



**ARTICLE 19            ENFORCEMENT AND PENALTIES**

**19.01                    ENFORCING OFFICER**

The Township Zoning Inspector is hereby designated as the zoning enforcing officer of this Resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations and administer the provisions of this Resolution; he may be assisted by any official or employee of the Township by reporting to him any new construction, reconstruction, land uses, changes or suspected violations. The Zoning Inspector shall be responsible for the following duties:

1. Review of all applications for zoning permits within the Township to insure they conform to all applicable provisions of this Resolution are met, then a zoning permit shall be issued and a record of all such permits maintained.
2. May periodically conduct on-site inspections to insure the actual construction will conform to the zoning permit.
3. Upon finding that any of the provisions of this Resolution are being responsible for such violation and order, the action necessary to correct such violation.
4. May order discontinuance of illegal uses of land, buildings or structures.
5. May order removal of illegal buildings or structures or illegal additions or structural alterations.
6. Shall review all subdivision plats in order to determine if the plat conforms to all applicable provisions of this Resolution.
7. Shall perform those particular duties set forth in Article 20 relating to Signs.

**19.02                    ZONING PERMIT**

No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit therefore, issued by the enforcing officer. No zoning permit shall be issued except in conformity with the provisions of this Resolution. No permit is required for any building or structure to be used for bonafide agricultural, public or parochial school purposes.

**19.03 APPLICATION AND ISSUANCE OF ZONING PERMITS**

Every application for a zoning permit shall include a plot plan and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started and all dimensions shown on filed plans shall be based on an actual survey.

1. Each plan shall show:
  - (a) The lot, name and number or legal description of the property;
  - (b) The actual dimensions of the lot, including square footage or acres, the yard and other open space dimensions thereof and the location and size of any existing structures thereon;
  - (c) The location on the lot and size of the proposed structure and/or the proposed enlargement of the existing structure, indicating dimensions including building height and the existing and proposed number of off-street parking and/or loading space;
  - (d) For residential properties the number of proposed dwelling units must be indicated and in R-2, R-3 and R-4 districts, the number of bedrooms to be included in each dwelling unit must be indicated;
  - (e) The plan for screening when applicable. (See Section 18.17 for screening regulations for uses adjoining residential districts.)
  - (f) Any other information which in the judgment of the Enforcing Officer may be necessary to provide for the enforcement of this Resolution.
2. Each plan shall bear statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
3. Where complete and accurate information is not readily available from existing records, the Enforcing Officer may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
4. Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
5. A file of such applications and plans shall be kept in the office of the Enforcing Officer.

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6. Approval of Zoning Permit: Within thirty (30) days after the receipt of an application, the Enforcing Officer shall either approve or disapprove the application in conformance with the provisions of this Resolution. One copy of the plan shall be returned to the applicant, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Enforcing Officer. The Enforcing Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the alteration is in conformance with the provision of this Resolution.
  
7. Submission to Ohio Director of Transportation: Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed, as described in the certification to local officials by the Ohio Director of Transportation, or affecting 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 Enforcing Officer shall give notice by certified mail to the Ohio Director of Transportation. The Enforcing Officer shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Ohio Director of Transportation. If the Ohio Director of Transportation notifies the Enforcing Office that the Director has purchased or begun proceedings to appropriate the land, the Enforcing Officer shall refuse to issue the zoning permit.

If, however, the Ohio Director of Transportation notifies the Enforcing Officer that acquisition of the land at this time is not in the public interest or upon the expiration of one hundred twenty (120) day period (or any extension thereof agreed upon by the Ohio Director of Transportation and the property owner) without notice being received from the Director, the Enforcing Officer shall, if the application is in conformance with all provisions of this Zoning Resolution, issue the zoning permit.

If there is any conflict between this paragraph and O.R.C. 5511.01 as it may be amended, that State statute shall control.

8. When any applications to the Township for some permit, certificate or approval involves submission of technical information by the applicant, it is recognized that the Township may need to incur expenses for the services of engineers and other experts to evaluate such technical data. As a condition of the Township agreeing to consider any such application, the applicant must agree to reimburse the Township at once for any such expenses. That reimbursement must be received by the Township before any such permit, certificate or approval is issued.

A condition of the Township agreeing to consider any application for a permit, certificate or approval shall be that the applicant must pay the cost of publishing any newspaper notice of any public hearings on the application, and of any resolution that grants the application in whole or in part. Similarly, the applicant must agree to reimburse the Township for any postage expense of mailing notices of the proceeding.

9. When on-site waste water disposal is proposed, an approval design from the Greene County Combined Health District or OEPA, as appropriate shall be required.

#### **19.04 CERTIFICATE OF ZONING COMPLIANCE**

It shall be a violation of this Resolution to use or occupy or permit the use or occupancy of any building or land, 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 therefore by the Enforcing Officer stating that the proposed use of the building or land conforms to the requirements of this Resolution. This provision shall apply to all buildings and uses, except those for agricultural and public or parochial school purposes. The Enforcing Officer shall maintain a record of all certificates of occupancy and shall be shown upon request to any person.

#### **19.05 REMEDIES**

1. If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this Resolution or any amendment or supplement thereto, the Township solicitor, the Enforcing Officer, any person or any property owner damaged by or subject to damage by such violation in addition to other remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, enlargement, change, maintenance or use.
2. Failure to obtain a zoning permit or certificate of zoning compliance shall be a violation of this Resolution and punishable under Section 19.07.
3. Construction and Use to be as Provided in Application, Plans, Permits and Certificates: Zoning permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Enforcing Officer 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 at variance with that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 19.07.

**19.06 OTHER ACTION**

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

**19.07 PENALTIES**

Violation of any provision of this Resolution or any amendment or supplement thereto, or failure to comply with any of the requirements of this Resolution shall constitute a misdemeanor. Any person, firm or corporation violating any of the provision of this Resolution or any amendments thereto or failing to comply with any of the requirements of this Resolution or any amendment or supplement thereto shall upon conviction be fined not less than one hundred (100) dollars nor more than five hundred (500) dollars or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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**19.08 AFFECTED PARTIES**

The owner or tenant of any building, structure, premises or part thereof, and any architect, engineer, surveyor, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

**19.09 VIOLATION, NUISANCE PER SE: ABATEMENT**

Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this Resolution are hereby declared to be a nuisance per se. The court shall be requested to order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se.

**19.10 FEES FOR ZONING PERMITS**

A fee shall accompany each application for a zoning permit as deemed reasonable and proper by the Board of Trustees in accordance with the fee schedule heretofore adopted by the Board of Trustees. The Board of Trustees shall from time to time review the schedule of fees, charges and expenses. The schedule shall be posted in the office of the Zoning Inspector. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**19.11 ZONING PERMITS**

Period of Validity: A zoning certificate shall become null and void six (6) months after the date on which it is issued unless within such six month period construction, building, moving, remodeling or reconstruction of structure is commenced or a use is commenced.