

ARTICLE III ♦ ADMINISTRATION AND ENFORCEMENT

Shelby County Zoning Regulations

1994

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Section 300 Administrative Official

An Administrative Official, designated by the Triple S Planning Commission, shall administer and enforce these Regulations. He/she may be provided with the assistance of such other persons as the Planning Commission may direct.

If the Administrative Official shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing by certified mail with return of receipt requested, the person responsible for such violations, indicating the nature of the violation and ordering the necessary action to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

The Administrative Official shall keep accurate records in a permanent file for the issuance of zoning permits, inspections, violations, and stop orders. If the Administrative Official finds any provisions of the Ordinance being violated, the person or persons responsible for such violation shall be notified by the Administrative Official through certified mail with return of receipt requested. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structures.

Any zoning permit issued in conflict with the provisions of these Regulations shall be null and void.

The Administrative Official shall be required to inform and/or report his/her actions to the Planning Commission. Said report shall be in writing and issued to the Planning Commission on or before each monthly meeting.

Section 310 Zoning Permits

No building or other structure shall be erected, moved, added to, or structurally altered without a zoning permit, therefore, issued by the Administrative Official except as specified in Article III of these Regulations. No zoning permit shall be issued by the Administrative Official except in conformity with the provisions of these regulations, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, conditional use, or variance as provided by these Regulations.

If no zoning permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record and evidence of the case for the issuance of the restraining order.

- a. Construction And Use To Be As Provided In Applications, Plans, and Zoning Permits: Building permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of these Regulations and punishable as provided Section 360 hereof.

Section 315 Exceptions

No zoning permit shall be required in the following cases:

- a. Recurring maintenance work regardless of cost.
- b. Construction or alteration of agricultural structures when they are three (300) hundred feet or more from the nearest property line or road.
- c. Installation of required improvements according to an approved preliminary subdivision plat or planned development plan.

Section 320 Procedure

- a. **Application:** All applications for zoning permits shall be accompanied by plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and outside dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of these Regulations. The governing health official's certificate approving proposed water and sewage facilities must accompany applications according to Section 880 of these Regulations. In addition, an entrance or encroachment permit from the Shelby County road engineer, State Highway Department, or City of Shelbyville Engineer for the driveway entrance will be required.
- b. **Issuance:** If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Administrative Official shall issue a zoning permit authorizing such construction or alteration. If proposed construction or alteration fails to conform the Administrative Officer shall refuse to issue a zoning permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Administrative Official shall act upon applications for zoning permits within two (2) weeks from the date of their submission.
- c. **Restraint of Construction Without Permit:** If no zoning permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record. Evidence of the lack of a zoning permit shall establish a prima facie case for the issuance of the restraining order.
- d. **Validity:** The issuance of a zoning permit shall not waive any provisions of this regulation.

Section 330 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be canceled by the Administrative Official; and written notice by certified mail with return of receipt requested thereof shall be given to the persons affected.

If the work described in any zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.

Section 340 Enforcement by Commission

The Planning Commission may bring action for all appropriate relief including injunctions against any governmental bodies or any aggrieved person who violates the provisions of these Regulations.

Section 350 Enforcement

- a. Correction Period: All violations of these Regulations shall be corrected within a period of thirty (30) days after the order to correct is issued by the Administrative Official or in such longer period of time, not exceeding three (3) months, as the Administrative Official may determine. A violation not corrected within the allowed time for correction shall be reported to the City and/or County Attorney who shall initiate prosecution procedures.
- b. Violation a Misdemeanor: Every person, corporation, or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of these Regulations or any permit, license, or exception granted hereunder, or any lawful order of the Administrative Official, the Board of Zoning Adjustment, the Planning Commission, the City Council, or the Fiscal Court issued in pursuance of these Regulations shall be guilty of a Class B misdemeanor, as so adjudged by a court of appropriate jurisdiction.
- c. Remedies: The Administrative Official, the Board of Zoning Adjustment, the Planning Commission, the City Council, the Fiscal Court, or any interested party may institute an injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate, or remove any violation of these Regulations.

Section 360 Penalties

Except as provided in Section 960 of Article IX, violations of the provisions of these Regulations or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person(s) who violates these Regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (\$100) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues 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.

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

Section 370 Fee Schedule

The legislative bodies adopting these Regulations do hereby grant the Planning Commission and Board of Adjustment the power to establish a reasonable schedule of fees, charges, and expenses and a collection procedure for certificate of zoning compliance, appeals, application for amendments, and other matters pertaining to these Regulations. The schedule of fees shall be

posted in the office of the Administrative Official, and may be altered or amended as the Planning Commission and/or Board of Adjustment see fit.

Until all applicable fee, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 380 Complaints Regarding Violations

Whenever a violation of these Regulations 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 Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by these Regulations.