ARTICLE XII: ADMINISTRATION, AMENDMENTS AND LEGAL PROVISIONS

Section 1200. Organization

The administration of this Ordinance is vested in the following four (4) offices of the government of the City of New Hampton: Mayor and City Council; Board of Adjustment; Planning and Zoning Commission; and Zoning Administrator.

Section 1201. Basis of Regulations

Regulations are made in accordance with the City's Comprehensive Plan and designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements.

Section 1202. Zoning Administrator

The Mayor and the City Council of the City of New Hampton shall designate one or more Zoning Administrators to fulfill the duties outline in the Ordinance. The Zoning Administrator shall have the following powers and perform the subsequent duties:

A. Enforce and administer the provisions of this Ordinance.

B. Issue all necessary permits for permitted uses and/or activities and collect any associated fees, which comply with and as called for under the provisions of this Ordinance.

C. Process and review all applications for variances, special exceptions, and interpretation for referral to the Board of Adjustment.

D. Respond to complaints of alleged violations to the Ordinance. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.

E. Provide applications and forms and maintain public information relative to all matters arising out of this Ordinance.

F. Process and review all applications for rezoning prior to consideration by the Planning and Zoning Commission.

G. Review site plans for conformance with this Ordinance.

H. Attend meetings of the Planning and Zoning Commission and the Board of Adjustment, as well as carry out duties that may be requested by both bodies.

I. Coordinate with and assist other zoning and/or regulatory authorities and their administrators regarding matters which are subject of shared concern and exercise of official controls within the City of New Hampton and/or Chickasaw County.

Section 1203. Mayor and City Council

A. Jurisdiction. The Mayor and City Council of the City of New Hampton, Iowa, shall discharge the following duties under this Ordinance. Appointments shall be made by the Mayor, subject to approval by the City Council.

1. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this Ordinance.

2. Appoint members of the Board of Adjustment as provided for in this Ordinance.

3. Appoint members to the Planning and Zoning Commission as provided for in this Ordinance.

4. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Planning and Zoning Commission.

5. Receive from the Planning and Zoning Commission all recommendations on the effectiveness of this Ordinance.

6. To decide all matters upon which it is required to pass under this Ordinance.

Section 1204. Planning & Zoning Commission

The membership, administration, and powers and duties of the Planning and Zoning Commission are set forth in the City Code.

Section 1205. Board of Adjustment

The membership, administration, and powers and duties of the Board of Adjustment are set forth in the City Code.

Other Powers of the Board of Adjustment. The Board of Adjustment is hereby vested with the following additional authority and jurisdiction:

1. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries contained in Article II leaves a reasonable doubt to the boundary between two (2) zoning districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this Ordinance.

Section 1206. Variances

A. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that

there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance. Practical difficulties, as used in connection with the criteria for granting of a variance, means:

1. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning and Subdivision Ordinance;

2. The plight of the landowner is due to circumstances unique to the property not created by the landowner;

3. The variance, if granted, will not alter the essential character of the locality;

4. Economic considerations alone do not constitute practical difficulties.

B. Application for Variance. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information, and appropriate non-refundable fee, as the Board of Adjustment may, by rules, require. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of New Hampton to cover the publishing and administration costs of said request, per the adopted fee schedule.

C. Hearing on Application. Upon receipt in proper form of the application and statement referred to in this Section, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of New Hampton. As a courtesy, and to the best of the ability of the City, property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process.

D. Standards for Variance. The Board of Adjustment shall not vary the regulations of this Ordinance, as authorized in this Section unless there is evidence presented to it in each specific case that:

1. Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions shall include but not be limited to a property owner who can show that their property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other exceptional or extraordinary situations the strict application of the terms of this Ordinance actually prohibits the use of the property in manner reasonably similar to that of other property in the district.

2. Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. In other words, an unnecessary hardship would result from literal enforcement of this Ordinance.

3. Special conditions and circumstances do not result from the actions of the applicant.

4. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, parcels, structures, or buildings in the same district that are owned by the same applicant.

E. Further Requirements.

1. The Board of Adjustment shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

2. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and the New Hampton Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

3. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under this section.

4. Under no circumstances shall the Board of Adjustment grant a variance to allow for a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in the District.

