

**ORDINANCE 2018-02**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-26. ENFORCEMENT OFFICER**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-26 shall be amended as follows:

**Sec. 26-26. - Enforcement officer.**

(a) This chapter shall be administered and enforced by the community development division, with the ~~city engineer~~ Community Development Director or ~~his~~ the designated agent as the administrative officer of this chapter. His or her duties, among others, shall be to:

- (1) Serve as an ex-officio nonvoting member of the board of appeals and adjustments and planning commission.
- (2) Receive, review, analyze and develop written reports on all applications for permits, certificates, appeals, variances, amendments, plats or other development matters regulated by this chapter.
- (3) Issue permits when requirements of this chapter have been met, and maintain records thereof.
- (4) Conduct inspections to determine compliance with the terms of this chapter and take remedial action when required.

**ORDINANCE 2018-02**

(b) Upon finding that any of the zoning provisions of this chapter are being violated, or upon finding a condition which may lead to violation, the ~~city engineer~~ Community Development Director shall notify in writing the persons responsible for such violation or condition, ordering the action necessary to correct such condition or violation. He or she may order discontinuance of illegal work being done, order discontinuance of illegal use of structures and land, and order removal of illegal structures or additions. Further, in order to ensure compliance with or to prevent violations of this chapter, the ~~city engineer~~ Community Development Director may call upon the city attorney to institute legal proceedings and call upon the chief of police for assistance.

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters

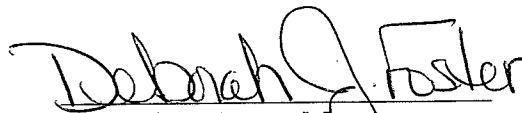
All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters


Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018

2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-03**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-37. APPLICATIONS**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-37 shall be amended as follows:

**Sec. 26-37 – Applications.**

All applications for amendments to this chapter or the official zoning map shall be made by the property owner in the office of the ~~city engineer~~ Community Development Director on official zoning applications forms. Such applications shall be accompanied by graphic and written materials which explain the proposed development and/or use. Two (2) copies of all required graphics or materials shall be submitted, with at least one (1) copy reduced to the size of eight and one-half (8½) by eleven (11) inches

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters

All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters

Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018, 2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-04**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-56 APPEALS AND BOARD OF APPEALS AND ADJUSTMENTS**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-56 shall be amended as follows:

**Sec. 26-56. – Appeals and Board of Appeals and Adjustments.**

- (a) The board of appeals and adjustments is created and shall consist of six (6) members and two (2) nonvoting council liaison. All voting members shall be appointed by the city council and shall serve three-year terms. No member shall serve more than two (2) consecutive terms.
- (b) Three (3) members of the board constitute a quorum, and all action by the board requires the affirmative vote of a quorum. The board shall serve without compensation. The board shall elect from its voting members a chairman and vice chairman. The ~~city engineer~~ Community Development Director shall provide secretarial and staff services to the board, and shall serve as an ex-officio nonvoting member.
- (c) The board shall have the following duties:
  - (1) To hear requests for variances from the literal provisions of this chapter.
  - (2) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this chapter.
  - (3) To hold special hearings as required by statute, ordinance, or when deemed necessary, and to counsel with the city's legal department where legal issues may be involved.

**ORDINANCE 2018-04**

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters

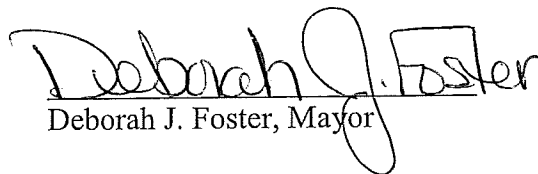
All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters

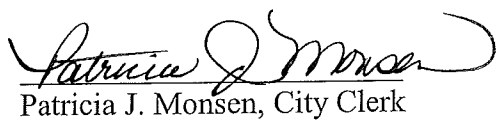
Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018

2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-05**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-57 APPEALS TO THE BOARD**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-57 shall be amended as follows:

**Sec. 26-57. – Appeals to the Board.**

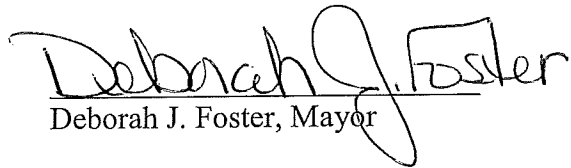
(a) An appeal for administrative review may be taken to the board of appeals and adjustments by any person affected by a decision of the ~~city engineer~~ Community Development Director. Such appeal shall be taken by filing a notice specifying the grounds of the appeal in the office of ~~city engineer~~ Community Development Director within thirty (30) days of the action or decision. If the appeal is not taken by the owner of the property, which is the subject matter of the decision appealed from, notice shall not be filed until it has been served upon such owner either in person or by mail.

