

Amendatory Ordinance No. 6-0216

To the Honorable Iowa County Board of Supervisors:

Whereas the Iowa County Zoning Ordinance requires compliance through permits for certain activities and development;

Whereas it has been deemed that the current grace period allowing after-the-fact permits without penalty has created an opportunity to violate without penalty thus increasing administrative costs by increasing violation workload;

Whereas a public hearing, designated as zoning hearing number REV-2803, was held on **January 27, 2016** by the Iowa County Planning & Zoning Committee to consider revisions to Sections 2.8 and 2.9 of the Iowa County Zoning Ordinance eliminating the grace period in favor of limited discretion to the Office for waiving after-the-fact fees and for clarifications in handling violations, after which subsequent action was taken by the Committee to recommend approval by the Iowa County Board of Supervisors,

Now therefore be it resolved that the Iowa County Zoning Ordinance be amended as recommended by the Iowa County Planning and Zoning Committee in Attachment A.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that this Amendatory Ordinance was X approved as recommended: _____ approved with amendment: _____ denied as recommended; _____ rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **February 16, 2016**. The effective date of this ordinance shall be **February 16, 2016**.


Greg Klusendorf
Iowa County Clerk

Date: 2/17/16

Attachment A

The following are revisions to the Iowa County Zoning Ordinance:

2.8 Violations

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

In the event that the placement or construction of a structure is started before a zoning permit has been issued for the structure in question, a late application may be made and a permit issued providing the structure meets all other ordinance requirements. ~~There shall be a ten (10) working day grace period from the receipt of notification during which time the late permit fee will not be applied. The grace period shall begin on the date of receipt of notification from the Office that a late permit can be sought. Application made after the grace period will include the assessment of a late permit fee as set by County Board resolution is paid. Construction is deemed to be started if there has been a commencement of concrete work, or the placement of any permanent part of the structure. The collection of the late permit fee shall not be a bar to prosecution for violation of any of the provisions of this Ordinance. Failure to seek a late permit after notification by the Office shall result in the issuance of a Cease Work Order and commencement of violation enforcement. The Office shall apply a late permit fee as established by the County Board, unless special circumstances exist that meet the Office Director's satisfaction to deem the extra fee can be waived.~~

The Office is hereby authorized to issue a Cease Work Order for any construction that has commenced in violation with the provisions of this Ordinance. The Cease Work Order shall be accompanied by a notice of the provisions in violation, options for compliance and a date on which compliance shall be achieved.

If, after a reasonable amount of time, compliance has not been achieved, the Office shall issue a citation for each violation of this Ordinance as authorized by Ordinance No. 2-695-1995. In the case of violations that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the Office may use any enforcement authority available to compel compliance.

Any violation under previous ordinances repealed by this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance, unless the use, development, construction, or other activity complies with the provisions of this Ordinance.

2.9 Penalties

Violations may be pursued by either the issuance of a citation, referral to the District Attorney's Office as a formal complaint or both as authorized by Ordinance No. 2-695-1995.

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof via the formal complaint process, forfeit no less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

In the case where a citation is issued, the payment of the forfeiture shall not constitute compliance nor shall said payment bar the issuance of further citations, provided the violation remains.