5. On any occasion when a variance is granted with regard to the location provisions of the terms of this ordinance, work in furtherance of the project shall not commence until the property in question has been surveyed by a registered land surveyor licensed in the State of Iowa, unless property lines can be established to the satisfaction of the Public Works Director or Zoning Administrator with three (3) survey points.

F. Denial and Revocation of Variance.

1. Denial. No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions that may be found to be valid by the Board of Adjustment.

2. Revocation. A variance shall expire and become void if the use it allows is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The City may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Section 1207. Special Exceptions

A. Special Exception Requirements-Board of Adjustment

1. Purpose. The development and administration of this Ordinance is based upon the division of the City into Zoning Districts, within said Districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized that there are certain uses, because of their unique

characteristics, that cannot be properly classified in any particular District or Districts, without special consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use of that location. Such special exceptions fall into two categories:

i. Uses publicly operated or traditionally affected with a public interest, and

ii. Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

2. Initiation of Special Exceptions. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one (1) or more of the special exceptions provided for in this Ordinance in the zoning district in which the land is located.

3. Application for Special Exception. An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by an appropriate non-refundable fee and such plans and/or date prescribed by the Board of Adjustment and shall include a statement indicating the Section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City of New Hampton to cover the publishing and administration costs of said request, per the adopted fee schedule.

4. Hearing on Application. Upon receipt in proper form of the application and statement referred to in this Section, the Board of Adjustment shall hold at least one (1) public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than four (4) days nor more than twenty (20) days in advance of the public hearing in a newspaper of general circulation in the City of New Hampton. As a courtesy, and to the best of the ability of the City, property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process.

5. Authorization. For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

6. Required Findings of Fact and/or Standards. No special exception shall be granted by the Board of Adjustment unless such Board shall find:

i. That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

ii. That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood;

iii. That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

iv. That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided and that the request not impair an adequate supply of air or light to adjacent properties;

v. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

vi. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment; and

vii. That the special exception shall be consistent with the New Hampton Comprehensive Plan and the Code of Ordinances.

7. Conditions and Guarantees. Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the Standards and requirements specified in Subsection (f) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be met.

8. Denial and Revocation of Special Exception.

i. Denial. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

ii. Revocation. In any case where special exception has not been established within one (1) year after the date of granting thereof, the Board shall provide notice to the applicant that the approved exception may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved exception.

Section 1208. Amendments to this Ordinance; Text or Zoning Districts

The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed by the City Council. No such amendments shall be made final without: 1.) the applicant completing a rezoning application, unless the City is the applicant; 2.) holding a public hearing before the Planning & Zoning Commission, who shall thereafter send a recommendation to the City Council; and 3.) after a public hearing is held by the City Council and the proper ordinance amendment

procedures, as required by the Code of Iowa, are followed by the City Council. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than four (4) days nor more than twenty (20) days before either of the public hearings. As a courtesy, and to the best of the ability of the City, property owners within two hundred (200) feet of the property for which the exception is being requested shall be notified by regular mail about the proposed action. Failure of a surrounding property owner to receive a courtesy notice shall not stay the review and consideration process. In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Planning & Zoning Commission hearing.

In case the Planning and Zoning Commission does not approve the change, or in the case of a protest filed with the City Clerk against such change signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed. Such amendments shall not be passed except by the favorable vote of three-fourths (¾) of all members of the City Council. As part of an amendment to this Ordinance changing land from one (1) zoning district to another zoning district, or as part of approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

A. Findings

1. Findings Required for Amendments to Text.
   When a proposed amendment would result in a change in the text of this chapter but would not result in a change of zoning classification of any specific property, the recommendation of the Planning & Zoning Commission shall contain a statement as to the nature and effect of such proposed amendment and findings as to the following:

   a. Whether such change is consistent with the interest and purpose of this Ordinance;

   b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and,

   c. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions

2. Findings Required for Amendments to Change Zoning Districts.
   When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning & Zoning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and findings as to the following:

   a. Whether the change in classification would be consistent with the intent and purpose of this Ordinance;

   b. Whether every use that would be permitted on the property if it were reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

c. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;

d. Whether the proposed amendment would correct an error in the application of this Ordinance; and,

e. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions.

