

Before development may proceed, agreements, contracts, deed restrictions, and sureties shall be in form by appropriate officers or agencies of the City of Douglas.

Approval of final plans and reports will be by the same manner as for building permits in general, provided that any requirements concerning the order or location in which building permits are to be issued in the particular Planned Area Developed shall be observed. Except as provided below, the final plans and reports approved by the Building Inspector shall be binding upon the applicant and any successor in interest.

902.7 **Changes in Approved Final Plans.** Changes in approved final plans may be permitted by the Community Development Director upon application by the applicant or successors in interest, but only upon a finding that such changes are in accord with all regulations in effect at the time the change is requested, and with the general intent and purpose of the City of Douglas Comprehensive Community Development Plan in effect at the time of the proposed change. Changes other than as indicated above shall be made only through the submittal of a new Planned Area Development application.

ARTICLE 10.

ADMINISTRATION, INTERPRETATION AND ENFORCEMENT

Sec. 1001. Administrative official.

A. The provisions of this Ordinance shall be administered and enforced by the ~~Building Inspector~~City Planner, who may employ the assistance of ~~such other persons, such as a the Building Inspector, zoning code Code enforcement Enforcement officer Officer, and other such persons~~ as the City Council may approve or direct. Additionally, the City Planner may provide administrative interpretation of this Ordinance as applicable to planning, zoning, development and building.

~~1001.11.~~ **Duties of the ~~Building Inspector~~City Planner.** In conjunction with ~~his the~~ responsibility for administration, interpretation and enforcement of this Ordinance, the ~~Building Inspector~~City Planner and delegates thereof shall have the following duties:

- ~~(a)~~a. Receive and examine applications for, and process issuance of ~~issue~~ Building Permits, Zoning Compliance Certificates, and Occupancy Permits.
- ~~(b)~~b. Make or direct other staff to conduct such inspections of buildings, structures and premises as are necessary to enforce the provisions of this Ordinance.
- ~~(c)~~c. Carry out the orders of the Council, Commission, and/or Board as authorized by this Ordinance.
- ~~(d)~~d. Deny any application for Building Permit, Zoning Compliance Certificate, or Occupancy Permit, for a use which by the terms of this Ordinance requires the review and approval of the Board of Adjustment.

~~1001.22.~~ **Limitations.** Under no circumstances shall the ~~Building Inspector~~City Planner or designee thereof:

- ~~(a)~~a. Grant exceptions to the actual meaning of any clause, order, or regulation contained in this Code except as expressly defined in this Title.
- ~~(b)~~b. Make changes in or vary the terms of this Code.
- ~~(c)~~c. Refuse to issue a Building Permit, Zoning Compliance Certificate or Occupancy Permit when the applicant has ~~compiled~~complied with all provisions of this and other applicable ordinances and

codes, despite any violations of contracts, covenants, or private agreements which may result therefrom.

Sec. 1002. Zoning compliance certificates required.

A. Applicability.

1. Prior to Conduct of Activities. It shall be unlawful to commence any excavation for, or erection, alteration, enlargement, extension, or moving, of any building or structure, or part thereof, or to change or extend the use of any lot or parcel, or to change the use or type of occupancy of any building or structure, except as may be provided elsewhere in this Ordinance, until a Zoning Compliance Certificate for such work has been issued by the City Planner ~~Building Inspector or the Zoning Compliance Officer~~ or designee thereof.
2. Combined Activities Under One Certificate. Accessory buildings or structures, when proposed for erection at the same time as a main building and included on the application there-fore, shall not require a separate Certificate. No Zoning Compliance Certificate shall be issued except in conformity with the provisions of this Ordinance; except after written order by the Board of Adjustment.

~~1002.1B.~~ **Application for Zoning Compliance Certificates.** _____ All applications for Zoning Compliance Certificates shall be filed on standard forms provided for the purpose, or incorporated into other applications, and shall be accompanied by plans in duplicate, drawn to scale, showing the following and such other information as the City Planner, Building Inspector, or designee thereof may require to ~~insure~~ ensure conformity of the proposed building or structure with the provisions of this Ordinance-:

- ~~(a)~~ 1. Dimension, area and shape of the property to be built upon, and the boundaries of all lots or parcels under separate ownership contained therein;
- ~~(b)~~ 2. Dimensions, size, height and use of any buildings, ~~or~~ structures, and driveway areas already existing on the property, and their exact location thereon;
- ~~(c)~~ 3. Width and alignment of all streets, alleys and easements for public access, in or abutting the property;
- ~~(d)~~ 4. Size and height of all buildings and structures proposed to be erected or altered, and their exact position on the property, with setback distances from property lines and other structures indicated;
- ~~(e)~~ 5. Proposed uses of building, structures, and land including the number of families or dwelling units, if any, the building is designed to accommodate.

