

CHAPTER 1133

ADMINISTRATION, ENFORCEMENT AND PENALTY

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CROSS REFERENCES

Council to hold public hearing- see O.R.C. 713.12

Violation of zoning ordinance- see O.R.C. 713.13

Comprehensive Development Plan defined- see P. & Z. 1131.02 (60)

Zoning Code defined- see P. & Z. 1131.02 (84)

Amendments- see P. & Z. Chap. 1137

Enforcement of sign provisions- see P. & Z. 1167.20 (g)

1133.01 SHORT TITLE:

This Title Three of Part Eleven shall be known and may be cited as the Zoning Code of the Village of Arcanum, or just the Zoning Code.

1133.02 INTENT AND PURPOSE:

The purpose of which is to lessen the congestion on the public streets, to reduce undue hazards due to flooding, and to promote the public health, safety and general welfare. This above mentioned Plan has been formulated with due consideration among other things, to the character of each district of the Municipality and its peculiar suitability for particular uses; to the conservation of property values; to the general trend and character of building and population development; to the prevention of undue concentration of population; to the advancement of social and economic stability; to the facilitation of adequate provision of public transportation, streets, highways, sewers, water mains, schools, recreation areas and other public facilities. It is the further purpose of the Zoning Code to safeguard the public health, safety and general welfare.

1133.03 VALIDITY AND SVERABILITY:

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Zoning Code as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1133.04 INTERPRETATION AND CONFLICT:

In its interpretation and application, the provisions of this Zoning Code shall be held to the minimum requirements, adopted for the promotion of the public health, morals, safety and the general welfare. Wherever the requirements of this Zoning Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

1133.05 ENFORCING OFFICER:

The Village Mayor or a person whom he designates shall be the enforcing officer of this Zoning Code. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations and administer the provisions of this Zoning Code.

1133.06 BUILDING PERMIT:

No building or other structure shall be erected, moved, added to or structurally altered without a building permit therefore, issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this Zoning Code.

1133.07 CERTIFICATE OF ZONING COMPLIANCE:

It shall be a violation of this Zoning Code to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the enforcing officer (the Village Mayor or a person whom he designated) stating that the proposed uses of the building or land conforms to the requirements of this Zoning Code. This provision shall apply to al buildings and land uses, except the raising of crops and other agricultural uses. The property owner shall pay the current tap-in fees and any other fees due at the time the Certificate of Zoning is issued.

A fee of twenty dollars (\$20.00) shall be charged for said Certificate of Zoning Compliance.

1133.08 REMEDIES:

If any building or land is used, altered, constructed, enlarged or such action proposed in violation of the provisions of this Zoning Code or any amendments or supplement thereto, the Directory of Law, the enforcing officer, any person or any property owner damaged by or subject to damage by such violation in addition to other remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceeding to prevent such unlawful location, erection, construction, reconstruction, alteration, enlargement, change, maintenance or use.

1133.09 OTHER ACTION:

Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy a violation.

1133.10 AFFECTED PARTIES:

The owner or tenant of any building, structure, premises or part thereof, and any architect, engineer, surveyor, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

1133.11 VIOLATION, NUISANCE PER SE, ABATEMENT:

A building erected, altered, razed or converted, or a use carried on in violation of any provision of this Zoning Code, is hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

1133.99 PENALTY:

Violation of any provision of this Zoning Code or any amendment or supplement thereto, or failure to comply with any of the requirements of this Zoning Code shall constitute a misdemeanor. Any person, firm or corporation violating any of the provisions of this Zoning Code, or any amendment thereto, or failing to comply with any of the requirements of this Zoning Code, or any amendment thereto, shall, upon conviction, be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or imprisoned for not more than thirty days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.