

## **CHAPTER 17.104**

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**CHAPTER 17.104**

**ADMINISTRATION, FEES AND PENALTIES**

**17.104.010 REVIEW AUTHORITY**

- A. The Mayor, with approval of the City Council, has the right to appoint members to the Planning Board, Zoning Commission, and Board of Adjustment to review all development and zoning proposals that are submitted to the City of Dillon. The members will work with the Administrative Official to investigate, review and enforce the provisions of this title fairly, consistently, and timely.
- B. The City Council has the right to review and require revisions to all development proposals subject to this title, and delegates that authority in certain circumstances as set forth below to the Administrative Official, Planning Board, Zoning Commission, as provided in 76-2-303, MCA. The purpose of this review is to prevent demonstrable adverse impacts of the development upon public safety, health, and general welfare, or to provide for its mitigation, and other facilities; to conserve the value of adjoining buildings and/or property; to protect the character of Dillon; to protect the right of use of property; advance the purposes and standards of this title and the Growth Policy; and to ensure that the applicable regulations of the City are upheld.
- C. The City Council authorizes boards, committees and other advisory bodies as applicable, to review and with the Administrative Official, report to the City Council regarding:
  - 1. Development proposals and site plans: Planning Board
  - 2. Zoning Regulations: Zoning Commission
  - 3. Zoning variance applications: Board of Adjustment
- D. The City Council or its designated representatives may require the applicant to design the proposed development to reasonably minimize potentially significant adverse impacts identified through the review required by these regulations. The City Council or its representatives may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the development as submitted. Recognizing that the standards of this title are requirements so the public health, safety, and general welfare shall best be served. The City Council or its representatives may require as a condition of approval, additional landscaping, screening, timing requirements, setbacks or other mitigation.
- E. The City Council shall approve, approve with conditions or deny all applications submitted under this title for development and site plans, and Conditional Use Permits.

Enc Ord 433 December 5, 2012

**17.104.015 ESTABLISHMENT OF FEES**

The Dillon City Council shall, pursuant to Section 1.03 of the Charter of the City of Dillon, establish a fee schedule for applications provided for under this Title by resolution. The fee schedule may be revised from time to time by the Mayor and City Council. Its purpose shall be to defray the costs of processing applications. The fee schedule shall be available for review at City Hall during normal business hours.

All applications under this Title shall be accompanied by the applicable fee required by the regularly adopted City fee schedule.

Enc Ord 446 March 23, 2016

**17.104.020 AUTHORITY AND ENFORCEMENT**

- A. The Administrative Official, or his/her designated representative, shall administer and enforce this title. He/she may be provided with the assistance of such other persons as the Mayor may designate and supervise.
- B. The Administrative Official must in the administration of this title consult with other persons having expertise in relevant subject areas as is necessary for the review of the proposed development or administration of this title. The City Council has given the Administrative Official the following authority (see Table 17.104.1) for the administration of this Title.

Table 17.104.1 - Powers and Duties

<b>Tasks</b>	<b>Administrative Official</b>	<b>Zoning Commission</b>	<b>Board of Adjustment</b>	<b>City Council</b>
Receive Applications	A			
Determine Completeness	A			
Residential Development of 1 or 2 units	R	A		
Residential Development of 3 or more units	R	A		
Nonresidential Development 2,000 sq. ft. or less	R	A		
Nonresidential Development more than 2,000 sq.ft.	R	A		
Accessory Structures	A			
Fences	A			
Setbacks	A			
Signs	A			
Planned Unit Development	R	R		A
Design Review	R	A		

Tasks	Administrative Official	Zoning Commission	Board of Adjustment	City Council
Appeal	R		A	
Variance	R		A	
Zoning Map Amendment	R	R		A
Zoning Ordinance Amendment	R	R		A

R=Review & Recommend, A=Authority

- C. If the Administrative Official shall find that any of the provisions of this title are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this title to ensure compliance with or prevent violation of its provisions. If the responsible person is not the property owner the property owner will be notified also.
- D. The City Council may overturn a decision of the Administrative Official upon a vote of the City Council.

Enc Ord 433 December 5, 2012, Revised Ord 446 March 23, 2016

#### **17.104.030 STOP-WORK ORDER**

Whenever any development or building work is being done contrary to the provisions of this title, the Administrative Officer shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Administrative Official to proceed with the work. If the responsible person is not the property owner, the property owner will be notified also.

