

ARTICLE 6

ADMINISTRATIVE PROVISIONS

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6.01 PROCESS: No development defined in this Resolution shall begin prior to the issuance of a Zoning Certificate therefore by the Zoning Inspector. The process for obtaining such certificate is illustrated in Appendix D. 5/19/04, 8/15/18

(a) **Applications:** The following applications accepted for processing by the Zoning Inspector shall be required.

(1) **Zoning Certificate:** Depending on their proposed uses, zoning certificate applications shall be processed as follows. 8/15/18

a. Proposed permitted main uses in flood prone areas or permitted main or accessory uses in B and I Districts shall be acted on by the Commission prior to action by the Zoning Inspector. See 6.02(a) and 6.03 (a). (Effective 7/31/02)

b. Proposed permitted main and accessory uses in R-1 and R-2 Districts – except main uses in flood prone areas shall be acted on by the Zoning Inspector. See 6.02 (b).

(2) **Conditional Use:** Depending on their proposed uses, conditional use applications shall be processed as follows.

- a. Proposed conditional uses except quarries shall be acted on by the Commission and Board; and Zoning Certificates issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a), 6.03 (a) and 6.05 (e). 8/15/18
 - b. Proposed quarries shall be acted on by the Board; and Zoning Certificates issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a), 6.04 (a) and 6.05 (a) and (e). 8/15/18
- (3) **Appeal:** Appeal applications based on any alleged error in the interpretation or administration of the Resolution affected by the Zoning Inspector shall be acted on by the Board; and Zoning Certificate issued by the Zoning Inspector shall be based on approval by the Board. See 6.02 (a) and 6.05 (d). 8/15/18
 - (4) **Amendment:** Amendment application made by one or more owners or lessees of property in the area affected shall be acted on by the Commission and Trustees. See 6.02 (a) and 6.06.
- (b) **Required Data:** The following application data in triplicate shall be provided by the applicant.
- (1) **Forms:** Each application shall include an application form supplied by the Zoning Inspector, and completed and certified by the applicant.
 - (2) **Legal Descriptions:** Each application shall include a legal description of the subject lot or lots as recorded with the Geauga County Recorder; or, in the case of a platted subdivision, a copy of the plat showing the subject lot or lots as recorded with the Geauga County Recorder.
 - (3) **Development Plans:** Unless waived or modified by the Zoning Inspector, each application shall include a plan drawn to scale and certified by the applicant showing the exact dimensions and configuration of the subject lot or lots, and the exact size and location of all existing and proposed structures and development including finished grades at contour intervals of two (2) feet.
 - (4) **Property Owner Lists:** Each conditional use, appeal and amendment application shall include a list of the names and addresses of all current owners of lots contiguous to or across any road from the subject lot or lots. 11/19/13
 - (5) **Other Data:** If required by the Zoning Inspector, Commission, Trustees or Board, the following data shall be included.
 - a. Vicinity maps drawn to scale showing existing topography (U.S. Geological Survey or better), drainage courses, tree cover, land uses, zoning districts, and existing and proposed subdivisions and improvements relative to the subject lot or lots.

- b. Architectural and engineering drawings of proposed overall site development and separate structures and improvements.
- c. Reports on market research, traffic analysis, soil tests, water table records, environmental impact studies, and appraisals.
- d. Development schedules and data on planned employment, occupancy and operations.
- e. Legal data such as proof of ownership, certifications by applicable agencies on the legal nature of proposed uses and common open space documents.

(5) Development Plan Review Required: Development Plan Review is required for Planned Business Development in the B-1A, B-3 and B-4 Districts and for all permitted uses in the B-2 District. See Article 8. (9/6/01)

(6) Fees: The Trustees shall adopt a schedule of fees for the applications required by the Resolution; and such fees specified on their respective application forms may be changed only by the Trustees.

(7) Action Dates: The following dates related to the processing of applications required by the Resolution shall apply.

- a. **Filing Date:** The filing date of each application shall be the date when all its required data and fees have been accepted by the Zoning Inspector, and certified by him on the application form.
- b. **Approval or Denial Dates:** For zoning certificate applications these dates shall be the date of action by the Zoning Inspector; for conditional use and appeal applications they shall be the date of action by the Board; and for amendment applications the approval date shall be the effective date of the amendment, and the denial date shall be the date of denial by the Trustees or a referendum. 8/15/18

6.02 ZONING INSPECTOR: The position of Zoning Inspector established according to Chapter 519 of the ORC shall have the following powers and duties under this Resolution.

