

**165.29 PARKING, LOADING AREAS AND PARKING LOTS.** This section is intended to promote public safety and welfare by reducing the congestion of public streets. Off-street parking and loading space will be provided on individual lots in a quantity related to the use of the property.

1. Scope. The off-street parking and loading provisions of this chapter shall apply as follows:

A. Except in C-1 Commercial District, off-street parking and loading space shall be provided for all buildings and structures erected after the effective date of the Zoning Ordinance.

B. If the intensity of the use of any building, structure, or premises is increased, additional parking shall be provided to match the increased intensity of use.

C. If an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use.

D. Existing parking and loading serving any type of use shall not be reduced below the requirements of this chapter.

E. Off-street parking and loading may be established voluntarily if it meets the requirements of this chapter.

F. If a conforming or legally nonconforming building is destroyed or damaged by fire, explosion, flood, or any other manmade or natural catastrophe; no off-street parking or loading is required during the process of reconstruction.

G. Any application for a zoning permit or for a certificate of zoning compliance shall include a plot plan accurately showing any parking or loading facilities to be provided in compliance with this chapter.

H. Off-street parking facilities for different buildings, structures, uses or mixed uses may be provided collectively in any non-residential zoning district, provided the total number of parking stalls, collectively, shall not be less than the sum of the separate requirements of each of the uses.

2. Size of Stall. A required off-street parking stall shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives and aisles, ramps, columns, or office work areas. Each stall shall have a vertical clearance of at least seven feet.

3. Surfacing. Any open off-street parking area containing more than five parking stalls shall be improved with a dust-free surface meeting the standards set by the City.

4. Miscellaneous Provisions.

A. Campers, commercial vehicles, travel trailers, motor homes, boats, buses, trucks over three-quarters ton, or similar vehicles shall not be parked or stored for more than 24 hours in the front yard of a residential lot.

B. Major repairs or alterations of commercial or recreational vehicles listed in paragraph A of this subsection shall not be conducted in a residential district except within a completely enclosed building, and neither shall such repairs or alterations be conducted as an occupation in a residential district.

5. Truck Loading and Parking Areas. Off-street areas sufficient for all truck loading and truck storage and parking shall be provided in connection with all buildings

and uses delivering and receiving goods, materials, and supplies by truck by those persons using trucks in their businesses.

6. Number of Parking Stalls Required.

Single family dwellings and mobile homes	2 stalls per dwelling unit
Multi family dwellings and duplexes	1.5 stalls per dwelling unit
Hotels and motels	1 stall per guest room and 1 stall per 3 employees
Clubs, lodges, sororities, fraternities, dormitories and lodging and boarding houses	1 stall per 2 beds
Service institutions: Hospitals Sanatoriums, institutions, rest homes and nursing homes	1 stall per 2 beds and 1 stall per 3 employees 1 stall per 4 beds and 1 stall per 3 employees
Medical and dental clinics	6 stalls per doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall per 5 permanent seats or 1 stall per 100 square feet, whichever is greater
Schools: Elementary schools High schools	1 stall per employee 1 stall per employee and 1 stall per 5 students
Retail sales and services: Restaurants, bars and lounges  Financial institutions, businesses and governmental and professional offices Funeral homes  Bowling alleys All other retail sales and services, including shopping centers	1 stall per 50 square feet of gross floor area or 12 stalls per 6 seats, whichever is greater 1 stall per 300 square feet  1 stall per 4 seats or 1 stall per 100 square feet exclusive of embalming facilities, whichever is greater 5 stalls per lane 1 stall per 250 square feet gross floor area
Manufacturing and processing plants, laboratories, warehouses and wholesale sales	1 stall per 2 employees
Tea rooms	1 stall per 4 patrons or fraction
Bed and breakfast establishments	1 stall per guest room

**165.30 SATELLITE TELEVISION ANTENNAS.** Any person intending to install or to reconstruct an antenna for reception of television signals from earth satellites shall apply for and receive a building permit from the City before commencing work on the antenna structure. The antenna shall meet all required setbacks. The following regulations also apply to satellite television antennas:

1. All satellite television antennas in residential districts shall have a maximum height of 10 feet, shall be located on the rear half of the lot, shall be at least 10 feet from any main building existing or under construction on the same lot, shall be at least five feet from any rear or side lot line, and in the case of a corner lot shall not project beyond the front yard required or existing on the adjacent lot.
2. On an interior lot a satellite television antenna shall not be erected or altered so as to encroach upon the one-quarter of the lot nearest either street or in the front yard required for either street.
3. In any commercial or industrial district, a satellite television antenna shall not exceed 45 feet in height or be located closer than 15 feet of any public street.
4. If used for advertising purposes, a satellite television antenna shall be deemed to be a sign and shall also be governed by the sign regulations applicable to the district in which it is proposed to be located.
5. If a satellite television antenna is proposed to be mounted on the roof of a building, it shall not extend more than 10 feet above the height limit established for the district in which the structure is located and antennas so located shall not be used for advertising purposes.

