

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE VI ENFORCEMENT

Page 6-1

600 Zoning Certificates

A Zoning Certificate shall be obtained for the following except as noted below:

- 1) Establish or change any use of land
- 2) Locate, erect, construct or reconstruct (with alteration of square footage) any structure
- 1) Enlarge or structurally alter any building or structure within Milton Township (see Article III)
- 2) All Dwellings
- 3) All principal structures and uses
- 4) All accessory structures and uses
- 5) All temporary uses unless otherwise specified
- 6) Establishing a new business or changing a previous existing business
- 7) Re-establishing a business that has been dormant for two or more years

A Zoning Certificate shall be issued when the plans for the proposed building or structure or use of land fully comply with the provisions of this Resolution, or when the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use.

A Zoning Certificate shall not be required for the following:

- 1) Use of land for agricultural purposes or buildings or structures exclusively used for agricultural purposes
- 2) Structures, not including buildings, required in the provision of essential services (see Article III)
- 3) Portable structures less than One Hundred Fifty (150) square feet
- 4) Occasional use businesses that are exempted from Ohio State sales tax requirements
- 5) Overnight parking of a work vehicle used for commuting if the vehicle has six or less wheels
- 6) Businesses conducted entirely inside a residence, garage, or accessory building, with no outside signs, and which will not create customer or supplier traffic.

601 Application for Zoning Certificate

The application for a Zoning Certificate shall be made on forms supplied by the Township attesting to the fact that all information contained in the application is true and accurate. The application, together with a fee established by the Board of Township Trustees, shall be submitted to the Zoning Inspector for review and action. All fees collected must be turned in by the inspector to the Township clerk within thirty (30) days.

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE VI ENFORCEMENT (Continued)

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602 Approval of a Zoning Certificate

Within Thirty (30) days of the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. All Zoning Certificates shall, however, be conditional upon the commencement of work within one (1) year. One copy of the plans and application shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. One (1) copy of said plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use of alteration is in conformance with the provisions of this Resolution.

603 Submission to the Director of Transportation

Before any Zoning Certificate is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a Zoning Certificate for one hundred and twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Certificate. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Resolution, issue a Zoning Certificate.

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ARTICLE VI ENFORCEMENT (Continued)

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604 Expiration of a Zoning Certificate

If the work described in any Zoning Certificate has not begun within one (1) year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector, and written notice therefore shall be given to the persons affected. If the work described in any Zoning Certificate has not been substantially completed within two and one half (2-1/2) years of the date of issuance thereof, said certificate shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled certificate shall not proceed unless and until a new Zoning Certificate has been obtained or an extension granted.

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607 Record of Zoning Certificates

The Zoning Inspector shall maintain a record of all Zoning Certificates. These records shall be open for review by the public upon request.

608 Failure to Obtain a Zoning Certificate

Failure to obtain a Zoning Certificate shall be a violation of this Resolution and punishable under Section 611 of this Section.

609 Construction and Use to be as Provided in Applications, Plans, And Certificates

Zoning Certificates issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement or construction contrary to that authorized shall be deemed a violation of this Resolution, and punishable as provided in Section 611 of this Resolution.

610 Complaints Regarding Violations

Whenever a violation of this Resolution 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 Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

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ARTICLE VI ENFORCEMENT (Continued)

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611 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirement, including violations of conditions and safeguards, as established in various sections of this Resolution, shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$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 after receipt of a violation notice, 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 Township from taking such other lawful action as is necessary to prevent or remedy any violation.

612 Schedule of Fees, Charges and Expenses

The board of Township Trustees shall by Resolution establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, amendments, appeals, variances, conditional use Certificates, plan approvals and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges and expense have been paid in full; no action shall be taken on any application or appeal.

613 Enforcement

Any and all structures added after the original structure is completed, shall be required to obtain a building certificate, to include but not limited to patios, porches, carports, etc.

614 Zoning Certificate Requirements

Applicants who fail to obtain certificates or fail to follow proper procedure, shall be charged double the required zoning fee.