

**CHAPTER 1117
Enforcement and Penalties**

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1117.01 ENFORCEMENT BY ZONING ADMINISTRATOR.

The provisions of this Planning and Zoning Code shall be administered and enforced by the Zoning Administrator or his/her designee.
(Ord. 2006-49. Passed 5-21-07.)

1117.02 CONSTRUCTION AND USE SHALL BE AS APPROVED.

Zoning certificates issued by the Zoning Administrator on the basis of approved plans and applications authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto. Use, arrangement or construction contrary to that authorized shall be deemed a punishable violation of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1117.03 VIOLATIONS.

It shall be unlawful to:

- (a) Use or occupy any land or place; build, erect, alter, remodel, restore, or rebuild thereon any building or structure; permit any building or structure to remain on such land; or use, occupy, or operate such building or structure, in any way or for any use or purpose which is not permitted by the provisions of this Planning and Zoning Code; or
- (b) Use or occupy any parcel of land; use or occupy a new building; or enlarge, substitute, or otherwise change the use, occupancy, or configuration of any land or building, without having received a zoning certificate, conditional use certificate, certificate of zoning compliance or subdivision plat approval indicating compliance with the provisions of this Planning and Zoning Code; or
- (c) Aid, assist, or participate with any person in placing, building, erecting, altering, remodeling, restoring, or rebuilding any building or structure that is not permitted by the provisions of this Planning and Zoning Code; or
- (d) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this Planning and Zoning Code, or

- continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated; or
- (e) Continue construction, renovation, or improvements contrary to a Stop Work Order or Notice of Violation; or
 - (f) Refuse to permit the Zoning Administrator to enter any premises in the City to investigate a reported violation of the provisions of this Planning and Zoning Code, or refuse or fail to furnish to such Zoning Administrator a statement as to the number of persons occupying such premises; or
 - (g) Knowingly make any materially false statement of fact in an application to the Zoning Administrator for a zoning certificate, conditional use certificate, certificate of zoning compliance, or subdivision plat approval or in the plans or specifications submitted to the Zoning Administrator in relation to such application; or
 - (h) Subdivide land in a manner contrary to the standards and regulations contained in this Planning and Zoning Code; or,
 - (i) Sell land that has not been subdivided in accordance with the regulations in this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1117.04 VIOLATION CONSIDERED A NUISANCE.

Any building erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Planning and Zoning Code may be declared to be a nuisance. Any building or land use activity considered to be a possible violation of any provision of this Planning and Zoning Code that is observed by any City official shall be reported to the Zoning Administrator.
(Ord. 2006-49. Passed 5-21-07.)

1117.05 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Planning and Zoning Code occurs, or is alleged to have occurred, any person may file a complaint. Such written complaints shall fully state the causes and basis of the complaint and shall be filed with the Zoning Administrator.
(Ord. 2006-49. Passed 5-21-07.)

1117.06 INSPECTION OF PROPERTY.

The Zoning Administrator may inspect any building erected, altered, moved, razed or converted, or any use of land or premises carried on in alleged violation of any of the provisions of this Planning and Zoning Code.
(Ord. 2006-49. Passed 5-21-07.)

1117.07 STOP WORK ORDER.

Subsequent to a determination that construction work is being done contrary to this Planning and Zoning Code, the Zoning Administrator, or his or her designee, shall issue a stop work order and post it on the premises involved. No additional work shall be done on the premises involved until the stop work order has been removed by the Zoning Administrator. Removal of a stop work order, except by the order of the Zoning Administrator or designated agent, shall constitute a punishable violation of this Planning and Zoning Code. (Ord. 2006-49. Passed 5-21-07.)

1117.08 NOTICE OF VIOLATION.

Upon finding a violation, the Zoning Administrator shall order, in writing, the owner, agent, occupant or operator of such building or premises to correct, within a stated reasonable time, all conditions that are found to be in violation of this Planning and Zoning Code. After such a notice is served, no work, except to correct the violation or comply with the notice shall proceed on any building or premises included in the violation. (Ord. 2006-49. Passed 5-21-07.)

1117.09 PERMIT REVOCATION.

The Zoning Administrator may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this Planning and Zoning Code or based upon false information or misrepresentation in the application. (Ord. 2006-49. Passed 5-21-07.)

1117.10 PENALTIES.

- (a) Failure to correct the conditions in violation with the provisions of this Planning and Zoning Code, as ordered by the Zoning Administrator, shall constitute a misdemeanor. Upon conviction of such violations, the responsible person or party shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than six months or both. Each day such violation continues shall be deemed a separate offense. Any other person, who commits, participates in or assists in the continuation of said violation may each be found guilty of a separate offense and suffer the penalties provided.
- (b) The following additional penalties shall apply to violations against the Subdivision Regulations set forth in this Planning and Zoning Code including but not limited to those regulations in Chapter 1109, Subdivision Procedures, Chapter 1113, Scheduling and Assurances for Completion and Maintenance of Improvements, and the applicable chapters in Title Five:
 - (1) Whoever violates any rule or regulation set forth in this Planning and Zoning Code for the purposes of setting standards and requiring and securing the construction of improvements within a subdivision, or fails to comply with any order pursuant thereto, shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than one thousand (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department.
 - (2) Whoever, being the owner or agent of the owner of any land within the City of Wooster's jurisdiction, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the Office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract of land by metes and bounds

in the deed and transfer shall not serve to exempt the seller from the forfeiture provided in this Section. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department.

- (3) Any person who disposes of or offers for sale or lease any lot or any part of a lot in a subdivision before provisions of the applicable Subdivision Regulations in this Planning and Zoning Code are complied with, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each lot or part of the lot so sold or offered for sale or lease. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas by the City's Law Department. (Ord. 2006-49. Passed 5-21-07.)