~~1002.2C.~~ **Issuance of Zoning Compliance Certificate.** Within ten (10) days after the filing of ~~an~~ a complete application for a Zoning Compliance Certificate, according to the provisions of this Ordinance, the ~~Building Inspector~~ City Planner shall either issue or refuse to issue same, when such permit is refused; the ~~Building Inspector~~ City Planner shall state in writing ~~his~~ the reasons for such refusal, so informing the ~~application~~ applicant of same and retaining a file copy of the action. One (1) copy of the plans shall be returned to the applicant marked either "APPROVED" or "~~DISAPPROVED~~ DENIED" by the ~~Building Inspector~~ City Planner and attested to by ~~his~~ signature. The second copy of plans, similarly marked and signed, shall be retained in the files of ~~the Building Inspector~~ Development Services.

Sec. 1003. Occupancy permits required.

- A. Intent. It shall be unlawful to use or permit the use of occupancy of, any building or structure, or any change or extension of a use of land for which a Zoning Compliance Certificate has been issued

therefore by the ~~Building Inspector~~ City Planner or designee thereof without the issuance of an occupancy permit.

~~1003.11.~~ **Issuance of Occupancy Permits.** Within ten (10) days after having received notice that the building, structure or premises, or part thereof, has been completed and is ready for use or occupancy, the Building Inspector or designee of the City Planner shall make a final inspection thereof to determine whether construction has been completed in conformity with the provisions of this Ordinance. If ~~he finds~~ construction is found to be in conformity with permitted plans, ~~he shall issue~~ an Occupancy Permit shall be issued.

~~1003.22.~~ **Temporary Occupancy Permits.** The ~~Building Inspector~~ City Planner or designee thereof may issue a Temporary Occupancy Permit for a part of a commercial building, structure, or use prior to completion of the entire building, structure or use, provided that such part has been completed in conformity with all provisions of this Ordinance and is considered safe and suitable for use or occupancy. A Temporary Occupancy Permit shall remain in force until the entire building, structure, or use has been completed and inspected, and an Occupancy Permit has been issued.

Sec. 1004. Inspection fees.

Before and Zoning Compliance Certificate or Occupancy Permit shall be issued, the inspection fee shall have been paid to the City Clerk or designee thereof. Inspection fees shall be determined according to the schedule contained in Article 17.12-13 of this Ordinance, and Chapter 15.08 Building Permits and Inspection Fees and posted in ~~the office of the Building Inspector~~ Development Services.

Sec. 1005. Plan Review.

A. Applicability. Staff of Development Services, Public Works, Fire Prevention, and other departments as appropriate may review proposed developments for conformity with various City regulations, plans, and support for other City initiatives.

B. Pre-Application Submittal and Review. At the discretion of the City Planner, a potential applicant for development permits may submit a request to meet with staff before submitting application. The potential applicant must provide at minimum:

1. Conceptual Site Plan. A rough site plan indicating location of proposed uses, with approximate measurements, showing circulation, parking, and landscaping, if appropriate, for consideration by City staff.

C. Application. A complete application must include the following:

1. Application Form completed fully;
2. Contractor Affidavit completed, signed and dated, if required;
3. Site Plan;
4. Building Detail Plans; and
5. Receipt of fees payment.

D. Fees. Before staff will review plans associated with an application, the fees shall have been paid to the City. Fees shall be determined according to the schedule contained in Article 17.13 of this Ordinance, and Chapter 15.08 Building Permits and Inspection Fees, and posted in Development Services.

Sec. 1006. Administrative Interpretation.

- A. Applicability.** Where questions of absence or omission, ambiguity, or conflict of terms, meanings, and directions among provisions of these zoning regulations, and with other regulations of the City that apply to land use and development generally without regard to a specific location, the City Planner may initiate or receive Administrative Interpretation applications. Administrative Interpretations shall not supersede other applications of location-specific administrative, quasi-judicial, or legislative processes such as conditional use permits (Section 17.03.310), variances (Section 17.03.325), code amendments or rezones (Article 17.12)
- B. Process.** As provided in Section 17.03.302 of these regulations.

