

**ARTICLE 1900
ADMINISTRATION AND ENFORCEMENT**

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1900.01 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

- A. It shall be the duty of the Planning Officer to administer and enforce the provisions of this ordinance, except as otherwise expressly provided in this ordinance.
- B. It shall be the duty of the Planning Officer to:
 - 1. Perform zoning reviews of building permit applications as necessary to determine compliance with the provisions of this ordinance.
 - 2. Maintain permanent and current records of all applications for all reclassification, variances, special permits, amendments, and other zoning related records required by this ordinance and of the hearings and actions thereon.
 - 3. Conduct investigations as necessary to determine compliance with or violation of this ordinance.
 - 4. Participate in the abatement of violations of this ordinance and aid in the prosecution of such violations.
 - 5. Maintain in current status the official zoning maps.
 - 6. Provide information on zoning upon request by citizens and public agencies.

1900.02 GENERAL PROVISIONS

- A. No commission, board, agency, officer, or employee of the County shall issue, grant, or approve any permit, license, certificate, or any other authorization for any construction, reconstruction, alteration, enlargement, or relocation of any building or structure, or for any use of land or building, that would not be in compliance with the provisions of this ordinance.
- B. In administering the provisions of this ordinance, the standard rule of rounding numbers to the nearest whole shall apply. When the unit of measurement results in a fraction less than one-half or less than .5, the fraction shall be disregarded; fractions of one-half or more, or .5 or over, shall require the addition of unit of measure.

1900.03 ZONING REVIEWS

- A. No improvement location permit (building permit) pertaining to the construction, enlargement, moving, remodeling, reconstruction of a structure or change of use shall be issued unless there is compliance with Article 1150 Site Plan Review and approval of all plans by the Planning Officer. The Planning Officer shall permit approvals only in conformance with the provisions of this ordinance except when he receives a written order from the Planning Commission, Board of Zoning Appeals, or a court of law in the form of an administrative review, special exception, variance, or judgment as provided in this ordinance.

When required, a change of land use permit must be acquired prior to issuance of a certificate of compliance with the zoning ordinance.

- B. The Planning Officer's report on an application shall be submitted to the applicant by the end of five working days following the day on which a completed application is received.
- C. All applications for permits for uses identified in Section 1150.02 Applicability shall be accompanied by all required data in Section 1150.03(D)

Any other such information concerning the lot or neighboring lots as may be required by the Planning Officer to determine conformance with, and provide for the enforcement of, this ordinance: where deemed necessary, the Planning Officer may require that in the case of accessory structures or minor additions, all dimensions shown on plans relating to the size of the lot and the location of the structure(s) thereon be based on an actual survey by a registered land surveyor or professional engineer licensed by the State of West Virginia, said survey to be provided by the applicant.

Where the Planning Officer determines that any of the items in Section 1150.03(D) is unnecessary, he may waive its requirement.

- D. No site plan shall be accepted unless it is complete and is verified as to the correctness of information given by the signature of the applicant attesting thereto.
- E. The Planning Officer may require that the lot and location of the building thereon shall be staked out on the ground before construction of a dwelling unit or primary structure is begun. The Planning Officer, where deemed appropriate, may require the same for accessory structures or minor additions. In any case, it shall be the owner's responsibility to make sure that a structure is placed on his property according to his approved site plan (zoning review) and as required by any applicable county ordinance.
- F. Site plans approved by the Planning Officer authorize only the use, arrangement, and construction set forth in such approved site plans and no other use, arrangement, or construction. Furthermore, the approval of a site plan shall not be construed to be approval of any violation of the provisions of this ordinance. The issuance of a building permit based upon site plans given approval by the Planning Officer shall not prevent the Planning Officer from thereafter requiring the correction of errors in said site plans or from preventing operations from being carried on thereunder when in violation with this ordinance.
- G. One copy of the site plan submitted for a permit as required in subsection (C) above for the Planning Office shall be returned to the applicant after the Planning Officer has marked such copy as either approved or disapproved as to the provisions of this ordinance and attested to same by his signature on such copy. The original, similarly marked, shall be retained by the Planning Officer.

1900.04 CERTIFICATE OF COMPLIANCE WITH THE ZONING ORDINANCE

- A. A Certificate of Compliance with the Zoning Ordinance shall be required for all non-residential, multi-family, and factory-built rental community uses.
- B. The Planning Officer shall withhold issuance of a certificate of compliance to the zoning ordinance for a building or premises when such building or premises does not conform to the provisions of this ordinance.
- C. A Certificate of Compliance with the Zoning Ordinance must be received from the Planning Officer prior to the occupancy of any non-residential, multi-family and lease community use. Failure to obtain the certificate prior to occupancy will result in noncompliance with the ordinance and a fine pursuant to §8A-10-2 or an injunction pursuant to §8A-10-3. The noncompliance will remain in place until (1) all conditions of the building permit are achieved satisfactorily and (2) the Planning Officer verifies such through a site inspection.

1900.05 PROCEDURES FOR VIOLATIONS

- A. 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 Planning Officer. He shall record properly such complaint, conduct appropriate investigations, and take action thereon as provided by this ordinance.

- B. If the Planning Officer finds that any of the provisions of this ordinance are being violated, whether reported by private citizen or by any commission, board, agency, officer, or employee of the County, or by his own observation, he shall notify in writing the person responsible for such violation. Service of the written notice shall be deemed complete upon sending the notice by certified mail to the last known address of such person. Such notice shall include the following:
 - 1. Street address or legal description of the property involved; and
 - 2. A statement indicating the nature of the violation; and
 - 3. A specification of the section of this ordinance upon which the notice of violation is based; and
 - 4. A description of the action required to correct the violation; and
 - 5. A statement indicating the time within which compliance with this ordinance must be accomplished; and
 - 6. A statement advising that upon failure to comply with the requirements of the notice, the County shall take such enforcement procedures as may be required in this ordinance.

- C. The Planning Officer may 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 may take any other action authorized by this ordinance to ensure compliance with its provisions.

- D. In any case in which any building or structure is or is proposed to be constructed, reconstructed, altered, maintained, or used, in violation of the provisions of this ordinance, the County may, in addition to other remedies provided by law, institute injunction, abatement, or any appropriate action or proceedings to prevent, enjoin, abate, remove, or penalize by fine such unlawful construction, reconstruction, alteration, maintenance, or use.

1900.06 PENALTIES FOR VIOLATIONS

- A. It shall be the duty of the office of the Planning Commission to enforce this ordinance and to bring to the attention of the Prosecuting Attorney any violations or lack of compliance. Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine or imprisonment as provided by laws of the State of West Virginia, Chapter 8A of the Code of West Virginia.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described above.

Each day during which any violation of this ordinance continues constitutes a separate offense. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or non-compliance or permit it to continue; any and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this ordinance, may be declared by the Putnam County Commission to be a public nuisance and abatable as such.

- B. Nothing contained herein shall prevent the County from taking other lawful action as necessary to prevent or remedy any violation.

