

III. ENFORCEMENT AND ADMINISTRATION

A. ADMINISTRATION: POWERS AND DUTIES

1. City Commission- The City Commission, as the Governing Body for the City of Apalachicola and pursuant to the powers provided to the City under Section 7, Article II of the Charter of the City of Apalachicola, shall act in the interest of the public health, safety, order, convenience, comfort, prosperity, and general welfare, to adopt by ordinance a plan for the districting or zoning of the lands subject to its jurisdiction for the purpose of regulating existing and future land use and to impose such pains, penalties, and forfeitures as may be required to carry the same into effect as provided at Section 156, Article XIX of the Charter. Pursuant to these authorities, it shall be the responsibility of the Governing Body to perform the following duties and functions:
 - a. To adopt this plan or Land Development Code of the City of Apalachicola, Florida and its accompanying “Schedule of District Regulations” developed in accordance with the Comprehensive Plan adopted for the City of Apalachicola.
 - b. To amend the “Schedule of District Regulations” and “Official Zoning Map” or any other provisions prescribed in this code. If, because of an error or omission in the “Official Zoning Map” any property within the jurisdiction of the Local Government is not shown as being in a zoning district, the classification of such property shall be established by the Governing Body in consultation with the Planning and Zoning Commission.
 - c. To serve as the Chief Administrative and enforcement agent for the local government, the responsibilities of which shall include the consideration of appeals and recommendations from various local governmental entities and officers acting in their official capacity pursuant to this code and the rendering of such decisions as required, provided that such is consistent with the provisions of this code and shall include hearing and passing on disputed questions which may arise in connection with the interpretation of zoning standards or variances and special exceptions thereto. The duties of the Governing Body pursuant to this code shall be only that of considering and passing on any proposed amendment or repeal, as provided and/or pursue other local remedies as necessary to ensure the proper enforcement of this code, and of establishing fees and charges as prudent and necessary in the administration of this code.
 - d. The City Commission will address final appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Planning and Zoning Board in the enforcement of this code or the Board of Adjustment as it relates to variances.
 1. Filing of Official Appeal. Appellant must file an official appeal to the City Commission along with \$500 fee.
 2. Notice of Appeal will be advertised in paper of local record at least 2 weeks prior to scheduled appeals hearing.

3. Appeals from final appeal decisions of the City Commission. Unless superseded by other provisions of state and local laws, a person or persons, jointly or severally, aggrieved by an appeal decision of the City Commission may file an appeal to the circuit court within 30 days of decision by Commission. Review by the court shall be whether by trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellant Rules. The election of remedies shall lie with the appellant.
- e. Decisions of the City Commission- In exercising its authority, the City Commission may, provided that such action is in conformity with the terms of this code, reverse or affirm, wholly or partly, or modify the order, requirement decision or determination appealed from and may make such order, requirement, decision or determination as sought to be made and to that end shall have the powers of the building inspector from whom the appeal is taken.

The concurring vote of four (4) members of the City Commission shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this code or to effect any variation in the application of this code. The granting of a variance of the City Commission shall not confer upon the applicant any expressed authority to proceed with any development not specifically permitted or for which no permit has been issued pursuant to Section IIIB of this code.

- f. Appeals to the City Commission. Appeals to the City Commission may be taken by any person aggrieved or by any officer, or bureau of the Governing Body affected by any decision of the building inspector. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or lesser period as may be provided by the rules of the Board, by filing with the City Commission a notice of appeal specifying the grounds thereof. The building inspector from whom the appeal is taken, shall upon notification of the filing of the appeal, forthwith transmit to the City Commission all documents constituting the record upon which the action appealed from was taken.
- g. Hearing of Appeals. The City Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any interested party may appear at the hearing in person or through an agent or attorney. Appellants may be required to assume such reasonable costs in connection with their petitions as may be determined by the City Commission.

