

SECTION 8

ADMINISTRATION

1. RESPONSIBILITIES IN ZONING ADMINISTRATION

The administration of this zoning ordinance is the joint responsibility of the zoning administrator, building inspector, planning commission, zoning board of appeals and village council.

a. Zoning Administrator

The Village Council shall appoint a zoning administrator to carry out the day to day administration and enforcement of this ordinance.

The zoning administrator's duties shall include the following items and other tasks as assigned by the Village Council.

- i. Issue zoning compliance permits - The zoning administrator shall be responsible for review and approval of zoning compliance permits. The administrator shall keep a copy of all applications received and a record of action taken on them and shall provide any applicant denied a permit the reasons for the denial in writing.
- ii. Inspections - The zoning administrator shall be empowered to make inspections of building or premises as required to enforce this ordinance.
- iii. Application - The zoning administrator shall be responsible for taking applications for zoning ordinance text amendments, special use permits, variances, appeals or ordinance interpretation. The administrator will also undertake whatever investigation of the requests required by the Planning Commission or Zoning Board of Appeals prior to the presentation of the request.
- iv. Records - The zoning administrator shall be responsible for keeping records of all nonconforming uses as of the effective date of this ordinance as well as records of all special use permits issued, zoning amendments adopted, variances granted, interpretations made, appeals granted, and zoning compliance permits issued.
- v. Complaints - The zoning administrator shall respond in writing to all complaints regarding violations of the zoning ordinance within sixty (60) days. A record of the complaint, and the findings of the investigation shall be maintained. The zoning administrator shall report on the status of current complaints at the Planning Commission meetings.

b. Building Inspector

The Building Inspector or designee shall be responsible for the following items in administration of the zoning ordinance.

- i. Building Permit - The building inspector shall be responsible to authorize issuance of building permits as required in this ordinance.
- ii. Certificate of Occupancy - The building inspector shall ensure that all construction meets the requirements of the zoning compliance permit issued for the job and that the construction sites has been cleared of all construction related debris before issuing a certificate of occupancy.
- iii. Permit to Raze Building - No building shall be razed until a permit has been obtained from the Building Inspector. Demolition and site cleanup must be completed within twenty-one (21) days of permit issuance

c. Planning Commission

The Planning Commission shall be responsible for the following items in administration of the zoning ordinance.

- i. Amendment to Zoning Ordinance Text or Map - The Planning Commission shall conduct a public hearing on requests to amend the zoning map, i.e.: rezoning, or the zoning ordinance text. The public hearing will be held as required in Section 7.3. Following the public hearing the Planning Commission will submit their recommendations on the request, including their reasons, to the village council, in the form of a written report.

The Planning Commission may initiate an amendment to the zoning ordinance map or text.

- ii. Special Use Permits - The Planning Commission shall conduct a public hearing on requests for special use permits, following the requirements in Section 10.2e.
- iii. Site Plans - The Planning Commission shall review site plans submitted to it following the requirements in Section 11.1 and shall approve, approved with conditions or deny the site plan, stating their reasons for doing so.

d. Village Council

The Village Council shall be responsible for the following items in administration of the zoning ordinance.

- i. Zoning Ordinance Text and Map Amendments - The Village Council shall be responsible for approving or rejecting all requests for amendments to the zoning ordinance text or map under the provisions of Section 7.
- ii. Fees - The Village Council shall be responsible for setting all fees required under this ordinance.
- iii. Special Use Permits - Following a public hearing and recommendation by the planning commission, the Village Council shall approve, approve with conditions or deny the application, stating their reasons for doing so.

2. PERMITS AND CERTIFICATES

a. Zoning compliance permit

A zoning compliance permit is required when a new building is built or moved onto a piece of property, an existing building is expanded, property changes use, or any work is performed on a nonconforming use or structure. The permit shall include the following information:

- i. Location, shape and dimensions of the parcel, with location of easements and centerline of road.
- ii. The location, dimensions, and height of existing and proposed buildings.
- iii. The existing and intended uses.
- iv. The proposed number of bedrooms, dwelling units, employees and anticipated number of customers if applicable.
- v. Existing and proposed front, side and rear yard setbacks and parking areas.

The purpose of the permit is to ensure that all construction is performed in compliance with this ordinance.

b. Building Permit

After receipt of a zoning compliance permit, a person may apply for a building permit. No person shall hereafter begin the construction, alteration, or repair of any building or other structure, change the use within any building or structure or move into any structure within the Village before first having obtained a building permit therefore from the Building Inspector as hereinafter provided. Fees for building permits shall be established by the Village Council.

Application for any such permit shall state the name and address of the owner and contractor, the address or description of the premises, statement of intended use, and a statement of the value of the improvements. It shall be accompanied by a site plan and such plans and specifications as Building Inspector shall consider being necessary to determine that the requirements of this ordinance and of any other applicable laws or ordinances for which he is responsible for enforcement will be complied with.

Issuance of a permit shall in no case be construed as waiving any provision of this ordinance, and the Building Inspector is without authority to alter or vary the terms of this ordinance in carrying out his duties, and any permit so issued is void and of no effect.

A building permit shall become void unless construction commences within ninety (90) days of the issuance thereof, and unless construction is completed within eighteen (18) months from the date of issuance thereof except as otherwise provided in this ordinance. A building permit may be extended for an additional period by the Building Inspector, provided the applicant demonstrates that, his failure to complete construction within said eighteen (18) month period was due to special circumstances beyond his control and that an extension is necessary to complete such construction.

c. Certificate of Occupancy

No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been signed by the Building Inspector, any other applicable inspector, Director of Public Works and Zoning Administrator stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.

No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a Certificate of Occupancy having been issued by the Building Inspector, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

3. REMEDIES AND ENFORCEMENT

The Zoning Administrator or any other officer of the Village designated by the Village Council to enforce the provisions of this ordinance, or any person or persons aggrieved by any violation thereof may institute a suit in a court of competent jurisdiction to restrain a person or governmental unit from violating the provisions of this ordinance or to take any other legal action permissible for the enforcement thereof.

a. Civil Penalties: Any building erected, moved, altered, razed, or converted, or land or premises used in violation of any provision of this ordinance or the requirements thereof, is hereby declared to be a nuisance. Any person, firm, or corporation which violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance shall be fined not less than fifty dollars (\$50.00) not more than five hundred dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

b. Falsifying information: Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty of not to exceed ninety (90) days in the county jail or a fine of not to exceed five hundred dollars (\$500.00), or both, at the discretion of the court, plus the costs and expenses of prosecution

The imposition of any such sentence shall not except the offender from compliance with the requirements of this ordinance.