

CHAPTER 1175
Enforcement

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CROSS REFERENCES

Violation of zoning ordinances - see Ohio R.C. 713.13

1175.01 GENERAL.

This Chapter states the general applicability of this Ordinance and stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.

1175.02 ZONING CERTIFICATE REQUIRED.

No building or other structure (including accessory structure) shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit issued by the Director of Zoning or his/her authorized representative. Zoning Certificates shall be issued only in conformity with the provisions of this Ordinance unless the Director of Zoning or his/her authorized representative receives a written order from the Board of Zoning Appeals deciding an appeal or variance or from City Council approving a Planned Unit Development upon recommendation from the Planning Commission, as provided by this Ordinance.

A. Exceptions

The Director of Zoning or his/her authorized representative shall not issue Zoning Certificates for certain types of development requiring review by other departments or committees, before the approval of such review is secured.

B. Comprehensive Review Permit Requirement

Within the City of Harrison, any proposed construction, occupancy, or use regulated by the State of Ohio and/or the Hamilton County Building Department shall require an approved City of Harrison "Comprehensive Review Permit." A Comprehensive Review Permit requires the review and approval by other City departments or agencies prior to approval of a Zoning Certificate. The City of Harrison shall charge a deposit and/or fee for the review of plans submitted for a "Comprehensive Review Permit."

C. Development Permit Requirement in Flood Hazard Areas

Prior to the application for a Zoning Certificate as required by this Section, a Development Permit shall be required for any proposed use in flood hazard areas as identified by the Federal Emergency Management Agency (FEMA).

1. Land use in identified flood hazard areas is governed by the special provisions of Chapter 1329, regulating flood plain management, and by this Ordinance.
2. Flood hazard areas identified by the FEMA are delineated as "risk premium areas" or "special flood hazard areas" on the Flood Boundary and Floodway Map, and on the Flood Insurance Rate Map for the City of Harrison, Ohio.
3. In identified flood hazard areas, no building shall be erected or altered, and no building or land shall be occupied or used, except in full compliance with the provisions of Chapter 1329 and this Ordinance

1175.03 CONTENTS OF APPLICATION FOR A ZONING CERTIFICATE.**A. Conditions Prior to Application**

Prior to the filing of an application for Zoning Certificate, compliance with Article VI of the ordinance (Supplementary District Regulations) and/or Section 1175.02C. (Development Permit Requirements), if applicable, is required. The application for Zoning Certificate shall be made in writing and 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 may be revoked if work has not begun within six (6) months of issuance. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address, and telephone number of property owner.
 2. Legal description and street address of property.
 3. Existing use.
 4. Proposed use.
 5. Zoning district.
 6. Plans in triplicate, drawn to scale, showing 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 alterations.
 7. Building height.
 8. Number of off-street parking spaces and loading berths and their layout.
 9. Location and design of access drives.
 10. Number of dwelling units.
 11. If applicable, application for a sign permit or a conditional use permit, unless previously submitted.
 12. A Zoning Certificate shall be secured before construction or alteration of any sign or outdoor advertising device requiring such Permit.
- B. Such other documentation as may be necessary to determine conformance with the enforcement of this Ordinance.

1175.04 APPROVAL OF ZONING CERTIFICATE.

Within twenty-one (21) business days after the receipt of a complete and full application submission, the Director of Zoning or his/her authorized representative shall either approve or disapprove the application in conformance with the provisions of this Ordinance. One (1) copy of the plans shall be returned to the applicant as either approved or disapproved and attested to same by his or her signature on such copy. One (1) copy of the plans similarly marked shall be retained by the Director of Zoning or his/her authorized representative.

1175.05 EXPIRATION OF ZONING CERTIFICATE.

If the work described in any Zoning Certificate is not completed within one (1) year from the date of issuance thereof, said permit shall expire unless the person affected, no less than thirty (30) days prior to the date of expiration, files an application with the Department of Zoning for a six (6) month extension. Upon good cause shown, the Director of Zoning or his/her authorized representative or Board of Zoning Appeals may grant up to two (2) six (6) month extensions of the original zoning certificate. The fee for each extension will be fifty (50%) percent of the original cost of zoning. If no such extension is timely sought and/or granted, the Director of Zoning or his/her authorized representative shall revoke the zoning certificate upon expiration, and written notice shall be given to the person(s) affected. (Ord. 53-09. Passed 7-21-09.)

