

ARTICLE 19

ENFORCEMENT AND PENALTIES

19.01

ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure or land be established or changed in use without a permit issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector received a written order from the Board of Zoning Appeals or from the City Council, as provided by this ordinance.

See Commentary - Normal Zoning Flow Chart.

19.02

CONTENTS OF APPLICATION FOR ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE:

The application for zoning permit/zoning compliance certificate shall be 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 and shall be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2 ½) years from the date of the issuance of the zoning permit/zoning compliance certificate. For conditional uses, the effective date of the conditional use and zoning permit/zoning compliance certificate shall be that of the conditional use permit. At a minimum, the application shall contain the following information:

- (1) Name, address and phone number of applicant;
- (2) Legal description of property;
- (3) Existing use;
- (4) Proposed use; if, business, specify use per zoning code and describe business;
- (5) Zoning district;
- (6) Plans drawn to scale, showing the actual dimensions and the 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 alterations;

(7) Building heights;

(8) Application for accessory parking lot (as applicable);

(9) Number of dwelling units;

(10) When development is proposed for a single lot which is therefore not subject to standard subdivision rules and regulations, the Zoning Inspector shall require the applicant to submit plans meeting those requirements which are listed in the City of Bellbrook Subdivision Regulations under Section IV(B)(2) (a), Final Construction Plans and Estimate, and any additional subdivision regulations which are deemed necessary to allow the proper review and approval of the application for zoning permit/zoning compliance certificate.

(11) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance, i.e., copy of conditional uses required in conditional use permit.

19.03

SUBMISSION FOR A THOROUGHFARE PLAN REVIEW:

Before any zoning permit is issued affecting land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the Bellbrook and Environs Major Thoroughfare Plan Map of the Comprehensive Plan or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice to the applicant that a zoning permit will not be issued until after a recommendation is made in a period of thirty (30) days from the date notice is received by the Bellbrook Planning Board. After having checked the Comprehensive Plan, the Bellbrook Planning Board may coordinate with the Miami Valley Regional Planning Commission, Transportation Coordinating Committee and Regional Planning and Coordinating Committee of Greene County so as to ascertain whether

or not highway construction or changes are planned. If the Bellbrook Planning Board is notified by any of the above agencies of pending plans for said highway, they shall recommend against the issuance of a zoning permit and shall attempt to resolve any conflict within thirty (30) days. If no plans exist for said highway, or on the expiration of the thirty (30) days, the Zoning Inspector shall, issue the zoning permit/zoning compliance certificate if the application is in conformance with all provisions of this ordinance.

19.04

APPROVAL OF ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE

Within thirty (30) days after the receipt of an application and required fee, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. Zoning permits which require approval by the Village Review Board and/or the Board of Zoning Appeals shall be issued by the Zoning Inspector and the appropriate fee(s) paid by the applicant within thirty (30) days of the date of board approval. Failure to do so will result in the doubling of any permit fees for each thirty (30) day period beyond the initial thirty (30) days following board approval up to one hundred and eighty (180) days after which the permit may be revoked and a new approval required by the appropriate board. Re-application for Village Review Board approval shall be in conformance with Section 14.15; re-application for variances shall be in conformance with Section 20.17. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year from date of issuance. The copy of the plans may be placed in the official file. The Zoning Inspector may issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

19.05

EXPIRATION OF ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE:

If the work described in any zoning permit/zoning compliance certificate has not begun within one (1)

year from the date of issuance and has not been substantially completed within two and one-half(2½) years of the date of issuance said permit shall expire and written notice thereof shall be given by the Zoning Inspector to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit/zoning compliance certificate has been obtained or extension granted. One (1) extension shall be granted by the Zoning Inspector for a period of six (6) months. The extension will be noted on the zoning permit/zoning compliance certificate and application by the Zoning Inspector.

19.06

CERTIFICATE OF HEALTH OFFICER:

In every instance where the zoning permit application/zoning compliance certificate and the attached plan reflect work associated with the water supply and/or disposal of sanitary waste and where a lot is not served with public water and/or the disposal of sanitary wastes by means of public sewers, the application for zoning permit/zoning compliance certificate shall be accompanied by a Certificate of Approval by the County Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.

19.07

APPLICATION FOR ZONING PERMIT/ZONING COMPLIANCE CERTIFICATE:

The Zoning Inspector shall sign the application for zoning permit/zoning compliance certificate when he/she is satisfied that the construction or alteration actually to be done is the same as described and proposed on the zoning permit/zoning compliance certificate. This provision shall apply to new construction, additions, decks, and similar uses, except the raising of crops and other agricultural uses.

