

ARTICLE 6

ADMINISTRATION OF THE ORDINANCE

SECTION 6.1 -- PURPOSE

It is the purpose of the Article to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 6.2 -- ADMINISTRATION

Except when herein otherwise stated the provisions of this Ordinance shall be administered by the Zoning Administrator or by such other deputies of his department as the Village Council may designate to enforce the provisions of this Ordinance.

SECTION 6.3 -- DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance, nor shall the Zoning Administrator vary or change the terms of this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other legal action necessary to ensure compliance with this ordinance or to prevent violation of its provisions.

The Zoning Administrator shall submit to the Planning Commission and the Village Council quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming uses, buildings, and structures. The Zoning Administrator shall maintain a record of all zoning compliance permits and certificates of occupancy.

SECTION 6.4 -- ZONING COMPLIANCE PERMITS

SECTION 6.4.1 -- ISSUANCE OF ZONING COMPLIANCE PERMITS

1. No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Administrator for such building, structure, or land. A zoning compliance application

shall be filled out and submitted to the Zoning Administrator with copies forwarded to the Secretary of the Planning Commission.

2. The Zoning Administrator shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
 - A. The actual dimensions and shape of the lot to be built upon;
 - B. The exact size and location of existing structures on the lot, if any; and
 - C. The location and dimensions of the proposed structure or alteration.
3. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a zoning compliance permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such approvals action.

SECTION 6.4.2 -- VOIDING OF ZONING COMPLIANCE PERMIT

Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within five hundred forty-five (545) days of the date of issuance. A zoning compliance permit shall be renewable upon reapplication and upon payment of the fee, subject, however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 6.5 -- CERTIFICATE OF OCCUPANCY, FINAL INSPECTION

SECTION 6.5.1 -- ISSUANCE OF CERTIFICATE OF OCCUPANCY

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Zoning Administrator within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

SECTION 6.5.2 -- VOIDING OF CERTIFICATE OF OCCUPANCY

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structures for which said certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. The Zoning Administrator upon finding such violation shall immediately notify the Village Council of said violation and void the certificate of occupancy.

SECTION 6.6 -- FEES, CHARGES AND EXPENSES

The Village Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for zoning compliance permits, certificate of occupancy, appeals and other such matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and the Village Clerk, and may be altered or amended only by the Village Council. No permit, certificate, conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 6.7 -- VIOLATION AND PENALTIES, NUISANCE PER SE, AND ABATEMENT

Uses of land and dwellings, buildings, or structures, including tents and mobile homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged of maintaining a nuisance per se. Anyone violating the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500.00) dollars and the costs of prosecuting thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

SECTION 6.8 - PUBLIC HEARING NOTICES

In instances where a public hearing is required under this Ordinance with the Planning Commission or the Zoning Board of Appeals, written notice of the public hearing shall be as follows:

1. **Notice Content.** The notice shall do all of the following:
 - A. Describe the nature of the request.
 - B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - C. State when and where the request will be considered.
 - D. Indicate when and where written comments will be received concerning the request.

2. **Notice Publication and Mailing.** Notice shall be published and mailed no less than fifteen (15) days prior to the public hearing as follows:
 - A. Notice of the request shall be published in a newspaper of general circulation in the Village.
 - B. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - C. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - D. The notice under subsection C. is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
3. **Ordinance Amendments and Rezonings of More Than Ten (10) Properties.** Public hearings for an amendment to the Zoning Ordinance, or the zoning map that affects eleven (11) or more properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under (1)(B) above, and notice shall not be required to be mailed to individual properties under (2)(B) and (2)(C) above.
4. **ZBA Interpretations and Appeals.** Public hearings for ordinance interpretations and appeals of administrative decisions by the Board of Zoning Appeals shall only require notice in a newspaper, as required in (2)(A) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in (2)(B) above. Variances shall require full notification under (2)(A) through (C) above. (Amended, effective May 20, 2009.)