ORDINANCE NO. 784

AN ORDINANCE to regulate and restrict the location and use of buildings and the use of land within the City of Kent, Washington, to limit the height of buildings; to prescribe building lines and the size of yards and other open spaces, and for these purposes to divide the city into districts.

THE CITY COUNCIL OF THE CITY OF KENT DO ORDAIN AS FOLLOWS:

SECTION 1

1. This Ordinance shall be known as the "Zoning Ordinance of the City of Kent".

2. This Ordinance shall consist of the text hereof and as well of that certain map or book of maps identified by the approving signature of the Mayor and City Clerk on the title page and marked and designated as "The Maps of the Zoning Ordinance of the City of Kent", which map of book is now on file in the Office of the City Clerk of this City. Said book of maps has been heretofore examined in detail by the City Council, and is hereby adopted as a part of this Ordinance. Said Ordinance, and each and all of its terms, is to be read and interpreted in the light of the contents of said books or maps. If any conflict between the map or book of maps and the text of this Ordinance is deemed to arise, the text of the Ordinance will prevail.

SECTION 2

For the purpose of this Ordinance certain words and terms are defined as follows:

Words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular number. Words not defined herein shall be construed as defined in the building ordinances of the City of Kent if defined therein.
1. **"ACCESSORY USE OR BUILDING"**: A subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building.

2. **"ALLEY"**: A vehicular right of way not over thirty feet wide.

3. **"APARTMENT HOUSE"**: A building or portion thereof or intended to be used as the home of three or more families or householders living independently of each other.

4. **"COURT"**: An open, unoccupied square other than a yard on the lot on which a building is erected or situated. A court, one entire side or end of which is bound by a front yard, a rear yard, or a side yard, or by the front lot, or by a street or public alley, is an "outer court". Every court which is not an "outer court" is an "inner court".

5. **"COURT HEIGHT"**: The court height shall be measured from the floor level of the lowest story in the building in which there are windows from rooms served by the said court, to the highest point of the enclosing walls of the said court.

6. **"ESTABLISHED GRADE"**: The high point of sidewalk at the front lot line as established by the City Council.

7. **"FAMILY"**: A number of related individuals or not more than four (4) unrelated individuals living together as a single housekeeping unit and doing their cooking on the premises.

8. **"HEIGHT OF BUILDING"**: The height of a building is the vertical distance at the center of a building's principal front, measuring from the level of the first floor above grade to the highest point of the roof beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable hip or gambrel roofs. For buildings set back from the street line, the height shall be measured from the average elevation of the finished grade, along the front of the building.

9. **"LOT"**: Land occupied or to be occupied by a building and its accessory building, including such open spaces as are required under this ordinance and having frontage upon a street or alley.

10. **"PUBLIC GARAGE"**: Any premises used for the storage or housing of more than three steam or motor-driven vehicles, or where such vehicles are repaired or kept for hire or sale.

11. **"FRONT YARD"**: An open unoccupied space on the same lot with a building, between the front line of the building (exclusive of steps) and
the front property line.

12. "FRONT PROPERTY LINE": The front property line shall be the front line as shown upon the official plats of the property.

13. "MULTIPLE UNIT RESIDENCES": A building arranged to be occupied by not more than two (2) families.

14. "REAR YARD": An open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory building) and the rear line of the lot.

15 "SIDE YARD": An open unoccupied space on the same lot with a building between the side wall line of the building and side line of the same lot.

16. "SINGLE-FAMILY RESIDENCE": A building arranged or designed to be occupied by not more than one family.

17. "STORY": That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

18. Whenever the term "this ordinance" is used herein, it shall be deemed to include, where the context permits, all amendments thereto as the same may hereafter from time to time be adopted.

SECTION 3
USE DISTRICTS

The City of Kent is hereby divided into four (4) types of Use Districts as follows:

1. Residential District (R-1 is symbol on maps)
2. Residential and Light Commercial (R-2 is symbol on maps)
3. Commercial Use District (C is symbol on maps)
4. Manufacturing District (M is symbol on maps)

SECTION 4
R-RESIDENTIAL DISTRICT

In the R-Residential District, no building or premises shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses;

1. Single and multiple unit residences.
2. Apartments, hotels and offices may be allowed by permit, if approved by the Planning Commission after public hearing, examination of the location, and upon due proof to the satisfaction of the Commission that such proposed use will not be unduly detrimental to adjacent surrounding property.

