

TA17-13 MARK-UP An Ord to Amend Chapter 27, Zoning, Article VI Enforcement & Penalties

ARTICLE VI. - ENFORCEMENT AND PENALTIES

DIVISION 1. - GENERALLY

Secs. 27-1734—27-1759. - Reserved.

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 27-1760. - Administration and enforcement; granting of permits.

The community development director, shall be responsible for the interpretation, administration and enforcement of the provisions of this chapter. The community development department director shall have the duty to issue ~~development~~ permits as required with respect to this chapter.
(Ord. No. 2014-09-03, § 1(27-956), 9-23-2014)

~~Sec. 27-1761. - Development permits.~~

~~Unless otherwise exempted by this article, a development permit shall be required for any proposed use of land or buildings in order to ensure compliance with all provisions of this chapter and all other city ordinances and regulations before any building permit is issued or any improvement, grading, or alteration of land or buildings commences.
(Ord. No. 2014-09-03, § 1(27-957), 9-23-2014)~~

Commented [PR1]: Duplicated. See Sec. 14-23.

~~Sec. 27-1762. - Building permits and certificates of occupancy required.~~

~~A building permit and a certificate of occupancy shall be obtained from the community development department director prior to occupancy of any building or structure. Such permit and certificate of occupancy shall be approved by the community development department director.
(Ord. No. 2014-09-03, § 1(27-958), 9-23-2014)~~

Commented [PR2]: Duplicated. See Secs. 7-118 & 7-143.

~~Sec. 27-1763. - Applications for permits and certificates of occupancy.~~

~~All applications for development permits, building permits, and certificates of occupancy shall be made to the community development department.~~
(Ord. No. 2014-09-03, § 1(27-959), 9-23-2014)

Commented [PR3]: Duplicated. See Secs. 7-118, 7-143, & 14-22.

~~Sec. 27-1764. - Development and building permits; plans required.~~

~~The community development department director shall be responsible for determining whether applications for development permits and building permits required by this chapter and by chapter 7 comply with the requirements of this chapter, and no development permit shall be issued without certification that plans conform to applicable zoning regulations.~~

Commented [PR4]: Duplicated. See Secs. 7-119 & 14-27.

- ~~(1) Plans required. All applications for development permits shall be accompanied by complete plans which shall be drawn to scale, filed in duplicate, and which shall contain the following information:~~
- ~~a. The name and signature of the author, and the author's address and telephone number;~~
 - ~~b. Plans shall show the actual shape and dimensions of the lot to be built upon, based on an actual survey by a professional engineer or land surveyor registered in the state;~~
 - ~~c. Plans shall show all required building setback lines, buffer zones, and open space required by this chapter;~~

TA17-13 MARK-UP An Ord to Amend Chapter 27, Zoning, Article VI Enforcement & Penalties

- d. ~~Plans shall show the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered;~~
- e. ~~Plans shall show the current zoning classification of the property including zoning conditions and zoning variances, if any;~~
- f. ~~Plans shall show the existing or intended use of each building or part of building, and the number of families or housekeeping units the building is designed to accommodate;~~
- g. ~~Plans shall show such other information as may be required by the community development department director with regard to the lot and neighboring lots as may be necessary to determine and provide for the application of and enforcement of the requirements of this chapter.~~

~~(2) One copy of the plans shall be returned to the owner when the plans have been approved by the community development department director.~~

~~(3) Approval of the preliminary subdivision plat and compliance with all applicable provisions of the subdivision regulations contained in chapter 14 and in this chapter shall constitute approval of the development permit for a subdivision.~~

~~(4) Development permits for individual structures within approved residential subdivisions or developments shall not be required.~~

(Ord. No. 2014 09 03, § 1(27-960), 9-23-2014)

Sec. 27 1765. Issuance of development permits.