ARTICLE 11. BOARD OF ADJUSTMENT

Sec. 1101. Membership, terms of office, vacancies.

The Board of Adjustment created by the City of Douglas Ordinance 350, as amended, is hereby continued under the following provisions.

- 1101.1 **Membership.** The Board of Adjustment shall consist of seven (7) members, who shall be appointed by the City Council of the City of Douglas and shall serve without pay. No more than one (1) member may be a member of the City Council, nor shall more than one (1) member of the Planning and Zoning Commission serve on the Board of Adjustment.
- 1101.2 **Terms of Office.** In order to create a system of staggered terms, one (1) member will be appointed to serve a term expiring June 30, 1998, two (2) members will be appointed to serve a term expiring June 30, 1999, and three (3) members will be appointed to serve a term expiring June 30, 2000. After these initial appointments, members will be appointed to serve three-year terms. In the event of a death or resignation of a member, the vacancy may be filled by appointment by the Mayor with approval of the Council for the un-expired term of the member replaced.
- 1101.3 **Vacancies and Removal for Cause.** Vacancies on Board of Adjustment shall be filled by resolution of the City Council for the un-expired term of the member affected. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and public hearing. Vacancies thus created shall be filled for the un-expired term of the member whose office has become vacant.

(Ord. 702, § 2, 1997; Ord. No. 21-1134, 7-14-2021)

Sec. 1102. Procedure.

The Board of Adjustment shall conduct its affairs according to the following procedures.

- 1102.1 **Officers.** The Board of Adjustment shall annually elect its own Chairman, Vice-Chairman. The Chairman, or in his absence, the Vice-Chairman may administer oaths and compel the attendance of witnesses.
- 1102.2 **Rules.** The Board of Adjustment shall adopt rules as necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance.

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- 1102.3 **Meetings.** Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. All meetings shall be open to the public. Four (4) members of the Board of Adjustment shall constitute a quorum for the transaction of all business, but a smaller number may adjourn from time to time until a quorum can be assembled.
- 1102.4 **Records.** The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and actions, all of which shall be of public record and be filed in the office of the Board of Adjustment.
- 1102.5 **Attendance.** Attendance at meeting of the Board of Adjustment shall be taken. If a member of the Board does not attend three (3) consecutive meetings, the Board may direct the Building Inspector or the Director of Community Development to determine why the member in question was unable to attend and to make recommendation as to a course of action. Acting on that recommendation, the Board may then vote to ask the Council to replace the member of the Board in question as outlined above in Section 1103.3.

(Ord. 04-862, § 1, 2004; Ord. No. 21-1134, 7-14-2021)

Sec. 1103. Power and duties.

It shall be the duty of the Board of Adjustment to interpret the provisions of this Ordinance, and shall have the power to grant conditional uses to, and variances from, the provisions of this Ordinance herewith specified.

1103.1 Interpretation.

The Board of Adjustment shall:

- (a) Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the ~~zoning administrator~~Zoning Administrator in enforcement of the Zoning Ordinance.
- (b) Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surrounding, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of a special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
- (c) Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the ~~zoning administrator~~Zoning Administrator appealed from, and make such order, requirement, decision or determination as necessary.

The Board of Adjustment may not:

- (a) Make changes in the uses permitted in any zoning classification or zoning district or make any changes in the terms of the zoning ordinance provided the restriction in the paragraph shall not affect the authority to grant variances pursuant to this article.
- (b) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

1103.2 Deleted.

~~1103.30 — Variances. Upon appeal in specific cases, the Board of Adjustment shall authorize such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special~~

conditions a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

1103.31 — Conditions for Granting a Variance. A variance shall not be granted by the Board of Adjustment unless and until the following conditions are met:

(a) — The Board of Adjustment finds that:

1. — Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive such property of privileges enjoyed by other property of the same district; and
2. — The special circumstances applicable to the property are not self-imposed by the property owner and involve something more than personal inconvenience or inadequate financial return on the use of the property; and
3. — Granting the variance does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and district in which the property is located; and
4. — Granting the variance will not injure or interfere with the rights and privileges of the other properties in the same district.

(b) — Notice of Public Hearing has been given in accordance with requirements set forth above and in Section 1103.33.