- (a) **Application Referrals:** Within five (5) days after the filing dates of certain applications, the following referrals shall be made by the Zoning Inspector.
 - (1) **Highway Director:** The Highway Director shall be notified by certified mail of any application affecting land within 300 feet of the centerline of any proposed new or changed highway certified by him to the Township, or land within a radius of 500 feet from the point of intersection of such centerline and any road. No such application shall be approved for 120 days after

receipt by the Highway Director of notice thereof; and if within this period he notified the Zoning Inspector that the State shall proceed to acquire any of the subject land, the application shall be denied. 11/19/13

- (2) **Commission:** All applications proposing permitted main uses in flood prone areas or permitted main or accessory uses in B or I Districts, conditional uses except quarries, or amendments shall be referred to the Commission. See 6.03 (a). (Effective 7/31/02)
 - (3) **Board:** All conditional use and appeal applications shall be referred to the Board. See 6.05 (a) and (c) and 6.05 (e).
- (b) **Zoning Certificate Applications:** Within 30 days after its filing date and action by the Commission if applicable, or further time agreeable to the applicant, each zoning certificate application shall be acted on by the Zoning Inspector as follows. 8/15/18
- (1) **Approval:** If the application complies with all applicable provisions of the Resolution it shall be approved; and a Zoning Certificate shall be issued. 8/15/18
 - (2) **Denial:** If the application does not comply with any applicable provision of the Resolution it shall be denied; and a copy of its filed application form giving the denial date, reasons for denial and right to appeal shall be returned to the applicant by certified mail. Within 20 days after receipt thereof, the applicant may appeal. See 6.02 (a)(4).
- (c) **Conditional Use Applications:** If directed by the Board, the Zoning Inspector shall issue a conditional use certificate specifying all conditions of approval by the Board of a given conditional use application; and a Zoning Certificate shall be issued. See 6.05 (e). 8/15/18
- (d) **Appeal Applications:** If directed by the Board, the Zoning Inspector shall issue a variance specifying all limitations of approval by the Board of a given appeal application; and a Zoning Certificate shall be issued. See 6.05 (c) and (d). 8/15/18
- (e) **Notices and Orders:** (Effective 2/5/03)
- (1) **Revocation:** A zoning certificate shall be revoked by the Zoning Inspector if:
 - a. The zoning certificate has been issued in error by the Zoning Inspector.
 - b. The zoning certificate was issued based upon a false statement by the applicant.

c. The development or use described in the zoning certificate has not begun within six (6) months from the date of issuance or if development has begun within six (6) months and said development has not been completed within two (2) years from the date of issuance.

- (2) **Revocation Notice:** When a zoning certificate has been declared revoked by the Zoning Inspector, written notice of its revocation shall be sent by certified mail (return receipt requested) to the applicant and such notice shall be posted in a conspicuous place on the affected property as described in the zoning certificate. Such notice shall set forth the reason(s) for the revocation of the zoning certificate as well as the applicant's right to appeal to the township Board of Zoning Appeals in accordance with Article 6 of this Resolution. Such notice shall also include a statement that all construction upon or use of the building, structure, or land described in the zoning certificate shall cease unless and until a new zoning certificate has been issued. Continuance of construction after the owner has received this notice shall be a violation of the Resolution. See 6.07. (Effective 2/5/03)
- (3) **Violation:** If any development, use or structure is believed by the Zoning Inspector to be in violation of the Resolution, it shall be cited; and notice thereof giving the violations, required remedies and right to appeal shall be sent to the owner of the property by certified mail. Said owner shall be deemed in violation of the Resolution if, after 20 days, response has not been received. See 6.07. (Effective 2/5/03)
- (4) **Stop Orders:** If any development subject to the Resolution is found to have begun without a Zoning Certificate, or if any development, use or structure is believed by the Zoning Inspector to be a threat to public health or safety, it shall be ordered to stop immediately; and notice thereof giving the date of the order shall be posted on the property. Continuance of development, use or occupancy, or removal or defacement of the order prior to written authorization by the Zoning Inspector to do so, shall be a violation of the Resolution. See 6.07. 8/15/18

6.03 COMMISSION: The Commission established according to Chapter 519 of the ORC shall have the following powers and duties under this Resolution. (Revised 12/18/99).

