

ZONING ADMINISTRATION and ENFORCEMENT

This chapter details zoning enforcement guidelines, as well as descriptions of some of the main duties of the Zoning Administrator. Building and occupancy permits, inspections, enforcement issues as well as violations of this code are described.

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6.1 Administration and Enforcement

6.1.1 The Zoning Administrator

The provisions of this Ordinance or Code shall be administered by the Zoning Administrator acting under the supervision of the Mayor, or the Mayor in the absence of the Zoning Administrator. The Zoning Administrator shall, when deemed appropriate, recommend legal action to the Town Council in order to enforce this Code or other land use related ordinances or regulations. The Zoning Administrator, under the supervision of the Town Mayor shall determine when violations exist, when a development is in substantial compliance with this Code, or when strict compliance should be demanded, or other enforcement actions taken. The Zoning Administrator shall also advise the Town and developers as to application, submission, compliance and procedural matters as related to this code as well as the interpretation of this codes provisions to the best of his/her ability.

The Zoning Administrator is charged with zoning and other related enforcement duties of this code, as well as issuance, revocation and administration of building and occupancy permits as per this code and Uniform Building Codes in effect. The Zoning Administrator is also in charge of building or use inspections, and all building inspectors shall work under his/her direction. Applications for permitted uses shall be evaluated by the Zoning Administrator to determine if approval can be given as a permitted use or if questionable, the use may be conditional or require further study or attention. In the latter case, the application shall be referred to the Planning Commission for further clarification or processing.

The Zoning Administrator shall work with and advise the Planning Commission and Town Council on all zoning or land use matters as applied for and acted on by the Town of Bear River City.

The failure of any person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the Town from subsequent enforcement action. Permits issued in violation of this Ordinance shall have no force or effect and persons knowingly or negligently building or subdividing under improperly issued permits or approvals do so at their own risk.

6.2 Zoning and Building Permits

Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided for or as restricted in this ordinance and the Uniform Building Code, shall not be commenced except upon clearance by the Town staff for compliance with this Code and issuance of a building permit.

6.3 Occupancy Permit

Land, buildings, or premises in any district shall hereafter be used only for a purpose permitted in such a district and in accordance with the appropriate regulations. A permit of occupancy shall be issued by a qualified person designated by the City to the effect that the use, building, or premises conform to provisions of this and all related ordinances, regulations, and requirements prior to occupancy, for any building erected,

enlarged or altered structurally for the occupancy or use of any land. Such a permit is needed whenever use or character of any building or land is to be changed.
(Amendment #7, Ordinance No. 2009-11-04)

6.4 Inspection

The Town, through its designated officials, shall, upon presentation of evidence of his/her authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting all buildings and structures during the course of their construction, modification, or repair, and to inspect land uses to determine compliance with the provisions of this Code.

6.5 Site Plan Required

Apart from any project or building plans required to be submitted to the City, a detailed site plan, drawn to scale, shall be filed with the Zoning Administrator, as part of any application for a building permit for a permitted use. The site plan shall show where pertinent:

- (a) Scale and north arrow.
- (b) Lot lines and their dimensions. Public or main buildings, or dwellings of any type require permanent reference monuments in each of the four corners of the lot it is to be built on. If a lot contains more than four corners, only four permanent reference monuments are required. If a lot contains less than four corners at least three permanent reference monuments are required. All monuments shall be properly set in the ground and approved by a Registered Land Surveyor (licensed in the state of Utah) prior to approval of the building permit application. If permanent reference monuments are already in place additional monuments are not required.
- (c) Adjacent streets, roads, rights-of-way, ditches, easements and land uses.
- (d) Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, fences, etc.).
- (e) Existing utility line locations and sizes
- (f) Existing and proposed grading, drainage, and landscaping plans.
- (g) Location of proposed construction and improvements, including location of proposed sewer connection, all landscape elements, retaining walls, drainage works, and signs.
- (h) Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk and trail location.
- (i) Trash storage plans.
- (j) Necessary explanatory notes.

- (k) Name, address, and telephone number of builder and owner.
- (l) Other information which may be requested by the Zoning Administrator, City Staff or in this Code.

(Amendment #4, Ordinance No. 2007-11-06)

6.6 Time Limit

Unless there is actual construction and a permit issued within a period of 180 days from the date of plan approval by the Zoning Administrator, the plan approval for a permitted use shall expire.

6.7 Penalties and Enforcement

The provisions of this Code may be enforced by either civil or criminal actions in courts of appropriate and competent jurisdiction. Suit may be brought by the Town, or by affected property owners in the manner set forth below:

6.7.1 Criminal Citations

The Zoning Administrator and other designated Town officials may, when there is probable cause to believe that construction has occurred in violation of this ordinance, issue a citation and swear out criminal complaints against the appropriate individuals and business entities. Specific approval from the Mayor or designee for such misdemeanor citations is required.

6.7.2 Civil Actions

The Town, with the authorization of the Town Council, may bring actions for civil and equitable relief, including enjoining specific land uses and affirmative injunctions. The Zoning Administrator, Planning Commission and other designated Town officials may recommend such actions at any time to the Town Council, provided that no civil proceeding shall be commenced without the specific authorization of the Council.

6.7.3 Third Party Actions

Individuals affected by zoning violations within Bear River City shall have the right to maintain private actions to enforce the Code without joining the Town as a party.

6.8 Violations

Violations of this Code are Class "B" misdemeanors, and are punishable by a fine and/or imprisonment. The officers and directors of a corporation shall be responsible for the acts committed by that corporation. Corporations and individuals shall be responsible for the acts of their agents committed in violation of this ordinance if they had knowledge of the act committed, and the owner of the property is presumed to have knowledge of the uses of that property and improvements made to it. Each day that a violation occurs shall constitute a separate offense.