(c) — A public hearing has been held;

(d) — The Board finds that the reasons set forth in the application justify the granting of the variance, and that the variance will make possible the reasonable use of land, building, or structure;

(e) — The Board of Adjustment finds that granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

1103.32 — Other Requirements.

(a) — In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Failure to fulfill such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 13.

(b) — No nonconforming use of neighboring lands, structures, or buildings, in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for issuance of a variance.

(c) — Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the term of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance.

1103.33 — Notification.

(a) — Notice of public hearing must be given in accordance to the requirements set forth above in subsection 1103.2(a). [WDO2][WDO3]

(Ord. 20-1127, § 3, 2021; Ord. No. 21-1134, 7-14-2021)

[Sec. 1104. Reserved.]

Sec. 1105. Findings of fact.

Every decision of the Board of Adjustment shall be based upon findings of fact, and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the Board of Adjustment is authorized to pass under the Ordinance shall be construed as limitations on the power of the Board of Adjustment to act. A mere finding or recitation of the enumerated conditions, unaccompanied by the finding of specific fact shall not be deemed in compliance with this Ordinance.

(Ord. No. 21-1134, 7-14-2021)

Sec. 1106. Limitations.

Nothing herein contained shall be construed to empower the Board of Adjustment to change the terms of this Ordinance, to affect changes in the Official Zoning Map or to add to the uses permitted in any district.

(Ord. No. 21-1134, 7-14-2021)

Sec. 1107. Appeal from the Board of Adjustment.

Any person aggrieved by a decision of the Board of Adjustment, any taxpayer, or a municipal officer may, at any time within thirty (30) days after the filing of the decision by the Board of Adjustment, file a complaint for special action in the superior court to review the Board decision. Filing of the petition shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board of Adjustment, and for good cause shown, grant a restraining order, and on final hearing may reverse, affirm, or modify the decision reviewed.

(Ord. No. 21-1134, 7-14-2021)

Sec. 1108. Fees.

Upon filing an application or appeal, the applicant shall pay a filing fee to the City Clerk in accordance with a schedule contained in *Article 17.13* of this Ordinance, and posted in the office of the Building Inspector. No part of any such fee shall be returnable after an application is filed and such fee paid. In the case of an application for a variance or special exception to more than one (1) provision of this Code, the filing fee shall be the total for all provisions as prescribed by the fee schedule. Payment of the filing shall be waived when the applicant is the Building Inspector or any other officer or agency of the City, or the County, the State, or the Federal Government.

ARTICLE 12. AMENDMENTS

Sec. 1201. Amendments to regulations.

The City Council may from time to time, upon the recommendations of the Planning and Zoning Commission, amend, supplement, change or repeal the regulations, restrictions and zoning district boundaries herein established. Requests to amend this Ordinance may be initiated by the City Council or the Planning and Zoning Commission on their own motion, or be ~~petitioned~~applied for as hereinafter set forth.

Sec. 1202. Applications for amendment.

Applications for amendment of this Ordinance shall be made to the Planning and Zoning Commission on a standard form provided for the purpose and shall be signed by a real property owner in the area for which amendment is applied for. ~~In the event that the application includes other property in addition to that owned by the applicant, there shall be filed by the applicant on a form provided therefore, a petition in favor of the request signed by the real property owners representing at least seventy-five (75) percent of the land area to be included in the application. Such petition shall be filed and checked for authenticity of ownership before the application is accepted by the Planning and Zoning Commission.~~ In the event that the application includes properties owned by more than one (1) owner, the City Clerk shall notify by ~~certified~~ first class mail, all property owners included in the area proposed for change. Such notice shall be postmarked ~~not~~ later than fifteen (15) days prior to any Planning and Zoning Commission hearing of the application.

Sec. 1203. Public hearing on amendment application.

Every application for amendment of this Ordinance shall be considered by the Planning and Zoning Commission at a public hearing. Said public hearing shall be held only after a public notice of time, place and date of such hearing has been published in a newspaper of general circulation in the City of Douglas, at least fifteen (15) days prior to such hearing. The Planning and Zoning Commission may, upon its own motion, after such public hearing, submit to the City Council a report of the hearing and a recommendation concerning amendment of this Ordinance, ~~whereupon the City Council shall arrange to hold its public hearing at which final action in regard to the amendment shall be taken. At least fifteen (15) days' notice of the time, place and date of such City Council hearing shall be published in a newspaper of general circulation in the City of Douglas. Notice of the time, place and date of the City Council hearing shall also be posted on the affected property at least seven (7) days prior to said hearing.~~

Sec. 1204. Appeal from denial of amendment.