B. Fees

1. Before any action is taken upon a rezoning or ordinance amendment application, as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable fee, as established in this Ordinance. The applicant shall pay this fee to the credit of the general revenue fund of the City. Failure to approve the change, by either the Planning & Zoning Commission or City Council, will not be construed as any reason for refunding the fee to the applicant.

Section 1209. Site Plans

A. Purpose

The site plan review provisions of this section are intended to promote functional and aesthetic design of property development within the City. These provisions are intended to alleviate the potentially harmful effects on adjoining land of new development by encouraging site plans that respect their environmental, land use and economic context. Regulations of this section should ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are designed in the most efficient, attractive and harmonious manner.

B. Application and Scope of Site Plan Review and Approval

No building permit shall be issued, and no construction, grading or other land development activity listed below may be commenced on property unless a site plan has been submitted and approved for such activity as set forth in this section. Development activities subject to the requirements of this section may hereafter be carried out only in substantial conformance with the approved site plan and any conditions or restrictions attached thereto. Material changes shall not be made to an approved site plan without the approval of the City. A permanent Certificate of Occupancy for a new development shall be not issued until all storm water control, sanitary sewer, water mains, off-street parking facilities and all other site plan requirements have been constructed and approved by the City and are fully operational.

C. Development Activities Subject to Site Plan Review

1. Site plan review is required for construction or expansion of any building or structure. Driveways to said properties, garages and carports shall be of an approved surface as defined in this Ordinance.

2. Any change, alteration or modification in a structure or use which would require the provision of additional off-street parking spaces, additional lot area, or other substantial change in zoning requirements applicable to such structure or use.

3. The construction or creation of any parking lot or the expansion of any existing parking lot.

D. Site Plan Review Procedures

1. Applicants for site plan review shall meet with City Staff and/or designees prior to submission of a site plan. The purpose of this meeting is to acquaint the applicant with site development standards and procedures. This meeting shall also serve to allow the applicant to present the scope and nature of the proposed project to City Staff and/or designees.

2. Following the initial meeting, the applicant may submit a completed site plan for review.

E. Site Plan Application Requirements

All applications for site plan review shall be prepared to show all information currently required by the City, a list of which shall be available from the Zoning Administrator and/or Public Works Director. Electronic copies are required for all site plan sheets, drawings and written information. The Zoning Administrator shall coordinate review of the submitted site plan with all other appropriate City Departments.

1. For commercial and industrial properties, as well as multi-family residential structures, all site plans shall be prepared by a licensed design professional (architect, engineer, surveyor or landscape architect) who holds a current valid license under the laws of the State of Iowa. Along with the site plan, grading and drainage plans must also be submitted. If property is greater than an acre in size, then the subject property is required to comply with stormwater management standards by submitting a stormwater management plan prepared by a civil engineer.

Section 1210. Building Construction, Applications, Permits & Fees

A. Building Construction

No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Said permit and the application for the permit shall contain a site plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected, the name and address of the owner or owners of the involved lot (deedholder), and such other information as may be necessary to provide for the enforcement of this Ordinance. All commercial and/or industrial properties shall include grading and drainage plans. City Staff may require a pre-application meeting for building permits for developments more complex than one-and-two-family dwellings. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Zoning Administrator or the Council. No permit shall be issued for any construction not in compliance with this Chapter. Any construction started without a permit or outside the scope of an issued permit shall be stopped immediately and shall be subject to the remedies of Section 1214.

All components of building construction, including but not limited to excavation, disturbance of soil, concrete work, etc. shall not commence on any property until all permits and approvals have been obtained from the City. Any structure over two-hundred and fifty (250) square feet shall be affixed to a permanent foundation system in accordance with building construction standards. All structures to be constructed shall be built to the Iowa State Building Code minimum standards and shall comply with the State Fire Code as well.

Any disturbance of soil or any construction related projects shall require some form of erosion control mitigation. Measures engaged to prevent erosion including: soil stabilization practices, limited grading, mulch, temporary or permanent cover, compost application, and construction phasing. Methods employed to prevent sediment from leaving the site -- including silt fence, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Site plan improvements for all new, expanded, or redevelopment projects, shall meet all performance standard requirements of this development code. These improvements may be waived or modified by the Zoning Administrator, provided the structure(s) and/or site impervious footprint is not expanded or intensified greater than twenty percent (20%). If a property increases density, for example, going from a single-family to a duplex, the property would then be required to come into full conformity with Ordinance.