3. Libraries and art galleries.

4. (A) Accessory buildings, such as are ordinarily appurtenant to single-family dwelling, shall be permitted, including one private garage to each family, when located not less than sixty (60) feet from the front line nor less than twenty (20) feet from any flanking street line, unless attached to or within the residence.

   (B) The office of a physician, dentist, or other professional person when located in his or her residence, also home occupation engaged in by individuals within their residences, are permitted provided that no window display is made or any sign shown other than one not exceeding two (2) sq. ft. in area, and bearing only the name and occupation of the occupant. The renting of rooms for lodging purposes only, for the accommodation of not to exceed six (6) persons, in a single-family residence is likewise permitted.

   (C) Signs not exceeding six (6) sq. ft. in area pertaining to the leasing, rental or sale of buildings or premises are permitted; signs of non-conforming uses are likewise permitted, provided, however, that such signs shall be erected flat against the building or painted upon the sides thereof; all other signs, sign boards, and billboards are prohibited.

   (D) Nothing herein contained shall be deemed to prohibit the use of vacant property for gardening or fruit raising.

   (E) No trailer shall be used as a place of habitation but may be stored on the property.

   (F) A Nursery or greenhouse may be located within an R-Residential District; special permit for a period of not more than ten (10) years, issued by the Council after hearing and examination of the location and the making of a finding by the City Planning Commission that such nursery or greenhouse may be maintained for such period without undue detriment to adjacent and surrounding property.

   (G) Telephone exchanges and electric substations and similar uses of public service corporations, municipal corporations, and hospitals may be
permitted by special permit from the Commission, provided such building shall conform to and harmonize with surrounding buildings as type of architecture, set-back and landscaping. Complete plans showing elevations and locations on the lot, together with the location of adjoining residential buildings, must be submitted to the Planning Commission with application for permit.

(H) Churches, schools, parks and playfields (either public or private) may be allowed by special permit from the Council after public hearing examination of the location upon due proof to the satisfaction of the Planning Commission that such school or church will not be unduly detrimental to adjacent and surrounding property.

(I) Private garages in R-Residential District shall be limited to nine (9) percent of the lot area, provided that nothing in this regulation be construed to prevent the building of a private garage of not more than two (2) car capacity on any lot or plot of record at the time of passage of this ordinance.

FRONT YARD: There shall be a front yard having a minimum depth of (20) feet.

REAR YARD: There shall be a rear yard having a minimum depth of twenty-five (25) feet, except that on a lot which is a complete unit held under separate and distinct ownership from the adjoining lots and of record prior to the taking effect of this ordinance, this depth of rear yard may be reduced to not less than ten (10) feet, if necessary, to such an extent only as will permit a building depth of thirty (30) feet.

SIDE YARD: There shall be a side yard of not less than five (5) feet in width on each side of a building, (side of building means outer face of any part of building nearest to side line, not including roof eaves) and side yard along flanking side street shall not be less than ten (10) feet.

SITE AREA: Every building hereafter erected or structurally altered which is located in an R-Residential District, shall provide a lot area of not less than five thousand (5000) sq. ft. with a minimum of width of fifty (50) feet, provided, however, that where a lot has less area than herewith required, as shown by the last conveyance of record at the time of the passage of this ordinance, this regulation should not prohibit one (1) private residence and its accessory buildings on such lot. Sixty-five (65) percent of the area of all sites must be left in open spaces free from structures.
HEIGHT LIMIT: No building shall exceed height of thirty five (35) feet.

SECTION § 4-A
R-2 RESIDENTIAL DISTRICT

In an R-2 Residential District the same rule shall apply as in an R-1 Residential District except that Light Commercial establishments such as small grocery or confectionary stores etc., may be allowed upon approval of the City Planning and Zoning Commission.

SECTION 5
C-COMMERCIAL USE DISTRICT

In the C-Commercial Use District, no building or premises shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one or more of the following uses:

1. Any use permitted in the R-Residential District, providing regulations pertaining thereto as heretofore provided, are complied.

2. Retail stores and shops, such as are usually needed to serve a residential district, such as grocery stores, meat shop, retail baker, etc., auto laundries, fender and body repair shops.

Banks
Bakeries.
Barber shops, beauty parlors, personal service shops.
Billboards and advertising signs and devices of any size, providing the same height and yard regulations governing buildings and structures in C-Commercial Use District are complied with.