Section III. A.2. is amended to read as follows:

2. Planning and Zoning Board- The Planning and Zoning Board of the City of Apalachicola, established and organized pursuant to the provisions of City Ordinance 76-2, codified at Chapter 2 Sections 2-33 to 2-34, Code of Ordinances, shall act to guide and control future development in the City of Apalachicola through its review and implementation of the comprehensive plan adopted for the City, and where necessary, shall act to recommend to the Governing Body such changes in the plan as may from time to time be required. The power and duties of the Board, in addition to those contained in the references authority shall also provide for the following:
 - a. Review and approve plans for construction, alteration and demolition of all development located or to be located within the City limits.
 - b. The intake of documents which require the recommendation of the Board.
 - c. The review of those matters referred to the Board and scheduling of public meetings for the purpose of reviewing such documents.
 - d. The review at each monthly meeting of the Board of all development permits and Certificates of Occupancy issued during the previous month.
 - e. The transmittal to appropriate governmental agencies and entities, the recommendations of either the City's planning staff or the Board where such is required by this Code.
 - f. Internal procedures required to carry out the intent of this Code.
 - g. The role and responsibilities of the Board as the Architectural Review Board for the City.
 - h. The review and approval of site plans where required by this Code.
 - i. The review and approval of storm water management plans where required by this Code.
 - j. The review and disposition of requests for special exceptions consistent with the provisions of the "Schedule of District Regulations" and in harmony with the purpose and intent served by this Code. IN deciding such questions as are involved in the determination of when special exceptions should be granted and any appropriate conditions and safeguards attached thereto, the Board:
 1. Shall find that such grant will not adversely affect the public interest.
 2. May prescribe appropriate conditions and safeguards in conformity with the standards set forth in this Code, the Code of Ordinances, Comprehensive Plan adopted for the City of Apalachicola, and any other applicable land development regulation adopted by the Governing Board.
 3. May prescribe a reasonable time limit within which the action for which the special exception was granted shall be commenced, completed or both.
 4. Shall confer with the City Commission prior to permit approval on all impact developments.

Requests for special exceptions shall be made in writing to the building inspector, stating fully the nature of the use or structure for which the exception is being sought. Such application, along with all documentation and support material necessary in the consideration of the requests, shall be presented to the Board staff for preliminary review and recommendations.

Public notice shall be given of a public hearing and written notice thereof shall be given to the owner or his/her authorized agent and, insofar as practicable, to owners of abutting properties and other properties directly affected by the request. In cases where property in question is adjacent to the City limits, the Franklin County Planning Department shall be notified of the proposed special exception. All hearings shall be open to the public and provide opportunity to any party who may wish to appear in person, or by agent or attorney. Applicants may be required to assume such reasonable costs in connection with requests as may be determined by the Board through action in setting of fees to be charged.

When, in the finding of the Board the granting of a special exception is consistent with the intent and purpose served by the particular zoning district for which the exception is sought and all other applicable provisions of this code, the Board shall notify the applicant in writing by certified mail of the decision and of any questions and safeguards attached thereto. The granting of a special exception by the Board shall not confer upon the applicant any expressed authority to proceed with any development not specifically permitted or for which no permit has been issued pursuant to Section III B of this Code.

- k. The discharge of any requirements or responsibility assigned or deemed necessary by the Governing Body for the proper administration of this Code, the Code of Ordinances, or Comprehensive Plan adopted for the City of Apalachicola including the procedures to be used in the consideration of any proposed changes in the status of nonconforming uses and structures, were permitted by the Code.
3. Board of Adjustment- The Board of Adjustment of the City of Apalachicola, established and organized pursuant to the enabling provisions of City Ordinance 59-7, codified at Chapter 6, Section 6-2 and Section 8 Appendix A, Code of Ordinances, City of Apalachicola, shall act to consider appeals to any administrative order, requirement, decision, or determination made by the Local Government in the enforcement of this Code and requests for Variances from its terms. The power and duties of the Board of Adjustment shall provide for the following:
 - a. Administrative Review: To head and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this code. Such appeals shall include appeals from decisions of the building inspector to refuse permits for structures or uses on grounds that the intended structure or use would be dangerous or offensive because of odor, smoke, noise, glare, fumes, gas, fire or vibration, or hazardous because of danger of fire or explosion. In deciding

appeals on such classes of cases, the Board shall not reverse the decisions of the building inspector unless it finds that the proposed structure or use will be no more dangerous, hazardous or offensive in its operation than permitted principal structures and uses (other than nonconforming structures and uses) of all similar nature in the same district.

