

ARTICLE XII
ADMINISTRATION, REVIEW PROCEDURES AND ENFORCEMENT

Section 12.1 ENFORCING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the Town of Fort Deposit, Alabama or his/her duly authorized agent. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of building or premises necessary in carrying out duties required in the enforcement of this Ordinance.

Section 12.2 BUILDING PERMIT REQUIRED

It shall be unlawful to: a) commence earthwork; b) commence construction of any building or other structure, including accessory structures or signs; c) store building materials or erect temporary field offices, or d. commence the moving, alteration or repair of any structure, until the Building Inspector of the Town of Fort Deposit has issued a building permit for such work. Building permits shall be required for any excavation, construction, or alteration the cost of which is one thousand dollars (\$1,000.00) or more. If an application for a building permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of the building permit shall in no case be construed as waiving any provisions of this Ordinance.

Section 12.3 GENERAL PROCEDURE

All persons desiring to undertake any excavation, new construction, structural alteration, or changes in the use of a building or lot shall apply to the Building Inspector for a building permit and certificate of occupancy by filling out the appropriate application form and submitting the required fee. Upon receipt of an application, the Building Inspector will then either issue or refuse to issue a building permit or refer the application to the Town Council or Board of Adjustment. After the receipt of the building permit, the applicant may proceed to undertake the action permitted by the building permit. If the Building Inspector finds that the action of the applicant has been taken in accordance with the building permit, a certificate of occupancy will then be issued allowing the premises to be occupied or a statement of zoning compliance will be issued.

Section 12.4 REVIEW OF BUILDING PERMIT APPLICATIONS

It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for any excavation or construction until the plans for such projects have been inspected and found to be in conformity with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat, in

duplicate, drawn to scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance:

12.4.1 Location, size, and dimensions of the site. The proposed use, location, size, and height of all existing and proposed structures on the site.

12.4.2 The location and number of parking spaces, as well as points of ingress and egress.

12.4.3 All easements and rights-of-way.

12.4.4 The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this Ordinance.

12.4.5 The location and dimensions of all exterior graphic displays.

12.4.6 Buffers.

12.4.7 Any other information required by the Building Inspector to determine compliance with this Ordinance.

Section 12.5 CERTIFICATE OF OCCUPANCY

No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until and unless the Building Inspector shall have issued a certificate of occupancy.

Section 12.6 ENFORCEMENT

Upon good cause and upon presentation of proper credentials, the Building Inspector or his authorized agent, may enter at any reasonable time, any building, structure, or premises, for the purpose of determining whether this Ordinance is being violated. When a violation of this Ordinance is found, the Building Inspector, or the Town in his/her behalf, is authorized and directed to institute any appropriate action to put an end to such violation.

In addition to the criminal penalties and enforcement procedures provided in Section 12.7 of this Ordinance, the Building Inspector, or the Town in his/her behalf, may institute any lawful civil action or proceeding to prevent, restrain or abate:

12.6.1 The unlawful construction, erection, reconstruction, alteration, rehabilitation, expansion, maintenance or use of any building or structure; or

12.6.2 The occupancy of such building, structure, land or water; or

12.6.3 The illegal act, conduct, or use, in or about any building, structure, or premises.

12.6.4 Prior to any criminal prosecution, the Building Inspector, or his authorized agent, shall give a written notice or citation to the person, firm, corporation, or organization violating any provision of this Ordinance stating the rule or regulation being violated and notifying the said person, firm, corporation, or organization to cease and desist such violation immediately. Otherwise, such person, firm, corporation, or organization will be prosecuted as provided herein.

Section 12.7 PENALTIES

Any person, owner, agent, lessee, tenant, contractor, firm, corporation, or any other person violating any provision of this Ordinance shall be fined on conviction not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.

Section 12.8 REMEDIES

In case any building or other structure is erected, altered, constructed, reconstructed, repaired, converted or maintained or any building, structure or land is used in violation of this Ordinance, the Building Inspector of the Town of Fort Deposit or any appropriate authority of any adjacent property owner, who would be affected by such violation, in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.