

# Chapter 1133: Enforcement and Penalties

## 1133.01 Enforcement by the Zoning Administrator

- (a) The Zoning Administrator is hereby designated as the enforcing officer of this code.
- (b) The Zoning Administrator is hereby authorized to enforce as well as issue orders to prevent and stop violations of the provisions of this code.
- (c) The Zoning Administrator may be assisted by other personnel as the Director of Administration may authorize.

## 1133.02 Violations

- (a) It shall be unlawful to:
  - (1) 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 code;
  - (2) 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 approval, certificate of zoning compliance or subdivision plat approval indicating compliance with the provisions of this code;
  - (3) Violate or fail to perform any condition, stipulation or safeguard set forth in any certificate issued pursuant to this code, or continue to use or occupy the premises or building as previously authorized by such certificate beyond the duration limit therein stated;
  - (4) Continue construction, renovation, or improvements contrary to a stop work order or notice of violation;
  - (5) Knowingly make any materially false statement of fact in an application to the Zoning Administrator for a zoning certificate, conditional use approval, certificate of zoning compliance, or subdivision plat approval or in the plans or specifications submitted to the Zoning Administrator in relation to such application;
  - (6) Subdivide land in a manner contrary to the standards and regulations contained in this code; or
  - (7) Sell land that has not been subdivided in accordance with the regulations in this code.
- (b) Each day's continuation of a violation of this section may be deemed a separate offense.

## 1133.03 Permit Revocation

The Zoning Administrator may issue a revocation notice to revoke a permit, certificate, or administrative approval that was issued contrary to this code or based upon false information or misrepresentation in the application.

## 1133.04 Complaints Regarding Violations

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. Such complaints shall fully state the causes and basis of the complaint and shall be filed with the Zoning Administrator.

### **1133.05 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 code.

### **1133.06 Stop Work Order**

Subsequent to a determination that construction work is being done contrary to this code, the Zoning Administrator, 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, shall constitute a punishable violation of this code.

### **1133.07 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 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.

### **1133.08 Penalties**

- (a) Failure to correct the conditions in violation with the provisions of this 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 100 dollars nor more than 500 dollars, 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 rules for the subdivision of land as set forth in this code including, but not limited to, those regulations in Section [1105.05](#), Section [1105.06](#), and [Chapter 1129: Subdivision Design](#), and any other applicable parts of this code:
  - (1) Whoever violates any rule or regulation set forth in this 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 100 dollars nor more than 1,000 dollars. 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 100 dollars nor more than 500 dollars 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 code are complied with, shall forfeit and pay the sum of not less than 100 dollars nor more than 500 dollars 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.

### **1133.09 Remedies**

- (a) 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 code, or any amendment or supplement thereto, City Council, the Law Director, the Zoning Administrator, Chief Building Official, City Engineer, 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 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.
- (b) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

### **1133.10 Affected Parties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **1133.11 Other Actions**

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.