19.08

FAILURE TO OBTAIN A ZONING PERMIT/ ZONING COMPLIANCE CERTIFICATE:

Failure to obtain a zoning permit/zoning compliance certificate shall be a violation of this ordinance and punishable under Section 19.12 of this ordinance.

19.09

RECORD OF ZONING PERMITS / CERTIFICATES OF ZONING COMPLIANCE:

The Zoning Inspector shall maintain a record of all zoning permits/zoning compliance certificates and they shall be made available for inspection upon request to any person.

19.10

COMPLAINTS REGARDING VIOLATIONS:

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record such complaint, promptly investigate and take action as provided by the ordinance.

19.11

OTHER ACTION:

Nothing herein contained shall prevent the municipality from taking other lawful action as is necessary to prevent or remedy any violation.

19.12

PENALTIES:

- (1) Violation of any provision of this ordinance or any amendment or supplement thereto, or failure to comply with any of the requirements of this Code may be enforced either through the filing of a misdemeanor complaint or assessment of a civil penalty, or both.
 - (a) Minor misdemeanor. Except as otherwise provided herein, any person, firm, or corporation violating any of the provisions of this Code, or any amendment or supplement thereto, shall upon conviction of a minor misdemeanor, be fined not more than one hundred dollars (\$100).
 - (b) Civil penalties. A person who violates any provision set forth in a provision of the Zoning Code has committed a civil offense and is subject to civil penalties. Prior to assessment of a civil penalty, the Zoning Inspector shall issue written notice of the civil violation to the offending person. The notice shall include:
 - (1) The street address of the property subject to the notice of violation;

- (2) A description of the violation and the section(s) of the ordinance violated;
 - (3) Corrective action that will eliminate or correct the violations;
 - (4) The reasonable time frame required to correct the violation;
 - (5) Provide information to the property owner of the right to a hearing before the Board of Zoning Appeals if a request for a hearing is made within twenty (20) days of receipt of the notice;
 - (6) When applicable, include a statement of the right to file a lien.
- (2) The written notice of the violation shall be served by one of the following methods:
- (a) delivered personally;
 - (b) sent by certified mail to the last known address and receiving a return receipt showing delivery of the mailing; or
 - (c) if the notice is returned showing that the letter was "unclaimed," service by regular mail;
 - (d) if the notice is returned showing that the letter was not delivered for reason other than "unclaimed," a copy of the notice shall be posted in a conspicuous place in or about the structure affected by such notice.
- (3) A person served with a notice of civil violation may request a hearing before the Board of Zoning Appeals to contest the commission of a violation, to offer an explanation of the circumstances, or to offer proof of correction. The request shall be made in writing and received by the city within 20 days of the person's receipt of the notice of violation. The hearing shall be conducted in accordance with the provisions of Article 20 of the Zoning Code. If the person desires the presence, at the hearing, of the Zoning Inspector, the person must request the same in their written response to the notice of civil violation.

If the person served fails to remedy the zoning

violation within a reasonable time, if the person admits the offense by written response, or if the person fails to attend a requested hearing, the Zoning Inspector may pursue enforcement as set forth in this section. If the person denies the offense by written response, the person must also request a hearing before the Board of Zoning Appeals.

In accordance with Section 19.15 of the Zoning Code, when a notice of civil violation has been issued pursuant to this section, the following amounts are hereby assessed upon the violator.

- (a) Any violation of the Zoning Code that is a first offense shall be twenty-five dollars (\$25) per day, per offense, or two hundred fifty dollars (\$250) per offense total.
 - (b) Any violation of the Zoning Code that is a second offense shall be fifty dollars (\$50) per day, per offense, or five hundred dollars (\$500) per offense total.
 - (c) Any violation of the Zoning Code that is a third offense shall be seventy-five dollars (\$75) per day, per offense, or seven hundred fifty dollars (\$750) per offense total.
- (4) Those who erect signs contrary to the provision of this Code shall be fined upon conviction or assessed by civil penalty not more than ten dollars (\$10) per offense, up to a maximum of four (4) offenses in any twelve (12) month period. Illegal signs are subject to confiscation by the City and will not be returned to the owners until all penalties are satisfied; unclaimed signs shall be held for thirty (30) days and then disposed of as surplus property. Convictions or civil penalties for sign violations in excess of four (4) offenses in a twelve month period shall be fined, upon conviction, or assessed a civil penalty an amount not to exceed twenty-five dollars (\$25) per offense.

19.13

AFFECTED PARTIES:

The owner or tenant of any building, structure, premises or part thereof and architect, engineer, surveyor, builder, contractor, agent or other person

who commits, participates in, assists in, or maintains a violation shall be found guilty of a separate offense and suffer the penalties herein provided.

