

Article amendments approved unless noted:	OMPC	Owensboro	Daviess Co.	Whitesville
Revised zoning ordinance	08-Sep-79	14-Mar-80	27-Dec-79	07-Apr-80

**5.1 ZONING ADMINISTRATOR.** Provisions of this Zoning Ordinance shall be enforced by an Administrative Officer, designated by the Legislative Bodies to administer said Ordinance.

**5.11.** The Zoning Administrator shall be authorized to issue building permits and/or certificates of occupancy in accordance with the literal terms of the Zoning Ordinance, but may not have the power to permit any construction or to permit any use or any change of use which does not conform to the literal terms of the Zoning Ordinance.

The Zoning Administrator shall keep accurate records in a permanent file for the issuance of building permits, certificates of occupancy, inspection violations, stop orders, and condemnations.

**5.12.** If the Zoning Administrator finds any provisions of the Zoning Ordinance being violated, the person or persons responsible for such violations shall be notified by the Zoning Administrator through registered mail. Said notification shall order the discontinuation of any illegal use of land, buildings, and/or structure. Any permit or certificate of occupancy issued in conflict with the provisions of the Zoning Ordinance shall be null and void.

**5.13.** The Zoning Administrator shall be registered to inform and/or report his actions to the OMPC. Said report shall be in writing and issued to the OMPC on or before each monthly meeting.

**5.2 BUILDING PERMITS REQUIRED.** No building or other structures, including accessory buildings, shall be erected, moved, added to, or structurally altered, nor shall any of said activities be commenced without a building permit therefor, issued by the Zoning Administrator. No building permit shall be issued by him except in conformity with the provisions of this Zoning Ordinance unless he has a written order from the Board of Adjustment in the form of an administrative review decision, a conditional use permit, or dimensional variance as provided under the provisions of Section 7.3.

**5.21 Exceptions.** No building permit shall be required for recurring maintenance work, or for the installation of required improvements according to an approved subdivision plat.

**5.22 Procedure.**

**5.221 Application.** In applying to the Zoning Administrator for a building permit, the applicant shall submit a plan along with the application, drawn to scale, showing the dimensions of all structures to be constructed or altered and all existing structures, the use of structures, yards depths and any other information for determining conformance with this Zoning Ordinance. The City or County Health Officer's certificate approving proposed water and sewage facilities must accompany applications according to Section 3.9 of the Zoning Ordinance.

**5.222 Issuance.** If the proposed construction or alteration conforms with all applicable ordinances, regulations and codes, the Zoning Administrator shall issue a building permit authorizing such construction or alteration. If proposed construction or alteration fails to conform, the Zoning Administrator shall refuse to issue a building permit and shall cause delivery of written notice to the applicant stating the reasons for refusal. The Zoning Administrator shall act upon applications for building permits within two (2) weeks from the date of their submission.

**5.223 Restraint of Construction without Permit.** If no building permit has been issued and a builder begins or continues to build, a restraining order may be obtained upon application to the proper court of record, and evidence of the lack of a building permit shall establish a prima facie case for the issuance of the restraining order.

**5.224 Validity.** The issuance of a building permit shall not waive any provisions of this regulation.

**5.225 Duration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the

~~site by such permit is suspended or abandoned for a period of one hundred eight (180) days after the time the work is commenced. The building official is authorized to grant, in writing one or more extensions of time, for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated. A building permit shall become void one (1) year from the date of issuance unless substantial progress has been made by that date on the construction or alteration authorized therein. A building permit may be renewed without fee upon review of the Zoning Administrator before it becomes void.~~

### **5.3 CERTIFICATE OF OCCUPANCY REQUIRED.**

No person shall use or permit the use of any structure or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, until a certificate of occupancy shall have been issued by the Zoning Administrator. Such certificate shall show that the structure or use, or both, or the premises, or the affected part thereof, are in conformity with the provisions of this Zoning Ordinance. It shall be the duty of the Zoning Administrator to issue such certificate if he finds that all of the provisions of this Zoning Ordinance have been met, and to withhold such certificate unless all requirements of the Zoning Ordinance have been met.

**5.31 Exceptions.** No certificate of occupancy shall be required for recurring maintenance work, or for the installation of required improvements according to an approved subdivision plat.

**5.32 Temporary Certificates of Occupancy.** A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion in accordance with general rules or regulations concerning such temporary certificate and with such additional conditions or safeguards as are necessary in the circumstances of the case to protect the safety of the general public.

**5.33 Certificate of Occupancy for Existing Uses or Structures.** Upon application from the owner or tenant, and upon inspection to determine the facts in the case, the Zoning Administrator shall issue a certificate of occupancy for any building, premises or use, certifying that the building, premises or use is in conformity with the provisions of this Zoning Ordinance or that a legal non-conformity exists as specified in the certificate.

**5.34 Structures And Uses To Be As Provided In Building Permits, Plans And Certificates of Occupancy.** Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permits, plans and certificates, and no other. The use, arrangement or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

### **5.4 COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this Zoning Ordinance 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 Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Zoning Ordinance.

**5.5 PENALTIES FOR VIOLATIONS.** Any person or entity who violates any of the provisions of this Zoning Ordinance adopted pursuant hereunder for which no other penalty is provided, shall, upon conviction, be fined no less than ten (10) but no more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense. Any person, owner, or agent who violates the Ordinance shall, upon conviction, be fined not less than one hundred (100) nor more than five hundred (500) dollars for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.