1175.06 CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises or both or part thereof, after it has been created, erected, converted, or wholly or partly altered or enlarged in its use or structure, until a Certificate of Occupancy has been issued by the Director of Building and/or Zoning or his/her authorized representative. The Certificate of Occupancy must state that the proposed use for the building or land conforms to the requirements of this Ordinance. The issuance of a use certificate in no way relieves the recipient from compliance with all requirements of this Ordinance and other regulations.

- A. A copy of each Certificate of Occupancy issued other than by the City of Harrison, shall be furnished to the Director of Building. A record of all such certificates and approvals shall be kept on file in the Office of the Director of Building.

1175.07 TEMPORARY CERTIFICATE OF OCCUPANCY.

A temporary Certificate of Occupancy may be issued by the Director of Building for a period not exceeding one (1) year during alterations or partial occupancy of a building pending its completion.

1175.08 RECORD OF ZONING CERTIFICATES AND CERTIFICATES OF OCCUPANCY.

The Director of Zoning or his/her authorized representative shall maintain a record of all Zoning Certificates and Certificates of Occupancy, and copies shall be kept on file in the office of the Director of Zoning or his/her authorized representative. Copies shall be furnished to any person upon request and payment of the established fee.

1175.09 FAILURE TO OBTAIN A ZONING CERTIFICATE OR CERTIFICATE OF OCCUPANCY.

Failure to obtain a Zoning Certificate or Certificate of Occupancy shall be a punishable violation of this Ordinance under Section 1175.16 and/or 1175.99.

1175.10 CONSTRUCTION AND USE AS PROVIDED IN APPLICATIONS, PLANS AND PERMITS.

Zoning Certificates issued on the basis of plans and applications approved by the Director of Zoning or his/her authorized representative authorize only the use and arrangement set forth in such approved plans and applications or amendments thereof, and no other use, arrangement or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

1175.11 ENTRY AND INSPECTION OF PROPERTY.

The Director of Zoning and the Director of Building or his/her authorized representative is authorized to make inspections 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 Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Director of Zoning or his/her authorized representative shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Director of Zoning or his/her authorized representative shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

1175.12 STOP WORK ORDER.

Subsequent to his or her determination that work is being done contrary to this Ordinance, the Director of Building or his/her authorized representative shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by order of the Director of Building or his/her authorized representative, shall constitute a violation of this Ordinance under Sections 1175.16 and/or 1175.99.

1175.13 ZONING CERTIFICATE REVOCATION.

The Director of Zoning or his/her authorized representative may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

1175.14 NOTICE OF VIOLATION.

Whenever the Director of Zoning or his/her authorized representative determines that there is a violation of any provision of this Ordinance, a warning shall be issued and shall serve as 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 in this Ordinance being violated.
- D. State the time by which the violation shall be corrected.
- E. Service of notice of violation shall be one of the following:
 1. By personal delivery to the person or persons responsible or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion.
 2. By certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. 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 Director of Zoning or his/her authorized representative. Service shall be deemed complete when the fact of mailing is entered as a matter of record provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery.

3. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1175.15 TICKETING PROCEDURE.

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket by the Police. Such ticket shall:

- A. Be served personally.
- B. Be in writing.
- C. Identify the violation.
- D. State the time, date, and place for appearance in court.
- E. State the amount of the fine payable in lieu of a court appearance.
- F. If the ticket cannot be served personally, the Director of Zoning or his/her authorized representative shall request that a summons be issued by the Court.

1175.16 ADDITIONAL REMEDIES.

Nothing in this Ordinance 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 Ordinance, or in the case of an imminent threat of such a violation, the Director of Zoning or his/her authorized representative, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

1175.99 PENALTY.

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure, or land in violation of any regulation or provision of this Ordinance or any amendment or supplement thereto adopted by Council. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100), 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, assist in, or maintains such violation, may be found guilty of a separate offense and suffer the penalties herein provided.