~~All development permits shall be issued by the community development department, which shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or any other ordinances and laws of the city or the state, except as provided herein. Development permits issued on properties for which any variance or special exception has been approved by the board of zoning appeals shall be in compliance with all of the terms and conditions of such approval. Development permits issued on properties for which any special land use permit has been approved by the city council shall be in compliance with all of the terms, conditions, and site plans related to such approval. Development permits issued on properties in the classification TND (Traditional Neighborhood Development) District shall be in compliance with the final plans approved by the community development director. Development permits issued on properties for which conditional zoning is approved shall be in compliance with the approved statement of zoning conditions for such application. Minor alterations of conditions shall be authorized only in accordance with the provisions of section 27 1558.~~

(Ord. No. 2014 09 03, § 1(27-961), 9-23-2014)

Sec. 27 1766. Duration of validity of development permits.

~~A development permit shall be valid for two years from its issuance subject to the following provisions:~~

- ~~(1) If the work authorized in any development permit has not begun within 90 days from the date of issuance thereof, the permit shall expire.~~
- ~~(2) If the work described in any development permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire.~~
- ~~(3) Written notice of the expiration shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed until a new development permit has been obtained.~~

Commented [PR5]: Duplicated. See Sec. 14-23.

Commented [PR6]: Moved to Sec. 14-29(b)(5)(d)(7) - NEW

TA17-13 MARK-UP An Ord to Amend Chapter 27, Zoning, Article VI Enforcement & Penalties

~~(Ord. No. 2014-09-03, § 1(27-962), 9-23-2014)~~

~~Sec. 27-1767. Building inspection.~~

~~The building inspection duties of the community development director or his designee with respect to this chapter shall include, but not be limited to:~~

- ~~(1) Issuance of building permits in accordance with all provisions of this chapter and only after the department has issued a development permit.~~
- ~~(2) Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a development and building permit has been issued. These inspections and reports of findings shall be made within two working days of the date that an inspection is requested by the developer. When a violation is found to exist, the community development director or his designee shall immediately initiate appropriate legal action to ensure compliance.~~
- ~~(3) Ensuring that all construction has been completed in accordance with all applicable requirements of this Code prior to allowing occupancy.~~

~~(Ord. No. 2014-09-03, § 1(27-963), 9-23-2014)~~

Sec. 27-1768. - Records.

The community development department shall maintain records of all official administrative actions. The director shall further maintain records of all complaints filed pursuant to the requirements of this chapter and of all actions taken with regard to such complaints, and of all violations discovered by whatever means, with remedial action taken and disposition of cases. All such records shall be public records.

(Ord. No. 2014-09-03, § 1(27-964), 9-23-2014)

Sec. 27-1769. - Inspection; right of entry.

Upon presentation of city identification to the developer, contractor, owner, owner's agent, operator or occupants, city employees authorized by the mayor and city council and/or the community development director or designee may enter during all reasonable hours any property for the purpose of making inspections to determine compliance with the provisions of this chapter.

(Ord. No. 2014-09-03, § 1(27-965), 9-23-2014)

Sec. 27-1770. - Inspection; warrants.

The community development department director, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this division. The warrant shall authorize the community development director and/or his designee to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.

- (1) Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that all of the following conditions are met:
 - a. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
 - b. The issuing judge determines that the issuance of the warrant is authorized by this section.
- (2) The inspection warrant shall be validly issued only if it meets all of the following requirements:

Commented [PR7]: Duplicated. See Sec. 7-170.

TA17-13 MARK-UP An Ord to Amend Chapter 27, Zoning, Article VI Enforcement & Penalties

- a. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
- b. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
- c. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.
- d. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

(Ord. No. 2014-09-03, § 1(27-966), 9-23-2014)

Sec. 27-1771. - Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in municipal court. The city may also in such cases institute injunction or other appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate this violation or to prevent the occupancy of this building, structure or land. Where a violation of this chapter exists with respect to a structure or land, the community development department director and/or his designee may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this chapter.

