

## **CHAPTER 650 ENFORCEMENT**

### **Section 650.01 Zoning Inspector To Enforce Zoning Ordinance**

The Zoning Inspector is the primary enforcement officer of this Code. He may seek the assistance of the Village Solicitor in the prosecution of violations. The Zoning Inspector shall conduct all site inspections at reasonable times and shall carry Village Identification when carrying out inspection duties. The Zoning Inspector may take any reasonable action necessary to substantiate the existence of a zoning violation.

### **Section 650.02. Complaints Regarding Violations**

Whenever a violation of this ordinance occurs, or is alleged, any person may file a written complaint. Such complaint shall fully state the causes and basis and it shall be filed with the Zoning Inspector.

The Zoning Inspector shall record such complaint and conduct an investigation within 3 days of receiving the complaint in writing.

### **Section 650.03 Entry and Inspection of Property**

The Zoning Inspector 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 examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

### **Section 650.04 Stop Work Order**

Subsequent to his determination that work is being done contrary to this Code, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector shall constitute a punishable violation of this Code.

### **Section 650.05 Notice of Violation**

Whenever the Zoning Inspector or his/her agent determines that there is a violation of any provision of this Code, a notice of violation shall be issued. Such notice shall:

- A. Be issued in writing.
- B. Identify the nature of the violation(s).
- C. Include a statement of the reason or reasons why the notice of violation is being issued,

citing the sections of this Code being violated.

D. State the date by which time the violation shall be corrected.

Service of the notice of violation shall be:

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 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 that shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of deliver; or
3. By posting a copy of the notice of violation form in a conspicuous place on the premises found to be in violation.

#### **Section 650.06            Corrective Action**

If the violation is not corrected within 30 days, then Council, the Village Solicitor, Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by any violation of this Code, in addition to any other remedies provided by law, may, in addition to any other remedies provided by law, institute a suit to remove, or terminate such violation.

#### **Section 650.07            Penalties**

Whoever violates any provision of the Zoning Code shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$500. Each day of continuation of a violation shall be deemed to be a separate offense.

If there is a conviction on a violation, the violator shall be responsible for payment of all legal, professional and other expenses of the Village in the case.

#### **Section 650.08            Special Costs**

When the Planning Commission or Board of Zoning Appeals finds it necessary to cause special studies to be made, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.

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