



January 1, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – Initial Draft of Chapter 3. Admin & Enforcement

Dear Lori,

Attached is information regarding the initial draft of Chapter 3. Administration and Enforcement for review and approval by the Zoning Commission at their January 20, 2025 meeting.

Discussion

Chapter 3 becomes Administration and Enforcement. Changes are minor, primarily for renumbering sections. The attached REDLINE version outlines the proposed changes, and the CLEAN version shows the resulting restructure.

Recommendation

The Commission is asked to review the initial draft of Chapter 3. Administration and Enforcement, and then to provide direction to staff for moving forward with the proposal.

Please let me know if you have any questions. Thank you.

Sincerely,

Laura Carstens
Senior Planner

Attachment

CHAPTER **23**. ADMINISTRATION **AND ENFORCEMENT**

32.1 Administration ~~a~~And Enforcement. In accordance with Iowa Code 335.9, a Administrator shall be designated by the Board of Supervisors ~~shall to~~ administer and enforce this Ordinance. The Administrator may be provided with the assistance of such other persons as the Board of Supervisors may direct.

If the Administrator shall find that any of the provisions of this Ordinance are being violated, the Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

32.2 Appeals ~~f~~From Decision ~~o~~f Administrator. Appeals from any decision of the Administrator may be taken to the Board of Adjustment as provided in Section 2.134.6.

23.3 Interpretation ~~o~~f Provisions. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern. See also Section 1.6 Minimum Requirements Interpretation.

32.4 Violation ~~a~~And Penalties. In accordance with Iowa Code Chapter 331.307, "County Infractions," any person, firm or corporation who shall violate or fail to comply with the provisions of this Ordinance shall be guilty of a civil infraction and upon conviction shall be fined not more than seven hundred and fifty (\$750.00) dollars on the first offense. On repeated offenses, upon conviction, the fine shall not be more than one-thousand (\$1,000.00) dollars. Each day such violations continue shall constitute a separate offense.

23.5 Separate Offenses May Be Charged. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

32.6 Injunction, Mandamus. Nothing herein contained shall prevent the County from taking other lawful action as is necessary to prevent or remedy any violation.

32.7 Zoning Permit Required. A Zoning Permit shall be obtained from the Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof.

- A. ~~1.~~ **Construction Compliance Certificate.** Subsequent to the adoption of this Oer ordinance, a Construction Compliance Certificate shall be obtained from the Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof. The Construction Compliance Certificate shall state that the proposed construction complies with all provisions of this Oer ordinance and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this Oer ordinance.
- B. ~~2.~~ **Occupancy Compliance Certificate.** Subsequent to the effective date of this Oer ordinance, no change in the use or occupancy of land nor any change in use or occupancy of an existing building, other than for single family dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than single-family dwelling until an Occupancy Compliance Certificate has been issued by the Administrator. Every Occupancy Compliance Certificate shall state that the new occupancy complies with all provisions of this Oer ordinance and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this Oer ordinance.

32.8 Zoning Permit Not Required. A Zoning Permit shall not be required for any maintenance item such as a new roof, windows, siding, doors, and other repair items which do not enlarge the structure or change the use. A Zoning Permit shall not be required for the construction, reconstruction, alteration, remodeling or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farm dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used in accordance with farm exemption per Section ~~1-61.20~~ of this Oer ordinance.

32.9 Application For Zoning Permit. Applications for a Zoning Permit shall be made prior to beginning construction or assuming occupancy on a fully completed application form obtained from the Administrator, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this Oer ordinance. The signature of the applicant on the Zoning Permit application shall certify that the ~~new-new~~ construction and use will comply with all provisions of this Oer ordinance and other County development ordinances as stated in Section ~~1-8-82.9.K~~ of this ordinance, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this Oer ordinance or other applicable development ordinances of Jackson County.

The Administrator shall approve or deny said application. If denied, the Administrator shall submit the reasons thereof in writing to the applicant, said notice to be posted on the premises. This permit notice must be displayed near the front of the premises during construction.

The Zoning Permit approval shall be valid for construction begun one (1) year from the date of issuance and diligently continued. A zoning permit approval may be renewed for a period not exceeding one (~~1~~) year by the Administrator upon a showing of good cause, but may not be renewed more than one time.

