

ARTICLE XVI

ADMINISTRATION

SECTION 16.0 ENFORCING OFFICER: A zoning administrator (official or officials appointed by the legislative body for carrying out the provisions and enforcement of this ordinance) shall administer and enforce this ordinance. He may be provided with assistance of such other persons as the legislative body directs.

If the zoning administrator finds that any of the provisions of this ordinance are being violated, he 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 illegal use of land, buildings, structures, signs, fences or additions, alterations or structural changes thereto; discontinuance of any illegal work being done.

All questions of interpretation and enforcement shall be first presented to the zoning administrator, and that such questions shall be presented to the board of adjustments only on appeal from the decision of the zoning administrator, and that recourse from the decisions of the board of adjustments 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 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 adjustments.

- 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. An approved development plan or site plan, if required by this ordinance; or
 4. A plot plan in duplicate drawing at a scale of not less than one (1) inch to fifty (50) feet, showing the following information as required by this ordinance.
 - a. The location of every existing and proposed building, 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 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 and sanitary and storm sewer facilities to serve the lot, indicating all pipe sizes, types, and grades.
- C. ISSUANCE OF ZONING PERMIT: The zoning administrator shall either approve or disapprove the application (when required by this ordinance -- e.g., Development Plan submitted required -- the planning commission, or its duly authorized representative, approval or disapproval shall also be required). 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". 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 for his records.

- 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 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 adjustments.
- 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 development plan or site plan, if required by this ordinance; and

5. Plans in duplicate approved by the zoning administrator and including any additional 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 BUILDING PERMIT:** The building inspector 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 building inspector's signature. The second copy, similarly marked, shall be retained by the building inspector.
- If approved, one (1) copy of the submitted plans shall be returned to the applicant marked "approved". Such approval shall be attested by the building inspector's signature. The second 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 for his records.
- D. **COMPLIANCE:** It shall be unlawful to issue a building permit or 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 180 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a 180 consecutive calendar day period, the permit shall be void and a new 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 building for any use identified as a permitted use in any zone described and identified as a multi-family residential zone, an overlay zone, a commercial zone, a professional office building zone, or industrial 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 permit was issued, and all of the construction and work authorized thereby has been completed within five hundred forty (540) consecutive calendar days after the date on which such permit was issued.

2. Building permits for the complete construction of any principal building for any use identified as a permitted use in any zone described and identified as a conservation zone or a single-family residential zone, or the construction of any additions to any principal buildings 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 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 permit was issued.
 3. Building permits for any construction other than the complete construction of any principal building 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 permit was issued.
 4. Any dates established hereby for the expiration, termination, and cancellation of any building permit may be extended by the Zoning Administrator 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 Zoning Administrator at the end of such extended period of time.
- G. CONSTRUCTION AND USE: To be as provided in application, plans, 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 building 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 building 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 has checked and is satisfied that the building 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 building or land existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building 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 buildings 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 buildings shall be filed with the building inspector by the owner or lessee of the land or building 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 and lessee the entire burden of proof that such use of land or buildings 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 building 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 building 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 properly such complaint, immediately investigate, and take action thereon as provided by this ordinance and the Kentucky Revised Statutes.

SECTION 16.9 PENALTIES: Any person or entity who violates any of the provisions of this ordinance shall, upon conviction, be fined not less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.