

## ARTICLE VIII

### ADMINISTRATION AND ENFORCEMENT

#### 800. ZONING ADMINISTRATOR

##### 800.1 RESPONSIBILITY FOR ADMINISTRATION

The Zoning Administrator designated by the Town Council shall administer and enforce this Ordinance. It is the intent of this Ordinance that all questions of administration and enforcement shall first be presented to the Zoning Administrator and that recourse from the decision of the Zoning Administrator as provided by law. It is further the intent of this Ordinance that the function of Town Council under this Ordinance shall not include hearing and deciding questions of interpretation and enforcement which may arise, but that the Town Council shall have only the responsibility for acting on proposals for amendment or repeal of this Ordinance.

##### 800.2 DUTIES OF THE ZONING ADMINISTRATOR

The duties of the Zoning Administrator shall include:

- (1) Interpretation of the terms and provisions of this Ordinance.
- (2) Administration of the provisions of this Ordinance relating to zoning permits, certificates of zoning compliance; applications for variances and appeals from administrative decisions before the Board of Zoning Appeals; applications for zoning amendments, the presentation of same to the Planning Commission and Town Council, and giving notice of hearings on such amendment requests as specified herein; and applications for special exceptions before the Board of Zoning Appeals.
- (3) The receipt of complaints from persons who allege that violations of this Ordinance have occurred, to properly investigate or cause to be investigated such complaints, and to initiate or cause to be initiated action to prevent, enjoin, abate, or remove such violations.
- (4) The maintenance of complete and accurate records relating to adoption, amendment, interpretation, enforcement and administration of the terms and provisions of this Ordinance. Such official records shall be a public record and shall include but not be limited to:
  - (a) The maintenance of the official copy of the text of the Zoning Ordinance and Zoning Map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of this Ordinance; and



- (b) The retention of records relating to applications and disposition of applications for variances, and appeals from administrative decisions before the Zoning Board of Adjustments; applications for zoning permits, plats and plans in connection with said permits, Certificates of Zoning Compliance, denials of permits and reasons for denying such permits; applications and deposition of applications for special exceptions before the Board of Zoning Appeals; and complaints from person who allege that violations of this Ordinance have occurred.
- (5) Other such duties as may properly relate to the accomplishment of the spirit and intent of this Ordinance.

## **801. ZONING PERMITS**

### **801.1 ZONING PERMIT REQUIRED**

No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the Zoning Administrator. A zoning permit shall not be issued by the Zoning Administrator except in conformity with the provisions of this Ordinance. If the permit is denied, reasons will be stated for the denial.

### **801.2 APPLICATIONS FOR ZONING PERMITS**

All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact size and locations on the lot of all buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application or plans shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and nearby lots; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. One copy of the plans shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy.

### **801.3 EXPIRATION OF ZONING PERMIT**

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, the permit shall expire and be cancelled by the Zoning Administrator. If the work described in any zoning permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator. In the case of work which may reasonably be



expected to require more than one (1) year for completion, the Zoning Administrator may specify a time limit in excess of one (1) year at the time of original issuance of the zoning permit. Written notice of the expiration of any zoning permit shall be given to the person affected, including notice that further work as described in the cancelled permit shall not proceed unless and until a special zoning permit has been obtained.

**802. CERTIFICATE OF ZONING COMPLIANCE**

It shall be unlawful to use, occupy or permit the use of occupancy of any building on premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the Zoning Administrator stating that the building or proposed use of the building or land conforms to the requirements of this Ordinance.

**802.1 TEMPORARY CERTIFICATE USE**

A temporary Certificate of Zoning Compliance may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary Certificate may include such conditions and safeguards in order to protect the safety of the occupants as well as the public.

**802.2 FAILURE TO OBTAIN CERTIFICATE**

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance, and punishable under Section 808 of this Ordinance.

**803. CONDITIONAL AND TEMPORARY USES**

Conditional uses, as set forth in this Ordinance, are declared to possess characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed for location.

**803.1 GENERAL REQUIREMENTS**

Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein and elsewhere in this Ordinance, with particular reference to those requirements established for those districts in which they are proposed for location.

**803.2 CONDITIONAL USE ADMINISTRATION AND DURATION**

Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in the Article, prior to the issuance of any permits.

**803.3 TEMPORARY USES**

The Zoning Administrator is authorized to issue a temporary Certificate of Zoning Compliance for temporary uses, as follows:

- A. Carnival or circus for a period not to exceed fifteen (15) days, subject to the approval of the Town Council.
- B. Religious meeting in a tent or other temporary structure in GC and LI Districts for a period not to exceed thirty (30) days.
- C. Open lot sale of Christmas trees, in the NC, GC, and LI Districts for a period not to exceed thirty (30) days.
- D. Real estate sales office, in any district, for a period not to exceed one year, provided that no cooking or sleeping accommodations are maintained in the structure.
- E. Contractor's office and equipment sheds, in any district, for a period of one year, provided that such office be placed on the property to which it is appurtenant.
- F. All temporary Certificates of Zoning Compliance may be renewed, provided that it is determined said use is clearly of a temporary nature, will cause no traffic congestion, and will not create a nuisance to surrounding areas.

**804. CONSTRUCTION AND USE TO BE AS APPROVED**

Zoning permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the Zoning Administrator and other officials or agencies where additional approval is required authorizes only the use, arrangement, location, or construction set forth in such approved plans and applications, and no other use, arrangement, location, or construction. Use, arrangement, location, or construction at variance with that authorized shall be deemed as violations of this Ordinance, punishable as provided herein.

**805. FEES**

See Plan Review & Permit Fees, Section 14

**806. VIOLATIONS**

If the Zoning Administrator shall find that anyone of the provisions of this

Ordinance is being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance

of illegal buildings or structures; of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.



- 807. COMPLAINTS REGARDING VIOLATIONS**  
Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written or verbal complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.
- 808. PENALTIES FOR VIOLATIONS**  
Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction shall be fined, as determined by the Court for each offense. Each day such violation continues shall constitute a separate offense. Nothing herein contained shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation.
- 809. APPEALS**  
It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such questions be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Administrator.