Enc Ord 433 December 5, 2012

#### **17.104.040 PERMISSION TO ENTER**

The City Council, or its designated agents, may conduct investigations, examinations and site evaluations as they deem necessary to verify the information supplied. The submission of material or a plan for review shall constitute a grant of permission to enter the subject property. The grant of permission shall continue until all final actions required by the approval process have been completed.

Enc Ord 433 December 5, 2012

#### **17.104.050 COORDINATED REVIEWS**

When a proposed development or use is also proposed to be annexed to the City of Dillon, the City shall coordinate the development and site review procedures to minimize duplication of hearings, reports, and other requirements whenever possible. The City Council shall also hold

joint public hearings on the initial zoning and annexation whenever possible. Based upon the circumstances of a proposed development the City may require sequential review of applications.  
Enc Ord 433 December 5, 2012

**17.104.060 EXCEPTION TO DEVELOPMENT PROPOSAL AND REVIEW STANDARDS AND WAIVERS**

A. An interim zoning ordinance adopted pursuant to 76-2-306, MCA shall apply as provided under Montana law.

Enc Ord 433 December 5, 2012

**17.104.065 ZONING PERMIT APPLICATION ADMINISTRATION**

The Administrative Official shall develop application forms and a checklist of submission items to accompany applications as appropriate, and in so doing may consult with such other persons as authorized by 17.104.020 (A & B). Application forms and checklists will be provided to the Zoning Commission for review. All applications under this Title shall be on City of Dillon forms prepared and made available by the Administrative Official. The application forms and checklists shall be available to the public indicating all information that must be presented in order for City of Dillon officials and/or Commissions and Boards to adequately evaluate applications under this Title. No application shall be accepted for consideration unless the information required on the checklist is found by the Administrative Official to be in sufficient detail to adequately evaluate the application and determine whether the application complies with the substantive requirements of this Title.

Enc Ord 448 October 11, 2016.

**17.104.070 ADMINISTRATIVE OFFICIAL APPLICATION CHECKING – NOTICE OF NONCOMPLIANCE**

A. It is the intent of this title that the Administrative Official and Building Official, or their designees shall check all development plans, site plans and applications for permits for compliance with this title both before and during construction.

B. If, during construction the Administrative Official and/or the Building Official deems that the proposed plan or construction does not comply with this title, he shall inform the applicant of the infraction and shall stop all construction on the property until such time as the applicant, builder or principal revises his plan to conform to this title and/or fulfills the requirements of any mandated review procedure(s) as set forth in this title.

Enc Ord 433 December 5, 2012

**17.104.080 AMERICANS WITH DISABILITIES ACT (ADA)**

A. All new non-residential structures, apartments, condominiums, townhouses, or mixed residential buildings shall accommodate compliance with the Americans With Disabilities Act (ADA) accessibility guidelines, and the enlargement of buildings to accommodate ramps, elevators, and bathrooms that meet the minimum ADA accessibility

guidelines and improve accessibility for persons with disabilities are not considered as increasing or enlarging the nonconforming use of building.

- B. Prior to remodeling historic buildings or properties located within historic districts to accommodate ADA requirements, the proposed design alternatives must be reviewed to provide consistency with the criteria for historic preservation.

Enc Ord 433 December 5, 2012

**17.104.090 FAIR HOUSING**

It is the property owner, developer or contractor's responsibility to comply with Fair Housing Accessibility Guidelines under the Fair Housing Act.

Enc Ord 433 December 5, 2012

**17.104.100 RECORDING**

Whenever a violation of this title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof shall be filed with the Administrative Official who shall investigate the complaint and take action thereon as provided by this title.

Enc Ord 433 December 5, 2012

**17.104.110 VIOLATION – REMEDIES**

- A. The Administrative Official shall notify the property owner of any violation of the provisions of this title or failure to comply with any of its requirements including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the required conditions imposed by the Administrative Official and/or City Council.
- B. When a violation has not been corrected by the property owner after written notice from the City, the City may enforce its remedies as provided in this title and under Montana law to compel compliance with this title, including filing an action for civil and/or injunctive relief.
- C. Violation of this title is punishable by civil penalty as provided in this chapter. The Court shall impose the following minimum civil penalties:

1.	First citation	\$300.00
2.	Second citation	\$400.00
3.	Third and each subsequent citation	\$500.00

Enc Ord 433 December 5, 2012