

**ARTICLE IV
ENFORCEMENT AND PENALTY**

Section 4.01 Zoning Permit Required; Stop-Work Order

- A. No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure or land be established or changed in use according to zoning category, wholly or partly, until a *zoning permit*, which may be a part of a building permit, shall have been issued by the Zoning Enforcement Officer. Such zoning permit shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Ordinance.

- B. In the event that the Director of Public Safety/Service or City Engineer, or the representative of either, determines that work is being performed within the City of Greenville contrary to the City of Greenville's Zoning and Subdivision Regulations; Codified Ordinances; engineering specifications; or, approved development plan, or, if work being performed is causing any situation that threatens the general health, safety or welfare of the surrounding property owners, their respective properties or of the general public passing through or near the construction area, the Director of Public Safety/Service or City Engineer, or representative of either, shall issue a stop work order and post the same on the premises involved. Removal of a stop work order, except by the Director of Public Safety/Service, City Engineer, or representative of either, is hereby prohibited. Once a stop work order has been issued and posted, no further work shall be performed on the construction site affected by the order until the cause for the issuance of such stop work order has been remedied and corrected to the satisfaction of the City of Greenville, Ohio.

Section 4.02 Conditions Under Which a Zoning Permit is Required

A zoning permit is required for any of the following:

- A. Construction or structural alteration of any building including accessory buildings.
- B. Change in use of an existing building, accessory building or land to a use not listed as a permitted use in the zoning district where the building or land is located.
- C. Occupancy and use of vacant land.
- D. Any exterior alteration, expansion or other change of a lawful nonconforming use as regulated by Article VIII.

Section 4.04 Application for Zoning Permit

An application for a zoning permit 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 is not substantially completed within one (1) year. Five (5) copies of the application shall be provided. At a minimum, the applicant shall provide the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Darke County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is located.

- F. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; the dimensions and location of existing and/or proposed building or alterations.
- G. Height of proposed buildings or alterations.
- H. Number and dimensions of existing and proposed off-street parking or loading spaces.
- I. Number of proposed dwelling units.
- J. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an approval by the Darke County Health Department of the proposed method of water supply and for disposal of sanitary wastes.
- K. Such other material as may be requested by the Zoning Enforcement Officer to determine conformance with, and provide for the enforcement of this Ordinance.

Where complete and accurate information is not readily available from existing records, the Zoning Enforcement Officer may require the applicant to furnish a survey of the lot by a registered surveyor. In particular cases, the Zoning Enforcement Officer may reduce the submittal requirements for applications, when the scope and scale of the proposed action warrants.

Section 4.05 Approval of Zoning Permits

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Enforcement Officer, in conformance with the provisions of this Ordinance, unless the provisions of Section 4.06 are applicable. All zoning permits shall, however be conditional upon the completion of work within one (1) year. The application shall be marked as either approved or disapproved and attested to same by the signature of the Zoning Enforcement Officer, or his/her designated agent. In the case of disapproval, the Zoning Enforcement Officer shall state on the returned application the specific reasons for disapproval. The original signed application shall remain on file in the office of the Zoning Enforcement Officer, with one (1) copy issued to the applicant. Other copies shall be distributed to other City departments as may be required in specific cases.

Section 4.06 Submission to the Director of the Department of Transportation

Before any zoning permit is issued affecting any land within 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 the Department of Transportation, or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Enforcement Officer shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Enforcement Officer shall not issue a zoning permit for 120 days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Enforcement Officer that he shall proceed to acquire the land needed, then the Zoning Enforcement Officer shall refuse to issue the zoning permit. If the Director of the Department of Transportation notifies the Zoning Enforcement Officer that acquisition at this time is not in the public interest thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Enforcement Officer shall, if the application is in conformance with all provision of this Ordinance, issue the zoning permit in conformance with the provisions of Section 3.05 of this Ordinance.

Section 4.07 Record of Zoning Permit

A record of all zoning permits shall be kept on file in the Municipal Building and copies shall be made available to any persons upon request.

Section 4.08 Expiration of Zoning Permits

If the work described in any zoning permit has not been completed within one year from the date of issuance thereof, said permit shall expire. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or extension granted by the Planning and Zoning Commission.

Section 4.09 Certificate of Zoning Compliance

A. Certificate of Zoning Compliance Required

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 has been issued therefore by the Zoning Enforcement Officer stating that the proposed use of the building or land conforms to the requirements of this Ordinance. Such Certificate of Zoning Compliance may be a part of the zoning permit.

B. Application for Certificate of Zoning Compliance

Certificates of zoning compliance shall be applied for by the applicant giving written notice to the Zoning Enforcement Officer that the exterior erection or structural alteration of such building shall have been completed in Conformance with the provisions of the Ordinance;

C. Approval of Health Department Required

If the property in question is not served by public water and sewer, a Certificate of Zoning Compliance shall not be issued by the Zoning Enforcement Officer until approval of the water and sewage disposal systems have been given by the Darke County Health Department or Ohio Environmental Protection Agency.

D. Record of Certificate of Zoning Compliance

The Zoning Enforcement Officer shall maintain a record of all certificates of zoning compliance and a copy of any individual certificate shall be furnished upon request to occupant or his legally authorized representative.

Section 4.10 Schedule of Fees, Charges and Expenses

The City Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the municipal offices, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

Section 4.11 Violation

4.11.01 Failure to Obtain a Zoning Permit, Certificate of Zoning Compliance, or Other Permit

Failure to obtain a Zoning permit, Certificate of Zoning Compliance, or other permit as required by specific Sections of this Ordinance shall be violation of this Ordinance and punishable under Section 4.11.04 of this Ordinance.

4.11.02 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates.

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 4.11.04

4.11.03 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 shall state fully the causes and basis thereof, and shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall record such complaint, immediately investigate and take such appropriate action thereon as may be necessary and provided for by this Ordinance.

4.11.04 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute an unclassified misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$50 or more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of 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. Nothing herein contained shall prevent the City or any owner of contiguous or neighboring property who would be especially damaged by such violation from such other lawful action as it necessary to prevent or remedy such violation, including, but not limited to, initiating suit for the immediate termination of such action, through induction or other means. Penalties as above shall apply unless penalties are delineated for specific sections of this Ordinance, in which case the penalties delineated in those sections shall apply.

411.05 Void Zoning Permit

A zoning permit shall be void if any of the following conditions exist:

- A. The zoning permit was issued contrary to the provisions of this Ordinance by the Zoning Enforcement Officer.
- B. The zoning permit was issued based upon a false statement by the applicant.
- C. The zoning permit has been assigned or transferred

When a zoning permit has been declared void for any of the above reasons by the Planning and Zoning Commission, written notice of its revocation shall be given by certified mail to applicant, and sent to the address as it appears on the application. Such notices shall also include a statement that all work upon or use of the building, structure, or land cease unless, and until a new zoning permit has been issued.

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