

ORDINANCE

- 37 -

AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND CONSTRUCTION OF BUILDINGS AND STRUCTURES IN THE CITY OF FARMINGTON, IOWA, AND PROVIDING PENALITIES FOR VIOLATIONS

BE IT ENACTED By the Council of the City of Farmington, Iowa:

SECTION 1 Purpose The purpose of this Ordinance is to lessen congestion in the streets and public ways; to secure safety from fire; to promote health and the general welfare; and to facilitate the adequate provision of water and sewerage requirements in the City of Farmington, Iowa.

SECTION 2 Definitions For use in this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense.
2. The singular includes the plural.
3. The word "person" includes a partnership, corporation and business association as well as an individual.
4. The word "lot" includes the words "plat" or "parcel".
5. The term "shall" is always mandatory.
6. The word "structure" means a combination of materials other than a building to form a construction that is safe and stable and includes, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, garages, loading docks, and signs.
7. "Residential" includes dwelling units, churches, schools, libraries, parks, playgrounds, buildings or structures used in small home occupations (provided that there shall be no signs or other evidence of such use other than a small announcement or professional sign not over two square feet in size), hospitals, cemeteries, small scale agricultural operations (including gardens, nurseries and greenhouses), public utility structures necessary for the service of the area, as well as other customary accessory buildings and structures, provided the same are incidental to the principal use and do not include any buildings or structures commonly used in

conducting a business unless otherwise provided for; but "residential" does not include hotels and motels.

SECTION 3 Application of Regulations Except as hereinafter provided:

1. No building or structure shall hereafter be erected, moved or altered unless in conformity with the regulations herein specified.
2. No building or structure shall hereafter be erected or altered to have narrower or smaller front yards, rear yards, or side yards than are specified herein.
3. No part of a yard or other open space required about any building or structure for the purpose of complying with this Ordinance shall be included as a part of a yard or other open space similarly required for another building or structure.

SECTION 4 Permit Required Before any building or structure may be erected, moved or altered, the person desiring to erect, move or alter said building or structure must procure a permit from the City Council of Farmington, Iowa.

SECTION 5 Application for Permit A permit may be procured by filing with the City Clerk of Farmington, Iowa, written application containing the following information:

1. The person making the application.
2. The person desiring to erect, move or alter the building or structure.
3. The type of building or structure to be erected, moved or altered and the location thereof.
5. The materials to be used.
6. The estimated dates for the commencement and completion of this activity.
7. The distances in feet that will be between the completed building or structure and the lot lines of the property upon which the same shall be located.

SECTION 6 Approval and issuance of permit A permit will be issued by the City Clerk of Farmington, Iowa, upon approval of the application by a

majority of the City Council of Farmington, Iowa. Said approval shall not be withheld as long as the building or structure will conform to the following requirements when its erection, movement or alteration is completed:

1. For residential buildings and/or associated structures, each lot shall have front, side and rear yards not less than the following depth and width:

(a) Front yard depth - 15 feet.

(b) Each side yard width - 5 feet.

(c) Rear yard depth - 5 feet.

2. For commercial buildings and/or associated structures there shall be:

(a) A rear yard of not less than 10% percent of the depth of the lot.

(b) A side yard, if provided, shall not be less than three (3) feet wide.

3. For industrial buildings and/or associated structures, each lot shall have a front yard not less than twenty (20) feet in depth.

SECTION 7 Interpretation The City Council of Farmington, Iowa, shall have the complete power to make all interpretations necessary under this Ordinance.

SECTION 8 Non-conforming Buildings and Structures Any building or structures existing at the time of the enactment of this Ordinance may continue to exist in its present condition even though it does not conform with the provisions of this Ordinance.

SECTION 9 Penalty Anyone violating any of the provisions of this Ordinance shall upon conviction be subject to imprisonment not exceeding 30 days or a fine not exceeding \$100.00 and Ordinance shall be adhered to.

SECTION 10 Repealer All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11 Severability clause If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 12 When Effective This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 12th day of May, 1975, and approved this 12th day of May, 1975.

Robert T. Hambright, Mayor
Mary Jo Smith, Clerk

I hereby certify that the foregoing was published as Ordinance No. 128 by posting within the Town of Farmington, Iowa at Farmington Post Office, Town Hall, Police Station, and State Central Bank, on May 16, 1975. Signed by Mary Jo Smith, Town Clerk.

Reviewed 3/31/80

AMENDMENT TO ORDINANCE NO. 37

SECTION 2, Paragraph 6:

The word "fences" is removed from the definitions of structures.

SECTION 6, Paragraph 4:

Fences, either for commercial or residential property, may be erected on established property lines. A person desiring to erect, move or otherwise alter a fence must procure a permit from the City of Farmington, Iowa.

Amendment Published:	Leader-Record, October 29, 1998
First Reading:	Public Hearing, November 9, 1998
Second Reading:	Waived: Regular Council Meeting, December 7, 1998
Third Reading:	Regular Council Meeting, December 7, 1998

Passed by the Council for the City of Farmington, Iowa, this 7th day of December, 1998.

Raymond Clemenson, Mayor
Joan Rohdy, Clerk

Reviewed: 11/9/15