~~In the event that the request for amendment is denied by the Planning and Zoning Commission, the applicant may, within seven (7) days from the date of the Planning and Zoning Commission hearing, file an appeal to the City Council. Upon receipt of such an appeal, the City Council shall arrange to hold a public hearing upon due notice and posting as heretofore specified.~~

Sec. 1205. Protests against amendments.

In the event that a ~~written~~ protest against a proposed amendment is presented at a meeting of the City Council, ~~hearing on the application for amendment, signed by the owners of twenty (20) percent or more of the lots or parcels in the area included in a requested amendment, or of the lots adjacent to the rear and within one hundred fifty (150) feet of the area, or of the lots fronting on the opposite side of the street and within one hundred fifty (150) feet of the area, or of the lots fronting on the opposite street line, such an amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council~~ a public hearing of the City Council shall be scheduled and noticed consistent with A.R.S §9-462.04(A). Said public hearing shall be held only after a public notice of time, place and date of such hearing has been published in a newspaper of general circulation in the City of Douglas, at least fifteen (15) days prior to such hearing.

Sec. 1206. Reconsideration of denied amendments.

In the event that an application for amendment is denied by the City Council, or is withdrawn after the Planning and Zoning Commission hearing, the Commission shall not reconsider the application nor consider

another application for the same amendment of this Ordinance as it applies to the same property described in the original application or any part thereof, for a period of not less than one (1) year from the date of such denial action.

Sec. 1207. Fees.

A filing fee as provided for in Article [17.13](#) of this Ordinance shall accompany each application for amendment of this Ordinance, and not part of such fee shall be returnable. Payment of filing fee shall be waived when the application is initiated by the City Council or Planning and Zoning Commission, or when the applicant is a person acting as a City Representative of, and agency of, the City of Douglas, Cochise County, the State of Arizona, or the United States Government.

Sec. 1208. Exceptions.

In the event that a request for amendments concerns only the amendment of general requirements or permitted uses, no petitions or posting shall be required; provided, however, that all other provisions of this Article [and Arizona Revised Statutes](#) shall be compiled with.

ARTICLE 13.

SCHEDULE OF FEES, CHARGES, AND EXPENSES

Sec. 1301. General.

As provided for in other articles of this Ordinance, persons applying for re-zoning amendments, certain certificates, permits and actions to be granted by the City ~~of Douglas Board of Adjustment~~ shall be required to pay a nonrefundable fee to the City ~~Clerk of Douglas~~ as part of the application.

Sec. 1302. Filing fees.

Before any application to amend this Ordinance or for action to be granted by the City of Douglas Board of Adjustment, [the City of Douglas Planning and Zoning Commission, or administratively by the City of Douglas Development Services staff](#) shall be considered, a filing fee shall be paid to the City ~~Clerk~~, except as otherwise provided in this Ordinance.

1302.1 **Ordinance Amendments.** The nonrefundable filing fee charged as part of an application to amend this Ordinance shall be two hundred fifty dollars (\$250.00). Payment of this filing fee shall be waived when the application is initiated by the City Council or the Planning and Zoning Commission, or when the applicant is acting as an official of, or is an agency of, the City of Douglas, Cochise County, State of Arizona, or the Federal Government.

1302.2 **Board of Adjustment, Planning and Zoning Commission, and Administrative Actions.** Each application or an action to be granted by the City of Douglas Board of Adjustment, [the City of Douglas Planning and Zoning Commission, or Development Services administratively](#) shall include a nonrefundable filing fee paid to the City ~~Clerk~~ according to the following schedule:

(a) Application for Variance.

CATEGORY	FEE
Residential	\$25.00
Commercial	100.00

(b) Application for Conditional Use.

CATEGORY	FEE
Residential	\$100.00
Commercial	100.00

(c) Application for Administrative Interpretation and Appeals.

NUMBER OF SECTIONS REQUESTED FOR ADMINISTRATIVE INTERPRETATION OR APPEAL, per Section 17.03.302	FEE
One Section	\$25.00 per hour, 2 hour minimum, with \$10.00 filing fee.
Two or More Sections	\$25.00 per hour, 3 hour minimum, with \$10.00 filing fee.