B. Applications, Permits & Fees

Prior to any construction, reconstruction, or other alterations of building and improvements on real estate, the owner, his/her contractor, or other agent shall obtain the permit issued by the Zoning Administrator, which permit shall state that the proposed project complies with all provisions of this Ordinance. The Zoning Administrator is instructed to issue permits upon proper, approved applications under this Ordinance to the deeded property owner, and charge a non-refundable fee as determined by the adopted fee schedule set by the City Council via resolution at the beginning of each year. Said fees shall not be prorated. Applicable applications and fees include, but are not limited to, the following.

1. Building (Zoning) Permit

    i. This includes projects such as concrete and footings, replacement of doors or windows, replacement of a roof or siding or interior remodels of walls, kitchens or bathrooms. Excludes projects of flooring, painting, or replacement of heating or cooling units.

2. Sign Permit

3. Fence Permit

4. Driveway and Sidewalk Permit

5. Concrete & Parking Lot Construction Permit

    i. This includes any concrete work to be completed on a property, whether it is a concrete patio, parking pad, recreation area, parking lot, maneuvering and/or loading area, etc.

6. Demolition Permit

    i. This is for any property that is connected to public utilities.

7. Digging Utility Permit

    i. For any work conducted with the city right-of-way and/or street.

8. Temporary Use Permit

9. Home Occupation Permit

10. Mobile Restaurant Permit

11. Floodplain Permit

12. Animal Permit

13. Agricultural Exemption Requests (Unincorporated area only

14. Lot Division / Lot Realignment Request

15. Lot Combination Request

16. Preliminary and Final Plat Request

17. Zoning Map Amendment (Rezoning Requests) or Ordinance Text Amendment Requests.

18. Variance Requests.

19. Special Exception Requests.

20. Appeals of Staff Interpretations and Decisions Request.

C. Commencement and Completion of construction

An applicant who is issued a building permit or any permit for that matter under the provisions of this Ordinance is bound, by acceptance of the permit, to commence the construction and is also bound to finish said construction within twelve (12) months from the date of issuance. Upon expiration of a permit, the holder shall make a new application for a new permit under the provisions of this article and shall otherwise go through the same procedure as required for issuance of the original permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council.

Section 1211. Appeals Process

A. Appeals of Staff Interpretations and Decisions

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or

official in enforcement of this Ordinance. Such appeal, by application, shall be taken to the Board within a reasonable time, but not longer than thirty (30) days, as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall forthwith transmit to the Board all the application and all documentation constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of record on application of notice to the Zoning Administrator and due cause shown.

In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Zoning Administrator. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this Ordinance, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

B. Appeals of Board of Adjustment Decisions

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decision, in the manner provided by the laws of the state and particularly by the Code of Iowa.

Section 1212. Notice to Violators

If the Zoning Administrator finds that any provision of this Ordinance is being violated, they 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 Zoning Administrator shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or by the City Code to ensure compliance with or to prevent violation of its provisions.

Section 1213. Responsibility

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 of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

Section 1214. City Remedies

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City may, in addition to other remedies, seek injunctive relief, commence a municipal infraction action, mandamus, or other appropriate lawful action necessary to prevent, correct, abate such violation. A violation of this

Ordinance shall be deemed a violation of City Code and thus constitute a municipal infraction, a civil offense punishable by a civil penalty, order of abatement and the entry of a judgment for costs of abatement or correction, pursuant to *Iowa Code section 364.22*. Any construction started without a permit or which does not comply with the requirements of the New Hampton City Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for the abatement of such infraction, and may pursue any combination of remedies available. Each day that a violation is continued shall constitute a separate violation.

Section 1215. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $750.00. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City of New Hampton from taking such other lawful action as is necessary to prevent or remedy violation.

Section 1216. Repealer

All ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

Section 1217. Severability

If any section or part thereof of this Ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

Section 1218. Effective Date

This Code shall be in force and effect on the day of its final passage, adoption and publication as provided by law.