Bottling works
Builders supplies
Electric shops, furniture stores, drug stores.
Hand laundries, clothes cleaning, and pressing.
Locksmith, shoe and other repair shops.
Lumber and building materials, cartage, express, hauling, coal and fuel stores, provided no such lumber, building material, coal and fuel yards shall be constructed closer than one hundred (100) feet to the boundaries of an R-District.

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Parking lots.
Photography shop
Plumbing shops.
Place for fire stations.
Printing establishments and newspaper printing.
Public garage, repair shops and battery service station,
tire repair shops.
Restaurants, cafeteries and catering.
Retail trade or shops for custom work or the making of articles not
manufactured by chemical processes.
Sales room or store rooms for motor vehicles and other articles of
merchandise, and used car lots in connection with new car agencies.
Service Stations.
Stores, retail and markets.
Studios, offices, business or professional.
Telephone exchanges.
Undertaking establishments and crematories, only when a permit therefor
has been first obtained from the Planning Commission.
Theaters, dance halls, skating rinks, or other commercial amusement
places, only when a permit therefore has been first obtained from the
Planning Commission.

HEIGHT LIMIT: Whenever any C-Commercial Use District is located with
or as adjacent to, on two or more sides, any R-Residential District, the
building in such C-Commercial Use District shall be limited to one (1) story
in height, provided however, that the City Planning Commission may allow a
building to be erected to an additional height not exceeding two (2) addi­
tional stories, by special permit after public hearing and examination of the
location upon due proof to the satisfaction of the City Planning Commis­sion
that such additional height will not be unduly detrimental to adjacent and
surrounding property. No buildings shall exceed a height limit of forty five
(45) feet nor four (4) stories.

FRONT YARD, SIDE YARD: No yards are required except for lots whose
side line is adjacent to a residential district, where said yard regulations
shall then be the same as in the R-Residential District, and front yard shall
conform to adjacent residences, side yard not less than five (5) feet, side
yard on flanking street to conform to front yards of residences to the rear but not less than ten (10) feet and rear yard shall not be less than ten (10) feet.

SECTION 6
M-MANUFACTURING DISTRICT

In the M-Manufacturing District, all buildings and premises may be used for the following:

1. Any uses permitted in C-Commercial District.
2. Farming, truck gardening, and such agricultural uses.
3. Any of the following uses:
   (1) Airplane manufacture.
   (2) Assaying.
   (3) Auto Assembly plants.
   (4) Boat building.
   (5) Cabinet shop, and-or woodworking shop.
   (6) Chain and cable manufacturing.
   (7) Clothing manufacture.
   (8) Clothing and dyeing establishments.
   (9) Cooperage works.
   (10) Dress manufacture.
   (11) Furniture manufacture.
   (12) Ice manufacturing plant.
   (13) Laundries.
   (14) Machine shop.
   (15) Milk bottling plants.
   (16) Machinery manufacture.
   (17) Painting and decorating shops.
   (18) Power, light, or steam plant (central station).
   (19) Warehouses.
   (20) Used car sales area.
   (21) Wholesale houses.
   (22) Welding, sheet metal and machine shops.

