

CHAPTER 1149 Enforcement

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1149.01 GENERAL.

This chapter stipulates the procedures to be followed in obtaining zoning certificates, and other legal or administrative approvals under this Ordinance.

1149.02 ZONING CERTIFICATE REQUIRED.

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a zoning certificate issued by the Zoning Inspector. A zoning certificate shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or variance, as provided by this Ordinance.

1149.03 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE.

The application for zoning certificate shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 3 months or substantially completed within one (1) year if not the applicant must appear before the Zoning Board for an extension. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- (a) Name, address and phone number of applicant.
- (b) Legal description of property.
- (c) Existing use.
- (d) Proposed use.
- (e) Zoning district.
- (f) Plot plan drawn to a reasonable scale showing the dimensions of the lot to be built upon; the location, dimension, height and bulk of existing buildings or structures; the location, dimension, height and bulk of buildings or structures to be erected or altered; and the yard, open area and parking space dimensions.
- (g) Proposed number of sleeping rooms, dwelling units, occupants, employees and other uses.
- (h) Evidence of ownership.
- (i) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Ordinance.

1149.04 APPROVAL OF ZONING CERTIFICATE.

Within 10 days after the receipt of an application, the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this Ordinance and the application is accompanied by the proper fee as indicated in Section 1145.12. All zoning certificates shall, however, be conditional upon the commencement of work within three (3) months.

1149.05 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning certificate is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail, to the Director of Transportation that he shall not issue a zoning certificate 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the 120 day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector, if the application is in conformance with all provisions of this Ordinance, shall issue the zoning certificate.

1149.06 EXPIRATION OF ZONING CERTIFICATE.

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning certificate has not been substantially completed within one (1) year of the date of issuance thereof, said certificate shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted by the Zoning Board.

1149.07 FAILURE TO OBTAIN A ZONING CERTIFICATE.

Failure to obtain a zoning certificate shall be a punishable violation of this Ordinance.

1149.08 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES.

Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

1149.09 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.

1149.10 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 such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

1149.11 STOP WORK ORDER.

Subsequent to his determination that work is being done contrary to this ordinance, 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 Ordinance.

1149.12 ZONING CERTIFICATE REVOCATION.

The Zoning Inspector may issue a revocation notice to revoke a certificate or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

1149.13 NOTICE OF VIOLATION.

(a) Whenever the Zoning Inspector or his agent determines that there is a violation of any provision of this Ordinance, a written order shall be issued and shall serve as a notice of violation. Such order shall:

- (1) Identify the violation.
- (2) Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated.
- (3) State the time by which the violation shall be corrected (within a period of 30 days after the personal contact or written order is issued or for a longer period of time as indicated by the Zoning Inspector).
- (4) Photographs will be taken of specific violations.

(b) Service of notice of violation shall be as follows:

- (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 a person of suitable age and discretion; or
- (2) By certified mail deposited in the United States Post Office addressed to the property owners. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, it is filed with the Zoning Inspector and forwarded to the Village Solicitor for further action.

(c) Upon receiving a notice of violation, it is the property owners responsibility to notify the Zoning Inspector when the specified violation has been corrected within the given time frame so a re-inspection can be done.

1149.14 PENALTIES AND FINES.

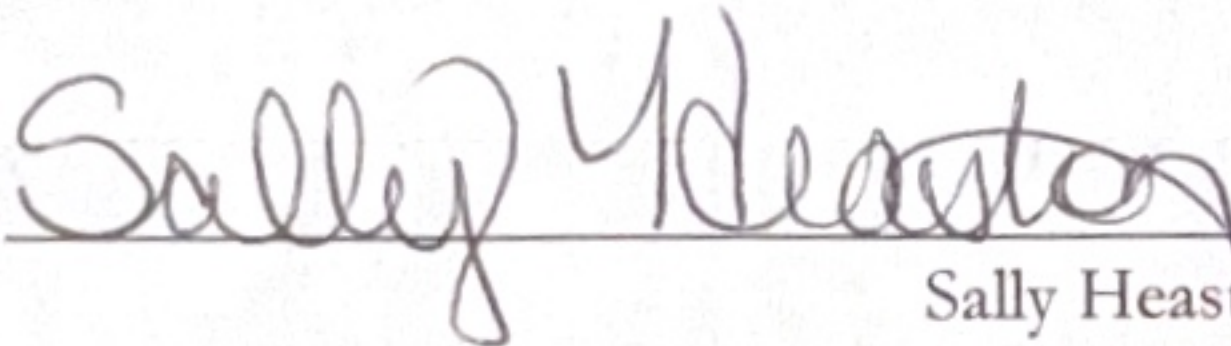
It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance, or fails to comply with any of its requirements, shall upon conviction thereof be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

