

SECTION 10

ADMINISTRATION AND ENFORCEMENT, VIOLATION, PENALTY

10.1 ADMINISTRATION AND ENFORCEMENT

10.1.1 Enforcement Officer

The Zoning Administrator shall be charged with the administration and enforcement of this Code.

10.1.2 Zoning Clearance Required

No building permit shall be issued for construction within the County until the application therefore has been approved by the Zoning Administrator. The Zoning Administrator shall not give such approval until he is satisfied that the proposed construction and subsequent use of the building proposed to be constructed will comply with the requirements of the zone in which the building will be situated.

10.1.3 Buildings to be on Zoning Lot

No building permit authorizing the use of land or the construction or alteration or moving a building or structure on a lot shall be issued unless the parcel of land upon which the use is to be conducted or the building constructed, altered, or moved shall qualify as a zoning lot as defined in this code.

10.1.4 Building Permit to Comply with Code

From the effective date of this Code, no permit shall be granted for the construction or alteration of any building or structure or for the moving of a building or structure on to a lot or for the change of use of any land, building or structure if such construction, alteration, moving or change of use would be a violation of any of the provisions of this Code, nor shall any sewer or water service line or electric utilities be installed to serve the premises if such use would be a violation of this Code.

10.1.5 Construction and Use to Comply with Permit

Permits issued on the basis of plans and specifications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved application. Any use, arrangement, or construction at variance with that authorized shall be deemed to be a violation of this Code.

10.1.6 Permits Granted Prior to This Code

Authorization granted by the County to construct a building or structure, or to change the use of land, shall not be denied or abridged in the event that construction has taken place thereon to the extent of one thousand dollars (\$1,000) or more in replaceable value by the date on which this Code or an amendment thereto shall become effective. Provided, however, that such authorization to construct a building or structure shall be denied if construction would not have complied with all applicable laws and ordinances existing prior to the effective date of this Code or amendment. Replaceable value shall be construed to mean the expenditure necessary to duplicate the material and labor at market prices.

10.1.7 License to Comply with Code

No business license or similar permit shall be approved or issued which would not be in conformance with the provisions of this Code. Any permit so approved and issued shall be null and void, and may be revoked by the County Commission.

10.1.8 Responsibility for Violation

It shall be the responsibility of the owner and any and all builders, contractors, sub-contractors, real estate agents and any other persons having to do with the establishment of any use of land or the erection, altering or relocation of any building to make sure that a proper permit has been obtained before work is begun. Any person doing any work on a project for which a proper permit has not been obtained shall be deemed guilty of a violation of this Code.

10.1.9 Utility Installation Unlawful without Building Permit

It shall be unlawful for any person, firm, or corporation to install or allow to be installed, any sewer or culinary water service lines, or any gas, telephone or electric utility connection to serve the premise before a building permit has been properly approved and issued by the Zoning Administrator, and any person who shall install or authorize the installation or any such line or connection shall be in violation of this Code. Each day such violation is continued shall be considered as a separate offense.

10.1.10 Injured Person May Recover Damages – County Not Liable

Any person purchasing a parcel of land who may be injured as the consequence of a denial of a building permit, which purchase was made pursuant to inaccurate, incorrect, untrue or fraudulent information on the part of the seller or his agent, may recover damages from the seller or his agent by civil action. However, the County shall not be civilly liable for any damages that may occur as a consequence of the denial of a building permit based upon such information.

10.1.11 Certificate of Zoning Compliance

The Zoning Administrator shall issue a certificate of Zoning Compliance to any property owner or developer on request. No nonconforming structure or use shall be changed or extended until a Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs with the requirements of this Code.

The Zoning Administrator may permit the occupancy of a building prior to the completion of all required work, and may require a bond or other assurance to be posted with the County in an amount equal to the cost of completing said required work, guaranteeing the completion of such work.

The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance for a period of five (5) years and a copy shall be furnished upon request to any applicant.

10.2 VIOLATION AND PENALTY

10.2.1 Procedure for Violation

Whenever it becomes necessary to take action in order to obtain compliance with one or more provisions of this Code, the Zoning Administrator may issue a citation and/or take other appropriate action as provided under the law. In addition, where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or where any building, structure or land is used or where a parcel of land is subdivided in

violation of this Code the County may, in addition to other remedies provided by law, institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, to prevent the occupancy of such building, structure, or land, to enjoin the transfer or sale of a lot in an illegal subdivision, or to prevent any illegal act, conduct or business or use.

10.2.2 Each Day a Separate Violation

Each person, firm, or corporation found guilty of violation shall be deemed guilty of a separate offense for each day during which such violation of any provision of this Code is committed, continued or permitted by such person, firm, or corporation and shall be punished as provided by law as a separate offense.

10.2.3 Penalty

Any firm, corporation, person or persons violating any of the provisions of this Code shall be guilty of a Class B Misdemeanor.