

## ZONING ORDINANCE

### ARTICLE 3

#### ADMINISTRATION AND ENFORCEMENT

##### **ADMINISTRATIVE/ ENFORCEMENT OFFICER**

Provisions of this Ordinance shall be enforced by an Administrative/Enforcement Officer who may be designated as provided in Article 2, Section 2 of this Ordinance to administer said Ordinance. The Administrative/Enforcement Officer may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police and/or County Sheriff's Office in enforcing orders, of the City and/or County Attorney in prosecuting violations, and of other officials.

The Administrative/Enforcement Officer shall be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of this Ordinance, but may not have the power to permit any construction, or to permit any use or any change of use which does not conform to the literal terms of this Ordinance.

The Administrative/Enforcement Officer shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspections, violations, stop orders, and condemnations. If the Administrative/Enforcement Officer finds any provisions of the Ordinance being violated, the person or persons responsible for such violation shall be notified by the Administrative/Enforcement Officer through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structures.

Any permit or certificate of occupancy issued in conflict with the provisions of this Ordinance shall be null and void.

The Administrative/Enforcement Officer shall be required to inform and/or report his actions to the Planning Commission. Said report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

##### **310 BUILDING PERMITS**

It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings over 300 square feet, or to commence the moving, alteration, or demolition of any building, including accessory buildings (over 300 square feet), until the Administrative/Enforcement Officer has issued a building permit for such work.

Building permits shall be required for all structures over 300 square feet with a roof.

No building permit or certificate of occupancy shall be required in the following cases:

- a) Recurring maintenance work
- b) Installation of required improvements according to an approved subdivision plat.

### **320 PROCEDURE**

- A) Application: in applying to the Administrative/Enforcement Officer for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of the lot to be built upon, the outside dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yard depths, and any other information necessary for determining compliance with this order. The City Water and Wastewater Office's or the County Health Department's certificate approving proposed water and sewerage facilities must accompany applications according to Section 880 of this Ordinance.
- B) Issuance: If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Administrative/Enforcement Officer shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform the Administrative/Enforcement Officer shall act upon applications for building permits within two (2) weeks from the date of their submission.
- C) Restraint of Construction without Permit: If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence

of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

- D) Validity: The issuance of a building permit shall not waive any provisions of this regulation.
- E) Duration: A building permit shall become void (1) year from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review by the Administrative/Enforcement Officer before it becomes void.

### **330 CERTIFICATE OF OCCUPANCY**

No land or buildings or part thereof hereafter erected or altered in its use or structure shall be used until the Administrative/Enforcement Officer shall have issued a Certificate of Occupancy stating that such land, building or part thereof and the proposed use thereof, are found to be in conformity with the provisions of this regulation. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Administrative/Enforcement Officer to make a final inspection thereof and to issue a Certificate of Occupancy if the land, building or part thereof and the proposed use thereof, are found to conform with the provisions of this regulation; or, if such certification is refused, or state refusal, in writing with the cause and immediately thereupon to mail notice of such refusal to the applicant at the address indicated in the application.

### **340 ENFORCEMENT BY COMMISSION**

The Planning Commission may bring action for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates the provisions of this Ordinance.

### **350 ENFORCEMENT**

- A) Correction Period: All violation of this Ordinance shall be corrected within a period of thirty (30) days after the order to correct is issued by the Administrative/Enforcement Officer or in such longer period of time, not exceeding six (6) months, as the Administrative/Enforcement Officer may determine. A violation not corrected within the allowed time for

correction shall be reported to the City and/or County Attorney who shall initiate prosecution procedures.

- B) Violation a Misdemeanor: Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or any permit, license, or exception granted hereunder, or any lawful order of the Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of this Ordinance shall be guilty of a Class B misdemeanor.
- C) Remedies: The Administrative/Enforcement Officer, the Board of Adjustment, the Planning Commission, the City Council, the Fiscal Court, or any interested party may institute an injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance.

### **360 PENALTIES**

Any person who violates any of the provisions of the Zoning Ordinance for which no other penalty is provided, shall upon conviction be fined \$250.00 for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

Any person, owner or agent involved in the sale or transfer of a lot or parcel and who violates this Ordinance shall be fined not more than five thousand dollars for each conviction. Each day of violation shall constitute a separate offense.

### **370 FEE SCHEDULE**

The West Liberty Planning Commission under advice from the West Liberty City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Administrative/Enforcement Officer, and may altered or amended only by official action of the Planning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