1149.15 ADDITIONAL REMEDIES.

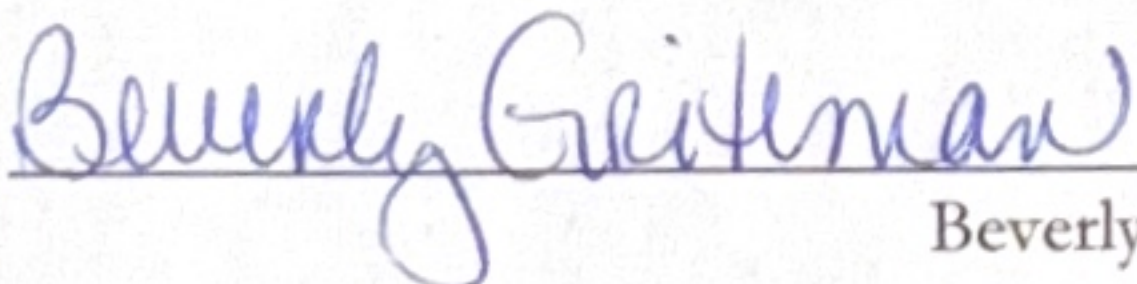
Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Village Solicitor or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse as provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 11th day of March, 2020.


Sally Heaston

Subscribed and sworn to before me this
19th day of March, 2020


Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$243.00

Notary Fee: \$2.50

LEGAL NOTICE
Ordinance No. 1-2020
VILLAGE OF MCCLURE, HENRY COUNTY, OHIO

AN ORDINANCE AMENDING MCCLURE CODIFIED
ORDINANCE 351.03, CREATING MCCLURE CODIFIED
ORDINANCE 301.211, AND ESTABLISHING
PARKING REGULATIONS

WHEREAS, the Village of McClure is a statutory village located in Henry County, Ohio and

WHEREAS, the Village of McClure has powers of local self-government pursuant to Article XVIII, Section 3 of the Ohio Constitution, and the power to regulate local traffic within the Village pursuant to R.C. chapters 4511 and 4513, and Village of McClure Codified Ordinances section 305.01, and

WHEREAS, the Village of McClure desires to protect the safety of vehicular and pedestrian traffic and prevent hazards and obstructions to the normal movement of such traffic, and to prevent actions that unreasonably interfere with street cleaning or snow removal operations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MCCLURE, HENRY COUNTY OHIO, THAT:

SECTION 1. The Council of the Village of McClure hereby finds that parked vehicles upon village sidewalks restrict pedestrian traffic, and parked vehicles within twenty feet of the intersection of two streets, or of a street and an alley, or ten feet from a driveway limit visibility for pedestrians and drivers of motor vehicles. Further, on-street parking on certain streets within the Village interferes with street cleaning and snow removal operations.

SECTION 2. McClure Codified Ordinance section 351.03(a) shall be amended, in part, as follows:

- (1) On a sidewalk, curb or lawn.
- (3) Within twenty feet of the intersection of two streets or a street and an alley.
- (10) Within ten feet of any public or private driveway entrance

SECTION 3. All sections and subsections of 351.03 not amended herein shall remain in effect.

SECTION 4. On-street parking shall be prohibited on East Cross Street, between State Route 65, (also known as South East Street), and Haley Street.

SECTION 5. On-street parking shall be prohibited on Haley Street.

SECTION 6. There is hereby created McClure Codified Ordinance 301.211 which shall read as follows:

301.211 ON-STREET PARKING

"On-street parking" shall be defined as parking of a motor vehicle on, or within the right-of-way of, any street, road or alley.

SECTION 7. The Village Fiscal Officer is hereby directed to codify the amendments to McClure Codified Ordinance section 351.03 and 301.

SECTION 8. The Village Administrator is hereby directed to purchase and install appropriate "No Parking" signs in compliance with Ohio Department of Transportation regulations and this Ordinance.

SECTION 9. It is hereby found and determined that all formal actions of Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such a formal action were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Revised Code of Ohio.