

TITLE 11

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

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11-3-1: ENFORCEMENT

The city shall enforce the provisions of this title. Failure to pursue appropriate legal remedies shall not legalize any violation of these provisions. Reasonable legal fees incurred by the city in enforcement hereof may be assessed as an additional penalty for violation of this title. (Ord., 8-12-2003)

11-3-2: INSPECTIONS

Appropriate agencies, departments and officials of the city shall inspect, or cause to be inspected, all buildings, roads, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered nor backfilled until such installation shall have been approved by the appropriate department, agency or officials. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector. A minimum of one working day notice shall be given for any inspection. (Ord., 8-12-2003)

11-3-3: PERMITS

From the time of the effective date hereof, the building inspector shall not grant a permit, nor shall any city office, department or agency grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which is contained in a subdivision that was not approved prior to the effective date hereof, which would be in violation of any provisions of this title until a subdivision plat has been approved as herein required and subsequently recorded. Any license or permit issued in conflict with such provisions shall be void. (Ord., 8-12-2003)

11-3-4: FEES

Any and all persons requesting approval on preliminary plats, final plats and construction drawings and specifications for the construction of improvements shall have first paid all

fees required as set forth by the most recent prevailing fee schedule adopted by the city. The fee schedule shall include, but shall not be limited to, office checking, ALUA review services, legal and field engineering fees, to be payable to the city at the time of each of the submittals, or in one lump sum as approved by the city. In addition to the above, a retainer fee for the construction inspection based on the above-mentioned fee schedule shall be payable to the city prior to any construction of subdivision improvements. All costs of inspection, including any necessary testing, shall be borne by the subdivider, not the city. The fee schedule shall be held in the city office. (Ord., 8-12-2003; amd. 2005 Code)

11-3-5: CONFLICTS

Whenever regulations in this title require higher standards than are required in other ordinances or laws, the provisions of this title shall govern. Whenever regulations of other ordinances or laws require higher standards than the provisions of this title, then said other ordinances shall govern. All ordinances or parts of ordinances in conflict with any of the provisions of this title are hereby repealed. (Ord., 8-12-2003)

11-3-6: CHANGES AND AMENDMENTS

Changes and amendments to this title shall be done in accordance with state law. (Ord., 8-12-2003)

11-3-7: VIOLATIONS

No person shall subdivide any tract or parcel of land located wholly or in part in the city except as in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the city, nor offer for recording in the office of the county recorder, any deed conveying such a parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title. (Ord., 8-12-2003)

11-3-8: PENALTY

A. Mandatory and Prohibiting Nature of Provisions:

1. It is unlawful for any person, firm or corporation to refuse to perform any act prohibited or to perform any act required by this title, or refuse to comply with any order issued by the city pursuant to the provisions of this title. (Ord., 8-12-2003)
2. Any person, firm or corporation violating any of the provisions of this title shall be guilty of a class C misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord., 8-12-2003; amd. 2005 Code)

B. Continuing Offenses Deemed Daily Violations: Where no other penalty is prescribed, any person convicted of violating any provision of this title shall be punished as provided by section 1-4-1 of this code, or its successor, and each day that any violation of this title is permitted to continue shall constitute a separate offense.

- C. Start of Work Without Permit; Penalty Fees; Emergencies:
1. Fee Increase: Whenever any construction or work for which a permit is required by this title is started or commenced without obtaining the prescribed permit, the fees specified in this title may be increased by the zoning administrator or the building inspector up to a double fee, but the payment of such increased fees shall not relieve any persons from fully complying with the requirements of this title in the execution of the work nor from any other penalties prescribed herein.
 2. Exception for Emergency Work: This provision shall not apply to emergency work when it shall be proved to the satisfaction of the building inspector that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining a permit, a double fee, as herein provided, shall be charged. (Ord., 8-12-2003)

11-3-9: APPEALS

- A. Appeal Process: Two distinct appeals may be requested by the applicant once the four subdivision review cycles have been exhausted and the 20-day Final review period has passed.
1. For disputes regarding public improvements or engineering standards, the city will assemble a three-person panel that will meet within 10 business days of receiving a request from the applicant. This panel of experts shall include:
 - a. One licensed engineer designated by the municipality.
 - b. One licensed engineer designated by the land use applicant.
 - c. One licensed engineer, agreed upon, and designated by the two designated engineers.
 2. Members appointed to the panel may not have an interest in the application. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee, and the municipality pays the other 50%.
 3. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 business days once the final written appeal decision has been issued.
 4. For all other disputes, the municipality shall refer to the designated appeal authority upon request by the applicant (see Title 10-3-2 Appeal Authority).