- b. Variances: Conditions covering applications and procedures, to authorize upon appeal in specific case such variance from the terms of this Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary hardship; provided however, that the Board shall not issue a variance from the terms of this Code unless and until:
 1. An application for such variance has been received by the Board, stating fully the special conditions and circumstances applying to the building or other structure or land for which such variance is sought, which conditions and circumstances must be peculiar to such land, structure or building and not apply generally to neighboring lands, structures or buildings in the same district. The application shall further demonstrate that the existing conditions and circumstances are such that the strict application of the provisions of this Code would deprive the applicant of reasonable use of said land, building or structure in the same district and permitted under the terms of this Code, and that the peculiar conditions and circumstances are not the result of the actions of the applicant. No nonconforming use of neighboring lands, buildings or structures legal or illegal in the same district and not permitted use of lands, buildings or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.
 2. Public notice shall be given of a public hearing and in addition, written notice shall be given to the owner or his/her agent and insofar as practicable, to owners of abutting properties and other persons directly affected by the variance request.
 3. All hearings shall be open to the public and provide opportunities to any party who may wish to appear in person, or by agent or by attorney.
 4. The board shall find that special circumstances or conditions exist which are peculiar to the land, building or other structure for which the variance is sought and do not generally apply to neighboring lands, buildings or other structures in the same district; that strict application of the provisions of this Code would provide the applicant with no means for reasonable use of the land, building or other structure equivalent to the use made of neighboring lands, buildings or other structures in the same district; and that the peculiar conditions and circumstances existing are not the result of the actions of the applicant.
 5. The Board shall find that the reasons set forth in the application justify the granting of a variance, and that the variance proposed to be granted is the minimum variance that will make possible use of the land, building or structure.

6. The Board shall find that the granting of the variance will be in harmony with the general purpose and intent of this Code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 7. In granting any variance, the Board shall prescribe any conditions and safeguards it deems necessary or desirable to ensure conformance with the standards of this Code and the Code of Ordinances and Comprehensive Plan adopted for the City of Apalachicola. Violation of such conditions and safeguards, when made a part of the terms under which such variances was granted shall be deemed a violation of this Code.
 8. The Board may prescribe, as a condition to its granting of a variance, a reasonable time limit within which the action for which the variance was granted shall be commenced and/or completed.
 9. Under no circumstances shall the Board issue a variance to permit a use not generally or provisionally permitted in the district involved in the request, or any use expressly or by implication prohibited by the terms of this Code in the referenced district. The Board shall not issue a variance that would in any way increase the density upon a parcel of land if not generally or provisionally permitted in the district in which the parcel is located. The Board shall not issue a variance which would permit the reduction of the required setback requirements along arterial and collector roads as defined in the Traffic Circulation Element of the City of Apalachicola Comprehensive Plan.
 10. The Board shall find that the granting of the variance will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same district.
- c. Decisions of the Board of Adjustment. In exercising its authority the Board may, provided that such action is in conformity with the terms of this Code, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as sought to be made and to that end shall have the powers of the building inspector from whom the appeal is taken.

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this code, or to effect any variation in the application of this Code. The granting of a variance by the Board shall not confer upon the applicant any expressed authority to proceed with any development not specifically permitted or for which no permit has been issued pursuant to Section III B of this Code.

- d. Appeals to the Board of Adjustment. Appeals to the Board may be taken by any person aggrieved or by any officer, or bureau of the Governing Body affected by any decision of the building inspector. Such appeals shall be taken within a reasonable time, not to exceed sixty (60) days or lesser period

as may be provided by the rules of the Board, by filing with the Board a notice of appeal specifying the grounds thereof. The building inspector from whom the appeal is taken, shall upon notification of the filing of the appeal, forthwith transmit to the Board all documents constituting the record upon which the action appealed from was taken.

