

## **SECTION 17 - ENFORCEMENT**

### **17.1 PERMITS AND LICENSES**

17.1.1 **GENERAL** - Every department and employee of the City of Belmont authorized to issue permits or licenses affecting the use or occupancy of land or of a building or structure shall comply with the provisions of this Ordinance. Where any action on referral or an appeal is required by this Ordinance, no such permit or license shall be issued unless and until such action has been taken and the time within which an Appeal could have been taken has expired. If the proposed use or occupancy of any building or structure for which a permit or license is sought conforms with this Ordinance in all respects, the application therefor may be approved as to zoning. Any such permit or license hereafter issued contrary to the provisions of this Ordinance shall be void.

17.1.2 **PRIOR PERMITS** - Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within 60 days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may, upon completion, be occupied under a zoning certificate for the use for which originally designated.

### **17.2 ZONING CERTIFICATION**

17.2.1 **REQUIREMENT** - Written certification that drawings comply with the requirements of this Ordinance shall be made by the Zoning Administrator prior to the issuance of a building permit for every building or structure erected or moved into any zoning district with the following exceptions:

- (a) A building of a non-industrial character, owned and occupied by the City or other governmental agency; but not including a storage garage, machine shop, corporation yard or incinerator;
- (b) Publicly owned park, playground, golf course;
- (c) Lawful minor accessory uses, not requiring any other permit or license;
- (d) Lawful signs of a type for which no building permit or sign permit is required.

17.2.2 **CERTIFICATION** - Such written certification shall be recorded on a suitable form or may be included on a Building Permit Application Form and shall include the zoning district, required setbacks and any provisions or conditions established by the Commission and/or Council relating to the use of the property for which a Building Permit Application is made including but not limited to those set forth in any approval of a Planned Unit Development, Conditional Use Permit or a Variance.

17.2.3 **RECORDS** - Certification by the Zoning Administrator together with all notations and required information shall be made a part of the permanent records of the City.

17.3 VIOLATIONS<sup>1</sup>

- 17.3.1 CIVIL PENALTY FOR VIOLATION - Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this Ordinance shall be, and the same is hereby declared to be, unlawful and a public nuisance. The City Attorney of said City shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building, structure, use, or practice and remove such building or structure, cease such use or practice, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining, or using any such building, or using any premises contrary to the provisions of this Ordinance.
- 17.3.2 INFRACTION PENALTY FOR VIOLATION – Except as specifically stated elsewhere, any violation of the provisions of this chapter, as defined in section 17.3.1, shall be punishable as an infraction, the penalty for which shall be as follows:
- a. A fine not exceeding one hundred dollars (\$100.00) for a first violation.
  - b. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.
  - c. A fine not exceeding five hundred dollars (\$500) for a third violation within one (1) year.
- 17.3.3 CUMULATIVE REMEDIES – The remedies provided for herein shall be cumulative and not exclusive.
- 17.3.4 CITATION AUTHORITY – Those persons holding the positions of City Manager, Director of Planning and Community Development, Building Official, or designees thereof, are hereby designated as having citation authority under the provisions of this section for violations of Ordinance 360.

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<sup>1</sup> Amended by Ord. 366, 5/22/67; Ord. 905, 7/11/96