4. The following uses may be allowed by permit, if approved by the Planning Commission after public hearing, examination of the location, and upon due proof to the satisfaction of the commission that such proposed use will not be unduly detrimental to adjacent and surrounding property.
(1) Asphalt manufacture or refining.
(2) Automobile manufacture.
(3) Blast furnaces.
(4) Boiler works.
(5) Box manufacture.
(6) Breweries and distilleries.
(7) Brick, tile, or terra-cotta manufacture or storage.
(8) Broom and brush manufacture.
(9) Candle manufacture.
(10) Carbon manufacture.
(11) Cereal Mills.
(12) Celluloid or similar cellulose materials manufacture.
(13) Charcoal manufacturing or pulverizing.
(14) Chemical manufacture.
(15) Coke ovens.
(16) Creosote treatment or manufacture.
(17) Disinfectants manufacture.
(18) Distilleries and wineries.
(19) Dog pounds.
(20) Dry kilns.
(21) Dyestuff manufacture.
(22) Electro plating.
(23) Emery cloth or sandpaper manufacture.
(24) Enameling.
(25) Feed and cereal mill.
(26) Flour mill.
(27) Fish, food, canneries, processing plants.
(28) Foundries.
(29) Glass or glass products manufacture.
(30) Japanning.
(31) Junk, rags, scrap iron, or paper storage or bailing.
(32) Kelp reduction and the extraction of its by-products.
(33) Lamp black manufacture.
(34) Lubricating grease manufacture or oil compounds.
(35) Lumber or shingle mills.
(36) Match manufacture.
(37) Oilcloth or linoleum manufacture.
(38) Oxygen manufacture.
(39) Paint, oil, shellac, varnish or turpentine manufacture.
(40) Paper and pulp manufacture.
(41) Petroleum or by-products.
(42) Planing mill or woodworking plant.
(43) Plaster or wallboard manufacture.
(44) Printing ink manufacture.
(45) Railroad yard or roundhouse.
(46) Rolling or blooming mill.
(47) Rope manufacture.
(48) Salt works.
(49) Sawmill.
(50) Ship yards or ship building.
(51) Shoddy manufacture.
(52) Shoe manufacture.
(53) Soap manufacture.
(54) Soap and compound manufacture.
(55) Stables, commercial.
(56) Starch, glucose, or dextrine manufacture.
(57) Steel or iron mills.
(58) Stoneware or earthenware manufacture.
(59) Stove polish manufacture.
(60) Tar distillation or manufacture.
(61) Tar roofing or tar waterproofing manufacture or similar products of chemical composition.
(62) Textile mills.
(63) Tobacco (chewing) or cigar manufacture.
(64) Vegetable oil or other oil manufacture, refining or storage.
(65) Woolen pulling, scouring, woolen mills.
(66) Yeast plant.
Other uses which can reasonably be considered similar or related to the uses listed above, upon approval of the Planning Commission.

The following uses may have a building or occupancy permit issued for same, if and only when the location of such use shall have been approved by the Planning Commission after public hearing and examination of the location.

(a) Acid manufacture.
(b) Ammonia, chlorine or bleaching powder manufacture.
(c) Cement, lime and gypsum, and plaster of paris manufacture.
(d) Distillation of bones.
(e) Fat rendering.
(f) Fertilizer manufacture.
(g) Gas, manufacture or storage.
(h) Glue manufacture.
(i) Petroleum refining or manufacture of its by-products.
(j) Rubber or caoutchouc manufacture from crude material.
(k) Smelting, or refining.
(l) Tanning, curing or storage of raw hides or skins.
(m) Used car junk yards.
(n) Auto wrecking places, provided that when unhoused they shall be surrounded by an eight (8) foot solid wall or sight obscuring fence known herein as a structure, and the yard regulations of this district shall be observed; and provided further that no such auto wrecking places shall be maintained closer than one hundred (100) feet to the side lines of any other district.

REAR YARD: No rear yard is required except where a Manufacturing District abuts on a Residential District with no intervening street or alley, in which case a rear yard of not less than ten (10) feet is required.

SIDE YARD: No side yard is required except where a Manufacturing District adjoins a Residential District with no intervening street or alley, in which case the side yard requirements on the adjoining side shall be the same as required for the Residential District.

HEIGHT LIMIT: Four (4) stories.
1. FRONT YARD: Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

EXCEPTIONS: Eaves, cornices, steps, terraces, platforms and porches having no roof covering, and being not over forty-two (42) inches high may be built within a front yard. When forty (40) per cent or more, on front foot basis, of all the property on one side of a street between two intersecting streets at the time of passage of this ordinance, has been built up with buildings having a minimum front yard of more or less depth than that established by this ordinance, and provided that the majority of such front yards do not vary more than six (6) feet in depth, no building shall be built within or shall any portion, save as above excepted, project into such minimum front yards; provided further that no new buildings be required to set back more than thirty (35) feet from the street line in the R-Residential District, nor more than two (2) feet farther than any building on an adjoining lot and that this regulation shall not be so interpreted as to reduce a required front yard to less than ten (10) feet in depth.

2. SIDE YARD: Where any specified side yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

EXCEPTIONS: Eaves and cornices may extend over the required side yard for a distance of not more than two (2) feet.

Fences not over forty-two (42) inches may occupy a side yard.

The Planning Commission may upon the joint request of the owners of the adjoining properties, permit the erection of private garages or other outbuildings upon or immediately adjacent to the line between the two properties, after an examination of the location and the making of a finding that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor to the zone in which such permission is granted. Permits granted under the foregoing provision shall be limited to
structure or the life of the structures for which the permit is issued.

3. REAR YARD: Where any specified rear yard is required, no building shall be hereafter erected or altered so that any portion thereof may be nearer to the rear lot line than the distance indicated by the depth of the required yard.