**165.31 STREET ENTRANCES, FILLING STATIONS AND PUBLIC GARAGES.**

1. No parking lot of 25 or more parking stalls, parking garage, automobile repair shop, or gasoline filling station shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any school, public playground, church, hospital, or public library unless the school, public playground, church, hospital, or public library is in another block or on another street.
2. No gasoline filling station or public garage shall be permitted if any oil draining pit or fueling filling appliance is located within 12 feet of any street line or within 25 feet from any residential district unless such appliance or pit is within a building.

**165.32 SIGNS AND BILLBOARDS.**

1. **Public Service Signs and Billboards.** Pursuant to the power granted by Sections 414.7 and 414.12 of the *Code of Iowa* to hear and decide special exceptions to the Zoning Ordinance, the Board of Adjustment may, after publishing notice thereof in accordance with Section 362.3 of the *Code of Iowa* and holding a public hearing thereon, approve zoning permit applications for and authorize the erection and use of signs and billboards by public agencies and nonprofit organizations in all zoning districts, subject to such reasonable limitations and conditions as the Board of Adjustment may deem appropriate.
2. **Commercial Signs.** The erection and use of on-site signs, either affixed to the exterior of a building or free-standing, is a permitted use in a C-1 Commercial District, C-2 Commercial District, I-L Light Industrial District and I-G General Industrial District, subject only to the limitations that a sign affixed to the exterior of a building

shall have a height no greater than the building to which it is affixed and shall occupy an area no greater than 20 percent of the face of the building to which it is affixed.

3. Commercial Billboards. Pursuant to the power granted by Sections 414.7 and 414.12 of the *Code of Iowa* to hear and decide special exceptions to the Zoning Ordinance, the Board of Adjustment may, after publishing notice thereof in accordance with Section 362.3 of the *Code of Iowa* and holding a public hearing thereon, approve zoning permit applications for and authorize the erection and use of billboards, subject to all of the following limitations and conditions:

A. An application for a zoning permit for a billboard shall be submitted in writing to the Zoning Administrator; shall fully describe in narrative and graphic form the dimensions and construction materials of the proposed billboard, the location of the proposed site for its erection, and the intended use which is to be made of the billboard; shall identify by name and mailing address the applicant, the owner of the proposed billboard and the owner of the proposed site; and shall be signed by the applicant, the owner of the proposed billboard and the owner of the proposed site.

B. Billboards shall be permitted only on private property that is classified under this chapter as an A-1 Agriculture District, an I-L Light Industrial District, or an I-G General Industrial District and that abuts upon the right-of-way of the U.S. Highway No. 30.

C. No billboard shall be permitted in any area that is more than 300 feet from the nearest right-of-way line of U. S. Highway No. 30.

D. The gross display area of each side of a billboard shall not exceed 200 square feet.

E. The maximum height of a billboard shall not be more than 20 feet above the normal grade elevation of the land upon which it is erected.

F. A billboard may be illuminated.

G. No billboard may be erected at a distance of less than 300 feet from any other billboard.

H. A billboard erected pursuant to authority granted by the Board of Adjustment shall, not less than once every five years, be repainted, redecorated, rehabilitated, and otherwise restored to a condition substantially equivalent to the condition in which it existed at the time it was originally erected. A billboard that fails to satisfy the conditions of this paragraph shall on the order of the Zoning Administrator be promptly dismantled and removed.

I. Such other reasonable limitations and conditions as the Board of Adjustment may deem appropriate.

**165.33 EXCEPTIONS AND MODIFICATIONS.** The regulations specified in this chapter are subject to the following exceptions and interpretations:

1. Use of Existing Lots of Record. In any district in which dwellings are permitted, a single-family dwelling may be located on any lot of record as of the effective date of the Zoning Ordinance irrespective of its area or width; and a two-family dwelling may be located on any lot in any R-2 Residence District that has a lot width of at least 60 feet and was a lot of record as of the effective date of the Zoning Ordinance; provided, however:

- A. The side yard widths of any such lot for single family dwellings shall not be less than five feet for either side yard.
  - B. The side yard widths of any lot for two family dwellings shall not be less than seven and one-half feet for either side yard.
  - C. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but not less than 15 feet.
  - D. Building setback lines established on lots of record as of the effective date of the Zoning Ordinance may apply in lieu of those required by this chapter unless those building setbacks are greater than those required by this chapter.
2. Structure Permitted Above Height Limit. The building height limitations of this chapter shall be modified as follows:
- A. Chimneys, cooling towers, elevator bulkheads, fire towers, lofts, tanks, water towers, ornamental towers and spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing ordinances or those hereafter adopted.
  - B. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding 60 feet; and churches and temples, when permitted in a district, may be erected to a height not exceeding 75 feet if the building is set back from each property line the required minimum setback and one additional foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built.
  - C. Single-family dwellings and two-family dwellings in the residential districts may be increased in height by 10 feet if both side yards are at least 15 feet in width, provided such dwellings do not exceed three stories.
3. Area Requirements. For an area in any district in which neither the public water system nor a private water system serving three or more lots, nor the public sanitary sewer system or a private sanitary sewer treatment system serving three or more lots is accessible, the lot area requirement shall be three acres; however, if the area is served by the public water system or a private water system serving three or more lots, this requirement shall be 10,000 square feet. All other lot requirements of the district in which such lots exist shall apply.
4. Double Frontage Lots. Buildings on double frontage lots shall provide the required front yard on both streets.
5. Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard if the rear or side yard opens on an alley, one-half of the alley width may be included as a portion of the rear or side yard as the case may be.
6. Other Exceptions to Yard Requirements. Every part of a required yard shall be open to the sky unobstructed by any building or structure except for a permitted accessory building in a rear yard and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not more than 24 inches into the yard. In the C-1 Commercial District, signs, overhangs, and marquees may extend over street right-of-way lines provided erection of such signs, overhangs, and marquees are constructed in accordance with the provisions of the *Code of Iowa*.

7. Porches and Decks. An existing open porch or deck which projects five feet or less into the required front yard may be remodeled or rebuilt to an enclosed non-habitable vestibule entrance-way and closet space.
8. Conditional Permitted Uses. A conditional use permit must be obtained from the Board of Adjustment for any of the listed buildings or uses. Conditional use permits can only be issued for the buildings or uses located in districts in which permitted by this chapter.
  - A. Airports and landing field.
  - B. Any building or use erected or maintained by any department of the City, Township, County, State, or federal government.
  - C. Cemeteries, both public and private, containing a minimum of 10 acres.
  - D. Churches and institutions of a religious, philanthropic, or charitable character.
  - E. Circus, carnival, or similar transient enterprise.
  - F. Mining and extraction of minerals or raw materials.
  - G. Parks, playgrounds, recreational fields, golf courses, and both public and private outdoor recreation facilities.
  - H. Public and parochial schools, elementary and high, and other educational institutions having an established current curriculum similar to that ordinarily given in public schools.
  - I. Public utility structures and equipment necessary for the operation thereof.
  - J. Home occupations.
  - K. Transmitting stations and towers.
  - L. Veterinary establishments.
  - M. Confinement feeding operations, provided such use is located not less than 1,320 feet from the nearest existing dwelling and such use is located on a farm as defined by this chapter.
  - N. Wholesale establishments.
  - O. Warehouse for local wholesale or retail establishments and for personal property, but not including industrial warehouses and distribution centers.
  - P. Commercial boarding or breeding kennels.
  - Q. Multiple family dwellings and customary accessory buildings.
  - R. Automobile and other vehicular sales.
  - S. Apartments above the first floor of a structure containing a commercial use.
  - T. Rest homes and nursing homes.
  - U. Hospitals and sanitariums.
  - V. Commercial outdoor recreational areas including golf courses, miniature golf courses, swimming pools, and camp grounds.

- W. Drive-in restaurants.
- X. Bulk sale and storage of grain, fertilizer, and petroleum products.
- Y. Truck terminals.
- Z. Lumber yards.
- AA. Home office combination.
- BB. Outside storage for period of not less than 91 days and not more than one year.
- CC. Accessory building over 900 square feet in area in R-1 Districts under conditions specified in Section 165.22(3)(I), upon approval by the Board of Adjustment.

Before issuance of any conditional use permit for any of the listed buildings or uses the Board of Adjustment shall refer the proposed application to the Commission, which shall be given 45 days in which to make and file with the Clerk a report regarding the effect of such proposed buildings or uses upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general welfare. No action shall be taken upon any application by the Board of Adjustment for a proposed building or use until and unless the report of the Commission has been filed; provided, however, if no report is filed with the Clerk within the 45 days, it shall be deemed that a positive recommendation of the application has been made by the Commission.