- e. Hearing of appeals. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Any interested party may appear at the hearing in person or through an agent or attorney. Appellants may be required to assume such reasonable costs in connection with their petitions as may be determined by the Board and Governing Body.
 - f. Stay of proceedings. An appeal to the Board stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the Board that, because of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, work or proceedings shall not be stayed except by restraining order which may be granted by the Board or by a court of record on application, on notice to the official from whom the appeal is taken and on due cause shown.
 - g. Appeals from decisions of the Board of Adjustment. Unless superseded by other provisions of state and local laws, a person or persons, jointly or severally, aggrieved by any decision to the circuit court within 30 days of decision by the Board. Review by the court shall be wither by trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellant Rules. The election of remedies shall lie with the appellant.
4. Building Inspector- In addition to the authority provided in and requirement of Chapter 6, Code of Ordinances, City of Apalachicola, the building inspector shall act as the principal permitting and enforcement official in carrying out the provisions of this code. The building inspector, unless otherwise ordered by the Governing Body, shall have the following powers and duties:
- a. To accomplish all administrative actions required by this Code, including: the issuance of notices as specified in this Code or as otherwise required; the receiving and processing of all applications for development permits, zoning changes, variances, special exceptions and certificates of occupancy as required by this Code; and the acceptance and accounting for fees authorized by and required in the administration of this Code. All fees collected in the administration of this Code shall be turned over to appropriate fiscal officer and maybe allocated by the Governing Body to the budget of the building inspector.
 - b. To review and decide on all applications for any permits and certificates as required by this Code and find that said permits and certificates conform to the applicable provisions of this Code and the Code of Ordinances and Comprehensive Plan adopted for the City of Apalachicola.

- c. To undertake preliminary negotiations with and provide advice to all applicants for zoning changes, variances, special exceptions, and certificates of occupancy regarding the provisions of this Code and refer where required such applications to Planning and Zoning Commission and Board of Adjustment or other involved agencies of state and local government.
- d. To refer to other involved agencies, departments or governmental bodies for review, all applications for which such reviews are specified in this Code; serve as point of contact for the City with other agencies as required; and provide copies of all documents requested by other agencies or required by this Code.
- e. To advise the Planning and Zoning Commission and/or Governing Body, regarding modifications of this Code, the Official Zoning Map, and Comprehensive Plan. Where such modifications are proposed the building inspector shall also submit a written report outlining the need for such changes.
- f. To act on or refer to the proper department, agency or government, within 3 calendar weeks of the date of filing or within such longer period as may be agreed upon by the building inspector and applicant, any matter brought before the building inspector.
- g. To make all required inspections necessary to make decisions on matters on which the building inspector is empowered to render such decisions or, subject to the approval of the Governing Body, to enlist such expert opinion as deemed necessary to report upon any technical issues that may arise.
- h. To enforce all applicable provisions set forth in this Code and to cooperate with other governmental agencies, departments, and branches of government in such ways as may be required to accomplish this end.

B. ADMINISTRATION: RULES OF PROCEDURE

1. Development Permits- No building or other structure shall be erected, moved, enlarged or structurally altered (to include demolition) without a valid permit issued therefor by the city building inspector. All applications for a development permit shall be completed and submitted by the owner or his/her authorized agent to the building inspector in accordance with the provisions of this Code. Unless upon written order from the Board of Adjustment authorizing otherwise, no permit shall be issued except in complete conformity with the provisions of this Code. A permit shall carry with it the right to engage in any activity or perform any work as shown on the drawings and set forth in the specifications filed with the application for the permit. Where such specification is not given, the activity or work is not authorized by the permit; a separate permit shall be required.

Minor repairs to an existing conforming structure not affecting its structural integrity, floor area ratio (FAR), or change in the configuration of the basic floor plan, may be made with the approval and written consent of the building inspector, provided that such repairs do not violate any of the provisions of the

Standard Building Code, National Electrical Code, Standard Plumbing Code or the provisions of this or other applicable ordinances.

2. Permit Application/Review- Each application for a development permit and, where required, with the appropriate fee shall be filed with the building inspector on a form furnished for such purpose which shall contain, at a minimum, the following information:
 - a. A location map and conceptual site plan of appropriate scale indicating the lot or property lines and physical description of the parcel with respect to:
 - 1) General topography including highest elevation above mean or ordinary high water and slope contours.
 - 2) The proposed development's distance from mean or ordinary high water and vegetated wetlands under the jurisdiction of the state.
 - 3) The number and size(s) of structures existing on the parcel.
 - 4) The proposed development's proximity to lot lines, setbacks, right of way, or easements and, where applicable, with respect to septic tank location and potable water supplies.

