

SECTION 900. ADMINISTRATION AND ENFORCEMENT

901. Zoning Officer

- .01 The Council shall appoint a person to serve as the Zoning Officer to administer and enforce the provisions of this Ordinance.
- .02 The specific duties of the Zoning Officer shall include, but not be limited to:
 - (1) Providing zoning information upon request
 - (2) Receiving applications for building permits, reviewing such applications to determine if they comply with Ordinance provisions, and issuing or denying permits
 - (3) Receiving applications for Conditional Use Permits (CUPs), variances, amendments and appeals, referring such applications to the appropriate agency, notifying affected property owners of required Public Hearings, and publishing notice of such hearing
 - (4) Conducting inspections
 - (5) Investigating violations
 - (6) Maintaining permanent and current records of the Zoning Ordinance including all reports, maps, amendments, CUPs, certificates of occupancy and variances
 - (7) Issuing certificates of occupancy
 - (8) Providing technical assistance to the Council (*Ord No 12-10-2015-2*) and Commission.

902. Permits

- .01 Building Permits

Hereafter, no person shall erect, alter, remodel, wreck or move any kind of structure or building or part thereof without first securing a building permit except no such permit shall be required for essential public utility service structures such as water towers, and 1000 KVA (*Ord No 12-10-2015-2*) or larger substations. Necessary public utility buildings may be located in any district; however, a CUP shall be required.

No building permit shall be issued for the construction of any building, structure or improvement on any land henceforth subdivided until all requirements of this Ordinance have been fully complied with.
- .02 Occupancy Permits

Hereafter, no new building or addition and no land whose use has been changed shall be occupied other than for a public utility use until an occupancy permit has been issued by the Zoning Officer.
- .03 Permit Fees

The Council shall establish by ordinance the schedule of fees for building and occupancy permits and other related permits.

.04 Exhibits

Each application for a building permit and for an occupancy permit for the use of land shall be accompanied by the following exhibits unless waived by the Zoning Officer.

- (1) Boundary survey of an area including the property in question and 100 feet beyond its outer boundaries showing existing utilities, lot boundaries and dimensions, buildings and easements. Foliage, topography, waterways and soil borings are to be included if pertinent
- (2) Plot plan indicating location, size and placement of proposed structure and yards, parking, loading and unloading facilities, vehicular access and egress, and utility plan including surface drainage.

.05 Denial of Building Permit. In the event of a denial of a building permit based on the requirements in this Ordinance, the matter may be referred to the Commission acting as the Board of Adjustments and Appeals. The Board of Adjustments and Appeals may refuse to grant a permit for the construction or location of any building in such a manner as to significantly diminish neighboring property values or otherwise impair the health, safety and welfare of the community. *(Ord No 1-21-2010)*

.06 Floodplain Permit and Related Requirements. *(Ord No 12-15-2011-1)*

- (1) State and Federal Permits. Prior to granting a permit or processing an application for a Conditional Use Permit or Variance in the floodplain, the Zoning Officer shall determine that the applicant has obtained all necessary state and federal permits
- (2) Notifications for Watercourse Alterations. The Zoning Officer shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the Council authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency
- (3) Notification to the Federal Emergency Management Agency When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Officer shall notify the Chicago Regional Office of the Federal Emergency Management Agency of the changes by submitting a copy of said technical or scientific data

- (4) Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect
- (5) Record of First Floor Elevation. The Zoning Officer shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Officer shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed
- (6) Permit Required. Within the floodplain, a permit issued by the Zoning Officer in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a non-conforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment.

903. Violations and Penalties

Any person or corporation who shall violate or refuse to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine of not more than \$1,000 or imprisonment in the County jail for not more than 90 days or both, for each offense. Each day a violation is permitted to exist shall constitute a separate offense.

904. Planning and Zoning Commission Duties in Zoning Administration

The duties of the Commission in zoning administration, in addition to acting as the Board of Adjustments and Appeals, shall be:

- .01 To hold public hearings on applications for amendments to this Ordinance. The Council shall refer all amendment requests not initiated by the Commission to the Commission for study, hearing, report and recommendation. The Commission shall not have the authority to make changes or amendments to this Ordinance; it shall act in an advisory manner to the Council making recommendation in all cases referred to it, and transmitting them to the Council for final action. Such report and recommendation shall be forwarded to the Council within 60 days from the date of referral. If no report is forthcoming, the Council may act without the advice of the Commission

- .02 To hold public hearings on applications for CUPs provided for within this Ordinance and to transmit its recommended action to the Council for final action
- .03 To periodically review the adequacy and scope of this Ordinance in relationship to City policies and the Comprehensive Plan and make reports and findings to the Council
- .04 To initiate such studies and amendments as it deems necessary or as directed by the Council, to conduct public hearings as provided on any and all proposed amendments and to report its findings and recommendations to the Council.