

ARTICLE 19

ADMINISTRATIVE PROCEDURE AND ENFORCEMENT

Section 1901. Duties of Administrative Official, County /Village/ Board of Zoning Adjustment, and Courts on Matters of Appeal. It is the intent of this Resolution /Ordinance/ that all questions of interpretation and enforcement shall be first presented to the Planning Administrator and that such questions shall be presented to the County /Village/ Board of Zoning Adjustment only on appeal from the decision of the Planning Administrator, and that recourse from the decisions of the County /Village/ Board of Zoning Adjustment shall be to the courts as provided by law, except as provided in Article 21.

It is further the intent of this Resolution /Ordinance/ that the duties of the Board of County Commissioners /Village Board/ in connection with this Resolution /Ordinance/ shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution /Ordinance/. Under this Resolution /Ordinance/, the Board of County Commissioners /Village Board/ shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution /Ordinance/, as provided by law and of establishing a schedule of fees and charges as stated below.

Section 1902. Administration and Enforcement. An administrative official who shall be known as the Planning Administrator and who shall be designated by the County Board of Commissioners /Village Board/ shall administer and enforce this Resolution /Ordinance/. He may be provided with the assistance of such other persons as the Board of County Commissioners /Village Board/ may direct.

If the Planning Administrator shall find that any of the provisions of this Resolution /Ordinance/ are being violated; he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution /Ordinance/ to insure compliance with or to prevent violation of its provisions.

Section 1903. Building Permits Required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Planning Administrator. No building permit shall be issued by the Planning Administrator except in conformity with the provisions of this Resolution /Ordinance/, unless he receives a written order from the County /Village/ Board of Zoning Adjustment or County Board of Commissioners /Village Board/ in the form of an administrative review, special exception, or variance as provided by this Resolution /Ordinance/.

Section 1904. Application for Building Permit. All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

The application shall include such other information as lawfully may be required by the Planning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Resolution */Ordinance/*.

One copy of the plans shall be returned to the applicant by the Planning Administrator after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. If a building permit is refused, the Planning Administrator shall state the reasons for such refusal in writing. The original and one copy of the plans, similarly marked, shall be retained by the Planning Administrator. The issuance of a building permit, shall, in no case, be construed as waiving any provisions of this Resolution */Ordinance/*.

Section 1905. Certificates of Zoning Compliance for New, Altered or Nonconforming Use.

It shall be unlawful 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 altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the Planning Administrator stating that the proposed use of the building or land conforms to the requirements of this Resolution */Ordinance/*.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Planning Administrator. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this Resolution */Ordinance/*, provided, that upon enactment or amendment of this Resolution */Ordinance/*, owners or occupants of non-conforming uses or structures shall have six (6) months to apply for certificates of zoning compliance. Failure to make such application within six (6) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Resolution */Ordinance/*.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Resolution */Ordinance/* upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Planning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided, that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Planning Administrator shall maintain a record of certificates of zoning compliance and a copy shall be furnished upon request to any person. Failure to obtain a certificate of zoning compliance shall be a violation of this Resolution */Ordinance/* and punishable under Section 2202 of this Resolution */Ordinance/*.

Section 1906. Expiration of Building Permit. If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Planning Administrator; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be cancelled by the Planning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

Section 1907. Construction and Use to be as Provided in Applications, Plans, Permits and Certificates of Zoning Compliance. Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Planning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution */Ordinance/*, and punishable as provided by Section 2202 hereof.

Section 1908. Fees, Charges and Expenses. There is hereby established a schedule of fees, charges and expenses for zoning permits and certificates of zoning compliance, as presented below.

Hamilton County Fees

<u>Item</u>	<u>Fee</u>
Certificate for Zoning Compliance	\$10.00
Exceptions	\$50.00
Variances	\$100.00
Subdivisions	\$25.00 plus additional \$5.00 per lot within subdivision

The schedule of fees shall be posted in the office of the Planning Administrator and may be altered or amended only by the Board of County Commissioners */Village Board/*. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1909. Subdivision Regulation Enforcement. No plat or plan of a subdivision of land located within the jurisdiction of this Resolution */Ordinance/* shall be admitted to the records of the County or received or recorded by the County Register of Deeds until said plat has received final approval in writing by the Board of County Commissioners */Village Board/*. After adoption of the Resolution */Ordinance/* by the Board of County Commissioners */Village Board/*, no building shall be erected or building permit issued within such territory unless the requirements as provided in this Resolution */Ordinance/* have been fulfilled. If any building is erected in violation of this Resolution */Ordinance/*, the Planning Administrator or other appropriate official may cause the building to be vacated or removed.

Section 1910. Improvements in Unapproved Streets. The County */Village/* or other public authority shall not accept, layout, open, improve, grade, pave or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street within the County */Village/* unless such street shall have been accepted or open as, or shall have otherwise received the legal status of, a public street prior to the adoption of this Resolution */Ordinance/*, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of County Commissioners */Village Board/* or on a street plat made by and adopted by the Joint Planning Commission; provided., however, that the Board of County Commissioners */Village Board/* in the case of a street within the County */Village/* may locate and construct or may accept any other street if the Resolution */Ordinance/* for such location and construction or for such acceptance be first submitted to the Joint Planning Commission for its approval, and if, upon disapproval by the Joint Planning Commission, is later approved by a minimum of a two-thirds vote of the Board of County Commissioners */Village Board/* shall have the status of an approved street as fully as though it has been originally shown on a subdivision plat approved by the Board of County Commissioners */Village Board/* or on a plat made and adopted by the Joint Planning Commission.

Section 1911. New Buildings on Unapproved Streets. No building permit shall be issued for, or no building shall be erected on any lot within the jurisdiction of this Resolution */Ordinance/* unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted as opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Board of County Commissioners */Village Board/*, or on a street plat made and adopted by the Joint Planning Commission or with a street located or accepted by the Board of County Commissioners */Village Board/*, after submission to the Joint Planning Commission, and in case of said Joint Planning Commission's disapproval, by the favorable vote required in Section 1910 of this Resolution */Ordinance/*. Any building erected in violation of this section shall be deemed an unlawful structure and the County */Village/* may bring action to enjoin such erection or cause it to be vacated or removed.