Where required by Section IV I of this ordinance a more detailed site plan shall be required, as per Section IV E (7)

- b. Where required, a current septic tank installation permit (for new on-site sewage disposal systems) or a current inspection of an existing system or other wastewater authorization approved by the County Environmental Health Director for compliance with Florida Department of Health and Rehabilitative Services rules and regulations.
- c. For all new construction, including any enlargement or alteration of an existing structure that changes its area of enclosed heated floor space, the applicant shall be required to submit, in duplicate, drawings and plans showing:
 - 1) the basic floor plan
 - 2) foundation details
 - 3) elevation of floor level above the grade
 - 4) structural details
 - 5) All electrical, plumbing, heating and air conditioning equipment and service outlets.

The application shall also include such other information as may be required by the building inspector to determine conformance with and provide for the enforcement of this code. Such additional requirements may include information deemed necessary for the issuance of the certificate of occupancy such as that pertaining to the existing or proposed uses of the structure and land, the number of families, housekeeping and/or rental units the structure is designed to accommodate, or conditions existing on the lot which might affect its use.

The completed application shall be signed by the owner or his/her authorized agent and submitted to the building inspector along with all drawings and plans for review and consideration by the appropriate approving authority. When and if the proposed development is approved and a decision has been made to issue the permit, one copy of the drawings and plans submitted with the application shall be so marked and returned to the applicant by the building inspector advising of his/her decision any of any terms or conditions attached thereto. The second set of drawings and plans shall be retained by the building inspector in the file of the City Clerk.

If, in the finding of the building inspector, the application submitted for a development permit is incomplete with respect to the requirements listed in Section III B of this Code, the building inspector may deny the permit or suspend review subject to the receipt of additional information from the applicant or the applicant's authorized agent.

A written checklist completed and signed by the building inspector and certifying the proposed development's conformance with this Code and other applicable land development regulations adopted for the City of Apalachicola shall accompany all completed permit applications and become part of the permanent record for each development order rendered by the City. Where development is permitted as a special exception or in variance to the applicable standards of this Code, the record shall include the proceedings of and the findings of fact made by the respective Commission and Board.

3. Certificates of Occupancy- A certificate of occupancy required to occupy or permit the use of any enclosed structure designed as a full or part-time, temporary or permanent, living area or work space or for any alteration or enlargement thereto involving heated floor space. Under no circumstances shall electrical service be authorized without a certificate of occupancy issued by the building inspector attesting to the conformity of the structure and proposed use of the premises to the requirements of this Code and other applicable standards designed to protect the safety of the occupants and the public.
4. Application for Certificates of Occupancy- an application for a certificate of occupancy shall have been deemed made when the owner or his/her authorized agent submits a completed application for a development permit pursuant to Section III B (1) of this Code. Upon completion of the proposed development activity, and a final electrical inspection and connection to a municipal sewer line or system as required in Section III B (2) b of this Code, the building inspector shall issue the certificate of occupancy.

A certificate of occupancy shall be held valid indefinitely, provided that the structure or the use of land for which it is issued is not altered so as to require the issuance of a development permit pursuant to Section III B of this Code and that the use of the subject structure remains unchanged. The building inspector shall maintain a record of all certificates of occupancy on file in the City Clerk's office

and copies shall be furnished upon request to any person having an interest as proprietor or tenant of the affected structure or use.

No nonconforming structure or use shall be allowed to continue until a certificate of occupancy has been issued by the building inspector stating specifically the matters wherein the nonconforming use differs from the provisions of this Code. Upon the enactment of or amendment to this Code the owners or their authorized agents of nonconforming uses or structures shall have three (3) months to apply for certificates of occupancy, after which time failure to have made such application shall be presumptive evidence that the property was not a nonconforming use at the time of adoption of this Code.

C. ENFORCEMENT

1. Expiration of Development Permits- If the work authorized by the development permit has not commenced within 180 days from the date of issuance, said permit shall expire and deemed no longer valid and notice thereof shall be given in writing to the person affected. The permitted is required to notify the building inspector upon commencement of the work pursuant to the permit; failure to do so shall be deemed a violation of this Code and may result in the issuance of a stop work order by the building inspector or the revocation of this development permit as provided in Section III C 2 of this Code.

Development permits issued in accordance with provisions of this Code shall be held valid for a period not to exceed one (1) year from the date of issuance or, where in the finding of the building inspector that construction is occurring on an uninterrupted basis, until such permitted development is complete. Exceeding the time to act limitation of the permit, or where it has been determined that construction has not occurred on an uninterrupted basis within 90 days following a scheduled inspection, shall be grounds for revoking a permit.

