

CHAPTER 3

ADMINISTRATION AND ENFORCEMENT

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8-3-1: BUILDING INSPECTOR:

A. Office Created: The office of building inspector is hereby created within the county, and the board of county commissioners shall appoint a licensed inspector to fill said office.

B. Enforcement Officer: The building inspector shall be charged with the administration and enforcement of this title.

C. Powers And Duties:

1. Inspection: The building inspector is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land use to determine compliance with the provisions of this title; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of any building or structure.

2. Enforcement: The building inspector shall enforce all of the provisions of this and other applicable ordinances, employing all legal means available to do so. In enforcement of this title, the building inspector, or any employee of the department authorized to represent the building inspector, shall have the right to enter any building for the purpose of determining the use thereof, or to enter the premises for the purpose of determining compliance with the provisions of this title; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

3. Maintain Records: The building inspector shall keep careful and comprehensive records of applications or permits issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be maintained in the county planning and zoning office and shall be open to public inspection at reasonable hours, but shall not be removed from the county planning and zoning office.

4. Make Reports: The building inspector shall make a report to the planning commission once each month or more often if requested, including a statement of permits issued.

5. Cooperation Of Other Officials: The building inspector may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of all departments, agencies, officials and public employees vested with the duty or authority to issue permits, licenses, or to enforce the regulations of this title. Permits or licenses for uses, buildings or purposes where the same would be in conflict with the regulations of this title shall not be issued and any such permit or license if used in conflict with the regulations of this title shall be null and void.

8-3-2: BUILDING PERMITS TO COMPLY:

After the effective date hereof, no building permit may be issued without first having been approved by the building inspector. The building inspector shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other county or municipal officer grant any permit or license, nor approve the use of any building or land if said use would be in violation of this title.

8-3-3: SITE PLANS REQUIRED:

A detailed site plan, drawn to scale (scale and sheet size to be determined by the building inspector) shall be filed as part of any application prior to consideration of or for any building permit. The site plan shall show where pertinent:

A. Scale: Note of scale used.

B. North Point: Direction of north point.

C. Lot Lines: Lot lines, together with adjacent streets, roads and

rights of way.

D. Existing Structures: Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.).

5. Proposed Construction And Improvements: Location of proposed construction and improvements, including the location of all signs.

6. Vehicle Access: Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter and sidewalk location.

7. Notes: Necessary explanatory notes.

8. Personal Information: Name, address and telephone number of builder and owner.

9. Other Required Information: All other information that may be required as determined by the building inspector.

8-3-4: BUILDING PERMITS:

A. When Required: It shall be unlawful to construct, alter, repair or improve, remove or demolish, or to commence the construction of, or the set up of a mobile home, alteration, removal or demolition of a building or structure, or any industrial facility, without first filing with the building inspector an application in writing and obtaining a formal permit. Agricultural buildings (see subsections 8-6A-1A and 1B of this title) and detached accessory buildings of less than two hundred (200) square feet (see ICC IRC code R105.2) are exempt. This section shall apply to state and federally financed construction projects of any kind wherein the county has an interest to inspect said projects to ensure the health, safety and general welfare of the residents of the county. Permits shall apply to all development and construction regardless of whether the project is government or privately financed and owned.

B. Form:

1. An application for a building permit shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee or the person making the application that the proposed work is authorized by the owner in fee and that the person making application is

authorized to make such application as agent of the owner.

2. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.

3. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the building inspector for an intelligent understanding of the proposed work.

C. Plans: Application for a building permit shall be accompanied by a plan in duplicate drawn to scale of the proposed construction or use containing sufficient information for the enforcement of this title. The required information to be shown on the plan shall include the legal description of the property upon which the improvement is to be made, the street address of said property, the type of the use to which said improvement is to be put, the type of building to be created, the dimensions of the lot, parcel or tract of land upon which said improvement is to be made, the dimensions of the improvement and the distance said improvement is to be from the front, side and rear lot lines of said lot, parcel or tract of land, and elevations of said improvement showing the heights thereof, the location of water and sewer lines serving said improvement and, if said improvement is not connected with a public sewer, then the location of the private disposal system which serves or will serve said improvement, the location of existing uses and buildings, and such other information as the building inspector may require for the purpose of determining whether a building permit may be issued under the terms of this title.

D. Amendments: Nothing herein shall prohibit the filing of amendments to an application or to a plan or other record accompanying the same, at any time before the completion of the work for which the building permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

E. Completion Of Existing Building: Nothing in this title shall require changes in the plans, construction or designated use of a building or structure for which a lawful building permit has been issued prior to the time this title or amendments thereto became effective, or which has been otherwise lawfully authorized and the construction of which shall have been actually begun within ninety (90) days after this title or amendments thereto became effective and which the entire building or structure shall be completed as authorized within two (2) years thereafter.

F. Action On Applications: It shall be the duty of the building

inspector to examine applications for building permits within a reasonable time after filing. If, after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a building permit for the proposed work as soon as practicable. If his examination reveals otherwise, he shall reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

G. Approval In Part: Nothing herein shall be construed to prevent the building inspector from issuing a building permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this title.

H. Limitation Of Building Permit:

1. All work performed under a building permit issued by the building inspector shall conform to the approved application and plans and approved amendments thereof.

2. Location of all new construction as shown on the approved plot diagram or an approved amendment thereof, shall be strictly adhered to.

