupancy the Zoning Official may require other evidence that the non-conforming use, lot, or structure legally existed prior to the effective date such property became subject to the terms of this ordinance.

E. CERTIFICATE FOR EXISTING CONFORMING USES

A Certificate of Occupancy shall not be required but may be applied for and shall be issued for any existing use of land or structures which conform to the requirements of this ordinance.

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SECTION 3-2 BUILDING PERMITS

Every application for a building permit shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of the Zoning Ordinance. This plat shall be prepared after the lot has been staked by a competent surveyor. A careful record of the original copy of such application and plats shall be kept in the office of the Zoning Official and a duplicate copy shall be at the building at all times during construction.

SECTION 3-3 EXPENSES AND FEES

Expenses incurred in the enforcement and administration of this ordinance are necessary to improve the environmental quality and to help achieve orderly development of the community. In order that such expenses shall be borne primarily by those persons causing administrative action to be taken under the terms of this ordinance, the Council shall adopt a schedule of fees commensurate with the costs incurred in such action.

The fee schedule shall apply to and a collection procedure shall be provided for applications for building permits and for certificates of occupancy and zoning compliance, for applications and appeals to the City Council, for applications for zoning change, and for other matters pertaining to this ordinance. A copy of the schedule shall accompany each copy of this ordinance which is distributed to the public. No application or appeal which is subject to the fee schedule shall be reviewed or processed until all required fees have been paid in full. Changes in the fee schedule shall not become effective until adopted by Council.

SECTION 3-4 ENFORCEMENT AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be fined not less than \$5.00 nor more than \$200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 3-5 SEVERABILITY CLAUSE

If any section, provision, or part thereof in this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3-6 PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect from and after its passage and publication as provided for by law.