

SECTION 20: REVIEW AND DECISION MAKING BODIES

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Subdivision 1: Administrating Officer

This Ordinance shall be administered and enforced by the Zoning Administrator and / or his or her designee.

Subdivision 2: Duties of the Zoning Administrator

The Zoning Administrator, with the assistance of the Building Official, shall enforce the provisions of this Ordinance. The Zoning Administrator may institute in the name of the City of Isanti any appropriate actions and/or proceedings against a violator as provided by state statutes or city ordinances. The Zoning Administrator's duties shall include, but are not limited to, the following:

- A. Oversee and maintain permanent and current records of the Zoning Ordinance, to include but is not limited to, all maps, amendments, conditional use permits, vacations, variances, appeals, interim use permits, administrative permits, and site plans/building reviews as required by this Ordinance.
- B. Receive and forward all applications to the Board of Adjustment and Appeals, Planning Commission, or City Council for amendments (text or map), conditional use permits, vacations, variances, appeals, interim use permits, administrative permits and site plans as required by this Ordinance.
- C. Consider all applications pertaining to the use of land, buildings, or structures, and approve such applications when the application conforms to the provisions of this Ordinance.
- D. Notify the Code Enforcement Officer(s) of appropriate actions or proceedings against a violator as provided by law and City Ordinances.
- E. Interpret the application and provisions of this Ordinance, which may be appealed to the Planning Commission and City Council pursuant to the processes as identified within this Ordinance.
- F. Serve as the liaison to the Planning Commission as well as prepare applications for zoning related matters, prepare and submit public hearing notices to the official newspaper, prepare reports and other information for Planning Commission and City Council meetings, and enforce all zoning regulations, provisions, and conditions pertaining to the approval of application by the Planning Commission and City Council.
- G. Provide technical assistance to the Planning Commission and City Council when necessary.

Subdivision 3: Duties of the Building Official

The Building Official shall enforce the provisions of this Ordinance as provided herein; in addition to the duties and powers of the Building Official under this Ordinance; express or implied the Building Official shall have the duty and power to:

- A. Issue Certificates of Occupancy for any use, building, or structure; which meets the provisions of the Building Code and City Ordinances.

- B. Make inspections; to interpret and enforce the provisions of this Ordinance; to supervise the construction, demolition or moving of all structures; and to report to the City Council as required on permit issued and on all matters pertaining to the construction of buildings. In regards to performance standards, the Building Official may retain the services of a testing laboratory to determine compliance. The cost of such services will be paid by the owner of the building or property.
- C. Maintain current files for all permits, certificate of occupancies, and all copies of notices of violations, discontinuances or removal for such time as necessary to insure continuous compliance with the provisions of this Ordinance, and upon request, to provide information to any person having a proprietary or tenancy interest on any specific property.
- D. Issue stop work orders of any and all site improvement activities or construction when and where a violation of the provisions of this Ordinance has been documented.
- E. Issue and receive escrow deposits for site improvements that are required by this Ordinance or as a condition of approval, which may need to be completed at a future date.

Subdivision 4: Building Permit Required

- A. From and after the effective date of this Ordinance, it shall be unlawful to proceed with the construction, alteration, repair, enlargement, demolition, or removal of any building or part thereof without first obtaining a building permit.
- B. Requests for a building permit shall be made to the Building Official on an application in accordance with adopted policies. Each application for a permit to construct or alter a building shall be accompanied by a plan drawn to scale showing the dimensions of the lot to be built upon and the size and location of the building and accessory buildings to be erected. Applications for any kind of building permit shall contain such other information as may be deemed necessary for the proper enforcement of the chapter. The fee for a building permit shall be based upon City Council Resolution.
- C. The Building Official shall issue the building permit only after the Zoning Administrator approves the application and after determining that the building plans, together with the application, comply with the terms of this Ordinance and any other ordinances, resolutions, or conditions.

Subdivision 5: Certificate of Occupancy

No building or structure shall be erected, altered, or moved and shall not be occupied or used in whole or in part for any purpose until a certificate of occupancy has been issued by the Building Official stating that the building or structure complies with all of the provisions of this Ordinance and the City adopted Building Code. The process for obtaining a certificate of occupancy shall be as follows:

- A. New and existing structures. Application for a certificate of occupancy for a new building or for any existing building which has been altered shall be made to the Building Inspector as part of the application for a building permit for such building as required in this chapter. The certificate shall be issued within ten (10) days after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter.
- B. Temporary Certificate of Occupancy. Pending the issuance of such a certificate, the Building Inspector may issue a temporary certificate of occupancy for a period of the erection or alteration of such building. The temporary certificate shall not be construed in any way altering the respective rights, duties, or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter except under such restrictions and provisions as will adequately insure the safety of the occupants.
- C. New Use of Land. Application for a certificate of occupancy for a new use of land or for a change in the character of the use of land as provided herein shall be made to the Zoning Administrator in writing before such land shall be so occupied or used. Such a certificate of occupancy shall be issued within ten (10) working days after the application has been made if the proposed use is in conformity with the provisions of this chapter.
- D. Documentation. Every certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of law and of this chapter. A record of all certificates of occupancy shall be

kept on file in the office of the Building Official and copies shall be furnished on request to any person having a propriety or tenancy in the building or land affected. No fee shall be charged for a certificate of occupancy.