2. Suspension of Work and Permit Revocation. Where a finding has been made by the building inspector that development has occurred or is occurring without the issuance of valid development violates or exceeds the conditions and terms of the permit, the Standard Building Code, or any other provision of this Code, the building inspector shall post stop work orders and, at the direction of the Governing Body, revoke development permits.
 - a. A stop work order shall be considered issued when a notice is posted at the construction site and a notification of such action is sent by certified mail to the permitted or his/her authorized agent.
 - b. If the issuance of a stop work order does not result in a suspension of the activity found to be in noncompliance with the provisions of this code, or where the permitted has failed to act pursuant to Section III C2 c of this Code, the building inspector, based upon a finding that such conditions still exist, shall act to make a recommendation to the Governing Body to revoke the permit and notify the permitted by certified mail of the recommended action.

The act of revoking a development permit shall be construed as a permanent invalidation of the permit.

- c. In order to lift the suspension imposed by the stop work order, or in the case where a permit is held no longer valid pursuant to Section III C 1 of this code, the permitted must act within 30 days of the notice of violation to file an appeal with the Board of Adjustment. The Board of Adjustment shall act in accordance with Section IIIA3 of this Code to schedule a public hearing at which time the permitted or his/her authorized agent may present any evidentiary material demonstrating that the activity cited in violation is, in fact, in compliance with all applicable provisions of this code including, but not limited to, conditions prescribed in the permit and the permit's validity pursuant to Section IIIA3 of this Code and any other authority created by the Governing body to:
 - 1) uphold the building inspector's issuance of a stop work order or recommendation to revoke the permit;
 - 2) Find for the permitted and set aside the stop work order or recommend to the Governing Body to revoke the permit; or
 - 3) Prescribe corrective actions as necessary to ensure the permitted activity's conformance with the provisions of this Code including fixing a reasonable time within which to make the prescribed corrections or satisfy such conditions and safeguards as deemed prudent by the Board of Adjustment to eliminate or reasonably mitigate the permitted activity's adverse impact and detriment to the area and to the public interest.
 - d. The building inspector may act within the 30 day period prescribed in the preceding section to rescind the stop work order or to withdraw his/her recommendation to the Governing Body to revoke the permit if in his/her finding the permittee has demonstrated that the activity cited in violation of this Code has, since the finding of noncompliance been brought into compliance. If the permittee fails to act within the prescribed period of time to file an appeal with the Board of Adjustment or to prove to the building inspector that the violation has been corrected or, where applicable, to produce documented evidence of compliance with the provisions of this Code, the building inspector shall act to revoke the permit in accordance with its provisions at Section III C2b. The act of permit revocation shall constitute a finding of guilt and such parties responsible for the activity against which such finding is brought shall be subject to such fines and penalties prescribed in this Code, the Code of Ordinances adopted for the City and Chapter 125.69, Florida Statutes.
3. Administrative Enforcement- Where a finding has been made and a recommendation accepted from the building inspector to revoke a permit, and where the permittee has chosen not to appeal to the Board of Adjustment or where the decision of the Board upholds the finding and recommendation of the building inspector, the Governing Body shall act to direct the building inspector to serve notice in writing by certified mail and command the Chief of Police to aid in the

timely execution of such enforcement order. Where an appeal is taken from a decision of the Board of Adjustment to uphold the recommended action of the building inspector in accordance with Section III A3g of this Code, the Governing Body shall stay its ministerial powers to act in carrying out the provisions of this section.

D. PENALTIES

1. Any person who shall violate any of the provisions of this Code or fail to comply with any of its requirements including those set forth in Section IIIC3, or build or alter any building or structure contrary to intent expressed or approved, or without obtaining the required permits and certificates, or use any land, building or other structure in a manner prohibited by this Code, shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
2. The owner or tenant of any building, structure, premises or part thereof and any architect, builder, contractor, agent or other person who commits, takes part in, assists in, or maintains such violation shall each be guilty of a separate offense and suffer the penalties provided herein.
3. Every violation of this ordinance shall constitute a misdemeanor and be punishable as such, but nothing herein contained shall prevent the City of Apalachicola from taking such other action as is necessary to prevent or remedy any violation.