

Chapter 12.3 General Provisions

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12.3.1 Building Permits and Plats Required

No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use of land be changed, except after the issuance of a permit by the City.

If property boundaries are in any way uncertain, applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built on, the size and location of existing and proposed buildings, and any other information needed to make a well informed decision.

The staff, Planning Commission or City Council may require, at the applicant's expense, a legal description, professional survey, title search showing ownership, contour map, and any other information deemed necessary to enforce the terms of this ordinance.

12.3.2 Permits to Comply with Zoning Standards

No permit shall be issued or granted for the construction or alteration of any building or structure, the moving of any building onto a lot or parcel, a change in the use of a building or structure, or for a change in the use of land if the construction, alteration, moving, or change in use would result in a violation of any provision of this ordinance. Further, No sewer, water, or electrical utility facilities shall be installed to serve any premises if any use of the lot or parcel will be in violation of this ordinance.

12.3.3 Certificate of Occupancy

It shall be unlawful to use or occupy any building, structure or parcel of land until a Certificate of Occupancy has been issued for the building, structure or parcel. It shall also be unlawful to allow any use that is not consistent with the requirements of this ordinance following the issuance of a Certificate of Occupancy.

The Certificate of Occupancy may be issued upon completion of all the requirements of this ordinance and any and all other laws and ordinances recognized by the City and a final inspection of the building, structure or parcel by the staff. The information required for issuance of a Certificate of Occupancy includes, but is not limited to:

1. Residential buildings or structures.
 - a. The number of residential units in each building.
 - b. The number, if any, of potential tenants or renters anticipated to reside in each building.
 - c. The number of legal-sized off-street parking spaces being provided on the premises.
 - d. A signature of the owner of the building stating that the information is accurate and will be maintained at all times unless otherwise approved.
2. Commercial, Industrial and Institutional Certificates.
 - a. The proposed number of employees.
 - b. The number of legal-sized off-street parking spaces being provided on the premises for both employees and visitors.
 - c. The square footage of each building and the type of occupancy or the percentage of the building used for each type of occupancy.
 - d. A signature of the owner of the building stating that the information is accurate and will be maintained at all times unless otherwise approved.

Failure to obtain a Certificate of Occupancy, or changing the intensity of use or number of occupants, shall be a Class C misdemeanor. Occupation of any building for which there is no Certificate of Occupancy shall be declared to be a nuisance and shall be abated as such.

12.3.4 Assurance for Improvements

The City Council shall require the applicant to post an acceptable guarantee at the time of approval of any improvements regulated by this ordinance. The amount, estimated by the City Engineer and approved by the City Council, shall be sufficient to assure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements. The amount of the guarantee shall be equal to one hundred and twenty (120) percent of the estimated cost of the required improvements as determined by the City Engineer.

The posting of guarantees are in lieu of actual construction and are therefore established for the benefit of and to ensure to the public at large that the work will be properly completed. As such, they are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth by the City Attorney.

The period within which required improvements must be completed shall be specified by the City Council upon approval and shall be incorporated in the guarantee and shall not in exceed one (1) year from the date of approval. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.