- (a) **Application Referrals:** The Commission shall assist the Zoning Inspector and Board in their consideration of certain zoning certificate and conditional use applications referred by the Zoning Inspector. See 6.02 (a) (2). 8/15/18

- (1) **Standards:** The following standards shall be used by the Commission in its review and action on each application.
 - a. The data comprising the application shall be sufficient to determine its compliance with all provisions of the Resolution; and the applicant may be required by the Commission to submit other data. See 6.01 (b) (5).
 - b. The application shall demonstrate that all applicable development and maintenance standards of the Resolution can be met. See 3.01 and 3.02.
 - c. The application shall comply with all applicable district and supplementary regulations of the Resolution. See Articles 4 and 5.
- (2) **Action:** Each application referral shall be recommended by the Commission for approval or denial based on the preceding standards. A copy of this action shall be transmitted by the Commission to the Zoning Inspector in the case of zoning certificate applications, and to the Board in the case of conditional use applications. In either case, no action shall be taken by the Zoning Inspector or Board for 30 days after the filing date of each application, or further time agreeable to the applicant. 8/15/18

(b) **Amendments:** See 6.06.

6.04 TRUSTEES: The Trustees shall have the following powers and duties under this Resolution.

(a) **Amendments:** See 6.06.

6.05 BOARD OF ZONING APPEALS CREATED: Pursuant to R.C.519.13, the Board of Township Trustees shall appoint a township board of zoning appeals for said township, composed of five (5) members who shall be residents of the unincorporated area in the township included in the area zoned.

The terms of all members of said Board of Zoning Appeals, shall be of such length and so arranged that the term of one (1) member shall expire each year.

Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may, within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executives, professional, technical, and other assistants, as it deems necessary.

(a) **Powers of the Board of Zoning Appeals:** The Township Board of Zoning Appeals may:

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning inspector in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised code or of this Resolution.
- (2) Authorize, upon appeal, in specific cases such variance from the terms of this zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this resolution will result in unnecessary hardship, and so that the spirit of this Resolution shall be observed and substantial justice done.
- (3) Grant conditional zoning certificates for the use of land, buildings, or other structures in accordance with this Resolution.
- (4) Revoke an authorized conditional zoning certificate granted for the extraction of minerals. If any condition of the or certificate is violated, the Township Board of Zoning Appeals shall notify the holder of the certificate by certified mail of its intent to revoke the certificate and of his right to a hearing before the Township Board of Zoning Appeals, within thirty (30) days of the mailing of this notice. If he so requests. If the holder requests a hearing, the Township Board of Zoning Appeals shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Township Board of Zoning Appeals may revoke the certificate without a hearing. The authority to revoke a certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, the Township Board of Zoning Appeals may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end has all the powers of the Township Zoning Inspector from whom the appeal is taken.

(b) **Rules, Organization, and Meetings of Board of Zoning Appeals**

- (1) The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the

Board of Zoning Appeals determines. The chairman, or in his absence the acting chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Township Trustees and be a public record.

- (2) The attendance of three (3) members of the Board of Zoning Appeals is required for a quorum. All decisions, motions, and actions of the Board of Zoning Appeals shall be by the affirmative vote of at least three (3) members of the board.

(c) Procedures of Board of Zoning Appeals

- (1) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision of the zoning Inspector by filing with the Zoning Inspector or the Board of Zoning Appeals, a notice of appeal specifying the grounds of appeal. The Zoning Inspector shall forthwith transmit to the board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- (2) Written notices of appeal shall be made on forms provided by the Zoning Inspector and shall be signed and dated by the appellant or his authorized legal representative attesting to the truth and accuracy of all information supplied on the notice of appeal.

All notices of appeal shall contain the following language: “The penalty for falsification is imprisonment for not more than six (6) months, or a fine of not more than one thousand dollars (\$1,000) or both.”

All completed notices of appeal shall be filed with the township Zoning Inspector and the Board of Zoning Appeals and shall include, at a minimum, the following information.

- a. The names, address, and telephone number of the appellant.
- b. The names, address and telephone number of the owner of record.
- c. The address of the property, if different from the appellant’s current address.