EXCEPTIONS: Accessory buildings may be built within a rear yard, provided the required total open space area is not exceeded. No accessory building shall cover more than fifty (50) percent of the area of the rear yard.

4. OFF-STREET PARKING: Multiple unit residences and apartment houses shall provide for their tenants storage space for as many automobiles as there are apartments or housekeeping units.

SECTION 8
EXTENSION OF NON-CONFORMING USES

Any use not excluded from the M-Manufacturing District, which is a non-conforming use in any district in the city, may be continued by reconstruction, alteration, or expansion upon any tract of land held under the ownership and partially occupied by said use at the time of the passage of this ordinance, provided, however, that in the case of reconstruction the yard provisions of the district within which the use may be located shall be complied with.

In case of destruction by fire or other causes, reconstruction may be permitted if said reconstruction is made within one year from time of destruction, and provided, however, that the yard provisions of the district within which the use was located shall be complied with.

SECTION 9
OWNERSHIP DIVIDED BY A DISTRICT BOUNDARY LINE

If a district boundary line cuts a property line having a single ownership as of record at the time of passage of this ordinance, all such property may take the least restrictive classification, provided the property is developed as one unit.

ADMINISTRATION AND ENFORCEMENT

SECTION 10
INTERPRETATION AND APPLICATION

1. In interpreting and applying the provisions of this ordinance, they
shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare; therefore where this ordinance imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, ordinances, rules or regulations, the provisions of this ordinance shall control.

2. Furthermore, recognizing that there are certain uses of property that may, or may not, be detrimental to the public health, safety, morals and general welfare, depending upon the facts of each particular case, a limited power to issue permits for such uses is vested by specific mention in this ordinance in the Planning Commission, subject to review by the Council as herein provided. Subject to such review, the City Planning Commission (or the Council on review) shall have power to place in such permit conditions or limitations in its judgement required to secure adequate protection to the zone or locality in which the use is to be permitted. Likewise subject to such review, the City Planning Commission (or Council on review) shall have power to terminate any such permit, upon complaint and public hearing, for any violation of the terms or limitations theretofore prescribed.

3. The Planning Commission may permit in a zone any use not described in this ordinance and deemed by the Planning Commission to be in general keeping with the uses authorized in such zones.

4. The Planning Commission may approve the granting in undeveloped sections of the city, temporary and conditional permits for not more than two year periods, for structures and uses that do not conform with the regulations herein prescribed for the zones in which they are located.

5. In specific cases the Planning Commission under specific regulations may authorize the permit for the variation of the application of the use district regulations herein established, in harmony with their general purpose and intent, by granting a permit for a temporary building or land use for commerce and industry in an undeveloped residence district, which is incidental to the residential development, such permit to be issued for a period of not more than one year.

6. The Planning Commission may, in specific cases where the topography of the premises or the location of buildings existing prior to the passage of this ordinance made compliance with the provisions governing the location of private garages impossible, grant a special permit for a private garage to be
located nearer to the street line than main structure, but in any case where such location is within a required front or side yard, the highest point of a building so located shall not be more than thirty (30) inches above the average level of the ground on the side farthest from the street line.

7. It shall be the duty of the City Planning Commission:

(a) to interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan thereof, as shown by the maps fixing the several districts accompanying and made part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the maps aforesaid.

(b) To rule on the proper application, or to interpret the meaning of the zoning ordinances in case there is a dispute between the administrative officials of the city and any owner or owners of the property. Appeal to the Planning Commission may be made within ten days from such ruling. Appellant shall file with the building inspector and then with the Planning Commission written notice of the appeal. The building inspector shall forthwith transmit to the Planning Commission all papers constituting the record upon which the action appealed from was taken, and in addition thereto the Planning Commission may receive such additional evidence as seems relevant to it.

