

CHAPTER 1262
Administration, Enforcement and Penalty

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CROSS REFERENCES

Original plats - see Ohio R.C. 711.01 et seq.
Municipal corporation may adopt general rules and regulations; violations; effective date - see Ohio R.C. 711.101 et seq.
Vacating plats - see Ohio R.C. 711.17 et seq.
Revision of plats - see Ohio R.C. 711.28 et seq.
Lost or destroyed records - see Ohio R.C. 711.34 et seq.
General provisions and definitions - see P. & Z. Ch. 1260
Districts generally and Zoning Map - see P. & Z. Ch. 1266
Review of subdivision applications in flood hazard areas - see B. & H. 1462.08(a)(4)

1262.01 ADMINISTRATION.

The following Village officials shall have prescribed duties in administering this Zoning Code as set forth by the Ohio Revised Code:

- (a) **Building Inspector**. The Building Inspector shall enforce this Zoning Code for the Village. He or she may enter upon land or enter any building or structure for the purpose of examination, inspection, and determination if such land, building, or structure or the use thereof, complies with the provisions of this Zoning Code. The Building Inspector may issue a cease work or cease use order if there exists a violation of this Zoning Code. The Building Inspector shall be required to attend all meetings of the Board of Zoning Appeals.

- (b) **Board of Zoning Appeals.** The Board of Zoning Appeals has the power to hear and determine appeals from the refusal of building permits by the Village Building Inspector or other officers, to permit exceptions to and variations from the district regulations in the class of cases or situations specified within this Zoning Code and to administer the regulations as specified within this Zoning Code.
- (c) **Planning Commission.** The Village Planning Commission may frame and adopt a plan for dividing the Village or any portion thereof into zones or districts, representing the recommendations of the Commission, in the interest of public health, safety, convenience, comfort, prosperity, and general welfare, for the limitation and regulation of the height, bulk, and location, including percentage of lot occupancy, set back building lines, and area and dimension of yards, courts, and other open spaces, and the uses of buildings and other structures and of premises in such zones or districts. The Commission shall certify the plan to the Village Council or legislative authority for its approval.
- (d) **Village Council.** The Village Council may approve the zoning plan established by the Planning Commission based upon the promotion of the public safety, health, morals, convenience, prosperity or welfare. The Village Council may amend or change any district, but no such amendment or change shall become effective unless the ordinance proposing it is first submitted to the Planning Commission for approval, disapproval or suggestion and the Planning Commission is allowed reasonable time, not less than thirty days for consideration and report. The Village Council also has the authority to approve or deny actions taken by the Village Board of Zoning Appeals.
- (e) **Village Law Director.** The Village Law Director shall review proposed zoning ordinances set forth by the Village Council to determine their legality. The Village Law Director shall also represent the Village in all disputes that involve this Zoning Code.
(Ord. 73-94. Passed 10-4-94.)

1262.02 BUILDING INSPECTOR.

(a) **Duties.** The primary duties of the Building Inspector are to enforce the provisions of this Zoning Code and to issue the various permits for structures which are to be erected, altered, reconstructed, remodeled, enlarged or moved. He or she may direct other persons to assist with these duties as necessary. The Building Inspector shall maintain files of all applications and a record of actions taken. Such files shall be public information. A report shall be made to Council quarterly which summarizes all applications, building permits, certificates, and licenses issued by the Building Inspector during the quarter, together with any violations. A copy of such report shall, at the same time, be forwarded to the Village Planning Commission.

(b) Powers. In order to enforce the provisions of this Zoning Code, the Building Inspector shall have the authority to do the following:

- (1) Enter upon any land or enter any building or structure for the purpose of examination, inspection, and determination if such land, building or structure, or the use made thereof, complies with the provisions of this Zoning Code.
- (2) Issue a "cease work" or "cease use" order if he or she determines there exists a violation of such provisions.

The "cease work" or "cease use" order shall state the violation for which it was issued, the type of work, trade, or use to be ceased, and if applicable, what must be done to remedy the violation. The "cease work" or "cease use" order shall be served personally on the owner or holder of a permit or certificate, or left at his or her residence. A like order shall be posted in two conspicuous places upon the premises. Therefore, no person, firm, or corporation shall continue any use upon the land, or perform any work or trade contrary to such cease order, until removed by the Building Inspector. (Ord. 73-94. Passed 10-4-94.)

1262.03 BUILDING AND OCCUPANCY PERMITS.

(a) Building Permits. No building or structure shall be erected, reconstructed, structurally altered, remodeled, enlarged, or moved unless a building permit therefor shall first have been obtained from the Building Inspector. Residential building permits shall be effective for one year and, thereafter, a new application shall be made every six months, and shall be effective for six months. Subsequent permits shall require the same payment as the original fee required for the permit.

(b) Occupancy Permits. In the following instances, no occupancy, use or change of use shall take place until a certificate of occupancy has been issued by the Building Inspector:

- (1) Occupancy and use of a building erected, reconstructed, structurally altered, remodeled, enlarged, or moved;
- (2) Change in use of an existing building to a different use;
- (3) Occupancy of vacant land or a change in use of vacant land;
- (4) Any change in the use of a nonconforming use; and
- (5) Any change in tenant in an existing building in retail, commercial, limited industrial, and general industrial districts.

