

ARTICLE 3

ENFORCEMENT: PENALTIES AND FEES

SECTION 301 ENFORCEMENT BY THE ZONING INSPECTOR

There is hereby established the office of the Township Zoning Inspector. It shall be the duty of the Zoning Inspector, as provided under Section 519.02 et seq. of the Revised Code of the State of Ohio, to enforce this Resolution in accordance with the administrative provisions of this Resolution. All departments, Officials, and public employees of Montgomery County which are vested with the duty or authority to issue certificate or license shall conform to the provisions of this Resolution and shall issue no certificate or license for any use, building or purpose, if the same is in conflict with the provisions of this Resolution. Any certificate or license, issued in conflict with the provisions of this Resolution, shall be null and void.

SECTION 302 ZONING CERTIFICATES

Until a zoning certificate has been obtained from the Zoning Inspector;

- A. The construction, building, moving, remodeling or reconstruction of any building or structure shall not be commenced.
- B. The improvement of land preliminary to any use of such land shall not be commenced.
- C. The use of land , buildings or structures for temporary and accessory and home occupations shall not be commenced.
- D. A certificate pertaining to the temporary or permanent use of land, buildings, or structures shall not be issued by any official, officer, employee, department, board or bureau of Montgomery County. Any permit or zoning certificate issued in conflict with the provisions of this Resolution shall be null and void.

302.01 APPLICATION FOR ZONING CERTIFICATE

Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate and shall be accompanied by a site plan, in duplicate, drawn to such scale as to clearly show the following.

- A. The actual dimensions of the subject property according to the recorded plat of such property.

- B. The use, height, location, and ground area of all present and proposed buildings and structures, the location of all vehicular entrances to and exits from the property, the location of all off-street parking areas and number of spaces provided therein; the building lines in relation to lot lines; the number, type, size, and location of all present and proposed signs; and such other information as may be required by the Zoning Inspector for the proper enforcement of this resolution. One copy of the site plan shall be retained by the Zoning Inspector as a public record.

302.02 ISSUANCE OF ZONING CERTIFICATES

Zoning certificates shall be issued or refusal thereof given within ten (10) days after the date of application. Written notice of such refusal and reason thereof shall be given to the applicant.

302.03 PERIOD OF VALIDITY

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

SECTION 303 OCCUPANCY CERTIFICATES

No building, structure, or addition thereto constructed, built, moved, remodeled, or reconstructed after the effective date of this Resolution shall be occupied or used for any purpose; and no land vacant on that date shall be used for any purpose; and no use of any land, building, or structure shall thereafter be changed to be obtained from the Zoning Inspector certifying that the proposed use or occupancy complies with all the provisions of this Resolution.

303.01 APPLICATION FOR OCCUPANCY CERTIFICATE

Every application for a zoning certificate shall be deemed to be an application for an occupancy certificate also.

Every application for an occupancy certificate for a new or changed use of land, building, or structure where no zoning certificate is required shall be filed with

the

Zoning Inspector.

303.02 ISSUANCE OF OCCUPANCY CERTIFICATE

No occupancy certificate for a building or structure or addition thereto, constructed, built, moved, remodeled, or reconstructed after the effective date of this Resolution, shall be issued until such work has been completed and the

3-2

premises inspected and certified by the Zoning Inspector to be in full and complete compliance with the plans and specifications upon which the zoning certificate for the property was issued. No occupancy certificate for a new use of any building, structure or land shall be issued until the premises have been inspected and certified by the Zoning Inspector to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. However, the Zoning Inspector may issue a certificate of occupancy to an applicant who has not, or whose predecessor or predecessors in interest has not obtained a certificate of occupancy for a change in use of any land, building, or structure as required by law at the time such change in use occurred, provided the Zoning Inspector determines that such applicant, or his predecessor or predecessors in interest, would have been entitled to the issuance of a certificate of occupancy if the application then required by law would have been made.

Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six (6) months from its date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within fifteen (15) days after the receipt of an application therefore, or after the Zoning Inspector is notified in writing that the structure or premises are ready for inspection for an occupancy certificate.

SECTION 304

VIOLATION - 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 or any land is or is proposed to be used in violation of this Resolution or any amendments or supplements thereto; the Board of Township Trustees, the Zoning Inspector/County Building Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law; may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings, to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

SECTION 305

VIOLATION AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain and/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 Board of Township Trustees of Jackson Township under Section 519.02 et. seq. of the Revised Code of the State of Ohio. Any person, firm or corporation violating any regulation in, or any provision of this Resolution, or any amendment

or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, and/or maintenance of use continues, may be deemed a separate offense.

SECTION 306

FEES

Any application under this Resolution for a zoning certificate, variance, Conditional use permit, sign permit, planned development, amendment, or filing of a notice of appeal shall be accompanied by such fee as shall be specified from time to time by resolution of the Board of Township Trustees. There shall be no fee, however, in the case of applications filed by the Board of Township Trustees or the Zoning Commission.

The fees shall be in addition to the regular building permit fees and any other fees which may be imposed under applicable Resolution of Jackson Township. The fees imposed by this Resolution are only intended to defer in part, the costs involved in such applications such as publishing, and/or posting, and mailing the notices of the hearing or hearings. Such fees are not refundable regardless of the outcome of the application.