(Ord. No. 2014-09-03, § 1(27-967), 9-23-2014)

Sec. 27-1772. - Notice in writing; order to stop work; revocation of permits.

Whenever any building, structure or premises is being constructed, used, or occupied contrary to the provisions of this chapter ~~or chapter 7~~, the community development department director and/or his designee may order the work stopped ~~in accordance with the provisions of chapter 7. The director of public works may revoke any building permit or certificate of occupancy for any land, building or this chapter in order to protect the health, safety and general structure being constructed, used or occupied in violation of welfare of the residents of the county.~~

(Ord. No. 2014-09-03, § 1(27-968), 9-23-2014)

Commented [PR8]: Duplicated. See Secs. 7-118(j) & 14-29(b)(7).

Sec. 27-1773. - Fees.

Fees and charges for permits and inspections shall be as adopted by ordinance of the city council.

(Ord. No. 2014-09-03, § 1(27-969), 9-23-2014)

Sec. 27-1774. - Certificates of occupancy.

~~Certificates of occupancy are required as follows and shall be issued by the community development department director and/or his designee only after all requirements of this chapter and other applicable parts of this Code have been met:~~

- ~~(1) For new or altered structures and uses. No person shall use or permit the use of any building, structure, or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting use, extent and location shall have been issued to the owner or tenant by the community development department director and/or his designee. Where a building permit is involved, such certificate of occupancy shall show that the structure or use, or both, to the affected part~~

Commented [PR9]: Duplicated. See Sec. 7-143.

TA17-13 MARK-UP An Ord to Amend Chapter 27, Zoning, Article VI Enforcement & Penalties

~~thereof, are in conformance with the requirements of this chapter. It shall be the duty of the community development department director and/or his designee to issue such certificate of occupancy if the director finds that all of the requirements of this chapter have been met, and to withhold such certificate of occupancy if the director finds that all of the requirements of this chapter have not been met.~~

~~(2) Temporary certificates of occupancy. A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of section 7-120, and the community development department director and/or his designee may impose such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the general public.~~

~~(3) Certificates of occupancy for existing uses or structures. An owner may request a new certificate of occupancy for existing uses or structures. Said requests shall be in the form required by the community development department director and/or his designee and shall require all professional surveys or certifications required by said director to adequately comply with said request. The community development department director and/or his designee shall require, as a part of said request, fees to process said requests as are established by the city council. Upon review of the application and other relevant investigation by the director, if in conformance with the requirements of this chapter, the community development department director and/or his designee shall issue a certificate of occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformance with the requirements of this chapter.~~

~~(Ord. No. 2014-09-03, § 1(27-970), 9-23-2014)~~

Secs. 27-1775—27-1796. - Reserved.

DIVISION 3. - VIOLATION AND PENALTIES

Sec. 27-1797. - Violations of this chapter.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

(Ord. No. 2014-09-03, § 1(27-981), 9-23-2014)

Sec. 27-1798. - Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction in municipal court shall be punished as is provided in section 1-11. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license of any entity found guilty of violating this chapter in accordance with the procedures of this article for a period of time not to exceed five years, except to the extent prohibited by law.

(Ord. No. 2014-09-03, § 1(27-982), 9-23-2014)

Sec. 27-1799. - Repeal of conflicting ordinances; validity of prior approvals and actions.

TA17-13 MARK-UP An Ord to Amend Chapter 27, Zoning, Article VI Enforcement & Penalties

This chapter is the zoning ordinance of the city, and all other conflicting ordinances or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approval or permits issued under previous zoning ordinances or resolutions, provided further that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the board of appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the board of appeals shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

(Ord. No. 2014-09-03, § I(27-983), 9-23-2014)

Sec. 27-1800. - Additional legal remedies.

In addition to all other actions and penalties authorized in this chapter, the city attorney is hereby authorized to institute injunctive, abatement or any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this chapter.

(Ord. No. 2014-09-03, § I(27-984), 9-23-2014)