

**CHAPTER 5  
ENFORCEMENT AND PENALTIES**

**DIVISION 25: APPLICATION FEES**

**Sections:**

Section 25-1: Statement of Intent  
Section 25-2: Application Fee Schedule

**Section 25-1: Statement of Intent**

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the City Clerk to help defray the cost of administration, investigation, advertising, and processing of permits and variances.

**Section 25-2: Application Fee Schedule**

- (a) Application fees established herein are not refundable, except where a petition or application is withdrawn prior to advertising or posting of public hearing notices for the petition, and then only by the order of the City Council. If a particular development requires more than one (1) approval, then the applicant shall pay the cumulative application fee for each approval sought.
- (b) The Zoning Administrator or Planning Commission may assign a fee to any application procedure not mentioned herein. Such application fee should be based on the fee for the most comparable application procedure listed herein.
- (c) The following fee schedule is hereby established:
  - 1. Zoning Amendment or Rezoning: Two hundred fifty dollars (\$250.00). There shall be no charge if an amendment or rezoning is initiated by the Planning Commission or City Council.
  - 2. Subdivision: Two hundred fifty dollars (\$250.00) each for preliminary and final plat approval, or the following, whichever is greater.
    - A. Preliminary Plat: Ten dollars (\$10.00) per lot for the first twenty (20) lots, with an additional fee of five dollars (\$5.00) per lot for each lot in excess of the first twenty (20) lots.

- B. Final Plat: Ten dollars (\$10.00) per lot for the first twenty (20) lots, with an additional fee of five dollars (\$5.00) per lot for each lot in excess of the first twenty (20) lots.
  - C. Minimum Fee: The minimum application fee for preliminary or final plat approval shall be fifty dollars (\$50.00).
3. Annexation: Two hundred fifty dollars (\$250.00). There shall be no charge if annexation is initiated by the Planning Commission or City Council.
  4. Special Use Permit: One hundred dollars (\$100.00).
  5. Sign Permit: (Permanent Signs) Forty dollars (\$30.00)  
(Temporary Signs) Ten dollars (\$10.00)
  6. Variance: One hundred seventy-five dollars (\$175.00).
  7. Site Plan Review: Fifty dollars (\$50.00) plus an additional five dollars (\$5.00) for every acre beyond the first acre.
  8. Plat Vacations: One hundred dollars (\$100.00).
  9. Zoning Board of Appeals: One hundred seventy-five dollars (\$175.00).
  10. Planned Unit Development: Two hundred dollars (\$200.00).
  11. For applications that require a public hearing, there will be an additional charge of fifty dollars (\$50.00) to offset the cost of the required advertisement in the newspaper.
  12. Zoning Administrator fees:
    - A. Site Inspection, meetings, site plan review, and other duties for which no fee is specifically indicated: Twenty dollars (\$20.00) per hour.
    - B. Additional plan review required by changes, additions, or revisions to approve plans with a minimum charge for one half (1/2) hour: Twenty dollars (\$20.00) per hour.

(d) The City Council may make adjustments to the fee schedule as necessary, by ordinance. Copies of the current fee schedule shall be available to the public at the office of the City Clerk.

## **DIVISION 26: INTERPRETATION AND ENFORCEMENT**

### **Sections:**

- Section 26-1: Interpretation
- Section 26-2: Enforcement
- Section 26-3: Remedial Action
- Section 26-4: Violations and Penalties

### **Section 26-1: Interpretation**

In their interpretation and application, the provisions of this Zoning Title shall be held to be minimum requirements, adopted for the promotion of public health, morals, safety or the general welfare. Whenever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards, shall govern.

### **Section 26-2: Enforcement**

The Mayor shall appoint a Zoning Administrator with the consent of the City Council, whose duty it shall be to enforce the provisions of this Zoning Title. Appeal from the decision of the Zoning Administrator may be made to the Zoning Board of Appeals, as provided in Chapter 4 of this Title.

### **Section 26-3: Remedial Action**

Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the City Council, the Building Inspector, or the City Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land or building.

**Section 26-4: Violations and Penalties**

The owner or agent of a building, structure or land in or upon which a violation has been committed or upon which a violation exists, or the lessee or tenant of an entire building, entire structure or entire land in or upon which a violation has been committed or should exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building, structure or land in or upon which violation shall exist or occur during the construction or improvement process, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each offense as determined by the Zoning Administrator or City Council; and/or the City may proceed in a civil action in a court of competent jurisdiction, to enjoin the use of a building, structure or land in or upon which a violation has been committed or shall exist. A separate offense shall be deemed committed on each day such violation occurs or continues. If an appeal is filed and is not granted, the fines are effective from the time the City Council makes its decision until the violation is corrected.