

CHAPTER 18

ENFORCEMENT

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SECTION 1800. DUTY OF THE BUILDING INSPECTOR AND OTHER OFFICIALS

- A. The Building Inspector is responsible for the administration and enforcement of this Ordinance. Assistance may be provided by such other persons as the Building Inspector may direct.
- B. If the Building Inspector finds that any of the provisions of this Ordinance are being violated, written notification shall be given to the persons responsible for such violations. Notice will indicate the nature of the violation and order the action necessary for correction. If necessary, the Building Inspector shall take action to ensure compliance with or to prevent further violation of this Ordinance as is authorized by law.
- C. The Building Inspector shall have the authority to:
 - 1. Order the discontinuance of illegal use of land, buildings or structures;
 - 2. Order the removal of illegal buildings or structures or of illegal additions, alteration or structural changes;
 - 3. Order the discontinuance of any illegal work being done; and
 - 4. Take any other action authorized by the Zoning Ordinance to ensure compliance with or to prevent violation of this Ordinance.

5. The Building Inspector shall be authorized to enter any building or premises, if consent of the owner or occupant of said building or premises is given, for the purpose of determining if the building or premises is in compliance with applicable codes. If the owner or the occupant refuses to allow the Inspector to enter, and the Inspector can show that valid public interest justifies the intrusion, the Inspector may request that a search warrant be issued by a Judge of the District Court. If the Inspector determines that an emergency exists which places life or property in jeopardy, the Inspector may conduct an inspection without the owners consent and without the requirement of a search warrant.

SECTION 1801. EXEMPTIONS

The following shall be exempt from the provisions and requirements of the Zoning Ordinance. No Building Permit or Certificate of Occupancy is required for the following uses:

- A. Those uses specified in Section 102, Application and Exemption.
- B. The continuation of an existing use, except as provided for nonconforming uses. (See Chapter 17 and Section 1805).
- C. The planting or harvesting of crops or gardens or the grazing of cattle or horses where permitted by Zoning District regulations.

SECTION 1802. BUILDING PERMIT REQUIRED

- A. Building Permit Required

Except as otherwise provided in Section 1801, Exemptions, it shall be unlawful for any person, firm or corporation to erect, move, demolish, add to or structurally alter any building or structure, or to use or change the use of any building or land or to permit these actions, until a Building Permit or Certificate of Occupancy has been issued by the Building Inspector.

- B. Building Permits

1. Application

Each application for a Building Permit shall be submitted on a form supplied by the Building Inspector and shall include such information as may be required by the Building Inspector for determining compliance of the proposed construction with this Ordinance and shall be accompanied by:

- a. Plans in triplicate, drawn to scale, showing the shape and dimensions of the lot to be built upon and the shapes, dimensions, and locations of all existing and proposed buildings or alterations on the lot, and also include an application for a Certificate of Occupancy as otherwise required herein.
- b. All Building Permit applications relating to property in Flood Districts shall include additional statements and plans setting forth the means by which the Flood District requirements are proposed to be met as set out in Chapter 14, Flood Districts.

2. Action on Application for Building Permits

- a. No Building Permit shall be issued by the Building Inspector except in conformity with the provisions of this Ordinance, unless a written order is received from the appropriate Board of Adjustment in the form of an administrative review, special exception/conditional use permit, variance, or other finding as provided by this Ordinance.
- b. One (1) copy of the plans shall be returned to the applicant by the Building Inspector, after such copy has been marked either as approved or disapproved and attested to same by affixing a signature on such copy.
- c. The original and one (1) copy of the plans, similarly marked, shall be retained by the Building Inspector.
- d. No Building Permit shall be issued with respect to property in a Flood District until the City or County Engineer certifies in writing that the application complies with the requirements of Chapter 14, Flood Districts.

3. Expiration of Building Permits

- a. If the work described in any Building Permit has not begun within 90 days from the date of issuance, said Permit shall expire, be cancelled by the Building Inspector and written notice thereof shall be given to the persons affected.
- b. If the work described in any Building Permit has not been substantially completed within two (2) years of the date of issuance thereof, said Permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled Permit shall not proceed unless and until a new Building Permit has been obtained.

4. Building Permit for Moving a Building

- a. Any person moving a building shall first file with the Building Inspector a written application including the following information:
 - 1) Type and kind of building to be moved;
 - 2) The original cost of such building;
 - 3) The extreme dimensions of the length, height and width of the building;
 - 4) The present location and proposed new location by lot and block numbers and subdivision names, or other legal description, and street addresses, if established; and
 - 5) The approximate time such building will be upon the streets, alleys, or highways, and the route that will be taken from the present location to the new location.
- b. If in the opinion of the Building Inspector the moving of any building will cause serious injury to persons or property or serious injury to the streets, alleys, highways or other public improvement, or the building to be moved has deteriorated more than 50 percent of its original value by fire or other elements, or the moving of the building will violate any of the requirements of this Ordinance or other regulations or ordinances, the Permit shall not be issued and the building shall not be moved.

5. Fees for Building Permits

No Building Permit shall be issued until a fee has been paid to the City or County in accordance with the adopted Schedule of Fees. (See Appendix F, Fees).