Subdivision 6: Enforcement

The Zoning Administrator or Building Official or his/her designee shall in the name of the City of Isanti take any appropriate action or proceeding to enforce this Ordinance. These actions may include, but shall not be limited to:

- A. Conduct periodic inspections of buildings, structures, and use of land to determine compliance with the terms and requirements of this Ordinance.
- B. Notify, in writing, any person responsible for violating a provision of this Ordinance, indicating the nature of the violation and ordering the action necessary to correct it and the time for compliance.
- C. Order discontinuance of illegal use of land, buildings, or structures; order removal of illegal buildings, structures, additions or alterations; order the discontinuance of illegal work being done; or take any other action authorized by this Ordinance to ensure compliance with or to prevent violations of its provisions from occurring; including cooperation with the City Attorney in the prosecution of complaints.

Subdivision 7: Penalties

The Zoning Administrator or his/her designee shall institute in the name of the City of Isanti any appropriate legal actions or proceedings against a violator of this Ordinance, with the assistance and cooperation of the Code Enforcement Official and the City Attorney.

- A. Any person, individual, or corporation, who violates, fails to comply with or assists, directs or permits the violation of any provision of this Ordinance or who knowingly makes or submits false statements or documentation in connection with any application or procedure required by this Ordinance shall, upon conviction, be fined not more than the maximum penalty for a misdemeanor prescribed under state law.
- B. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. Any person who violates, fails to comply with or assists, directs or permits the violation of any performance standard of this Ordinance shall reimburse the City for the actual cost of the tests, measurements, or any other procedures as necessary to demonstrate such offense.
- D. No section of part of this Ordinance designating the duties of any official, employee, or appointee of the City shall be construed to make such official, employee, or appointee liable for the penalty provided by the City Code for violation of this Ordinance.

Subdivision 8: Duties of the Planning Commission

- A. The Planning Commission shall act in a purely advisory manner, making recommendations to the City Council in all zoning issues and applications, except for those applications (administrative permits) expressly excepted by this Ordinance.
- B. All zoning applications shall first be presented to the Planning Commission, with the appropriate comments and/or recommendations from City staff. The Planning Commission shall make recommendations to the City Council regarding Comprehensive Plan amendments, amendments to the zoning ordinance (text and map changes), annexation, appeals, Conditional Use Permits, Interim Use Permits, Home Occupations (when identified as such within this ordinance), Planned Unit Developments, and variances.
- C. The Planning Commission may recommend conditions to the zoning applications, as it deems necessary to assure compliance with the purpose and intent of this Ordinance and the Comprehensive Plan. The Planning Commission shall forward its recommendation with or without conditions to the City Council in writing within sixty (60) days of the receipt date of a complete application.

Subdivision 9: Duties of the City Council

- A. The City Council, acting as the Board of Adjustment and Appeals shall make the decisions within the legislative and executive framework of the City on all Zoning applications, except for those applications (administrative permits) that the City Council has expressly authorized in this Ordinance.

- B. Upon receiving the recommendation from the Planning Commission, the City Council shall make findings of fact and impose any conditions upon the approval that it considers necessary to protect the public health, safety, and welfare; and shall make its decision as to the application.

Subdivision 10: Fees

The costs to the City for the processing of permits and zoning requests (i.e. rezoning, variances, interim use permits, conditional use permits, amendments to the Comprehensive Plan and Zoning Ordinance, vacations, site plan/building review, annexation, etc.) are considered unique to the applicant requesting such consideration, and it is the intent of this Subdivision to provide that all costs to the City associated with such requests shall be the financial responsibility of the applicant.

- A. Basic Zoning Application Fee. A basic zoning application fee, per application, shall be paid by all applicants, in accordance with a fee schedule adopted by resolution by the City Council. The basic zoning application fees are non-refundable. This fee is intended to reimburse the City for its normal costs associated in similar, uncomplicated matters. If this fee proves to be insufficient to cover all of the costs associated with the processing of such permits and zoning requests, such additional costs will be charged back to the applicant or may be charged as part of an escrow deposit. Statements will be mailed to the applicant requesting payment. If payment is not made within thirty (30) days of mailing, all processing of the request will be halted until said payment is received.
- B. Escrow Deposit. If an escrow deposit is received; all actual costs including, but not limited to, planning, engineering, public notification, and legal costs, incurred by the City in the processing of a permit or application shall be paid from or reimbursed to the City from the escrow deposit. Actual costs not fully paid or reimbursed from the basic zoning application fee shall be paid or reimbursed from this escrow deposit. In the event that the escrow deposit is exceeded, a statement will be mailed to the applicant requesting payment. If payment is not made within thirty (30) days of mailing, all processing of the request will be halted until said payment is received. It shall be the responsibility of the applicant to contact the City in writing requesting the return of any unused portion of the escrow deposit.
- C. Applicants are hereby notified by signing the appropriate application forms and payment of the non-refundable basic zoning application fee, escrow amount (if necessary), and out of pocket expenses do not infer payment in full.