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- d. The names and addresses of all parties in interest from the County Auditor's current tax list (all properties adjacent to and directly across the road from the subject property). 11/19/13
 - e. Documentation as to authority to file the notice of appeal (e.g. deed, power of attorney, lease or purchase agreement).
 - f. A legal description of the property, as recorded with the Geauga County Recorder.
 - g. The current zoning district in which the property is located.
 - h. A description of the existing use of the property.
 - i. A description of the proposed use of the property.
 - j. Eight (8) copies of a plan or map, drawn to scale, with a north arrow and date showing the following information:
 1. The dimensions (in feet) of all property lines and the total acreage of the property.
 2. The dimensions (in feet) of existing buildings or structures on the property, if any.
 3. The setback (in feet) from all property lines of existing buildings or structures on the property, if any.
 4. The dimensions (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 5. The total amount of square feet of floor space for each floor of proposed buildings or structures on the property or of any addition or structural alterations to existing buildings or structures.
 6. The setback (in feet) from all property lines of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 7. The height (in feet) of existing buildings or structures on the property.

8. The height (in feet) of proposed buildings or structures on the property or of any addition or structural alteration to existing buildings or structures.
 9. The name and location of the existing road(s), public and private, adjacent to the property.
 10. The number of dwelling units existing (if any) and proposed for the property.
 11. The location, dimensions (in feet), and number of parking spaces existing (if any) and proposed.
 12. For commercial or industrial uses: the location, dimensions (in feet) and number of loading/unloading spaces.
 13. The location and dimensions (in feet) of any existing or proposed easements on the property.
- k. The number of the application for the zoning certificate
- l. All notices of appeal for signs shall include, at a minimum, the following information:
1. Eight (8) copies of a drawing or map, drawn to scale with a north arrow and date showing:
 - a. The dimensions (in feet) of the sign.
 - b. The area of the sign in square feet (per sign face).
 - c. The location of the sign on the building, structure or property including dimensions (in feet) from the front and side lot lines.
 - d. The height (in feet) of the sign.
 - e. The method of illumination, if any.
 - f. The content of the sign.
- m. For notices of appeal alleging error by the Zoning Inspector, a written statement shall be made by the appellant or his authorized representative relative to the alleged error made by the Zoning

Inspector in his determination of the application for the zoning certificate.

- n. For notices of appeal requesting a variance the appellant or his representative shall provide the following:
 1. A statement relative to the exact nature of the variance requested.
 2. The specific zoning regulation(s) shall be cited from which the variance is requested.
 3. Written justification for the variance shall be made by the appellant and the Board of Zoning Appeals shall determine if the proposed variance involves an “area” variance or a “use” variance.
 - (a) Standards for an “Area” Variance: The practical difficulties standard shall apply to an area variance and the factors to be considered include, but are not limited to the following:
 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
 2. Whether the variance is substantial.
 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 4. Whether the variance would adversely affect the delivery of governmental services.
 5. Whether the property owner purchased the property with the knowledge of the zoning restriction.
 6. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
 8. Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable.
- (b) Standards for a “Use” Variance: The unnecessary hardship standard shall apply to a use variance and the factors to be considered include, but are not limited to the following:
1. Whether there are conditions unique to this lot, and not ordinarily found in the same zoning district. (5/19/04)
 2. Did the applicant create these hardship conditions? (5/19/04)
 3. Whether granting the variance would adversely affect the rights of adjacent owners. (5/19/04)
 4. Whether the variance would adversely affect the delivery of governmental services or the health, safety and general welfare of the public. (5/19/04)
 5. Is the variance sought the minimum which will afford relief to the applicant? (5/19/04)
 6. Is there another economically viable use for the lot which is permitted within this zoning district? (5/19/04)
 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. (5/19/04)
- o. The appeal fee shall be paid at the time of the submission of the application.

(d) **Appeal Applications**

- (1) **Action:** The Board of Zoning Appeals shall fix a reasonable time for a public hearing on the appeal which shall commence not later than sixty (60) days from the date the notice of appeal has been filed with the Board. The public hearing on the appeal may be continued from day to day for good cause shown.
- The Board of Zoning Appeals shall give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and decide the appeal within a reasonable time after it is submitted: notice of any continued public hearings shall be given at least by one (1) publication in one (1) or more newspapers of general circulation in the county and in writing to the parties in interest at least twenty-four (24) hours prior to the date of such hearing. Written notice may be provided by personal delivery or ordinary mail.
- (2) **Hearings:** Hearings before the Board of Zoning Appeals shall be conducted in accordance with the following:
- a. Any person may appear in person or by attorney.
 - b. All testimony and evidence received by the Board shall be given under oath or affirmation administered by the chairman or in his absence the acting chairman of the Board of Zoning Appeals.
 - c. A party in interest shall be allowed:
 1. To present his position, arguments, and contentions;
 2. To offer and examine witnesses and present evidence in support thereof;
 3. To cross-examine witnesses purporting to refute his position, arguments and contentions;
 4. To offer evidence to refute evidence and testimony offered in opposition to his position, arguments, and contentions;
 5. To proffer any such evidence into the record, if the admission thereof is denied by the officer or body appealed from.
 - d. *Replacement Page 5/19/04*
The Board of Zoning Appeals shall be provided with the original plus eight (8) copies of all exhibits submitted by a party in interest. All