9. Front and Rear Yard Setbacks Along Railroad Rights-of-Way. Lots in which the rear yard abuts a railroad right-of-way and which are located in either the I-L Light Industrial District or the I-G General Industrial District, the front yard setback requirement shall be reduced to zero feet and the rear yard setback requirement shall be reduced to not less than five feet.

#### 165.34 BOARD OF ADJUSTMENT.

1. Appointment and Membership. A Board of Adjustment, to be hereinafter referred to as the "Board," is hereby established. The Board shall consist of five members, each to be appointed by the Council for the term of five years. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
2. Rules; Meetings; General Procedure. The Board shall adopt rules of procedure in accordance with the provisions of this chapter. The Board shall elect its own Chairperson, who shall serve for one year. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and the presence of three members shall constitute a quorum. The Board 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 shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be public record.
3. Jurisdiction; Powers. The Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms

of this chapter in harmony with its general purpose and intent and in accordance with the rules herein contained and provide that any property owner aggrieved by the action of the Council in the adoption of such regulations and restrictions may petition the Board of Adjustment directly to modify regulations and restrictions as applied to such property owner. The Board shall have the following powers and duties:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.
- B. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest in which, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done. Special conditions shall include, but not be limited to, a property owner who can show that his or her property was acquired in good faith but by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations the strict application of the terms of this chapter actually prohibits the use of such property in a manner reasonably similar to that of other property in the district.
- C. To hear and decide the issuance of Conditional Use Permits which the Board of Adjustment is empowered to issue under 165.33.
- D. The Board of Adjustment is specifically authorized to permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase as of the effective date of the Zoning Ordinance, but in no case shall extension of the district boundary line exceed 40 feet in any direction.

The Board of Adjustment in making an exception to the Zoning Ordinance shall be guided by the general rule that the exceptions shall by design, construction, and operation adequately safeguard the health, safety, and welfare of the occupants of adjoining and surrounding property; shall not impair an adequate supply of light and air to adjacent property; shall not increase congestion in the public streets; shall not increase public danger of fire and safety; and shall not diminish or impair established property values in surrounding areas.

4. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator. Appeals must comply with the following:

- A. An appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof.
- B. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- C. 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 opinion of the Zoning Administrator, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than



by a restraining order which may be granted by the Board or by a court of record on application on notice to the Zoning Administrator, and on due cause shown.

D. The Board of Adjustment, giving a reasonable time, shall fix a time, date, and place for the hearing on the appeal and shall publish notice of the public hearing upon the appeal in a paper of general circulation within the City at least seven days, but not more than 20 days, before date of public hearing.

E. The Board shall also notify by mail all property owners included in the proposed appeal and all adjacent property owners as found in the County Auditor's records of the scheduled hearing.

F. The notice of hearing shall be mailed at least 10 days prior to the hearing and shall contain a description of the property in question and a description of the proposed action.

G. At the hearing any party may appear in person or by agent or by attorney.

H. Before an appeal is filed with the Board of Adjustment, the appellant shall pay to the Clerk to be credited to the General Fund of the City, the cost of publishing said notice and the administrative costs of said appeal as determined by the Council.

I. In exercising the above mentioned powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper, and to that end shall have the powers of the Zoning Administrator.

J. The concurring vote of three of the 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 upon which it is required to pass under this chapter; provided, however, the action of the Board shall not become effective until the action of the Board, setting forth the full reason for its decision and the vote of each member participating therein has been entered in the minutes.

K. Such action, immediately following the Board's final decision, shall be filed in the office of the City Clerk, open to public inspection, and shall be published in the official newspaper of the City.

**165.35 BUILDING PERMIT AND SITE PLAN REQUIRED.** No building or other structure, driveway, or sidewalk shall be erected, moved, demolished, or added to without a zoning/building permit therefor issued by the Zoning/Building Administrator. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building for which the application is made and such other information as may be desirable to aid in the enforcement of this chapter. A record of the application and plats shall be kept in the office of the Zoning Administrator. Fees for zoning/building permits shall be imposed as follows:

- Commercial and new home - \$250.00
- Shed greater than 350 square feet - \$100.00
- Shed 350 square feet or less - \$50.00
- Deck or sidewalk - \$25.00

Permits shall expire two years after the date of issuance if work is begun within 180 days of issuance, or after 180 days if no substantial beginning of construction has occurred within that time. Extensions of time may be granted in writing by the Zoning/ Building Administrator upon showing of good cause.

**165.36 AMENDMENTS.** This section is intended to provide a procedure for changing district boundaries, district regulations, and other textual and map provisions of this chapter.

