

ARTICLE 9. ADMINISTRATION

900 Zoning Administrator-Duties and Powers

The Zoning Administrator shall be the agent of the Town Government and shall administer and enforce the provisions of this Ordinance, under the direction of the Mayor and Town Council. The Zoning Administrator shall be appointed by the Mayor and confirmed by the Town Council, and may be removed by the Mayor, with the consent of the Town Council, or by the Town Council. Wherever the Zoning Administrator is authorized to take any action or is required to take any action under this Ordinance, said action can be taken in his stead by the Mayor or his designee, by the Town Attorney or by any member of the Town Council so designated by the Mayor and Town Council. Wherever the term "Zoning Administrator" is used in this Ordinance, the term shall include the Mayor or his designee, the Town Attorney and any member of the Town Council so designated. It shall be the duty of the Zoning Administrator and he shall have the power and duty, under the general supervision of the Town Government, to:

- A. Receive and examine all applications for zoning permits.
- B. Issue permits only where there is compliance with the provisions of this Ordinance and with other Town Ordinances, Permits for uses requiring a Special Exception or variance shall be issued only upon order of the Board of Appeals.
- C. Receive applications for Special Exceptions, submitted under the provisions of Article 10, and promptly submit these to the Mountain Lake Park Planning Commission for its comments, and to the Board of Appeals, along with the Planning Commission's recommendations, for action thereon by the Board of Appeals.
- D. Receive applications for interpretation of his orders, for appeals therefrom, and for variances, and to promptly forward these applications to the Board of Appeals for action thereon.
- E. Conduct inspections and to cause surveys to be made to determine whether there is compliance with the terms of this Ordinance.
- F. Issue stop, cease and desist orders, and other orders in writing for the correction of any and all conditions found, by him, or by the Town Government, to be in violation of the provisions of this Ordinance. Such written orders shall be served personally by the Zoning Administrator, by a proper process server, or by certified mail upon the person(s), firm(s) or corporation (s) deemed by the Zoning Administrator, or by the Mayor and Town Council, to be violating the terms of this Ordinance.

- G. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Administrator, or the Town Government, or the Mayor and Town Council, and any persons so violating such order shall be guilty of a violation of this Ordinance.
- H. With the approval of the Mayor or Town Council, or when directed by them, to institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of any structure or building, and to restrain, correct or abate such violations as to prevent the occupancy of any such building, structure or land, or to prevent any illegal act, or conduct business or use in or about such premises.
- I. Revoke, by order, a zoning permit issued under a misstatement of fact or contrary to the law or the provisions of this Ordinance.
- J. Record file and keep in a place set aside in his office all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.
- K. Keep and maintain the official Zoning Map or maps showing the current zoning classification of all land in the Town.
- L. Keep and maintain records of all nonconforming uses and Special Exception uses in the Town and a file on each such use.
- M. Keep and maintain in a place set aside in his office a complete record of all additions or amendments to this ordinance, including these regulations, the Zoning Map, subdivision regulations, and any other rules and regulations pertaining thereto, and provide for the sequential numbering of all adopted changes or amendments to this ordinance, including these regulations, the Zoning Map, any subdivision regulations, or any other rules and regulations pertaining thereto.
- N. Upon the direction of the Mayor and Town Council, the Planning Commission, or the Board of Appeals, present to such bodies facts, records or reports which they may request to assist them in making decisions or in carrying out their responsibilities.
- O. Consider applications for nonconforming use permits, and to issue same if he is convinced that the use and/or building and structure lawfully existed upon the effective date of this Ordinance, and to refuse the issue of the same if he is not so convinced.

- P. To assure that each nonconforming use permit issued by his office contains the exact specifications of the nonconforming use and/or building and/or structure, so that full documentation as to the extent, nature and character, of the nonconforming use and/or building and/or structure is recorded, and to maintain said records.
- Q. To enforce any and all conditions precedent placed by the Board of Appeals upon any action taken by the Board, including the granting of a variance, a Special Exception, permission to change one nonconforming use to another nonconforming use, and permission to continue a nonconforming use under Section 8, and maintain a complete record of each condition precedent so imposed by the Board.

901 Zoning Permits

- A. Hereafter, no structure (except certain signs as provided in Article 7) shall be erected, constructed, reconstructed, altered or moved; no land or building used or occupied and no land or building changed in use, until a zoning permit has been secured from the Zoning Administrator. In the event a permit is issued, and upon completion of changes in use and construction, reconstruction or moving of structures, the applicant shall notify the Zoning Administrator of such completion. No permit shall be considered as complete or permanently effective until the Zoning Administrator has noted on the permit that the work or occupancy and use has been inspected and approved as being in conformity with the provisions of this Ordinance, and the permit has been signed by a member of the Town Council, designated by the Mayor and Council for that purpose. No such permit shall be issued unless all fees required, including any sewer tap fee, shall have been paid in advance.
- B. The Zoning Administrator may grant a permit for a nonconforming temporary building or use accessory or incidental to a construction project when such building or use is reasonably required for such project. Such temporary permit shall terminate at the time of the completion of the project, but in no event shall such a temporary permit be valid for more than one year.

902 Application Requirements for Zoning Permits

All applications for zoning permits shall be made in writing by the owner, vendee under contract of sale, or authorized agent on a form supplied by the Town and shall be filed with the Zoning Administrator.

903 **Fees**

All applicants for zoning permits, Special Exceptions and interpretation and variance appeals shall, at the time of making application, pay to the Town Clerk for the use of the Town, a fee in accordance with a fee schedule adopted by resolution of the Town Council, or as such schedule may be amended by resolution of the Town Council.

904 **Life of a Permit**

Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within one year after date of issuance of the permit. If not, the permit shall be considered null and void, and any and all fees paid hereunder shall be non-refundable.