exhibits submitted shall be marked for identification by the Board and safely kept and preserved by the Board.

- e. An accurate record of the proceedings shall be kept and preserved by the Board of Zoning Appeals.

(3) **Decisions:** Decisions of the Board of Zoning Appeals shall be in accordance with the following:

- a. All decisions shall include findings of fact of the Board in support of the decision.
- b. A decision of the Board and the adoption of findings of fact shall be made at a public meeting of the Board. The decision and the findings of fact of the Board shall be in writing and signed at a public meeting of the Board by all members voting affirmatively thereon no later than thirty (30) days from the last date of public hearing.
- c. The original written decision and findings of fact of the Board of Zoning Appeals and all applications, notices of appeal, documents, exhibits, and evidence relating to the proceeding shall be filed by the Board of Zoning Appeals with the Township Clerk within five (5) days of the signing of the written decision and findings of fact by the Board of Zoning Appeals.
- d. Copies of the written and signed decision of the Board of Zoning Appeals shall be sent by ordinary mail within two (2) days of the signing of the written decision to the Township Zoning Inspector and the appellant.
- e. The date of the signing of the written decision by the Board of Zoning Appeals shall be the date of entry as provided in ORC2505.07 for purposes of appeal to the court of common pleas pursuant to ORC. Chapter 2506.

(4) **Supplementary Conditions on Variances:** The Board of Zoning Appeals, in deciding any appeal for a variance, may provide such supplementary conditions which are reasonably related to the requested variance and are not in conflict with this Resolution and which the Board deems necessary to protect the public health, safety, and morals. Any such supplementary conditions shall be made a part of the Board of Zoning Appeals' proceedings

and shall be incorporated into the final decision by the Board approving a variance. Violations of such supplementary conditions, which are made a part of the written decision of the Board, shall be deemed a violation of this Resolution. (5/19/04)

- (e) **Conditional Use Applications:** The Board shall act on all conditional use applications referred by the Zoning Inspector. See 6.02(a)(4).
- (1) **Standards:** The following standards shall be used by the Board in its review and action on each application.
- a. The data comprising the application shall be sufficient to determine its compliance with all provisions of the Resolution; and the applicant may be required by the Board to submit other data. See 6.01 (b)(5).
 - b. The application shall demonstrate that all applicable and development and maintenance standards of the Resolution can be met. See 3.01 and 3.02.
 - c. The application shall comply with all applicable district and supplementary regulations of the Resolution. See Articles 4, 4A and 5, particularly 5.03.
 - d. The development and uses proposed shall be in no way harmful or objectionable to the surrounding area, or impair its orderly development; and the application together with conditions required by the Board shall clearly demonstrate that the proposed development and use shall be in harmony with the surrounding area and neighborhood.
- (2) **Action:** The Board shall act on each conditional use application as follows.
- a. **Public Hearing:** Within 40 days after its referral by the Zoning Inspector to the Board, or further time agreeable to the applicant, the application shall be considered at a public hearing held by the Board. Notice of the date, time, place and subject of the hearing shall be published in one or more newspapers of general circulation in the Township, and sent by first class mail to the applicant and all owners of lots contiguous to or across any road from the subject lot or lots, at least ten (10) days prior to the hearing. The following items shall be considered at the hearing: 11/19/13

1. Findings and recommendations by the Commission or Trustees. See 6.03 (a).
 2. Opinions from the floor in person or by attorney.
 3. Steps proposed by the Board to be taken in acting on the application including an additional hearing if it is mutually agreeable to the Board and applicant.
- b. Vote: Within 30 days after its public hearing, or further time agreeable to the applicant, the application shall be approved or denied by the Board as follows.
1. Approval: If the application together with any conditions required by the Board complies with all applicable provisions of this Resolution, it shall be approved; and a copy of this action and all conditions of approval shall be transmitted by the Board to the Zoning Inspector. See 6.02 (c).
 2. Denial: If the application does not comply with any applicable provision of the Resolution it shall be denied; and a copy of its filed application form giving the denial date, reasons for denial and right to appeal shall be returned to the applicant by certified mail. The applicant may appeal to any court of competent jurisdiction according to law.