SECTION 11

APPEALS TO THE CITY COUNCIL

Any interested citizen or administrative officer of the city may appeal to the City Council from any ruling of the Planning Commission pertaining to the granting or denial of any permit applied for hereunder when such ruling is adverse to his interests, by filing with the Secretary of the Planning Commission within ten (10) days from such ruling a written notice of appeal. Whereupon the Secretary of the Planning Commission shall forthwith transmit to the Council all papers constituting the records upon which the action appealed from was taken, and in addition thereto, the City Council may at its hearing receive such further evidence as seems to be relevant. Upon due and public hearing, the Council shall have power to overrule or alter any such ruling of the Planning Commission pertaining to the granting or withholding of any permit so applied for, provided that the Council votes in favor of such overruling or altering by a three-fourths majority vote.
SECTION 12
BOUNDARIES AND DISTRICTS

1. The boundaries of the various districts shall be known on the Use and Area maps accompanying and hereby made a part of this ordinance. The said district boundaries are, unless otherwise indicated, the center lines of streets, alleys, or the lot lines as shown on the said maps. Where the location of the boundaries in such district, as indicated on these maps, are shown to be other than streets, alleys or lot lines, other such boundary shall be construed to be distant one hundred twenty (120) feet from and parallel with the frontage street line, unless shown to be otherwise by a distance in figures.

2. Where the street layout actually on the ground varies from that shown on the Use District maps, the designations shown on maps shall be applied by the Planning Commission to the streets as actually laid out so as to carry out the intent and purpose of the Zoning Plan of that district.

SECTION 13
ENFORCEMENT

It shall be the duty of the Building Inspector (or official in charge of issuing building permits and inspection of buildings) to see that this ordinance is enforced through the proper legal channels. He shall issue no permit for the construction or alteration of any building or part thereof unless the plans, specifications and intended use of such building conform in all respects with the provisions of this ordinance.

PLATS: All specifications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, the use and location of existing buildings and buildings to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such application and plats shall be kept in the office of the building inspector or proper enforcement official.

SECTION 14
AMENDMENTS

1. A petition for change of zone classification or district boundary
lines shall carry the consent of the owners of not less than fifty-one (51) percent (by area) of all property within a distance of two hundred (200) feet, streets and alleys excluded, of the proposed district and having frontage ad upon any street passing through or adjoining by the proposed district. Signatures so obtained do not make granting of petition mandatory.

SECTION 15
COMPLETION AND RESTORATION OF EXISTING BUILDINGS

Nothing herein contained shall require any change in the plans, construction, designated or intended use of a building, for which a building permit has heretofore been issued, or plans for which are not on file with the building inspector, and a permit for the erection of which is issued within five (5) days after first publication of this ordinance, and the construction of which in either case shall have begun and been diligently prosecuted within one (1) month of the adoption of this ordinance, and which building shall have been entirely completed according to such plans as filed within one year from the adoption of this ordinance.

Nothing in this ordinance shall prevent the restoration of a building within a period of one year from the date of its destruction, which has been partly destroyed by fire or other cause, subsequent to the passage of this ordinance or prevent the continuance of the use of such buildings, or part thereof.

The lawful use of the land existing at the time of the passage of this ordinance, although such use does not conform to the provisions of this ordinance, may be continued; but if such nonconforming use is discontinued for a period of one year or more, any further use of those lands and premises shall be in conformity with the provisions of this ordinance.

SECTION 16
CERTIFICATE OF OCCUPANCY

No vacant land shall be occupied or used and no building hereafter erected shall be occupied or used, nor shall the use of a building be changed from a use limited to one district to that of any other district as defined by this ordinance until a certificate of occupancy shall have issued by the building inspector. No permit for excavation for any building shall be issued before the application has been made for certificate of occupancy.
LAND: Certificate of occupancy for the use of vacant lands or the change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within ten (10) days after the application has been made, providing such use is in conformity with the provisions of these regulations.

NON-CONFORMING USES: Upon a written request of the owner, the building inspector shall issue a certificate of occupancy for any building or land existing at the time this ordinance takes effect, certifying, after inspection, the use of the building or land and whether such use conforms to the provisions of the ordinance. Where a plat as above provided is not already on file an application for a certificate of occupancy shall be accompanied by a survey in duplicate form such as is required for a permit.

SECTION 17
VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 18
CONFLICTING PROVISIONS

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 19
VIOLATIONS AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provisions of this ordinance, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not more than fifty (50) dollars or imprisoned in the city jail for a term of not exceeding thirty (30) days, or both, for each offence. Each day that a violation is permitted to exist shall constitute a separate offense.
SECTION 20
WHEN EFFECTIVE

This ordinance shall take effect and be in force five days from and after its passage, approval and publication as by law provided.

Signature
MAYOR

Signature
City Clerk

Approved as to form.
Signature
City Attorney

Passed this 15 day of Sept. 1947

Approved this 16 day of Sept. 1947

Published this 23 day of Sept. 1947