
ARTICLE XVI

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: A zoning administrator shall administer and enforce this ordinance. He/she may be provided with assistance of such other persons as the legislative body directs. The legislative body may employ a staff or contract with planners, engineers, or other persons, as it deems necessary, to accomplish the duties of zoning administrator.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he/she shall take such action as is permitted by law. In any civil or criminal proceeding to enforce any provision of this ordinance, or any amendment thereof, any person in violation thereof, shall be liable to the city, and the city shall recover therefrom any and all costs and expenses incurred therein, including, without limitation, court costs, fees of attorneys and experts, and the time and expenses of all city employees involved therein, which shall be included in any judgment in regard thereto.

In addition to the foregoing, the zoning administrator shall have the authority to order discontinuance of any illegal use of land, buildings, structures, signs, fences, additions, alterations, or structural changes thereto, or any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the zoning administrator. All questions of interpretation shall be based upon the most stringent application of the regulations. Such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator, and that recourse from the decisions of the board of adjustment shall be to the courts, as provided by the Kentucky Revised Statutes.

It shall be illegal for any person or entity to interfere with the zoning administrator's performance of his duties, as defined herein.

SECTION 16.1 ZONING PERMITS: Zoning permits shall be issued in accordance with the following provisions:

- A. **ZONING PERMIT REQUIRED:** No land shall be used, or building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a zoning permit, issued by the zoning administrator. No

zoning permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.

B. APPLICATION FOR ZONING PERMITS: All applications for zoning permits shall be accompanied by:

1. A completed application form, provided by the zoning administrator.
2. The required fee for a zoning permit, as provided for in Section 19.0 of this ordinance.
3. Stage II Development Plan , if required by this ordinance, or a plot plan, in duplicate, drawn at a scale of not less than one (1) inch to forty (40) feet, showing the following information, where applicable:
 - a. The location of every existing and proposed structure, including dimensions and height, and the number, size, and type of dwelling units.
 - b. All property lines, shape and dimensions of the lot to be built upon.
 - c. Lot width at building setback line.
 - d. Minimum front and rear yard depths and side yard widths.
 - e. Existing topography, with a maximum of five (5) foot contour intervals.
 - f. Total lot area, in square feet.
 - g. Location and dimensions of all access points, driveways, off -street parking spaces.
 - h. A drainage plan of the lot and its relationship to adjacent properties, including spot elevations of the proposed finished grade, and provisions for adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.
 - i. All sidewalks, walkways, and open spaces.
 - j. Location, type, and height of all walls, fences, and screen plantings.
 - k. Location of all existing and proposed streets, including rights - of - way and pavement widths.
 - l. All existing and proposed water, sanitary, and storm sewer facilities to serve the lot, including all pipe sizes, types, and grades.

C. ISSUANCE OF ZONING PERMIT: The zoning administrator shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the

reasons for such disapproval thereon. Such disapproval shall be attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator.

If approved, one (1) copy of the submitted plans shall be returned to the applicant, marked "Approved" to be kept at building site. Such approval shall be attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator. The zoning administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy .

- D. **FAILURE TO COMPLY:** Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 16.9 of this ordinance.
- E. **EXPIRATION OF ZONING PERMIT:** If a building permit, as required herein, has not been obtained within ninety (90) consecutive calendar days from the date of issuance of the zoning permit, said zoning permit shall expire and be canceled by the zoning administrator and a building permit shall not be obtainable until a new zoning permit has been obtained.

SECTION 16.2 BUILDING PERMITS: Building permits shall be issued in accordance with the following provisions:

- A. **BUILDING PERMITS REQUIRED:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the building inspector. No building permit shall be issued except in conformity with the provisions of this ordinance, except after written orders from the board of adjustment.
- B. **APPLICATION FOR BUILDING PERMITS:** All applications for building permits shall be accompanied by:
 - 1. A completed application form, provided by the building inspector.
 - 2. An approved zoning permit.
 - 3. The required fee for a building permit, as provided for in Section 19.0 of this ordinance.
 - 4. An approved Stage II Development Plan or Plot Plan.

5. Plans in duplicate, indicating information required by the building code and/or building inspector, as may be necessary to determine conformance with, and provide for the enforcement of, the building code and the Kentucky Revised Statutes.

C. **ISSUANCE OF ZONING PERMIT:** The zoning administrator shall either approve or disapprove the application. If disapproved, one (1) copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the zoning administrator's signature. The other copy, similarly marked, shall be retained by the zoning administrator.

If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "Approved" to be kept at building site. Such approval shall be attested by the building inspector's signature. The other copy, similarly marked, shall be retained by the building inspector. The building inspector shall also issue a building permit to the applicant at this time and shall retain a duplicate copy .

D. **COMPLIANCE:** It shall be unlawful to issue a building permit, or an occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this ordinance.

E. **BUILDING PERMITS ISSUED PRIOR TO THE ADOPTION OF THIS ORDINANCE:** Building permits issued in conformance with the building code of the legislative body prior to the date of adoption of this ordinance, whether consistent or inconsistent with this ordinance, shall be valid for a period of one hundred eighty (180) consecutive calendar days from the time of issuance of the building permit. If construction in connection with such a permit has not been started within such a one hundred eighty (180) consecutive calendar day period, the building permit shall be void and a new building permit, consistent with all provisions of this ordinance and the building code, shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.