6.06 AMENDMENTS: This Resolution may be amended as follows.

- (a) **Initiation:** An amendment may be initiated by a Commission motion, Trustee resolution or amendment application. See 6.01 (a)(4).
- (b) **Commission Hearing:** Within 40 but not less than 20 days after the Commission motion or Trustees resolution, or the filing date of the application, the Commission shall hold a public hearing thereon.
 - (1) **County Referral:** Within five (5) days after the Commission motion or Trustees resolution, or the filing date of the application, a copy of the motion, resolution, or application and map, in addition to the text of the amendment shall be transmitted by the Commission to the County Planning Commission. All recommendations by the County Planning Commission shall be considered at the public hearing.

- (2) **Property Owner Notice:** At least 10 days before the public hearing, notice of its date, time, place, subject and statement that the matter will subsequently be referred to the Trustees shall be sent by the Commission to all owners of lots contiguous to or across any road from the subject lot or lots. Such notice may be waived in cases with more than 10 such property owners; and failure to deliver the notice shall not invalidate the amendment. 11/19/13
- (3) **Published Notice:** At least 10 days before the public hearing, the aforementioned property owner notice shall be published in one or more newspapers of general circulation in the Township.
- (c) **Commission Action:** Within 30 days after its hearing, the Commission shall recommend to the Trustees, adoption, adoption with modification or denial of the amendment.
- (d) **Trustees Hearing:** Within 30 days after their receipt of the Commission recommendation, the Trustees shall hold a public hearing on the amendment.
- (1) **Property Owner Notices:** At least 10 days before the public hearing, notice of its date, time, place and summary of the amendment shall be sent by the Trustees to all owners of lots contiguous to or across any road from the subject lot or lots. Such notice may be waived in cases with more than 10 such property owners. 11/19/13
- (2) **Published Notice:** At least 10 days before the public hearing, the aforementioned property owner notice shall be published in one or more newspapers of general circulation in the Township.
- (e) **Trustee Action:** Within 20 days after their hearing, the Trustees shall adopt, adopt with modification or deny the Commission recommendation. A unanimous vote of the Trustees shall be required to modify or deny the Commission recommendation.
- (f) **Effective Date and Referendum:** An amendment shall take effect 30 days after its adoption by the Trustees unless there is presented to them a referendum petition signed by a number of qualified voters residing in the Township equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in the last preceding general election at which a Governor was elected. Such petition shall request that the amendment be submitted to the electors of the Township for approval or rejection at the next primary or general election. No amendment for which a referendum vote has been petitioned shall take effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the County Board of Elections that the amendment has been approved, it shall take immediate effect.

- (g) **Filing:** Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the County Planning Commission.

6.07 VIOLATIONS AND PENALTIES: The following provisions shall apply:

- (a) **Zoning Certificates:** Failure to obtain a Zoning Certificate shall be a punishable violation of this Resolution. Each Zoning Certificate shall specify the development and uses authorized; and no other development or uses shall be implied. Should a Zoning Certificate or other authorization be issued by a Township official or employee, which is in violation of any provision of the Resolution, such certificate or authorization shall be null and void. 8/15/18
- (b) **Prevention of Violations:** In addition to the provisions of this Resolution, the Trustees, County Prosecuting Attorney, Zoning Inspector or any owner of property especially damaged by a violation of the Resolution may institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. The Trustees may employ special counsel to represent them in any proceeding or action brought to prevent or remove a violation of the Resolution.
- (c) **Stay of Proceedings:** An appeal filed in accordance with this Resolution, or as otherwise provided for by law, stays all proceedings in the furtherance of the action appealed from unless the Zoning Inspector certifies to the Board that, by reason of the facts stated in the appeal application, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by an order by the Board, or the court of record on the case, to the Zoning Inspector.
- (d) **Penalties:** Violation or failure to comply with any provision of the Resolution shall constitute a misdemeanor. Any person who violates or fails to comply shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day of continuation of a violation or failure to comply may be deemed a separate offense; and the owner, tenant, architect, contractor, agent or any other person found guilty thereof may each suffer the aforementioned penalties.