(d) Application for Parcel Splits, Lot Line Adjustments and Combinations.

CATEGORY	FEE
Parcel split (resulting in fewer than four (4) parcels)	\$25.00 per parcel created, with \$10.00 filing fee.
Lot Line Adjustment	\$25.00 per parcel involved, with \$10.00 filing fee.
Parcel/Lot Combination	\$25.00 per parcel involved, with \$10.00 filing fee.

(e) Fees for Violating Zoning Ordinance.

CATEGORY	FEE
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Recording of Parcel Split, Lot Line Adjustment or Combination without documented City approval, per Section 17.03.314.	\$25.00.
Documented intention to violate, and subsequent Zoning Code violation, per Article 17.14.	\$100.00 per day, until violation is remediated, per Article 17.14
Zoning Code violation without documented intent.	\$25.00 per day until violation is remediated, per Article 17.14

Sec. 1303. ~~Inspection~~ Zoning Compliance Review fees.

Before any application for a Zoning Compliance Certificate ~~or Certificate of Occupancy~~ shall be considered, ~~an inspection~~ a non-refundable review fee ~~of twenty dollars (\$20.00)~~ shall be paid to the City Clerk.

~~1303.1 — Zoning Compliance Certificate. The nonrefundable inspection fee charged as part of an application for a Zoning Compliance Certificate shall be fifteen dollars (\$15.00) and shall be posted in the office of the Building Inspector.~~

~~1303.2 — Certificate of Occupancy. The non-refundable inspection fee charged as part of an application for a Certificate of Occupancy shall be fifteen dollars (\$15.00) and shall be posted in the office of the Building Inspector.~~

ARTICLE 14. VIOLATIONS AND PENALTIES

Sec. 1401. Violations declared to be a nuisance.

Any structure upon which construction is started, or any structure which is altered, enlarged or repaired, or any use of land which is begun or changed after enactment of this Ordinance, and which is in violation of any of its provisions, is hereby declared a nuisance per se. Any court of competent jurisdiction shall order such nuisance, abated and the owner or agent in charge of such building or premises shall be judged guilty of maintaining a nuisance per se. Any person who violates any provision of this Ordinance, the owner of any structure of land or part thereof, and any person, architect, builder, contractor, plumber or agent employed in connection therewith, who has assisted knowingly in the commission of any such violations, shall be guilty of a separate offense, and upon conviction thereof such, be liable to the penalties herein provided.

Sec. 1402. Complaints regarding violations.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with ~~the Building Inspector~~ Development Services or the City Clerk. ~~He shall record such~~ Such complaints shall be properly recorded,

and immediately investigated it and documented prior to ~~take-taking~~ action as provided by this Ordinance, and as authorized in other chapters of the Douglas Municipal Code relating to public health, nuisances, hazards and abatement.

Sec. 1403. Penalties.

Any violation of this Ordinance shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00), as scheduled in Article 17.13, or imprisonment in the city jail not to exceed twenty (20) days, or by both such fine and imprisonment, in the discretion of the court. Each day that a violation is willfully permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirement of this Ordinance.

Sec. 1404. Correction of violations.

Should the City of Douglas deem any violation to be such a nuisance to safety, or if a violator refuses to correct the violation, the City may undertake the expense of correcting said violation. A lien may be issued against the owner of the property in question until he reimburses the City for corrections made. Should no effort at reimbursement be forth coming within sixty (60) days, the City becomes the legal owner of the property.

ARTICLE 15. DEFINITIONS

Sec. 1501. General rules.

For the purpose of this Ordinance, certain terms and words are defined in this article. The following general rules apply in the use of definitions throughout this Ordinance.

- (a) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (b) The word "shall" is mandatory and the word may is permissive.
- (c) The word "lot" includes the words plot or parcel.
- (d) The word "building" includes the word structure.
- (e) The words "used" or "occupied" includes the words intended, designed or arranged to be used or occupied.
- (f) When not inconsistent with the context, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (g) All words and terms shall be interpreted according to their common usage unless otherwise defined.
- (h) Pertaining to land use, the standard system for identifying and coding land use activities in "Standard Land Use Coding Manual, U.S. Department of Transportation, Reprinted December 1969, Washington D.C." shall be used as a reference for determining the use of land for the purposes of the Zoning Regulations.

Sec. 1502. Defined terms.

