

## **ARTICLE 6 PERMITS, VIOLATIONS AND FEES**

### **SECTION 600 PERMITS REQUIRED**

No permit shall be issued unless the proposed structure or use of structure or land is in complete conformity with the provisions of this Ordinance, or unless a written order is received from the Board of Zoning Appeals, Town Board, or a Court of competent jurisdiction.

#### **1. Location Improvement Permit**

An Location Improvement Permit is required for all proposed construction or other development, including the placement of manufactured homes. Additionally, an Location Improvement Permit shall be obtained before any structure may be constructed, reconstructed, moved, enlarged, or structurally altered. If an Location Improvement Permit is issued, the applicant shall apply for an Occupancy Permit, which shall not be issued until the structure is complete and compliance with this Ordinance is in evidence, including the installation of permanent corner markers as indicated in the Subdivision Control Ordinance. An Location Improvement Permit shall be obtained for any of the following items, none of which may be included in only one permit; separate permits being required for each construction or alteration:

- a. Construction, reconstruction, moving, enlarging, or structurally altering any structure in excess of two-hundred (200) square feet, or any structure placed on a permanent foundation;
- b. Connecting to the storm or street drainage system;
- c. Locating a mobile home; or
- d. Making any significant alterations to features such as, but not limited to, reservoirs, lakes, ponds, roadside ditches, or sand or gravel excavations.

In reviewing applications for Location Improvement Permits for compliance with the requirements of this Ordinance, the Planning Director, or his designee, shall ensure that all necessary permits from other State, Federal, and local agencies have been obtained.

#### **2. Flood Hazard Determination**

- a. The Planning Director, or his designee, shall review all applications for Location Improvement Permits for new construction, additions to existing construction, or other development to ascertain whether the proposed construction, addition, or development lies in a flood hazard area.
  - i. If the construction lies in an identified floodway, the applicant shall forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources to apply for a permit for construction in a floodway.

- ii. If the construction lies in a floodway fringe, the building inspector may issue a local building permit with the condition that the lowest floor, including the basement of the structure(s), is at least two (2) feet above the one hundred year flood elevation.
  - iii. In a floodplain district, the Planning Director, or his designee, will require such modifications to the design and materials as may be deemed necessary to prevent flotation, collapse, or lateral movement of the structure in order to minimize potential future flood damage.
- b. Manufactured homes to be placed in manufactured home parks or subdivisions are required to be elevated to the recommended flood protection grade of that district and be properly anchored in accordance with the requirements of this Ordinance.

### **3. Occupancy Permit**

An Occupancy Permit shall be obtained before any person may:

- a. Occupy or use any structure hereafter constructed, reconstructed, moved, enlarged, or structurally altered;
- b. Change the use of a structure or land to a different use; or
- c. Change the nature of a non-conforming use to a permitted use.

### **4. Temporary Occupancy Permit**

A Temporary Occupancy Permit may be issued for a period not exceeding six (6) months during alterations or partial occupancy of land or structures, provided that such temporary permit may include such conditions and safeguards as are necessary to protect the safety of occupants and the public.

### **5. No Permit Required**

No Location Improvement Permit shall be required for:

- a. Routine maintenance, repair or remodeling of existing structures not involving any change of use, additional lot coverage, or increase in structure size;
- b. Lot and yard improvements such as fences, drives, sidewalks, patios, retaining walls, play equipment and landscaping;
- c. Structures less than two-hundred (200) square feet in area and not on a permanent foundation.

## **SECTION 610 VIOLATIONS AND PENALTIES**

### **1. Penalty**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any structure or land in violation of any regulation in, or any provisions of, this Ordinance or of any regulation enacted hereunder by the Commission or Board. When it is determined that any structure or use is in violation of this Ordinance, the owner of the structure or land shall be deemed guilty of an Ordinance violation and, upon judgment, shall be fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00). Each day the violation continues shall constitute a separate offense. The fines may include reimbursement for reasonable attorney fees at the Town's discretion.

### **2. Investigation and Enforcement**

The Planning Director, or his designee, shall be the recipient of information alleging possible violation of the Zoning Ordinance. If it is established by a reasonable belief that a violation has occurred, the Board of Zoning Appeals may file a complaint against the person(s) and prosecute the alleged violation.

### **3. Judicial Actions**

- a. The following actions may be instituted when violations of this Ordinance occur:
  - i. The Board of Zoning Appeals or its enforcement officer may institute a suit for injunction to restrain any individual or entity from violating the provisions of this Ordinance.
  - ii. The Board of Zoning Appeals or its enforcement officer may institute a suit for mandatory injunction directing any individual or entity to cease an illegal use, or remove a structure erected in violation of the provisions of this Ordinance.
  - iii. Nothing herein contained shall prevent the Town from taking other lawful action necessary to prevent or remedy any violation.

**SECTION 620 FEES**

1. The fee schedule shall be amended only by action of the Town Board.
2. Until all applicable fees have been paid in full, no action shall be taken on any petition or application. No part of any fee paid pursuant to this Section shall be refundable, unless specifically authorized by the Town Board or its designee.
3. The schedule of fees for permits and procedures identified within this Ordinance shall be as adopted by the St. Leon Town Board.
4. The Plan Commission, Town Board, and governmental agencies, shall be exempt from such fees.
5. Refunds or waivers of fees are determined by the Town Board or its designee.