19.14

VIOLATION, NUISANCE PER SE: ABATEMENT:

Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this ordinance is hereby declared to be a nuisance per se.

19.15

SCHEDULE OF FEES, CHARGES AND EXPENSES:

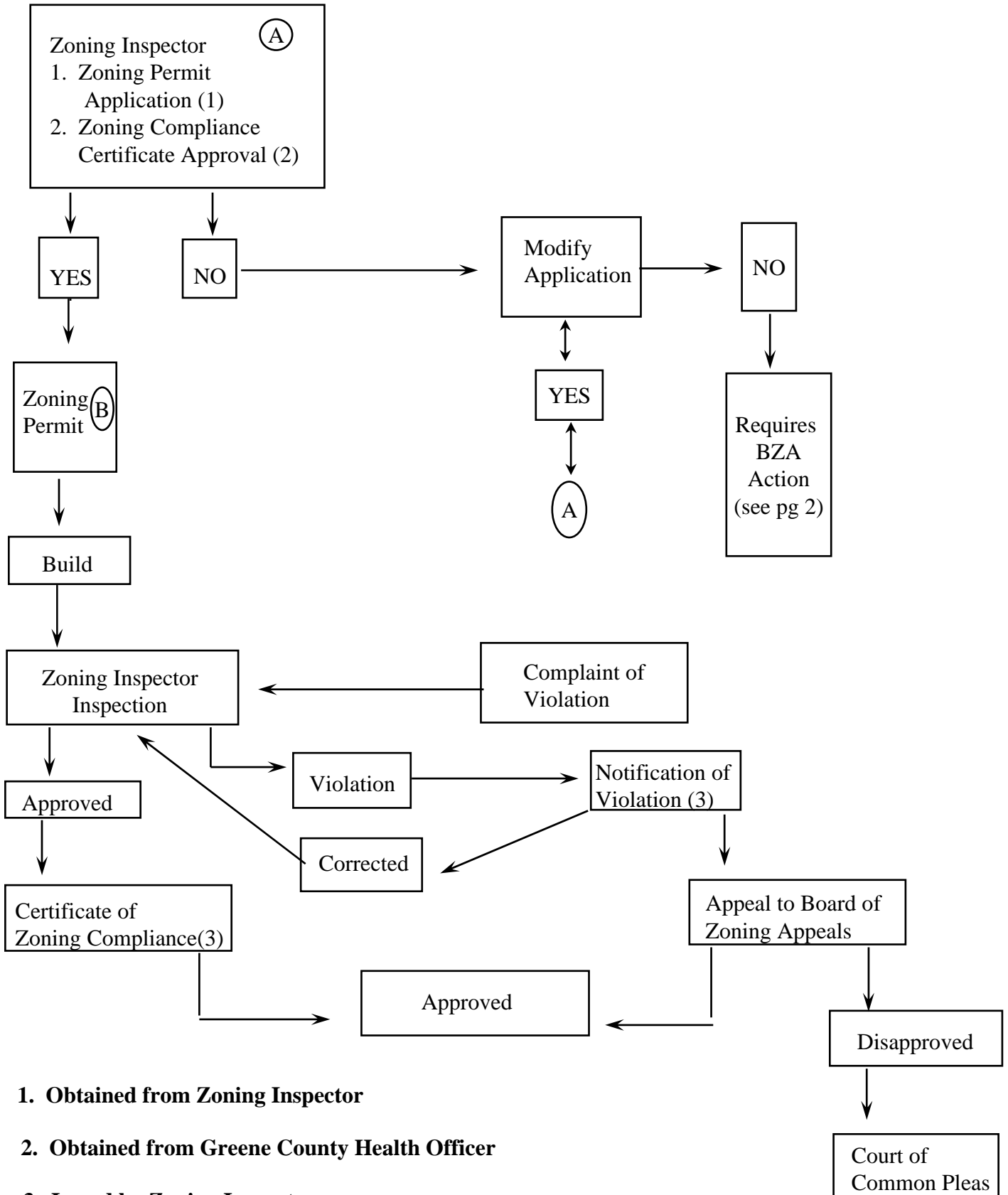
The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits/zoning compliance certificates, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and shall be altered or amended only by the City Council.

19.16

WAIVER

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued sign ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgement of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation.

COMMENTARY
ARTICLE # 19 NORMAL ZONING PERMIT FLOW CHART



- 1. Obtained from Zoning Inspector
- 2. Obtained from Greene County Health Officer
- 3. Issued by Zoning Inspector

NORMAL ZONING PERMIT ACTIONS

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