For the purpose of this Ordinance, the following terms and words are hereby defined:

Chapter 15.08 BUILDING PERMITS AND INSPECTION FEES

15.08.010 Building permits and inspection fees.

A. Initial calculations for establishing project valuation. Calculating permit fees and plan review fees shall be based on the adopted International Building Code, on a per square foot basis.

1. Valuation Per Square Foot:

- a. Porches, Ramadas, Carports, per square foot: \$13.21
- b. Garages, per square foot: \$28.70
- c. Storage Sheds, per square foot: \$23.30
- d. Residential Living, per square foot: \$52.00
- e. New Signs, per square foot: \$40.00

2. Valuation Per Linear Foot:

- a. Fences and Block Walls per linear foot, per foot of height: \$11.66

AB. ~~The Schedule of~~ building permit review and inspection ~~schedule of~~ fees. This schedule of fees is hereby confirmed, and ~~the lead-based paint testing/inspection fees~~ shall be set as follows:

\$1.00 to \$500.00	\$23.50, plus \$10.00 filing fee
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00, plus \$10.00 filing fee.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00, plus \$15.00 filing fee.
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00, plus \$15.00 filing fee
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus <u>\$5.7.00</u> for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00, plus \$20.00 filing fee.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00, plus \$30.00 filing fee
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00, plus \$40.00 filing fee
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof, plus \$40.00 filing fee.

~~B. Work begun without a permit~~ \$125.00

~~C. Non-construction in right of way~~ \$15.00

C. Plan Review and Filing Fees.

1. Plan Review fee, percent of building permit review and inspection fees: 65%
2. The filing fee shall be charged up front at the time plans are received and is not refundable.

~~Valuation Per Square Foot:~~

~~Porches, Ramadas, Carports, per square foot: \$13.21~~

~~Garages, per square foot: \$28.70~~

~~Storage Sheds, per square foot: \$23.30~~

~~Residential Living, per square foot: \$52.00~~

~~New Signs, per square foot: \$40.00~~

D. Fixed Fees:

1. ~~Plan Review, percent of project valuation: 65%~~
2. ~~Zoning Fees: \$20.00~~ 1. Work begun without a permit: \$125.00
3. Certificate of Occupancy
 - a. Residential: \$25.00
 - b. Commercial: \$50.00
4. Maps: 24" x 36": \$10.00
 - a. 24" x 36": \$10.00
 - b. 17" x 24": \$8.00
 - c. 11" x 17": \$5.00
 - d. 34" x 44": \$35

E. Right-of-Way Inspections and Fees:

1. Trench:
 - a. Less than 200 feet: \$20.00
 - b. 200—400 feet: \$25.00
 - c. 401—600 feet: \$35.00
 - d. 601—1,000 feet: \$50.00
 - e. Greater than 1,000 feet, plus \$0.50 per foot over 1,000: \$50.00
2. Subdivision Phase Inspection Fee: \$70.00
3. Driveways Commercial/Residential: \$35.00
4. Private Road Access: \$50.00
5. Powerpoles or other utility structure: \$25.00
6. Removal of illegal sign (staff time to remove the sign): \$25.00
7. Street Address Certification: \$25.00
8. Non-construction in right-of-way: \$15.00

F. Other inspections and fees:

1. Plumbing:
 - a. Residential: \$45.00
 - b. Commercial: \$100.00
2. Electrical:
 - a. Residential: \$55.00
 - b. Commercial: \$100.00
3. Mechanical: \$30.00
4. Solar/PV Systems and Wind Turbines: \$50.00
5. Re-roof: \$50.00
6. Paving: \$30.00
7. Demolition: \$15.00
8. Inspections outside of normal business hours: parks, ramada & carport 13.21 square feet: \$ 50.00 per hour* (minimum charge-two hours)
9. Reinspection fees assessed under provisions of (IBC) Section 305.8: Garage 28.70 square feet: \$50.00 per hour*
10. Inspections for which no fee is specifically indicated, storage shed: 23.30 square feet: \$50.00 per hour*
11. Additional plan review required by changes, additions or revisions to plans, residential living 52 square feet: \$50.00 per hour* (minimum charge-one half hour)
12. For use of outside consultants for plan checking and inspections, or both, actual costs. **
13. Lead Base Paint inspection/testing fee shall be set at \$350.

* Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

Ord. 10-982, § 1, 2010; Ord. 19-1112, § 1, 2019)