1. Petition For Amendments. A petition for an amendment to this chapter shall be filed with the Clerk and must contain and/or meet the following requirements:
  - A. The name and address of petitioner.
  - B. A statement that the petitioner is the owner or authorized agent of the owner of the property for which the change in district boundary or use is proposed.
  - C. The address and description of the property for which the change is being sought.
  - D. An accurate drawing of the site and surrounding area for a distance of at least 300 feet from each boundary.
  - E. The name and address of adjacent property owners.
  - F. Be accompanied by a filing fee of \$25.00.

Or a petition for an amendment to this chapter may be filed by the City Council on its own motion containing and/or meeting those requirements demanded by an individual petitioner by this section as the Council may believe to be applicable.

2. Referral To Commission. The Zoning Administrator shall refer the application for amendment to the Commission. The application shall be filed in the Office of the Zoning Administrator. It must be filed with the Commission at least 15 days before the Commission can act on it. Parties in interest shall be given mailed notice of the time and place of the meeting of the Commission at which the application will be considered, but the failure of a party in interest to receive such notice will not invalidate the action taken.
3. Action by the Commission. Within 30 days after the meeting at which the application is considered, the Commission shall transmit its recommendation for the disposition of the application to the Council. The Commission shall make one of the following recommendations:
  - A. Approval of the amendment as presented by the applicant.
  - B. Approval of the amendment with modifications.
  - C. Denial of the amendment.
4. Disposition by the Council. Within 30 days of receipt of the Commission's recommendation, the Council shall place the petition for amendment on its agenda and shall hold at least one public hearing on it. Notice of public hearing shall be published in accordance with the requirements of State law. Parties in interest shall also be given mailed notice. Failure of the adjacent property owners to receive mailed notice or to attend the public hearing shall not invalidate the action taken. The Council shall act on the amendment by:
  - A. Approval of the amendment.

- B. Approval of the amendment with modification.
- C. Denial of the amendment.

5. Rejected Petitions. Any proposed amendment which fails to receive the approval of the Commission or if there is a written protest against a change or repeal which is filed with the Clerk and signed by the owners of 20 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

6. Standards. Prior to the Commission's recommending approval of an amendment, or the Council's approving an amendment, each body must determine that the proposed amendment will meet the following standards:

- A. It will in no way endanger public health, safety, morals, comfort, and general welfare.
- B. It will not be injurious to the enjoyment of other property in the immediate vicinity.
- C. It will not impede the orderly development and improvement of property in the City.

7. Legal Costs. Whenever a zoning ordinance is amended at the property owner's request or City property is transferred at an owner's request, the property owner shall be responsible for the legal fees associated with the action. The owner may retain his or her own attorney to prepare the required documents which will then be reviewed by the City Attorney for compliance or pay the City's legal fees associated with the document preparation or transfer.

**165.37 VIOLATIONS SHALL CONSTITUTE MUNICIPAL INFRACTIONS.** Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter or conditions contained in a building permit issued under this chapter, or who resists the enforcement of any of the provisions of this chapter, or a building permit issued under this chapter, commits a municipal infraction as defined in Section 364.22 of the *Code of Iowa*.

**165.38 ENFORCEMENT.** The Council shall appoint a Zoning Administrator and it shall be the duty of that officer to enforce this chapter. The Zoning Administrator may be a person holding other public office in the City.

**165.39 REMEDIES FOR VIOLATION OF CONDITIONS OF BUILDING PERMIT, INCLUDING CIVIL PENALTIES.** In case 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 chapter, the Zoning Administrator, in addition to such other remedies provided by law, shall institute any proper action or proceedings, in the name of the City, to prevent, restrain or abate such unlawful activity. The Zoning Administrator is expressly authorized to impose civil penalties for a municipal infraction for violation of the express conditions of the building permit or a violation of this chapter, for which the penalty shall be as follows:

1. With respect to a building permit authorizing construction of a commercial building or new home, a civil offense punishable by a civil penalty of not more than \$750.00 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$1,000.00 for each repeat offense.
2. With respect to a building permit authorizing construction or repair of an existing commercial building or home, a civil offense punishable by a civil penalty of not more than \$500.00 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$750.00 for each repeat offense.
3. With respect to a building permit authorizing construction or repair of an auxiliary building exceeding 350 square feet, a civil offense punishable by a civil penalty of not more than \$400.00 for each violation.
4. With respect to a building permit authorizing construction or repair of an auxiliary building not exceeding 350 square feet, a civil offense punishable by a civil penalty of not more than \$200.00 for each violation.
5. With respect to a building permit authorizing construction or repair of a deck, fence or sidewalk, a civil offense punishable by a civil penalty of not more than \$100.00 for each violation.