

ARTICLE 6

PERMITTING, ENFORCEMENT AND FEES

SECTION 600 – Zoning Permits Required

No building or other structure may be erected, moved, added to, or structurally altered, nor shall any building, structure, or land be established or changed in use or character without a permit. The Location Improvement Permit hereafter called a Zoning Permit—shall be issued by the Planning Director or designee pursuant to Plot Plan Review (Article 17) or Site Plan Review (Article 23). All Zoning Permits issued under Plot Plan Review or Site Plan Review shall be issued only in conformity with the provisions of this ordinance unless the Planning Director receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance.

SECTION 605 – Requirements of Zoning Permit Applications

The owner, or applicant, seeking a permit shall obtain and complete an application for a zoning permit on a form prescribed by the Plan Commission and follow the criteria set forth under Plot Plan Review and Site Plan Review, as applicable.

SECTION 620 - Failure to Obtain Zoning Permits and Certificates of Occupancy

Failure to obtain a Zoning Permit and a Certificate of Occupancy shall be a violation of this ordinance and will be punishable under the provisions of this Article.

SECTION 625 – Construction and Use to be as Provided in Approved Zoning Permit

Zoning Permits are issued by the Planning Department, on the basis of the application and plans that have been submitted, and approved, and authorize only the use, arrangement, and construction that has been set forth in the approved application and plans. Any other use, arrangement, or construction, contrary to that authorization shall require a revised permit that complies with all requirements or it will be considered a violation of this ordinance and be punishable under the provisions of this Article.

SECTION 630 – 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 shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Planning Director or designee. The Planning Director or designee shall investigate the complaint in a timely manner and, if warranted, take action thereon as provided by this ordinance. Any person filing a written complaint shall be notified in writing by the Planning Director or designee of the action taken and/or status of the alleged violation.

SECTION 635 – Inspection of Property; Right of Entry

The Planning Director and/or designee are authorized to make inspections of all land that is located within Dearborn County in order to enforce the zoning ordinance and land use regulations of Dearborn County, Indiana. The Planning Director and/or designee shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out the duties in the enforcement of this ordinance, unless the owner or occupant of the premises refuses to permit entry for these purposes. In the event of said refusal, the Planning Director or designee shall seek the appropriate legal remedy to allow access to the property.

SECTION 640 – Procedures and Violations

If the Planning Director or designee determines that a violation exists, a written notice shall be given to the person(s) responsible for the alleged violation, by certified mail. The notice shall describe the details of the alleged violation and the reasons believed that the violation exists. The notice shall also require an explanation, or correction, of the alleged violation to the satisfaction of the Planning Director, within a specified time limit, which is to be determined by the Planning Director. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Planning Director within the specified time limit constitutes admission of the violation of the terms of this ordinance.

SECTION 645 – Pending Violations

If a violation is pending, the alleged violator cannot obtain any other benefits of this ordinance on the property where the violation is still pending. No permits will be issued to the alleged violator until the resolution of the pending violation.

SECTION 650 – Penalties for Violations

Any person who violates any provisions of this ordinance shall upon conviction be fined not less than \$10.00 and not more than \$300.00 for each offense. Each day that the violation exists shall constitute a separate offense. Violations of this ordinance that occur because a permit was not applied for or issued shall result in a doubling of the permit fee.

SECTION 655 – Compliance with Regulations

The regulations for each district set forth by this ordinance, shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land, except as otherwise provided in this ordinance. Further the following provisions apply:

- 1 No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered

except in conformity with all of the regulations herein specified for the district in which it is located.

- 2 No building or other structure shall be erected or altered to:
 - a. Provide for greater height or area or,
 - b. Accommodate or house a greater number of families or,
 - c. Have narrower or smaller, rear yards, front yards, side yards, or other open spaces than is required, or in any other manner be contrary to the provisions of this ordinance.
- 3 No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

It shall be the duty of the Plan Commission's Attorney to prosecute such violations of this ordinance as may be brought to his attention and which violation shall be considered worthy of prosecution in the opinion of such Prosecutor.

The Plan Commission, Board of Zoning Appeals, Planning Director, or any concerned person of Dearborn County, Indiana, may institute a suit for injunction in any court having jurisdiction to restrain an individual or a governmental unit from violating the provisions of this ordinance. The Plan Commission, Board of Zoning Appeals, Planning Director, or any concerned person of Dearborn County, Indiana, may also institute a suit for a mandatory injunction in any court having jurisdiction directing any person, persons or governmental unit to remove a structure erected in violation of the provisions of this ordinance.

The Plan Commission, Board of Zoning Appeals, Planning Director, or any concerned person of Dearborn County, Indiana, notwithstanding the above provisions, shall be permitted to otherwise enforce this ordinance by invoking any legal, equitable, or special remedy provided by law.

SECTION 660 - Schedule of Fees, Charges and Expenses

This Plan Commission shall establish a schedule of fees, charges, and expenses that are required and shall be posted in the Planning Department. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.