F. **EXPIRATION OF BUILDING PERMIT**

1. Building permits for the complete construction of any principal structure for any use identified as a permitted use, in any zone described and identified as a multi - family zone or a single - family residential zone, or the construction of any additions to any principal structures for any use

identified as a permitted use in any zone, shall expire, terminate, and be canceled by the building inspector, unless the foundation of the construction, and work authorized thereby, has been completed within ninety (90) consecutive calendar days after the date on which the building permit was issued, and all of the construction, and work authorized thereby, has been completed within three hundred sixty - five (365) consecutive calendar days after the date on which such building permit was issued.

2. Building permits for any construction, other than the complete construction of any principal structure for any use identified as a permitted use in any zone, or any additions thereto, shall expire, terminate, and be canceled by the building inspector, unless the construction, and work authorized thereby, is completed within one hundred eighty (180) consecutive calendar days after the date on which the building permit was issued.
3. Any dates established hereby for the expiration, termination, and cancellation of any building permit may be extended by the building inspector for any circumstances beyond the control of the person to whom the permit was issued, in which event the permit shall expire, terminate, and be canceled by the building inspector at the end of such extended period of time.

G. CONSTRUCTION AND USE: To be as provided in applications, plans, and permits, zoning permits and building permits, issued on the basis of plans and applications, approved by the zoning administrator and/or building inspector, 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 in violation of this ordinance and punishable as provided in Section 16.9 of this ordinance.

SECTION 16.3 CERTIFICATE OF OCCUPANCY: It shall be unlawful for an owner to use or permit the use of any structure or land, or part thereof, hereafter created, changed, converted, or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the building inspector. Such certificate shall show that such structure or land, or part thereof, and the proposed use thereof, are in conformity with the provisions of this ordinance. It shall be the duty of the building inspector to issue a certificate of occupancy, provided that he/she has checked and is satisfied that the structure, and the proposed use thereof, conform with all the requirements of this ordinance and the building code.

SECTION 16.4 CERTIFICATE OF OCCUPANCY FOR EXISTING BUILDING: Upon written request from the fee owner, the building inspector shall issue a certificate of occupancy for any structure or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the structure or land, and whether such use conforms with the provisions of this ordinance.

SECTION 16.5 CERTIFICATE OF OCCUPANCY FOR LAWFUL NONCONFORMING USES AND STRUCTURES: A certificate of occupancy shall be required of all lawful nonconforming uses of land or structures created by this ordinance. A fee, as provided for in Section 19.0 of this ordinance, shall be charged for said certificate.

Applications for such certificates of occupancy for nonconforming uses of land and structures shall be filed with the building inspector by the owner or lessee of the land or structure occupied by such nonconforming uses within six (6) consecutive calendar months of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner or lessee the entire burden of proof that such use of land or structures lawfully existed on the effective date of this ordinance.

It shall be the duty of the building inspector to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

SECTION 16.6 DENIAL OF CERTIFICATE OF OCCUPANCY: Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a structure or land conforms to the applicable provisions of this ordinance and to plans for which the building permit was issued.

SECTION 16.7 CERTIFICATE OF OCCUPANCY RECORDS: A record of all certificates of occupancy shall be kept on file in the offices of the building inspector and copies shall be furnished, on request, to any person having a proprietary structure affected by such certificate of occupancy.

SECTION 16.8 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 bases thereof, shall be filed with the zoning administrator. The zoning administrator shall record such complaint, immediately investigate, and take action thereon, as provided by this ordinance and the Kentucky Revised Statutes.

SECTION 16.9 PENALTIES

- A. Any person or entity who violates any of the provisions of this ordinance shall be subject to both the criminal and civil penalties provided herein.
- B. Any person or entity who violates any of the provisions of this ordinance, except for Section 9.25 of this ordinance, shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) but no more than five hundred dollars (\$500.00) for each criminal offense.
- C. Any person who intentionally violates any of the provisions of Section 9.25 of this ordinance shall be guilty of a Class A misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
- D. **CIVIL FINES**
 - 1. Any violation of this ordinance is hereby classified as a civil offense, pursuant to KRS 65.8808 and Lakeside Park Ordinance Number 42000, as amended, and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the applicable provisions of this ordinance, and nothing contained herein or in Lakeside Park Ordinance Number 4-2000, as amended, shall prohibit the enforcement of this ordinance by any other means authorized by law.
 - 2. If a citation for a violation of this ordinance is not contested by the person charged with the violation, the civil fine to be imposed for each offense shall be seventy-five dollars (\$75.00).
 - 3. If a citation is contested and a hearing before the Code Enforcement Board is required, the maximum civil fine which may be imposed at the discretion of the Code Enforcement Board shall be one hundred fifty dollars (\$150.00).
 - 4. Such civil penalty or penalties shall be in the nature of a debt owed to the City of Lakeside Park, Kentucky. The city has a lien upon the real property for all penalties, interest, fees, commissions, charges, and other expenses including court costs and attorneys fees incurred in the process of collecting such civil penalty or penalties arising from any violation of the provisions of this ordinance or in the procurement or abatement of any

violation or violations of this ordinance.

- E. Any person or entity who appears to be in violation of any of the provisions of this ordinance or related codes or regulations shall receive a written Notice of Violation from the City and shall be given fourteen (14) days from the date the Notice of Violation is delivered either in person, by certified mail, or by posting in a prominent location on the premises on which the violation exists in order to remedy the violation of this ordinance. If the violation has not been remedied within said fourteen (14) days, the Code Enforcement Officer may issue a citation.
- F. Each day a violation of the ordinance continues after the end of that grace period shall constitute a separate and distinct offense that is subject to a separate and distinct citation and penalty, whether it is civil or criminal.
- G. The remedies provided herein do not preclude the use of any other remedies by any interested parties either at law or in equity.