

CHAPTER 15 Enforcement and Administration

SECTION:

- 11-15-1: Office of Zoning Administrator and Building Official
- 11-15-2: Application and Plans Required
- 11-15-3: Building Permits Required
- 11-15-4: Powers and Duties of the Enforcing Officers
- 11-15-5: Permits to Comply with Ordinance
- 11-15-6: Certificate of Occupancy
- 11-15-7: Construction and Use to be Stated in Applications, Plans, Permits and Certificates of Occupancy
- 11-15-8: Establishment of Planning and Zoning Commission
- 11-15-9: Organization of Planning and Zoning Commission
- 11-15-10: Rules, Records and Meetings
- 11-15-11: Expenditures
- 11-15-12: Duties of Planning and Zoning Commission
- 11-15-13: Conflict of Interests

11-15-1: **OFFICE OF ZONING ADMINISTRATOR AND BUILDING OFFICIAL.** The Mayor may, with the advice and consent of the City Council appoint a Zoning Administrator to enforce and administer the provisions of this chapter. The Zoning Administrator may also be the chairperson of the Planning and Zoning Commission. The Mayor may in a similar fashion appoint a Building Official. The Building Official shall report to and be supervised on a day to day basis by the Zoning Administrator and shall be the officer charged with the administration and enforcement of this Zoning Ordinance, the Subdivision Ordinance, and with the administration and enforcement of the Building Codes. Unless otherwise specified, the Mayor, with the advice and consent of the City Council may from time to time entrust the administration and enforcement of these Ordinances, in whole or in part, to any other officer of the City.

(Ord. 118, 2-20-07).

11-15-2: **APPLICATION AND PLANS REQUIRED.** Any person, firm or corporation desiring to construct a building in the City, shall first apply for a permit by making application therefor to the Building Official. All applications for building permits shall be accompanied by a plot plan showing the size and location of the existing buildings and parking, landscaping, vehicular access, buildings to be erected and such other items as may be required by the Zoning Administrator. The plot plan shall also show the zone in which a lot or parcel of land is located.

(Ord. 118, 2-2-07).

11-15-3: **BUILDING PERMITS REQUIRED.** It shall be unlawful to erect, construct, move or structurally alter any building or structure, or any part thereof, until after a written permit to do so has been issued by the Building Official.

(Ord. 118, 2-2-07).

11-15-4: **POWERS AND DUTIES OF THE ENFORCING OFFICERS.** It shall be the duty of the Zoning Administrator and/or Building Official or other designated official to inspect or cause to be inspected all buildings in the course of construction or repair. He/She shall enforce all provisions of this Ordinance and shall refer all violations to the City Prosecutor, entering actions in the courts when necessary, but his/her failure to do so shall not legalize any violation of such provisions, nor shall the failure of the City Prosecutor to enter actions in the courts shall not legalize any violation of such provisions.

(Ord. 118, 2-2-07).

11-15-5: **PERMITS TO COMPLY WITH ORDINANCE.** From and after the effective date of this Ordinance, neither the Zoning Administrator nor the Building Official shall grant a permit for the construction of any building or structure, or for the moving of a building or structure onto a lot, or for the change in any use of land, building structure if such construction, alteration, moving or change in use would be in violation of any of the provisions of this Title, nor shall any other officer of the City grant any permit or license for the use of any building or land if such would be in violation of this Code.

(Ord. 118, 2-2-07).

11-15-6: **CERTIFICATE OF OCCUPANCY.** It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, erected, altered, changed, or converted wholly or partly in its use or structure until a Certificate of Occupancy to the effect that the building or premises or the part thereof so created, erected, altered, changed or converted and the proposed use thereof conforms to the provisions of this Code shall have been issued by the Building Official.

It shall be the duty of the Building Official to issue a Certificate of Occupancy within ten (10) days after a request for same shall have been filed in his office by any owner of a building or premises affected by this Title, provided said building or premises or the part thereof so created, erected, altered, changed or converted and the proposed use thereof conform with all the requirements herein set forth.

(Ord. 118, 2-2-07).

11-15-7: CONSTRUCTION AND USE TO BE STATED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES OF OCCUPANCY. Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Building Official authorizes only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangements, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and punishable as provided herein.

(Ord. 118, 2-2-07).

