

ORDINANCE NO. 159

AN ORDINANCE TO AMEND SECTION 1704. CERTIFICATES  
OF THE ZONING ORDINANCE NO. 121 BY ADDING  
SUBSECTION 8.

THE CITY OF LUNA PIER ORDAINS THAT:

Section 1704. Certificates of the Zoning Ordinance No. 121 is hereby amended to add subsection 8.

8. TEMPORARY CERTIFICATES

- a. Temporary certificates of occupancy may be issued for site improvements which are included on an approved site plan, or which are otherwise required by this or other ordinances of the city and shall be limited to a period not to exceed six (6) months. Failure to finish and obtain approval of the improvement constitutes a violation of this ordinance.
- b. Temporary certificates of occupancy may be issued in those instances where site improvements and landscape planting cannot be completed due to winter weather conditions. Temporary certificates shall only be issued for a period to allow for time necessary to complete landscape and site improvements within a period specified and in no instance shall such temporary certificate exceed a six (6) month period.
- c. Whenever an applicant seeks a temporary occupancy permit for a premises prior to completion of site work or landscaping, the applicant shall deposit cash, certified check or such other instrument suitable to the city, all forfeitable to the city, an amount equal to one hundred fifty (150) percent of the estimated cost of the remaining improvements pursuant to the site plan and the requirements of this and other ordinances of the city. The estimate of the cost shall be solely in the discretion of the city.
- d. The cash deposit, certified check, irrevocable bank letter of credit or bond shall run to the city and shall be forfeitable by its terms and conditions, automatically, fifteen (15) days after notice to the applicant that the requirements of the site plan or this ordinance have not been met according to the terms of the temporary certificate or a time specified in the building permit. The cash deposit, certified check, irrevocable bank letter of credit or bond shall be considered posted with the condition that upon passage of the fifteen (15) days after such notice in writing by first class mail at the last known address of the applicant, such amount shall automatically be transferred to the city or otherwise enforceable by the city by any means available. Thereafter, the city shall be authorized to go onto the property and complete the construction in accordance with the site plan requirements with the funds available. The city may retain twenty (20) percent of the cost of such completion as the city construction administrative expense and refund any balance to the applicant. No part of an irrevocable bank letter of credit or surety bond shall be released until all of the work is completed. In the case of deposit of cash or certified check, portions of the amount may be rebated as work progresses at reasonable intervals, provided that all times the amount of deposit equals one hundred fifty (150) percent of the cost of the work to be completed.

EFFECTIVE DATE:

This Ordinance shall become effective ten (10) days after a summary has been published as provided by law.

I, Rose M. Laderach, Clerk, City of Luna Pier, do hereby certify, that the foregoing ordinance was duly adopted at the regular meeting of the Luna Pier City Council held on December 9, 1999.

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Rose M. Laderach, Clerk  
City of Luna Pier

ADOPTED: 12/09/99  
PUBLISHED: 12/18/99  
EFFECTIVE : 12/28/99