

CHAPTER 3 PERMIT REQUIREMENTS, ENFORCEMENT AND PENALTY

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Code.

SECTION 3.1 – ZONING PERMIT REQUIREMENTS

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory use, fence, sign, or swimming pool be installed without a permit issued by the Enforcing Officer. No zoning permit shall be issued except in conformity with the provisions of this Zoning Code.

A. Application Requirements For Zoning Permits

An application for a zoning permit shall be made in writing and signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire in one (1) year unless work has been substantially completed. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees:

1. Name, address, and telephone number of the owner.
2. Legal description of the property or the lot number of the property.
3. Existing use.
4. Proposed use.
5. Zoning District.
6. Sketched plans showing the actual dimensions, building height and shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration(s).
7. Number of off-street parking spaces or loading berths, and their layout.
8. Location and design of access drives.
9. Number of dwelling units.
10. Signage information, if applying for a Zoning Permit for a sign.
11. If applicable, the approved Conditional Use Permit, Temporary Use Permit, or Variance.
12. Such other documentation as may be necessary to determine conformance with this Zoning Code.

B. Approval Of Zoning Permit

Within thirty (30) days after the receipt of an application, the Enforcing Officer shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All zoning permits shall be conditional upon

substantial completion within one (1) year. One copy of the permit shall be returned to the applicant by the Enforcing Officer after the Enforcing Officer has marked such copy either as approved or disapproved and attested to the same by the Enforcing Officer's signature on such copy. One copy of plans, similarly marked, shall be retained by the Enforcing Officer. The Enforcing Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

SECTION 3.2 – ENFORCEMENT

A. Construction And Use To Be As Provided In Applications, Plans And Permit

Zoning permits issued on the basis of plans and applications approved by the Enforcing Officer authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction shall be permitted. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

B. Entry And Inspection Of Property

The Enforcing Officer is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Enforcing Officer shall attempt to obtain the permission of the owner or occupant to inspect the premises. If such permission is denied or cannot be obtained, the Enforcing Officer shall request the assistance of the Solicitor in securing a valid search warrant prior to entry.

C. Stop Work Order

Subsequent to the Enforcing Officer's determination that work is being done contrary to this Zoning Code, the Enforcing Officer shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the Enforcing Officer, shall constitute a punishable violation of this Zoning Code.

D. Zoning Permit Revocation

The Enforcing Officer may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

E. Complaints Regarding Violations

Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the Enforcing Officer. The Enforcing Officer shall properly record such complaint, investigate it and take action thereon as provided by this Zoning Code.

F. Notice Of Violation

Whenever the Enforcing Officer or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning letter shall be issued and shall serve as a notice of violation. Such notice shall:

1. Identify the violation.
2. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
3. State the time by which the violation shall be corrected.

Service of the notice of violation shall be as follows:

1. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
2. Certified mail deposited in the United States Post Office addressed to the person or persons responsible at their last known address. If a certified mail envelope is returned with an endorsement showing that the envelope is refused or is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Enforcing Officer. Service shall be deemed complete when the fact of mailing is entered of record.

SECTION 3.3 – PENALTIES AND FINES

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Subject to the provisions below, any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$150.00 and shall pay all costs and expenses involved in such case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section. Any person, firm, or corporation, who, within one (1) year, has previously been convicted of a violation of this Zoning Code or any amendments thereto, shall be guilty of a misdemeanor of the 4th degree and be subject to a fine of not more than \$250.00 and incarceration of not more than thirty (30) days,

together with all costs and expenses. Each day such subsequent violation continues after receipt of a violation notice shall be considered a separate offense.

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such violation, the Enforcing Officer, the Village Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, enjoin, or terminate such violation.

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