

**ARTICLE 23**  
**ADMINISTRATION AND ENFORCEMENT**

**23.01            ORDINANCE ENFORCEMENT OFFICER**

- A.     The provisions of this ordinance shall be administered and enforced by the ordinance enforcement officer.
- B.     The ordinance enforcement officer shall be appointed by the city council for such term and subject to such conditions and at such rate of compensation as the city council shall determine.

**23.02            ZONING PERMITS**

- A.     No building, structure, or dwelling unit shall be erected, moved, placed, reconstructed, extended, enlarged, or altered and no land shall be used unless an application for a zoning permit shall be made in writing and upon printed forms furnished by the city. A zoning permit issued by the ordinance enforcement officer is nontransferable and must be obtained before any work, excavations, erection, alteration, or movement is commenced. Satisfactory evidence or ownership of the lot or premises may be required by the ordinance enforcement officer and shall be furnished upon request.
- B.     If the application is approved, the ordinance enforcement officer shall so mark both copies of the application over his or her signature, shall file one copy with the city clerk, and shall return the other copy to the applicant.

**23.03            CONTENTS OF APPLICATION**

- A.     Each application for a zoning permit shall include such reasonable information as may be requested by the ordinance enforcement officer in order to determine compliance with the terms and provisions of this ordinance and shall include the following information:
  - 1.     The location and actual dimension of the lot or premises to which the permit is to apply.
  - 2.     The width of all abutting streets.
  - 3.     The area, size, and location of all buildings or structures to which the permit is to apply.

4. The type of use to be made of the building, structure, or land to which the permit is to apply.
  5. The use of buildings, structures, or land on adjoining properties.
  6. The estimated cost of the building or structure.
- B. The ordinance enforcement officer may waive the inclusion of any of the foregoing information in an application if it is determined that such information is not reasonably necessary to determine compliance with the terms and provisions of this ordinance.

#### **23.04**

#### **ACCESSORY BUILDINGS OR STRUCTURES**

Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or altered at the same time as the principal building on the same lot or premises and when shown on the application for the zoning permit for the principal building, shall not require the issuance of a separate zoning permit. A separate zoning permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged, or altered separately or at a different time than the principal building on the same lot or premises, provided it is 101 square feet or larger.

#### **23.05**

#### **PERMIT PROCESS**

- A. When the terms and provisions of this ordinance require authorization by the planning commission by special land use permit and such authorization is given, both copies of the zoning permit shall be marked approved by the secretary of the planning commission in addition to being marked by the ordinance enforcement officer.
- B. Within 30 days after the receipt of any application, the ordinance enforcement officer shall either issue a zoning permit if the proposed work is in conformance with the terms and provisions of this ordinance or deny issuance of a zoning permit and state the reason(s) or cause(s) for such denial in writing. In each case, the zoning permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his or her agent.
- C. A zoning permit for any building or structure for which all construction work has not been completed within 1 year from the date of issuance shall expire automatically. A zoning permit expiring automatically pursuant to this subsection shall, upon

reapplication, be renewable for additional terms of 1 year on payment of an additional fee equal to one-half of the original zoning permit fee.

- D. The ordinance enforcement officer shall have the power to revoke and cancel any zoning permit in the event of failure or neglect to comply with all of the terms and provisions of this ordinance or in the event of any false permit. Notice of such cancellation and revocation shall be securely posted on the construction; such posting is to be considered as service upon and notice to the permit holder of the cancellation and revocation of the zoning permit.

#### **23.06 CERTIFICATION OF COMPLIANCE**

No building or structure that is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used, in whole or in part, until the owner thereof shall have been issued a certificate of compliance by the ordinance enforcement officer affirming that such building or structure conforms, in all respects, to the provisions of this ordinance. Such certification shall be issued after the work is complete and final inspection has been made.

#### **23.07 FEES**

The city council shall establish a schedule of fees for administering this ordinance. The schedule of fees shall be posted on public display in the city office and the office of the ordinance enforcement officer and may be changed only by the city council. No permit or certificate shall be issued unless such fees have been paid in full.

#### **23.08 ENFORCEMENT**

- A. The city council, the planning commission, the board of appeals, the ordinance enforcement officer, the duly authorized attorney for the city, the prosecuting attorney for Osceola County, or any owners or occupants of any real estate within the city may institute an appearance ticket, an injunction, a mandamus, an abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this ordinance. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.
- B. The ordinance enforcement officer is specifically authorized to issue and serve appearance tickets, based on probable cause, on any person, business, or organization that is in violation of any of

the provisions of this zoning ordinance and for which a fine, imprisonment, or both may be levied as a result of such violation. "Appearance ticket" means a complaint or notice upon which the ordinance enforcement officer shall record an occurrence involving one or more violations of the zoning ordinance by the person cited. Each citation may be appropriately modified as to content or number of copies to accommodate zoning ordinance enforcement and local court procedures and practices and shall consist of the following parts:

1. The original, which shall be a complaint or notice to appear by the ordinance enforcement officer and filed with the court.
2. The second copy, which shall be retained by the ordinance enforcement official.
3. The third copy, which shall be delivered to the alleged violator.

## **23.09**

### **PENALTIES**

- A. Any building or structure that is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used or any use of a lot or land that is begun, maintained, or changed in violation of any term or provision of this ordinance is hereby declared to be a nuisance per se.
- B. Any person who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement or any term or provision of this ordinance or any amendment thereof shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500 or shall be imprisoned for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The duly authorized attorney for the city is empowered to prosecute such violations.