- (c) Building and Occupancy Permit Application Procedures.
- (1) Application required. An application shall be required for the issuance of a building or occupancy permit. Such application shall be obtained from the Building Inspector. An application for a certificate of occupancy shall be made at the same time as the application for a building permit.
 - (2) Required information and drawings. Building and occupancy applications shall be accompanied by the following information and drawings:
 - A. A statement by the owner or his or her authorized agent which clearly states the existing use or uses to which the premises and buildings are devoted, as well as the proposed use or uses of the premises, existing buildings, or proposed buildings;
 - B. A plat showing dimensions of a lot to be developed, the lot number, information as to any unusual natural or topographic features, title, and evidence that the lot has been properly surveyed and located;
 - C. A site plan, drawn to scale, showing the location by dimension of proposed and existing buildings and their height, finished grades, driveways, parking areas, the number of off-street parking spaces or loading spaces and their layout, walks, the location, distance and use of adjacent buildings on adjoining lots, the location and size of the garage for each residential building, and whether the garage is included in the application or is to be built at a future date;
 - D. A drawing of the interior, if required by the Building Inspector; and
 - E. Such other information and drawings as may be required by the Building Inspector.
 - (3) Issuance of permit. A building or occupancy permit shall be issued when the work for which the permit was issued has been completed in conformity with the provisions of this Zoning Code. An occupancy permit shall remain in effect as long as the use of such building or of the land is in full conformity with the provisions of this Code and with any conditions upon which such certificate was issued.
 - (4) Certificate of occupancy. On written request by the owner, the Building Inspector shall issue a certificate of occupancy for any use of a building or of land existing at the time of the enactment of this Code. The certificate shall verify that, after inspection and investigation, the building or land in question conforms to the provisions of this Zoning Code, or is a conforming use. A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and shall be open to the public.

- (5) Violations of conditions. Upon the serving of notice of any violation of said provisions or conditions, the certificate of occupancy shall become null and void, and the continued occupancy and use thereunder shall be unlawful. A new certificate of occupancy shall be required for any further use of such building or land.
(Ord. 73-94. Passed 10-4-94.)

1262.04 RESPONSIBILITY OF PUBLIC OFFICIALS.

(a) No department, board, official, or public employee who is vested with the duty of authority to issue permits, certificates, or licenses for any land, building, or any purpose or use pertaining thereto, shall issue the same if such land, building, purpose, or use would be in conflict with the provisions of this Zoning Code.

(b) If so issued, the permit, certificate, or license shall be null and void without the necessity of any proceeding for the revocation thereof, and any work undertaken or use established pursuant thereto shall be unlawful, and no action shall be taken by any board, agency official, or employee of the Village purporting to validate any such violation.
(Ord. 73-94. Passed 10-4-94.)

1262.05 NON-ISSUANCE OF BUILDING AND OCCUPANCY PERMITS, CERTIFICATES, AND LICENSES.

No building or occupancy permit, certificate, or license for any land, building structure, purpose, or use shall be issued during the time that any ordinance or measure which would forbid the action authorized by the permit, certificate, or license is pending before the Council, or has been formally recommended to the Council by the Village Planning Commission, or is subject to a referendum or initiative petition thereon. All such applications shall be held in abeyance until formal final action of the Council, or until petitions have been disposed of. No permit, certificate, or license, however, shall be withheld more than ninety days after application for such a reason.

(Ord. 73-94. Passed 10-4-94.)

1262.06 INJUNCTION OR ABATEMENT.

Notwithstanding the penalties provided in Section 1262.99 and without invoking such criminal procedure, the Village may institute and maintain any remedy provided by law, including an action to enjoin or abate such violation, which remedy may likewise be invoked by any owner especially damaged by such violation.

(Ord. 73-94. Passed 10-4-94.)

1262.99 PENALTY.

(a) Any person, firm, or corporation, whether as owner, variance permit or certificate holder, lessee, principal, agent, employee, or otherwise, shall be guilty of a misdemeanor if any of the following occurs:

- (1) The violation of any "cease work" or "cease use" order, or any of the provisions of this Zoning Code;
- (2) The erection, construction, alteration, enlargement, conversion, movement, or use of any building, use, or land in violation of any provisions of this Zoning Code, or of any detailed statement or plan submitted by him or her and approved under the provisions of this Zoning Code;
- (3) The violation of any order, condition, or provision under which a variance permit or certificate was issued;
- (4) The permission of any violation of any order, condition, or provision under which a variance permit or certificate was issued; or
- (5) The failure to comply with any of the requirements of this Zoning Code.

(b) Conviction of such a misdemeanor will result in a fine of not more than one hundred dollars (\$100.00), or in imprisonment for not more than thirty days, or both a fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each day during any portion of which any violation is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as provided above. (Ord. 73-94. Passed 10-4-94.)