

## **ARTICLE 99 VIOLATION, PENALTIES AND FEES**

### **99.01 VIOLATION AND PENALTIES**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Trustees of Batavia Township. The Zoning Administrator shall notify any violator of said violation and shall give said violator fourteen (14) days after receipt to correct or eliminate the violation. Any person, firm, or corporation violating any regulation in or any provisions of this Resolution or any amendment or supplement thereto and not correcting same after notice as provided herein may be assessed a civil fine of not more than five hundred dollars for each offense. The fine shall be collected by filing a civil action in the court of common pleas in the county where the property at issue is located. The complaint may combine a cause of action for collection of civil fines under this section with a cause of action for injunction, abatement, mandamus, or other appropriate relief under section 519.24 of the ORC. Each day the violation continues from the date of a judgment granting relief under this section shall constitute a separate offense.

Service of notice of the violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of eighteen (18) years or older; or
- B. By certified mail, return receipt requested, and first-class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when a certified mail receipt is received or first-class mail is not returned after 10 days of mailing; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

### **99.02 VIOLATION - REMEDIES**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereof, the Zoning Administrator, the County Prosecutor, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

### **99.03 INSPECTION OF PREMISES**

The Zoning Administrator, or agent of such, is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, an attempt shall be made to obtain the permission of the owner or occupant to inspect.

### **99.04 SCHEDULE OF FEES, CHARGES AND EXPENSES**

The Batavia Township Board of Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, Appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Batavia Township Board of Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

The applicant shall be responsible for the expenses incurred by the Township in reviewing plans or any modifications of such plans. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, preparing reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses directly attributable thereon.

Any fees passed on to the applicant are not refundable regardless of the outcome of the application.