23.10 Fees. The Administrator ~~is~~ directed to issue a Zoning Permit with a Construction Compliance Certificate and/or Occupancy Compliance Certificate as required by this ~~O~~rdinance for proposed construction, reconstruction or alteration which complies with all provisions contained herein and to charge a fee as established by rule of the Jackson County Board of Supervisors for each Construction Compliance Certificate or Occupancy Compliance Certificate issued separately. Only one (1) fee shall be charged for a Construction Compliance Certificate and Occupancy Compliance Certificate issued jointly.

There shall be no fees charged to the United States Government, the State of Iowa or any political subdivision thereof.

All fees are required and shall be paid to the Administrator, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the general revenue fund of the county.

CHAPTER 3. ADMINISTRATION AND ENFORCEMENT

3.1 Administration and Enforcement. In accordance with Iowa Code 335.9, an Administrator shall be designated by the Board of Supervisors to administer and enforce this Ordinance. The Administrator may be provided with the assistance of such other persons as the Board of Supervisors may direct.

If the Administrator shall find that any of the provisions of this Ordinance are being violated, the Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

3.2 Appeals from Decision of Administrator. Appeals from any decision of the Administrator may be taken to the Board of Adjustment as provided in Section 4.6.

3.3 Interpretation of Provisions. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern. See also Section 1.6 Minimum Requirements Interpretation.

3.4 Violation and Penalties. In accordance with Iowa Code Chapter 331.307, "County Infractions," any person, firm or corporation who shall violate or fail to comply with the provisions of this Ordinance shall be guilty of a civil infraction and upon conviction shall be fined not more than seven hundred and fifty (\$750.00) dollars on the first offense. On repeated offenses, upon conviction, the fine shall not be more than one-thousand (\$1,000.00) dollars. Each day such violations continue shall constitute a separate offense.

3.5 Separate Offenses May Be Charged. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

3.6 Injunction, Mandamus. Nothing herein contained shall prevent the County from taking other lawful action as is necessary to prevent or remedy any violation.

3.7 Zoning Permit Required. A Zoning Permit shall be obtained from the Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof.

- A. Construction Compliance Certificate.** Subsequent to the adoption of this Ordinance, a Construction Compliance Certificate shall be obtained from the Administrator before any building or structure shall be erected, reconstructed or structurally altered to increase the exterior dimensions, height, floor area, number of dwellings units or to accommodate a change in use of the building and/or premises or part thereof. The Construction Compliance Certificate shall state that the proposed construction complies with all provisions of this Ordinance and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this Ordinance.
- B. Occupancy Compliance Certificate.** Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land nor any change in use or occupancy of an existing building, other than for single family dwelling purposes shall be made, nor shall any new building be occupied for any purpose other than single-family dwelling until an Occupancy Compliance Certificate has been issued by the Administrator. Every Occupancy Compliance Certificate shall state that the new occupancy complies with all provisions of this Ordinance and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this Ordinance.

3.8 Zoning Permit Not Required. A Zoning Permit shall not be required for any maintenance item such as a new roof, windows, siding, doors, and other repair items which do not enlarge the structure or change the use. A Zoning Permit shall not be required for the construction, reconstruction, alteration, remodeling or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farm dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used in accordance with farm exemption per Section 1.20 of this Ordinance.

3.9 Application For Zoning Permit. Applications for a Zoning Permit shall be made prior to beginning construction or assuming occupancy on a fully completed application form obtained from the Administrator, accompanied by such plans and information necessary to determine that the proposed construction or occupancy complies with all applicable provisions of this Ordinance. The signature of the applicant on the Zoning Permit application shall certify that the new construction and use will comply with all provisions of this Ordinance and other County development ordinances as stated in Section 2.9.K of this Ordinance, and no subsequent modifications shall be made to the occupancy, use, method or operation that would be in violation of this Ordinance or other applicable development ordinances of Jackson County.

The Administrator shall approve or deny said application. If denied, the Administrator shall submit the reasons thereof in writing to the applicant, said notice to be posted on the premises. This permit notice must be displayed near the front of the premises during construction.

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exceeding one (1) year by the Administrator upon a showing of good cause, but may not be renewed more than one time.

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There shall be no fees charged to the United States Government, the State of Iowa or any political subdivision thereof.

All fees are required and shall be paid to the Administrator, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the general revenue fund of the county.