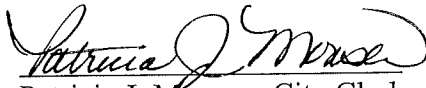
(b) The ~~city engineer~~ Community Development Director shall forthwith transmit to the board all materials constituting the record upon which the action appealed from was taken. An appeal for an administrative review or a variance stays all proceedings, including criminal proceedings, in furtherance of the action appealed from unless the ~~city engineer~~ Community Development Director certifies to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In that case the proceedings shall not be stayed otherwise than by a restraining order granted by a court of competent jurisdiction. An application for a variance may be filed by the owner of the affected property at any time.

**ORDINANCE 2018-05**

Motion by: Council Member Jim Zarling  
Seconded by: Council Member Bruce Peters  
All in Favor: Council Member Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters  
Opposed: None  
Abstained: None  
Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018  
2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-06**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-58 BOARD HEARING**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-58 shall be amended as follows:

**Sec. 26-58. – Board Hearing.**

Upon filing in the office of the ~~city engineer~~ Community Development Director a petition for a variance or appeal from an administrative order or determination, a hearing date shall be set. The date of this hearing shall be no more than thirty (30) days from filing of the request. Notice of such hearing shall be mailed not less than ten (10) days before the date of hearing to the petitioner and each owner of property situated wholly or partly within three hundred and fifty (350) feet of the petitioner's property, insofar as the names and addresses of such owners can be determined by the city clerk from records available to the public. Failure of property owners to receive the notice shall not invalidate the proceedings. The board of appeals and adjustments shall hold the hearing to consider the petition and its relation to the intent and purpose of the regulations of this chapter and the comprehensive plan. The petitioner may appear in person, or be represented by an agent or attorney. The board shall make its order deciding the matter within sixty (60) days of the date of hearing. Findings of fact and other testimony relevant to the board's decision shall be made part of the record of the hearing.



**ORDINANCE 2018-06**

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters

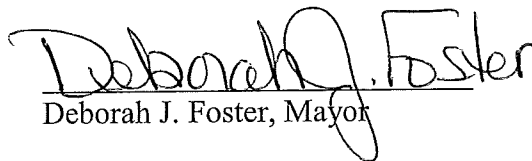
All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters

Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018

2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-07**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-77 APPLICATION**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-77 shall be amended as follows:

**Sec. 26-77. – Application.**

(a) Application for a conditional use permit shall be made by the property owner in the office of the ~~city engineer~~ Community Development Director on an official form. Such applications shall be accompanied by graphic and written materials which explain the proposed development and/or use. These materials may be required by the ~~city engineer~~ Community Development Director to contain any or all of the following information:

- (1) A site plan indicating topography, location of buildings, structures, driveways and vehicular access.
- (2) Landscaping and screening plans.
- (3) Site drainage plans indicating catch basins and underground improvement.
- (4) Off-street parking and loading plans.
- (5) Location, size, and type of outdoor storage facilities for equipment, stock and waste materials.
- (6) Architectural plans for buildings indicating elevations, entrances, heights, floor plans and material to be used on the exterior.

(b) Two (2) copies of all required graphics or materials shall be submitted, with at least one (1) copy reduced to the size of eight and one-half (8½) inches by eleven (11) inches.

**ORIDNANCE 2018-07**

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters

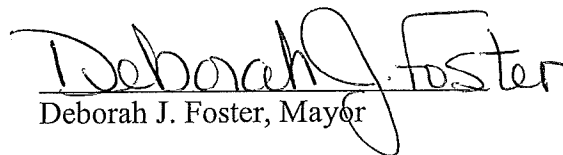
All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters

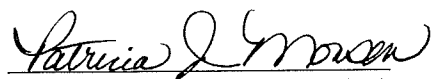
Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018

2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-08**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-78 STAFF REVIEW**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-78 shall be amended as follows:

**Sec. 26-78. – Staff Review.**

The conditional use permit application shall be reviewed by the ~~city engineer~~ Community Development Director and other pertinent staff. The ~~city engineer~~ Community Development Director shall submit a report and recommendation to the planning commission in writing for consideration. These materials are to be made part of the permanent written record of the planning commission meeting.

