

CHAPTER 1242
Administration, Enforcement and Penalty

1242.01	Enforcement.
1242.02	Building permits.
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CROSS REFERENCE

Division of municipal corporations into zones – see Ohio R.C. 713.06
Restriction in location of buildings and structures – see Ohio R.C. 713.07
Restrictions on height of building and structures – see Ohio R.C. 713.08
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines – see Ohio R.C. 713.09
Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10
Administrative board; powers and duties – see Ohio R.C. 713.11
Notice and hearing on zoning regulations – see Ohio R.C. 713.12
Violations may be enjoined – see Ohio R.C. 713.13

1242.01 ENFORCEMENT

(a) The Zoning Inspector shall enforce this Zoning Code. An appeal from an action or decision of the Zoning Inspector may be made to the Planning Commission as provided in Section 1242.04

(b) Officers and employees of the Village, especially members of the Police Department, shall assist the Zoning Inspector by reporting to him or her upon new construction, reconstruction or land uses and apparent violations of this Zoning Code.

(c) If any building or structure is erected, constructed, reconstructed, relocated, altered, repaired, converted or maintained, or if any building, structure or land is used, in violation of this Zoning Code, the Village, in addition to any other remedies provided for herein, may institute an action or proceeding to correct such construction, reconstruction, relocation, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent the occupancy of such building, structure or land.

(d) Nothing in this Zoning Code shall require any change in the plans, construction, size or designated use of a building or structure or part thereof for which a building permit has been granted or for which a complete application with necessary plans and specifications has been filed with the Clerk-Treasurer before the enactment or amendment of this Zoning Code and the

construction of which building or structure, according to such permit or plans and specifications, has been started within ninety days of the enactment of this Zoning Code or amendment. If any of the requirements set forth in this Zoning Code in this subsection has not been fulfilled within the time stated, or if any building operations are discontinued for ninety days, any further construction shall be in conformity with this Zoning Code.

(e) Any person aggrieved by the requirements or enforcement of this Zoning Code shall have an appeal to the County court having jurisdiction, but only after such person has exhausted all appeals and remedies provided by this Zoning Code.

1242.02 BUILDING PERMITS.

(a) Required. Before proceeding with the erection, relocation or alteration of any building or part thereof in the Village, a permit for such erection, relocation or alteration shall be first obtained from the Clerk-Treasurer or his or her deputy by the owner or his or her agent, which permit, in such form as may be prescribed by Council, shall, in substance, certify that such proposed erection, relocation or alteration complies in all respects with this Zoning Code. No person shall proceed with the erection, relocation or alteration of any building unless such permit has been first obtained.

(b) Fees. The Clerk-Treasurer or his or her deputy is hereby authorized and directed to charge a fee of twenty five dollars (\$25.00) for required permits and inspections in relation to buildings and other structures, which fee shall be paid by the applicant at the time of applying for such permit.

(c) Plans and Specifications. The applicant for a permit shall submit with his or her application, plans and specifications of the building which he or she intends to erect, relocate or alter, with a plot plan thereof, including the lot number or a legal description of the property. No erection, removal or alteration of any building shall be made other than in conformity with such plans after approval by the Zoning Inspector. Such plans shall be sufficient to enable the Zoning Inspector to obtain full and complete information as to the extent and character of the work to be done.

(d) Notice of Violation; Revocation. If the Zoning Inspector considers that the work under such permit is not proceeding according to the plans and specifications upon which the permit was issued, but is proceeding in violation of any of the provisions of this Zoning Code, the Zoning Inspector shall notify the owner or his or her agent, in writing, that the work is being constructed in violation of the permit and this Zoning Code and that the same shall be immediately rectified to conform to such permit and this Zoning Code. If the owner neglects to comply with such notice or to make such correction, the Zoning Inspector shall revoke such permit, and notice thereof shall be immediately served upon the owner, agent, superintendent

or contractor in charge of the work and posted on the premises referred to in such permit. Such notice shall be in writing and shall be signed by the Zoning Inspector. After such revocation, no contractor or worker shall perform any work in or about such building or premises.

1242.03 SPECIAL USE EXCEPTIONS.

(a) Council is hereby vested with the power to permit, in any district, uses which are not listed in this Zoning Code among those permitted for the district, provided that such uses are deemed to be in keeping with authorized uses. By special permit, Council, after a review of pertinent facts, may also allow minor deviations from regulations and requirements of this Zoning Code where such deviation is deemed necessary to overcome practical difficulties due to natural conditions or to prevent undue hardships and inequities, and where no violation of the intent and purpose of this Zoning Code is deemed to be involved.

(b) Such special permits shall be subject to such protective restrictions as may be deemed necessary, and Council may terminate any such permit for a violation of terms or limitations therein prescribed.

(c) If recommended by the Planning Commission, Council may authorize the issuance of such a special permit by a majority vote of the member elected thereto. Without Commission recommendation, such action by Council shall require the concurrence of five members.

1242.04 APPEALS.

(a) Appeals to Planning Commission.

- (1) Residents may file an appeal (form provided by the Village) from the action or ruling of the Zoning Inspector or the Building Inspector within thirty days from the action of the announcement of the ruling.
- (2) The resident must file a written appeal with the appropriate official (Zoning Inspector or Building Inspector) and the Secretary of the Planning Commission and specify the grounds of the appeal.
- (3) The Secretary of the Commission will put the appeal on the agenda for the next regularly scheduled meeting. The administrative officer shall transmit all records in relation to the appeal to the Secretary.
- (4) The Commission shall take action in granting or refusing the appeal request within thirty days from the filing of such appeal. The resident will be notified, in writing, within fourteen days, of the decision of the Commission.

(b) Appeals to Council.

- (1) Any resident or administrative officer of the Village may appeal to Council (appeals form provided by the Village) from any ruling of the Planning Commission pertaining to the granting or denial of a permit or any other ruling. The resident or administrative officer, within ten days from the ruling of the Commission, may file a written appeal to the Clerk-Treasurer and the Secretary of the Commission requesting a hearing, stating the reasons for such appeal.
- (2) The Clerk-Treasurer shall, at the next regularly scheduled Council meeting, present the request to the Mayor and Council. The Mayor will then set the date and time for a public hearing. The public hearing will be set for not more than thirty days after the request. The Mayor will designate which public officials will be required to attend the hearing.
- (3) Prior to the hearing, the Secretary of the Commission will transmit to Council all papers and documents constituting the records which prompted the appeal to be filed. Council will review the documentation and may receive further evidence as deemed relevant.
- (4) Council, at the next regularly scheduled Council meeting following the public hearing, will decide, by majority vote of those elected thereto, to uphold or overrule any ruling of the Commission.
- (5) The Clerk-Treasurer, within fourteen days after the decision of Council on the appeal, shall notify the resident, in writing, of the decision.

12.42.99 PENALTY.

Whoever violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Zoning Code shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The owner of any building or premises or part thereof where anything in violation of this Zoning Code is placed or exists, and any architect, builder, Contractor, agent, corporation or other person employed in connection therewith who or which may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be subject to the penalties herein provided