

**ARTICLE 10**  
**ADMINISTRATION AND ENFORCEMENT**

**SECTION 10.1 ENFORCEMENT OFFICER**

The Superintendent of Inspections and Code Enforcement, or his/her duly designated and acting deputy, shall be responsible for interpreting and administering the provisions of this ordinance and shall have primary responsibility for the enforcement of this ordinance by means of the duties specified herein. Without limiting the generality of the previous sentence, the duties and authority of the Enforcement Officer shall be as follows:

1. The Enforcement Officer shall provide the Plan Commission with review, analysis, reports and recommendations on:
  - a. Petitions for rezoning (Zoning Map Amendments);
  - b. Proposed text amendments to this ordinance;
  - c. Special use permit applications; and
  - d. Planned developments.

As applicable, the Enforcement Officer shall obtain and compile the comments from other City staff with respect to the above subjects.

2. Determine whether applications for building permits are in compliance with applicable requirements of this ordinance.
3. Furnish to the various department superintendents or other employees of the City such information as will aid in ensuring the proper compliance with this ordinance and other codes of the City.
4. Administer the site plan review provisions contained in **Article 8**, " Site Plan Review Requirements."
5. Administer the special use review provisions contained in **Article 9**.
6. Provide administrative support to the Board of Appeals. This includes receiving, filing and forwarding to the Board of Appeals, all information constituting the record upon which actions appealed from are taken.
7. Supervise the preparation of updates to the Official Zoning Map.
8. Except as otherwise provided for in this ordinance, notify in writing any person responsible for violating any of the provisions of this ordinance, indicating the nature of the violation and ordering the necessary corrective action.
9. May cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this ordinance by issuing a stop work or stop use order.
10. May refer any violation of this ordinance to the City Attorney for prosecution or other appropriate action when deemed necessary.

The Enforcement Officer may adopt such administrative policies as necessary to the carrying out of such duties.

**SECTION 10.2 PLAN COMMISSION**

The Plan Commission of the City of Jacksonville, which has been duly created by the City Council, is the Plan Commission referred to in this ordinance. Membership, terms of office, certain powers and duties, are set forth in **Sections 265-276 of the Jacksonville Municipal Code**.

**SECTION 10.3 PERMITS AND CERTIFICATES OF COMPLIANCE**

**10.3-1 Building Permit**

No building permit shall be issued until the application for such permit has been determined by the Enforcement Officer to be in compliance in all respects with the provisions of this Chapter or with a written order from the Board of Appeals in the form of an administrative review decision on an appeal or variation as provided in **Article 11** of this ordinance.

**10.3-2 Certificate of Zoning Compliance**

1. No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of zoning compliance has been issued by the Enforcement Officer. Issuance of a building permit and certificate of occupancy shall satisfy the requirement for and serve in lieu of a certificate of zoning compliance.
2. A request for a certificate of zoning compliance shall be considered coincident with the request for a certificate of occupancy as required under the Jacksonville Building Code.
3. The Enforcement Officer shall cause the premises to be inspected to determine that the proposed use and any buildings or structures involved comply in all respects with the provisions of this ordinance or with a written order from the Board of Appeals in the form of an administrative review decision on an appeal or variation as provided in **Article 11** of this ordinance.
4. Upon determination of compliance, the Enforcement Officer shall issue a certificate of zoning compliance, or certificate of occupancy, as the case may be, stating that the building, structure and/or other site improvements are in conformance with this ordinance.
5. A record of all certificates of zoning compliance shall be kept on file in the office Department of Inspections and Code Enforcement, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or structure affected.

**SECTION 10.4 FEES**

Fees pertaining to petitions for zoning amendments, certificates of zoning compliance, use permits, site plans, variations, and appeals shall be established by action of the City Council from time to time. Such fees shall be paid to the City Clerk, who shall provide a receipt for such fees paid and maintain an accounting of same. Said fees may also be paid at the Department of Inspections and Code Enforcement, which shall forward the payment to the City Clerk. Until all applicable fees have been paid in full, no action shall be taken on any action or appeal provided by this ordinance.

**SECTION 10.5 ENFORCEMENT**

**10.5-1 Construction and Use Shall Comply with Plans and Permits**

All permits issued on the basis of plans (including site plans approved by the Plan Commission) and/or permits issued by the Enforcement Officer authorize only the use, arrangement, and/or construction set forth in such approved plans and/or permits and no other use, arrangement, or construction.

**10.5-2 Entry and Inspection of Land and Buildings**

Members of the Council, Plan Commission, the Enforcement Officer and building inspectors are hereby empowered in the performance of their duties, to enter upon any property in the City of Jacksonville or within its extraterritorial jurisdiction for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards required to effectuate the purpose and provisions of this ordinance.

**SECTION 10.6 VIOLATIONS**

**10.6-1 Proceedings to Prevent Violations**

1. General:

- a. In case any building or structure, including fixtures, is constructed, reconstructed, altered, converted, or maintained, or any building or structure, including fixtures, or land, is used in violation this ordinance, the City may institute any appropriate action or proceeding to:
  - (1) prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use;
  - (2) prevent the occupancy of the building, structure, or land;
  - (3) prevent any illegal act, conduct, business, or use in or about the premises; or
  - (4) restrain, correct, or abate the violation.
- b. Any owner or tenant of real property, within 1,200 feet in any direction of the property on which the building or structure in question is located, who shows that their property or person will be substantially affected by the alleged violation may seek action to prevent such violation as provided for by law (65 ILCS 5/11-13-15). Without abrogating the aforementioned procedure to remedy an alleged violation, such owner or tenant may notify the Enforcement Officer, in writing, of the alleged violation. Upon receipt of the such notice, the Enforcement Officer shall take whatever action is warranted and inform the complainant, in writing, what actions have been or will be taken.

2. Procedure Upon Discovery of Violations:

- a. If the Enforcement Officer finds that any provision of this ordinance is being violated, the Officer shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Enforcement Officer's discretion.

- b. The final written notice (and the initial written notice may be the final notice) shall advise that the Enforcement Officer's decision or order may be appealed to the Board of Appeals in accordance with **Article 11**, "Appeals and Variations," of the zoning ordinance
- c. In cases where delay would threaten the public health, safety, or welfare, the Enforcement Officer may seek enforcement without prior written notice by invoking a stop work or stop use order and institute any of the penalties or actions authorized in **Section 10.6-2**.

**10.6-2 Penalties and Remedies for Violations**

- 1. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions established in connection with an approved site plan, the grants of variations, or special-use permits, shall subject the offender to a civil penalty of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00).
- 2. Each day that any violation continues to exist shall be considered a separate offense.
- 3. This ordinance may also be enforced by any appropriate equitable action.