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters

All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters

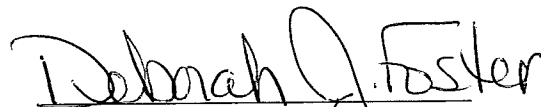
Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Patricia J. Monsen, City Clerk

  
Deborah J. Foster, Mayor

1<sup>st</sup> Reading: January 31, 2018

2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-09**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-727 APPLICATION AND ISSUANCE**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-727 shall be amended as follows:

**Sec. 26-727. – Application and issuance.**

(a) Application for a home occupation permit shall be made in the office of the ~~city engineer~~ Community Development Director. Applications for a home occupation permit shall include the following information:

- (1) Name and address of applicant.
- (2) Location and type of proposed occupation.
- (3) Site or building plan (if applicable), showing the facilities to be used for the proposed occupation.

(b) Applications shall be reviewed by the planning commission at its regular monthly meeting. No home occupation shall be permitted that does not meet the performance standards listed in section 26-705. Final action on such applications will be reported to the city council. A fee, as determined by city council, will be charged the home owner to defray the costs associated with the annual review.

(c) Notice of application review shall be mailed to all adjoining property owners within one hundred (100) feet of the applicant's property. The names of adjoining property owners shall be determined from records available to the public. Failure to receive a notice shall not invalidate the review.

**ORDINANCE 2018-09**

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters


All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters

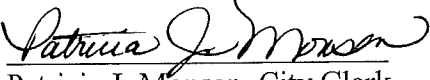
Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12<sup>th</sup> day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018

2<sup>nd</sup> Reading: February 12, 2018

**ORDINANCE 2018-10**

**ORDINANCE AMENDING FAIRMONT CITY CODE ARTICLE II,**

**SECTION 26-805 PERMIT**

**WHEREAS**, changes have been made to the City of Fairmont organizational chart and management staff since adoption of the Zoning Code in 1986; and,

**WHEREAS**, zoning applications and processes have changed as a direct result of organizational chart and staffing changes; and,

**WHEREAS**, prior Councils have not formally changed the City Code on zoning applications and processes; and,

**WHEREAS**, it is in the best interest of the City to codify the current practice of the Community Development staff.

**NOW THEREFORE THE CITY OF FAIRMONT DOES ORDAIN**, that Fairmont City Code Section 26-805 shall be amended as follows:

**Sec. 26-805. – Permit.**

It shall be unlawful for any person to erect, structurally alter or relocate any sign within the city without first obtaining a permit and paying the required permit fee. Application for sign permits shall be made upon blanks provided by the ~~city engineer~~ Community Development Director and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) When requested by the ~~city engineer~~ Community Development Director, two (2) blueprints or ink drawings of the plans or specifications and method of construction and attachment to the building or in the ground.
- (4) When requested by the ~~city engineer~~ Community Development Director, a copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city.
- (5) Name of persons erecting the sign.
- (6) Evidence of written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
- (7) Such other information as the ~~city engineer~~ Community Development Director shall require to show full compliance with all ordinances.

**ORDINANCE 2018-10**

Motion by: Council Member Jim Zarling

Seconded by: Council Member Bruce Peters

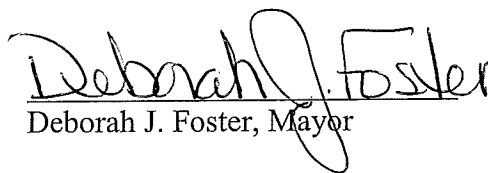
All in Favor: Council Members Jim Zarling, Ruth Cyphers, Wayne Hasek, Tom Hawkins and Bruce Peters

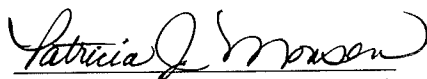
Opposed: None

Abstained: None

Absent: None

PASSED, APPROVED AND ADOPTED THIS 12th day of February 2018.

  
Deborah J. Foster, Mayor

  
Patricia J. Monsen, City Clerk

1<sup>st</sup> Reading: January 31, 2018

2<sup>nd</sup> Reading: February 12, 2018