

# **Article 3**

## **Enforcement**

### **300 General**

This article stipulates the procedures to be followed in obtaining certificates, and other legal administrative approvals under this Resolution.

### **310 Zoning certificates required**

A zoning certificate shall be required as set forth in A and B, this paragraph. The applicant shall make application on forms provided by the Zoning Administrator.

- A. For the construction and/or alteration of any permanent and or temporary building, dwelling, or other structure in excess of twenty-seven (27) cubic feet.
- B. To establish or change the use of any land, building, dwelling or other structure.

Zoning certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

### **311 Contents of application for zoning certificate**

The application for zoning certificate shall be made in writing and 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 certificate shall expire and may be revoked if work has not begun within one (1) year from the date of the issuance of certificate or completed within two (2) years from the date of issuance of certificate. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- A. Name, address, and phone number of applicant:
- B. Legal description and plat number of property for new use or new construction; or house number and street name for alterations;
- C. Existing use;

- D. Proposed use;
- E. Zoning district;
- F. Plans in duplicate 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 alteration;
- G. Building heights;
- H. Number of off-street parking spaces or loading berths and their layout;
- I. Location and design of access drives;
- J. Number of dwelling units;
- K. If applicable, application for a sign certificate or a conditional, special, or temporary use certificate, unless previously submitted;
- L. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Resolution.

### **312 Approval of zoning certificate**

Within ten (10) working days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning certificates shall, however be conditional upon the commencement of work within one (1) year from the issuance of the permit and completion within two (2) years from the issuance of the permit. The Zoning Administrator shall return one (1) copy of the plans to the applicant, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. One (1) copy of plans, similarly marked shall be retained by the Zoning Administrator.

### **313 Submission to Director of Transportation**

Before any zoning certificate is issued affecting any 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 certification to local officials by the Director of Transportation, 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 Administrator shall give notice by registered mail to the Director of Transportation that he or she shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Administrator that he/she shall proceed to acquire the land needed, then the Zoning Administrator shall not issue the zoning certificate.

If the Director of Transportation notifies the Zoning Administrator that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this resolution, issue the zoning certificate.

### **314 Expiration of zoning certificate**

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Administrator; and written notice shall be given to the people affected. If the work described in any zoning certificate has not been completed within two (2) years of the date of issuance thereof, said certificate shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the people affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted.

### **341 Construction and use to be as provided in applications, plans and certificates**

Zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and

no other use, arrangement; or construction. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

### **350 Complaints regarding violations**

Whenever a violation of this Resolution 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 Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate and take action thereon as provided by this Resolution.

### **351 Entry and inspection of property**

The Zoning Administrator is authorized to make inspection 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 Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall obtain consent of the owner or occupant or a search warrant, unless there is an emergency situation, or if the property is open to the public.

### **352 Stop work order**

Subsequent to his/her determination that work is being done contrary to this Resolution, the Zoning Administrator may write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of this Resolution.

### **353 Zoning certificate revocation**

The Zoning Administrator may issue a revocation notice to revoke a certificate or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

### **354 Notice of violation**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Trustees of Jackson Township. Any person, firm, or corporation violating any regulations or provisions of this resolution or

any amendment or supplement thereto and not correcting same after notice as provided herein shall be referred to a Court of Law. Refer to Article 3, Section 360, Penalties and fines for possible actions.

Whenever the Zoning Administrator or his agent determines that there is a violation of any provision of this Resolution, a notice shall be issued and shall serve as a notice of violation. Such order shall:

- A. Be in writing;
- B. Identify the violation;
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated; and
- D. State the time by which the violation shall be corrected, with a minimum of fourteen (14) days allowance.

Service of notice of violation shall be as follows:

- A. If the owner of the land is a resident of the township or a nonresident whose address is known or is the lienholder(s) of record, then certified mail deposited in the United States Post Office shall be addressed to the titleholder.
- B. If a certified mail envelope is returned with endorsement showing that the envelope 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 Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation and a photograph superimposed with a digital date and time stamp shall be taken of the posting; or
- D. Per O.R.C. 505.87, if the landowner(s) address is unknown, and cannot be obtained, it is sufficient to publish the notice in a newspaper of general circulation in the township.

### **355 Court summons procedure**

If upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or people responsible shall be issued a court summons in the following manner:

- A. Be served personally;
- B. Be in writing;
- C. Identify the violation;
- D. State the time, date and place for appearance in court.

If the court summons cannot be served personally, the Zoning Administrator shall request that the summons be served by an Officer of the Court.

### **360 Violations Subject to Penalties and fines**

- A. It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined by the Court and in addition shall pay all costs and expenses involved in the 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 herein provided. Penalties issued as recommended by O.R.C. 519.99
- B. Wrecked, unlicensed vehicles; abandoned, discarded, unsafe manufactured homes; inoperable machinery or equipment, including abandoned or inoperable agricultural equipment; discarded furniture or appliances; machine parts, junk or other miscellaneous materials that are not within a totally enclosed structure in any district with the exception of farm implements currently being used in agriculture.

### **365 Violations – remedies**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereof the Zoning Administrator, the County Prosecutor, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

### **370 Additional remedies**

Nothing in this Resolution 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 Resolution, or in the case of an imminent threat of such a violation, the Zoning Administrator, the township attorney, 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, search warrant or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violations.

### **380 Interpretation, purpose and conflict**

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. Wherever the regulations of this Resolution require a greater width or size of yard or other open spaces or require a lower height of building or less number of stories or require greater percentages of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other resolution or regulations, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other resolution, regulation, private deed restriction or private covenant is the more restrictive, then those requirements shall govern.

### **385 Uses not provided for**

Any uses specifically not mentioned in this resolution shall be assumed prohibited.

### **390 Validity**

Each section, subsection, provision, requirement, regulation, or restriction established by this Resolution or any amendment thereto is hereby declared to be independent and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect or render invalid the Resolution or amendments thereof as a whole or any other part thereof except the particular part so declared to be invalid.