

## **CHAPTER 24 ENFORCEMENT**

### **24-1 COMPLAINTS REGARDING VIOLATIONS**

Whenever the Zoning Inspector receives a written, signed complaint alleging a violation of this Resolution, he/she shall investigate the complaint within ten (10) working days and take whatever action is warranted, and inform the complainant in writing as to what actions have been or will be taken.

### **24-2 PERSONS LIABLE**

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Resolution may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

### **24-3 PROCEDURES UPON DISCOVERY OF VIOLATIONS**

#### **24-3.1 Written Notice**

If the Zoning Inspector finds that any provision of this Resolution is being violated, a written final notice (the initial written notice may be the final notice) shall be sent by certified or registered mail, return receipt requested. It shall state what action the Zoning Inspector intends to take if the violation is not corrected and shall advise that the Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the provisions of Chapter 22. Additional written notices may be sent at the Zoning Inspector's discretion.

#### **24-3.2 Compliance Timeframe**

Upon receipt of any complaint filed with the Planning & Zoning Department, the Zoning Inspector or Administrative Official shall, within a reasonable length of time but no longer than ten (10) days from the receipt of the complaint or investigation, investigate and determine if compliance is required in accordance with its procedures as provided in Section 24-3.

#### **24-3.3 Citation**

If no action is taken within the time period allowed for correction, cessation, or appeal to the Board of Zoning Appeals, a misdemeanor citation shall be issued. If no action is taken after a misdemeanor citation is issued, additional citations may be issued each day the violation remains in noncompliance. Each day the violation occurs after the citation is issued is a separate offense.

#### **24-3.4 Emergency Enforcement**

Notwithstanding the foregoing, in cases when delay would seriously pose a danger to the public health, safety, or welfare, the Zoning Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 24-4.

#### **24-3.5 Right of Entry**

When making an inspection to enforce the provisions of this Resolution, the Zoning Inspector or Administration Official shall carry proper identification.

The owner, occupant, tenant, or person in charge of the property or rental unit, has the right to deny entry to any property or unit by the Zoning inspector or Administration Official for the purpose of compliance with this Resolution. Nothing in this Resolution shall prohibit the Zoning Inspector or Administration Official from asking permission from an owner, occupant, tenant, or person in charge of the property or rental unit for permission to inspect such property or rental unit for compliance with this Resolution and all other applicable laws, regulations, and codes.

If permission is refused, or permission cannot be obtained after a reasonable effort is made to locate the owner, occupant, tenant, or person in charge of the property or unit, nothing in this Resolution shall prohibit the Zoning Inspector from seeking a search warrant from a court of competent jurisdiction based upon probable cause. All inspections made pursuant to a search warrant shall be executed at a reasonable time and in a reasonable manner.

## **24-4 PENALTIES AND REMEDIES FOR VIOLATIONS**

### **24-4.1 Penalty and Appeals**

- (a) No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation this Resolution or any amendment or supplement thereto.
- (b) Any act constituting a violation of the provisions of this Resolution or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or Zoning Compliance Plan approval, shall subject the offender to a misdemeanor citation and penalty. A misdemeanor citation and penalty may not be appealed to the Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 24-3 and did not appeal to the Board of Zoning Appeals within the prescribed time.
- (c) Any owner, occupant, person, or entity violating any regulation, provision, amendment, or supplement to this Zoning Resolution, or failing to obey any lawful order of the Sycamore Township Zoning Administrator issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

### **24-4.2 Other Enforcement Actions**

In the event that any structure, building, or other construct 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 Sections 519.01 to 519.99 inclusive, of the Ohio Revised Code, or in violation of this Zoning Resolution, the Board of Trustees, the Township Law Director or his/her designee, the Hamilton County Prosecuting Attorney, the Zoning Administrator, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use, The Board of Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section.

### **24-4.3 Multiple Citations**

Each day that any violation occurs or continues (for each citation) after notification by the Zoning Inspector that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in ORC Chapter 519.

### **24-4.4 Multiple Remedies**

Anyone, all, or any combination of the foregoing penalties and remedies may be used to enforce this Resolution.

## **24-5 ZONING CERTIFICATE REVOCATION**

### **24-5.1 Grounds for Revocation**

A Zoning Certificate may be revoked by the Zoning Inspector in accordance with the provisions of this section if the recipient of the certificate fails to develop or maintain the property in accordance with the

plans submitted, the requirements of this Chapter, or any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

### **24-5.2 Procedure**

Before a Zoning Certificate may be revoked, all of the notice, hearing and other requirements shall be complied with. The notice shall inform the certificate holder of the alleged grounds for the revocation.

- (a) The burden of presenting evidence sufficient to authorize the Zoning Inspector to conclude that a certificate should be revoked for any of the reasons set forth in Section 24-5.1 shall be upon the party advocating that position.
- (b) The action to revoke a Zoning Certificate shall include a statement of the specific reasons or findings of fact that support the decision.

### **24-5.3 Notice**

Before a Zoning Certificate may be revoked, the Zoning Inspector shall give the recipient of the certificate ten (10) days notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the certificate is revoked, the Zoning Inspector shall provide to the holder of the Zoning Certificate a written statement of the decision and the reasons therefore.

### **24-5.4 Effect of Revocation**

No person may continue to make use of land or buildings in the manner authorized by any Zoning Certificate after such certificate has been revoked in accordance with this section.

## **24-6 JUDICIAL REVIEW**

Any decision of the Board of Township Trustees, the Sycamore Township Zoning Commission, or the Zoning Inspector granting, revoking, or denying a Zoning Certificate; and every final decision of the Board of Zoning Appeals shall be subject to review by the Court of Common Pleas.