

**ARTICLE XI
ADMINISTRATION, ENFORCEMENT AND VIOLATIONS**

Section 11.01. ENFORCEMENT OFFICER

The provisions of this chapter shall be administered and enforced by a Zoning Administrator appointed by the City Council of Central City who shall have the power to make inspection of buildings and premises necessary to carry out his duties in the enforcement of this chapter. The enforcement officer in the performance of his duties and functions may enter upon any land and make examination and surveys that do no damage or injury to private property.

Section 11.02. BUILDING PERMITS

(a) Required prior to construction or exterior alteration. No person shall commence excavation for or the construction of any building, including accessory buildings, or commence the moving or exterior alteration of any buildings, including accessory buildings until the enforcement officer has issued a building permit for such work.

(b) Exceptions. No building permit or certificate of occupancy shall be required in the following cases;

1. Recurring maintenance work;
2. Alterations to the interior of a building;
3. Alterations to the exterior of a building which do not appreciably increase the exterior dimensions of the building (e.g., siding, doors, windows, roofing, etc.)
4. Installation of required improvements according to an approved subdivision plat.
5. Exceptions set forth in Section 5.10.(4).

(c) Procedure:

1. Application: In applying to the enforcement officer for a building permit the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon the outside dimensions of all structures yard depths, and any other information necessary for

determining conformance with this order. The State Plumbing Inspector's certificate approving proposed water and sewerage facilities must accompany applications according to Section 4.04 of Article IV.

2. Permanent File: The enforcement officer shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspection violations, stop orders, and condemnations.

3. Issuance: If the proposed construction or alteration conforms with all applicable provisions of this Ordinance and all other applicable ordinances, regulations and codes, the enforcement officer shall issue a building permit authorizing such construction or alteration. If the proposed construction or alteration fails to conform, the enforcement officer shall refuse to issue a building permit and shall deliver written notice to the applicant stating the reasons for the refusal. The enforcement officer shall act upon applications for building permits within two weeks from the date of their submission or shall inform City Council in writing as to why no action has been taken.

4. Validity: The issuance of a building permit by the enforcement officer shall not waive any provisions of this Article.

5. Duration: A building permit shall become void six months from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the enforcement officer before it becomes void.

Section 11.03. CERTIFICATES OF OCCUPANCY

No land or buildings or part thereof hereafter erected or altered in its use or structure shall be used until the enforcement officer shall have issued a certificate of occupancy, stating that such land, building, or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the enforcement officer to make final inspection thereof and to issue a certificate of occupancy, if the land, building, or part thereof and the proposed use thereof, are found to conform with the provisions of this Ordinance, or if such certification is refused, to state refusal in writing, with the cause and immediately thereupon to mail notice of such refusal to the applicant at the address indicated in the application

Section 11.04. VIOLATIONS; PENALTIES

(a) Remedies. In case any building or structure is, or is proposed to be erected, constructed or reconstructed, or any building structure or land is, or is proposed to be used in violation of this ordinance, the enforcement officer or any other appropriate property owner who would be damaged by such violation, in addition to other remedies may institute an injunction, mandamus or appropriate action or proceeding to prevent the work or occupancy of such building, structure or land in any court of competent jurisdiction.

(b) Penalties. Any person violating any provision of this Ordinance shall, upon conviction, be fined not less than \$10 nor more than \$500 for each conviction. Each day of violation shall constitute a separate offense.

Section 11.05. CLARIFICATION OF ADMINISTRATIVE JURISDICTION

The following is a recapitulation of the administrative agencies with jurisdiction and the extent of their jurisdiction concerning the administration of this Ordinance.

(a) The enforcement officer has initial authority for the literal enforcement of this Ordinance. He has no discretionary authority to allow any departure from the literal conformance with this Ordinance.

(b) The Board of Zoning Adjustment has authority to hear appeals from decisions by the enforcement officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretations by the enforcement officer. The Board also has the authority to make only those initial discretionary interpretations and decisions and allow only those departures from a literal conformance which is specifically delegated to it.

(c) The Circuit Court has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the Board of Zoning Adjustment or the City Council of Central City.