

**CHAPTER 1129
Enforcement**

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CROSS REFERENCES

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

Housing and property maintenance enforcement - see PROP. STDS. 1711.81 et seq.

1129.01 RESPONSIBILITY AND DUTIES.

It shall be the duty of the City Manager or his designee to enforce the Zoning Code. The City Manager may assign such enforcement to the Community Development Director and other inspectors of the City, who shall: receive applications required by the Zoning Code; issue permits; furnish the prescribed certificates; examine premises for which permits have been issued; make necessary inspections to see that the provisions of law are complied with; enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures except as may be otherwise provided for; make investigations in connection with matters referred to in the Zoning Code and render written reports on the same; and, for the purpose of enforcing compliance with law, issue such notices or orders as may be necessary.

(Ord. 2003-1. Passed 3-13-03.)

1129.02 INSPECTIONS.

Inspections shall be made by the Community Development Director or a duly appointed inspector.

(Ord. 2003-1. Passed 3-13-03.)

1129.03 RECORDS.

The City Manager shall direct that comprehensive records are kept of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued; that copies are retained on file of all papers in connection with building work so long as required by law. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the offices of the Community Development Division of the City.

(Ord. 2003-1. Passed 3-13-03.)

1129.04 PERMIT FORM, CONDITIONS AND PROCEDURE.

(a) When Required. It shall not be lawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure, without first filing with the Community Development Division of the City an application in writing and obtaining a formal permit.

(b) Form. An application for a permit shall be submitted in such form as the Community Development Division may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of authorized fees.

(c) Plans. Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections, elevations and structural details as may be required.

(d) Plot Diagram. There shall also be filed a plot diagram in a form and size suitable for filing with the permit record, drawn to scale, with all dimensions figured, showing accurately the size, the exact location of all proposed new construction or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings and structures that are to remain. This shall be prepared by and signed by a registered surveyor, engineer or architect.

(e) Changes. Nothing in this section shall prohibit the filing of amendments to an application or to a plan or to a record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

(f) Completion of Existing Buildings. Nothing contained in the Zoning Code shall require any change in the plans, constructions, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of the Zoning Code, provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of the Zoning Code.

(g) Action on Application. It shall be the duty of the Chief Building Official or other inspector assigned by the City Manager to examine applications for permits, within a reasonable time after filing. If, after examination, the inspector finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, the inspector shall approve such application and issue a permit for the proposed work as soon as practicable. If the examination reveals otherwise, the inspector will reject such application, noting the finding in a report to be attached to the application and delivering a copy to the applicant. For all buildings except one- and two-family residences, all applications for permits shall be reviewed by the Board of Site Arrangement before the permit is granted.

(h) Approval in Part. Nothing in this section shall be construed to prevent the issuance of a permit for the construction of part of a building or structure before the entire plans and detailed statements of such building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with the Zoning Code.

(i) Condition of the Permit. All work performed under a permit shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot of which a plot diagram has been filed and has been used as the basis of a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved, provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

(j) Signature to Permit. Every permit issued by the Chief Building Official or other authorized inspector under the provisions of the Zoning Code shall have the inspector's signature affixed thereto.

(k) Limitation. A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.

(l) Posting of Permit. A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. City Inspectors may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The City Community Development Division shall be given at least twelve (12) hours notice of the starting of work under a permit.

(m) Revocation. The Chief Building Official or other authorized inspector may revoke a permit or approval issued under the provisions of the Zoning Code in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.
(Ord. 2003-1. Passed 3-13-03.)

1129.05 CERTIFICATE OF OCCUPANCY FOR BUILDING.

No building shall be occupied before a Certificate of Occupancy has been issued. A Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit, and such Certificate shall be issued after the request for same has been made in writing to the Chief Building Official after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of the Zoning Code, and all other applicable Federal, State and City building, fire and safety codes and regulations. Pending the issuance of a regular Certificate, a temporary certificate of occupancy may be issued by the Chief Building Official or other authorized inspector for a period not exceeding one (1) year, during the completion of alterations or during such temporary partial occupancy of a building, provided that such temporary certificate shall not be construed as in any way superseding the respective rights of the City or duties and obligations of the owners relating to the use or occupancy of the premises or any other matter covered by the Zoning Code, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(Ord. 2003-1. Passed 3-13-03.)

1129.06 PENALTY.

(a) Whenever, in Part 11 – Planning and Zoning Code of the Codified Ordinances of Blue Ash, any act is prohibited or is made or declared to be unlawful, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, whoever violates any

such provision shall be punished by a fine not to exceed one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

(b) Failure to comply with any provision enforceable upon a property or person because of an approval granted by the City Council, Planning Commission, Board of Zoning Appeals, or Board of Site Arrangement shall be punishable by a fine not to exceed five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

(c) Every person who violates a provision of Part 11 is subject to penalty as described.