

ARTICLE XIV

Fees, Interpretation, Severability, Violations, Penalties, When Effective

14.1 FEES

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, variations, and for appeals to the Zoning Board of Appeals shall be established by separate resolution of the County Board from time to time. Such fees shall be paid to the County Treasurer who shall give a receipt therefore and account for same at regular intervals to the County Board.

The following fee schedule is in effect:

- 14.1-1 Applications made prior to construction of a foundation, erection of any structure, or change of use of property:

Fees shall be set by County Board resolution.

- 14.1-2 Applications made after construction of a foundation, erection of any structure, or change of use of property:

Fees shall be set by County Board resolution.

- 14.1-3 Applications for building permits, mobile home permits and commercial towers:

Fees shall be set by County Board resolution.

- 14.1-4 For purposes of determining the fee to be charged pursuant to Section 14.1, “construction of foundation” shall mean when the footings, if used, are excavated and concrete used in connection therewith poured, or if no footings for the foundation are to be used, the pouring of any concrete or similar material or the placement in ground of any device to be used to secure or support any structure.

For purposes of determining the fee to be charged, “erection of any structure” shall mean the on site assembling of components, and, in the case of in ground pools or driveways, the excavation or grading of the ground surface.

14.1-5 Determination of the amount of the building permit fee and determination of whether applications are filed prior to or after construction of a foundation, erection of any structure, or change of use of property shall be made by the Zoning Enforcement Officer, subject to an appeal to the Zoning Board of Appeals by any person aggrieved thereby under the appeal provisions of this Ordinance.

In addition to the above fees, the applicant shall pay all costs of publication and furnish the publisher's proof of such publication to the Zoning Enforcement Officer, prior to the date of hearing before the Zoning Board of Appeals.

The County's fee or fees for tax supported bodies are waived.

14.2 INTERPRETATION

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare. Also see Section 2.34, Unclassified or Unspecified Uses.

14.3 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

14.4 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, the County Board, Zoning Enforcing Officer, the County Planning Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

In case any building or structure is erected or constructed in violation of this Ordinance, or any resolution or other regulation made under the authority conferred hereby, the proper authorities of the County, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection or construction, to restrain, correct, or abate such violation, to prevent the occupancy of said building or structure, or to prevent any illegal act, conduct, business or use in or about such premises.

Whenever a complaint is reported to the Zoning Enforcing Officer, the complainant will sign the complaint form describing the type or forms of nuisance, the location, and the owner or resident.

Investigation by the Zoning Enforcing Officer will determine the validity of the complaint, and, if in his judgment determined as valid, will proceed to serve written notice upon the owner or resident, by mail or by person and stating the form or forms of violation and allowing a minimum of thirty (30) days for the complaint to be addressed or abated.

In cases where the complainant does not agree with the findings of the Zoning Enforcing Officer, appeals may be taken by following the procedure outlined in Article X Paragraph 10.4.

At the end of the thirty (30) day grace period, if no action to address the complaint or abate the violation has been made by the owner or resident, the Zoning Enforcing Officer may, if in his judgment, the violation warrants a hearing by the Board of Appeals for recommendation on possible prosecution, will so schedule a hearing for the next regular meeting of the Board of Appeals; providing that a minimum of seven (7) days notice has been given to the owner and/or resident prior to the scheduled meeting, informing the owner and/or resident of the action being taken.

A sworn certification by the Zoning Enforcing Officer that notices have been mailed to the owner and/or resident shall be acceptable in lieu of certified mail. At the hearing, the defendant may appear in person, by agent or by attorney.

The Board of Appeals at their regular meeting will hear the testimony and recommend if the States' Attorney should proceed with legal action to abate the violation. Penalties for violations of this Article will be assessed in accordance with Article XIV, Paragraph 14.5.

14.5 PENALTIES

In addition to any other means or methods of enforcement of this Ordinance by public officers or the County, any person who violates any term of this Ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500.00, with each week the violation remains uncorrected constituting a separate offense.

14.6 EFFECTIVE DATE AND ADOPTION

This Ordinance Amending Bureau County Zoning Ordinance and fixing Application Fees for Filing of Petitions shall be in full force and effect immediately upon its passage and adoption and shall remain in full force and effect until otherwise repealed or amended by action of the County Board.

PASSED, APPROVED AND ADOPTED this eighth day of November, 2005.

James Lilley, Chairman
Bureau County Board

ATTEST:

Kamala Hieronymus,
Bureau County Clerk