3. It shall be unlawful to reduce or diminish the area of a lot or plot for which a plot diagram has been filed and has been used as the basis for a building permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided, that this shall not apply when the lot is reduced by reason of a street opening or widening, or other public improvement.

4. A building permit under which no work is commenced within one hundred eighty (180) days after issuance shall expire by limitation.

5. If a parcel of land is subdivided into two (2) or more lots and not recorded, the issuance of building permits shall be prohibited within such subdivision; provided, that this limitation shall be removed when the subdivision is officially approved by the planning commission and properly recorded, subject to all requirements imposed by the county subdivision ordinance.

6. A building permit shall not be issued for any building or structure on any lot or parcel of land unless that lot or parcel adjoins for a minimum distance of twenty feet (20') directly upon a street or

upon a permanent easement.

I. Signature To Building Permit: Every building permit issued by the building inspector under the provisions of this title shall have his signature affixed thereto, but this shall not prevent him from authorizing a subordinate to affix such signature.

J. Posting Of Building Permit:

1. A copy of the building permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of the same.

2. The governing body may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to completion thereof.

3. The building inspector shall be given at least twenty four (24) hours' written or electronic notice of the starting of work under a building permit.

K. Revocation: The building inspector may revoke a building permit or approval issued under the terms of this title if there has been any false statement or misrepresentation as to fact in the application or plans on which the building permit or approval was based.

L. County Assessor: One copy of each building permit issued by the building inspector shall be transmitted to the county assessor within thirty (30) days.

M. Fees: Any fee charged for the issuance of building permits shall be based upon the current international building code as recommended therein.

N. Codes Adopted: The county adopts and enforces the provisions of the international building code, in its most recent editions, as editions are updated from time to time, as well as the international plumbing code and the national electrical code, the model energy code, and the state regulations which apply to the handicapped.

8-3-5: COORDINATION BY STATE HEALTH, BUILDING OFFICIALS AND INSPECTORS:

A. Scope; Notice To County: The county government finds that it is in the interest of the county for purposes of coordination and efficient provision of government services to be informed of, and

coordinated with, officials of the state as they perform their numerous tasks of inspections for state health and other state regulations. Therefore, state inspectors and agents of the state tax commission shall notify the building inspector of all state inspections of new or existing development within the county, and of all state issued permits granted, denied or renewed within the county.

B. Denial: The county reserves the right to deny occupancy, construction, development or any use where a state inspection or permit was not previously coordinated with the county prior to its issuance.

8-3-6: BUILDING PERMIT REQUIRED; UTILITY SERVICES:

A. Building Permit: The county requires that a building permit be obtained before the start of construction of structures within the county.

B. Furnishing Utility Services: Any individual, business, company or entity is hereby prohibited from furnishing utility services to any new construction or any newly constructed structure until said individual, business, company or entity is furnished with a copy of the certificate of a building permit for said structure from the county.

8-3-7: COSTS, CHARGES FOR ZONING CHANGES AND PLAN REVIEWS:

A. Purpose: It is recognized that county governments incur substantial costs in the processing and review of petitions and applications for land development, changes in ordinances, zoning changes and appeals therefrom. In order to ease the burden on the public, reasonable charges shall be imposed on all petitions and applications which come before the planning commission.

B. Charges To Be Imposed: The costs and charges in connection with petitions and applications to the planning commission shall be in such amounts as established by the board of county commissioners.

C. Fees Additional: These fees are in addition to all required subdivision fees.

8-3-8: VIOLATIONS AND PENALTY:

A. Violations:

1. Any sale or transfer of real property by contract, grant, gift or any other form which is not recorded with the office of the county recorder, and any building or structure erected or maintained or any use of property in violation of this title shall be and the same is hereby declared to be unlawful and a public nuisance, and the county attorney shall immediately commence action, or actions, proceeding or proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law; and shall take such other actions and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from establishing, erecting or maintaining such building or structure, or using any property in violation of this title. It shall be the right and duty of every citizen to participate and assist the county officials in the enforcement of the regulations of this title. The planning commission shall report in writing to the county attorney any real property or structure it knows or has reason to believe is in violation of this title.

2. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.

3. Such person, firm or corporation who intentionally violates this title shall be deemed to be guilty of a separate offense for each and every day during which any violation of this title is committed, continued or permitted by such person or corporation and shall be punishable as herein stated; provided, however, that when any structure or use is in continuous violation of this title for a period exceeding five (5) years, and upon proper affidavits being submitted to the planning commission to the effect that no action has been instigated or complaint received during said period with respect to the violation, and when said commission finds that in the interest of justice and the general public good and welfare such structure or use should be allowed to continue, then and in that event said commission may declare such structure or use nonconforming. However, the period of limitations of five (5) years prescribed herein shall not commence to run until the effective date hereof and in no way shall be interpreted to permit the continuation of any violation which existed on the effective date hereof.

B. Notice Of Violation:

1. Any property known or believed to be in violation shall be served notice of said violation by:

a. Registered or certified letter from the planning commission

addressed to the owner listed on the county tax assessment roll; or

b. A stop work sign posted conspicuously on the property.

2. These two (2) forms of notice shall describe the alleged violation and shall state the full text of subsections A and C of this section. The notices shall also inform the violator of the location to which he may respond to the notice and the time limit within which such action may be taken.

C. Penalty: Any person who violates any regulation of this title, or violates or fails to comply with any order or regulation made hereunder, shall be guilty of a class C misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. Every violator shall be deemed guilty of a separate offense for each day such violation is permitted to exist after official county notice has been given.