

## CHAPTER 13

### ENFORCEMENT

13-1. ZONING PERMITS REQUIRED: No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore issued by the Administrator. Zoning Permits shall be issued only in conformity with the provisions of this Ordinance. A building permit once issued may serve as a zoning permit.

13-2. CONTENTS OF APPLICATION: The application for Zoning Permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the Permit shall expire and be considered revoked if work has not begun within one hundred eighty (180) days from the date the permit was issued. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant and name, address and phone number of owner if applicant is not the owner;
- B. Legal description of property;
- C. Existing use;
- D. Proposed use;
- E. Zoning District;
- F. Plan, drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alterations;
- G. Building heights;
- H. Number of off-street parking spaces or loading spaces;
- I. Number of dwelling units;
- J. Proposed sewer, water and electrical facilities; and
- K. Such other matters as may be necessary to determine conformance with, and provision for, the enforcement of this Ordinance.

13-3. APPROVAL OF ZONING PERMIT: Within twenty-eight (28) days after the receipt of an application, the Administrator shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, shall be conditional upon the commencement of work within one hundred eighty (180) days. If permit involves construction or renovation, one (1) copy of the construction plans shall be returned to the applicant by the Administrator, after the Administrator has marked such copy either as approved or disapproved and attested to same by his signature on such copy. The Administrator shall retain One (1) copy of plans, similarly marked. The Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

13-4. EXPIRATION OF ZONING PERMIT: If the work described in a Zoning Permit has not begun within one hundred eighty (180) days from the date of issuance thereof, said Permit shall expire and be considered revoked by the Administrator. No written notice of expiration or revocation need be given to the persons affected.

13-5 EXEMPTION FROM ZONING/BUILDING PERMIT: Structures or buildings, that meet the definition of Agricultural Building and is constructed and located in an Agricultural Zone on a parcel that meets the below definition for Agricultural Exemption, will only be required to obtain a Siting Permit in lieu of a Building Permit.

A parcel or tract of land, that is more than five contiguous acres, and is actively devoted to agriculture is eligible for an agricultural exemption when meeting the following criteria:

- A. It is used to produce field crops including, but not limited to, grains, feed crops, fruits and vegetables; or
- B. It is used to produce nursery stock as defined in Idaho Code, Section 22-2302; or
- C. It is used by the owner for the grazing of livestock to be sold as part of a net profit-making enterprise, or is leased by the owner to a bona fide lessee for grazing purposes; or
- D. It is in a cropland retirement or rotation program; and
- E. Is not a lot, tract or parcel within a subdivision or Planned Unit Development.

13-6 SPECIAL REQUIREMENTS FOR ISSUANCE OF BUILDING PERMITS: The following are requirements dealing with providing utility hookups and payment of hookup fees prior to the issuance of a zoning/building permit:

- A. It shall be unlawful for any individual, person corporation, or other entity to request or demand from any utility, private or public, the connection of power to any structure, house, building, installation, including manufactured homes, for which a building permit is required, without first displaying to said utility or other company a valid building permit issued by the department Minidoka County Community Development.
- B. Each utility, private or public, receiving such a request for connection of utilities without compliance with the terms of this section, shall promptly notify the department of Minidoka County Community Development.
- C. The Department of Minidoka County Community Development shall not issue a building permit for any structures located within the corporate limits of the cities which would require public services without verification that the appropriate hookup fees or deposits have been paid. This provision would also apply to any structures outside corporate limits of the cities which would be on the municipal services.

- D. Manufactured Home Parks (Mobile Home Parks) shall not allow a unit to be connected to utilities without verification that a building permit has been issued as required by state law and local ordinances.
- E. No building permit shall be issued for structures utilizing private septic systems without first obtaining a Subsurface Sewage Permit from the applicable health authority.

13-7. CERTIFICATE OF OCCUPANCY: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof thereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore stating that the proposed use of the building or land conforms to the requirements of this Ordinance and with all conditional provisions that may have been imposed.

13-8. TEMPORARY CERTIFICATE OF OCCUPANCY: A temporary Certificate of Occupancy may be issued by the Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

13-9. STATEMENT OF INTENT TO DECLARE A MANUFACTURED HOME REAL PROPERTY: Pursuant to Idaho Code Section 63-304 manufactured homes may be declared as real property. A manufactured home may only be accepted as real property upon the submittal of an application as prescribed by the State, properly completed, signed and notarized and upon verification of compliance with all State and local building codes and manufactured home installation standards.

13-10. RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY: The Administrator shall maintain a record of all Zoning Permits and Certificates of Occupancy and copies shall be furnished upon request to any person.

13-11. FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY: Failure to obtain a Zoning Permit or Certificate of Occupancy shall be a violation of this Ordinance.

13-12. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLAN, PERMITS AND CERTIFICATES: Zoning Permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Administrator authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Ordinance.

13-13. COMPLAINTS REGARDING VIOLATIONS: Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrator. The Administrator shall properly record such complaint and immediately investigate and take action thereon as provided by this Ordinance.

13-14. PENALTIES: The County Attorney or respective City Attorney may, in addition to taking whatever criminal action deemed necessary, take steps to civilly enjoin any violation of this Ordinance. Penalties for failure to comply with or violations of the provisions of this Ordinance shall be as follows:

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and shall be subject to a fine not exceeding three hundred dollars (\$300.00) and to imprisonment not exceeding (30) thirty days or both such fine and imprisonment. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the Council or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this Ordinance or the Idaho Code.

13-15. SCHEDULE OF FEES, CHARGES AND EXPENSES: The Board of County Commissioners or the respective City Council, by resolution, shall establish a schedule of fees, charges and expenses and a collection procedure for Zoning Permits, amendments, appeals, variances, special use permits, plan approvals and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Administrator, and may be altered or amended only by the Board or respective Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.