11-15-8: ESTABLISHMENT OF PLANNING AND ZONING COMMISSION. The Iona Planning and Zoning Commission is hereby established and shall be comprised of five (5) voting members, at least one of whom resides within the Area of Impact. All members of the Commission shall be appointed by the Mayor and confirmed by majority of the City Council. Each member of the Commission must have resided in Bonneville County for a period of at least two (2) years prior to the date of his or her appointment and must remain a resident of either the City or the Area of Impact throughout his or her service on the Commission. The term of office for the members of the Commission shall be for a period of three (3) years, provided that the initial appointment of one of the members shall be for a period of one (1) year and two (2) of the members shall be for a period of two (2) years. No person shall serve on the Commission for more than two (2) full consecutive terms without specific concurrence by a vote of at least three (3) members of the City Council, which votes shall be recorded in the minutes. Vacancies in the term of any member shall be filled in the same manner as the original appointment. Members of the Commission may be removed for cause by a majority vote of the City Council. Members of the Commission shall be selected without respect to political affiliation. In appointing such members, the Mayor and City Council shall consider the various areas and interests within the City and ensure that the same are broadly represented on the Commission.

(Ord. 118, 2-2-07); (Ord. 199-10-15, 10/20/15); (Ord. 218-03-18, 3/20/18).

11-15-9: ORGANIZATION OF PLANNING AND ZONING COMMISSION. By appointment by the Mayor and City Council, the Commission shall elect a chairperson and a secretary. The Commission may also establish subcommittees, advisory committees, or

neighborhood groups to assist and advise in carrying out its responsibilities under this chapter. The Commission may also appoint non-voting ex officio advisors as deemed necessary.

(Ord. 118, 2-2-07).

11-15-10: **RULES, RECORDS AND MEETINGS.** The Planning and Zoning Commission shall adopt written bylaws consistent with the provisions of this chapter and the Idaho Local Land Use Planning Act. The Commission shall provide for the taking of minutes of all meetings, hearings and for the maintaining of a record of all the resolutions, studies, findings, permits and actions taken by the Commission. All meetings and records shall be open to the public. The Commission shall conduct at least one (1) meeting per month for not less than nine (9) months in a calendar year. A majority of the voting members of the Commission shall constitute a quorum.

(Ord. 118, 2-2-07).

11-15-11: **EXPENDITURES.** Subject to the budgetary process adopted and approved by the Mayor and City Council, the Planning and Zoning Commission may expend funds and purchase goods and services and contract for professional services, all as necessary to undertake and fulfill its purposes and duties under the provisions of this chapter. Without limiting the foregoing, the Commission may hire or contract for the services of professional planners, engineers, architects or legal assistance.

(Ord. 118, 2-2-07).

11-15-12: **DUTIES OF THE PLANNING AND ZONING COMMISSION.** The Planning and Zoning Commission shall have the following duties:

- (A) To hear and consider and make recommendations to the City Council regarding applications for variances, conditional use permits, zoning requests, PUD's or other permits as expressly allowed under the provisions of this chapter.
- (B) To advise and make recommendations to the City Council with respect to the adoption of a comprehensive plan, zoning ordinance, area of impact and amendments thereto, all in accordance with the notice and hearing procedures set forth in the Idaho Local Land Use Planning Act.
- (C) To consider and make recommendations to the City Council regarding the annexation of property into the City and to further make recommendations concerning the zoning and rezoning thereof.
- (D) To consider and make recommendations to the City Council regarding amendments to the subdivision ordinance, and to conduct hearings when expressly required by the subdivision ordinance.

- (E) To undertake and perform such other duties as may be expressly set forth in other provisions of this chapter.
- (F) Make recommendations to the City Council concerning the comprehensive plan, planning process or implementation of the comprehensive plan.
- (G) Conduct citizen hearings, meetings, surveys or obtain advice regarding the comprehensive planning process, comprehensive plan and its implementation. The Commission may also conduct informational meetings and consult with public officials and agencies, public utilities and civic, educational, professional or other organizations.
- (H) The Planning and Zoning Commission shall have the duty of conducting a comprehensive planning process designed to prepare, implement and review and update the Comprehensive Plan, all as provided in accordance with Idaho Code § 67-6508. The adoption, amendment and/or repeal of the plan shall be consistent with the provisions of Idaho Code § 67-6509.
- (I) Appoint a hearing examiner, including a professionally trained or licensed planner, engineer or architect for the purpose of conducting hearing applications for subdivision, special use and variance permits and requests for zoning district boundary changes, all as provided under Idaho Code § 67-6520.

(Ord. 118, 2-2-07).

11-15-13: **CONFLICT OF INTERESTS.** No member of the Commission shall participate in any proceeding or action when he or she or his or her employer, business partner, business associate or any person related to him or her by affinity or consanguinity within the second degree has an economic interest in the proceeding or proposed action. Any actual or potential interest in said proceeding shall be disclosed at or before the meeting in which the action is being heard or considered. No member of the Commission shall participate in any deliberation or in any aspect of the decision-making process if he or she has a conflict of interest as provided under Idaho Code § 67-6506.

(Ord. 118, 2-2-07).