6. Record and Copies

The Building Inspector shall maintain a record of all Building Permits and a copy shall be furnished upon request to any person.

7. Failure to apply for and obtain a Building Permit as required herein shall be considered a violation of this Zoning Ordinance.

SECTION 1803. CERTIFICATE OF OCCUPANCY REQUIRED**A. Certificate of Occupancy Required**

Except as otherwise provided in Section 1801, Exemptions, it shall be unlawful to use or occupy or permit the use or occupancy of any building on premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefor.

B. Application for and issuance of a Certificate of Occupancy

1. Each application for a Certificate of Occupancy shall be on a form supplied by the Building Inspector, which form may be combined with the application for a Building Permit and shall include such information as may be required by the Building Inspector for determining compliance of the proposed use with this Ordinance.
2. No Certificate of Occupancy shall be issued by the Building Inspector except in conformity with this Ordinance.
3. Where an application for a Certificate of Occupancy accompanies an application for a Building Permit, the Certificate of Occupancy shall not be issued until the building described in the Building Permit has been completed in conformity with this Ordinance.

C. Response to Application for Certificate of Occupancy

1. After an application is made for a Certificate of Occupancy the Building Inspector shall issue a Certificate of Occupancy upon determining that the proposed use conforms to the provisions of this Ordinance.
2. If the Certificate of Occupancy is not approved, the Building Inspector shall notify the applicant in writing of said refusal and state the reasons for denial.

D. Fees for Certificate of Occupancy

No Certificate of Occupancy shall be issued until a fee has been paid to the City or County in accordance with the adopted Schedule of Fees. (See Appendix F).

E. Temporary Certificate of Occupancy

A Temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such Temporary Certificate

may include such conditions and safeguards as will protect the safety of the occupants and the public.

F. Record and Copies

The Building Inspector officer shall maintain a record of all Certificates of Occupancy and a copy shall be furnished upon request to any person.

G. Failure to apply for and obtain a Certificate of Occupancy as required by this Section shall be a violation of this Ordinance.

SECTION 1804. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPROVED APPLICATIONS, PLANS AND PERMITS

- A. Building Permits, Certificates of Occupancy, Variances, Special Exceptions, and uses issued on the basis of approved plans and specifications authorizes only those uses, arrangements or construction as approved in such Building Permits, Certificates of Occupancy, Variances, Special Exceptions and approved plans or specifications. No other use, arrangement, or construction is authorized.
- B. Use, arrangement, or construction not in accordance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided herein.

SECTION 1805. PENALTIES FOR VIOLATION

- A. Any person, firm or corporation violating any provisions of this Ordinance or failing to comply with any of its requirements, including violations but not limited to violations of conditions and safeguards established in connection with a grant of a Variance or Special Exception, shall be deemed guilty of a misdemeanor offense. Each day that a violation continues shall be deemed a separate offense.
- B. Nothing contained herein shall prevent the City of Claremore or Rogers County or its authorized officials from taking other action authorized by law to remedy a violation.
- C. In Rogers County only, final inspection must be done prior to moving in a Home or using an accessory building. Failure to do so will result in a penalty of \$250.00 or may result in Termination of Utility services or Both.
- D. As pertaining to Rogers County only:
1. Any violation of the Zoning Ordinance or any order or regulation adopted by the Planning Commission or Board of County Commissioners shall be a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or by imprisonment in the Rogers County Jail for a period not to exceed one (1) year,

- or such fine and punishment.
2. The Board of county Commissioners through the Planning Commission Office may employ Code Enforcement Officers who shall investigate violations of the Zoning Ordinance, ensure compliance with all County zoning ordinances, collect evidence of noncompliance with zoning ordinances, and present such evidence to the District Attorney's Office for prosecution. The Code Enforcement Officer shall have authority to issue citations for violation of any County zoning ordinance within Rogers County.
 3. The Code Enforcement Officer may complete the training course for law enforcement officers accredited or provided by the Council on Law Enforcement Education and Training (CLEET). After satisfactory completion of any such course and being certified by CLEET as a peace officer, the Code Enforcement Officer shall be a law enforcement officer for Rogers County.
 4. After completion of the training course at the Law Enforcement Academy and being certified by CLEET as a peace officer, the Code Enforcement Officer may carry firearms and execute and serve any warrant or other process issued under the authority of Rogers County pertaining to violations of County zoning ordinances, and make arrests and issue citations for violations of County ordinances.

SECTION 1806. NONCONFORMING STRUCTURES AND USES

- A. No nonconforming structure or use shall be maintained, renewed, changed or extended until a Certificate of Occupancy has been issued by the Building Inspector. (See also Chapter 17, Nonconformities).
- B. The Certificate of Occupancy shall state specifically where the nonconforming use differs from the provisions of this Ordinance.
- C. Upon the effective date of this Ordinance or amendment of this Ordinance owners or occupants of nonconforming uses or structures shall have six (6) months to apply for a Certificate of Occupancy.

SECTION 1807. BUILDING CODES AND LICENSING

Building regulations, codes and licensing requirements in effect in the City of Claremore and Rogers County are included in Appendix G, Building Codes and Licensing.