

## CHAPTER 1155

### Administration, Enforcement and Penalty

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### CROSS REFERENCES

Plat acknowledgement and recording - see Ohio R. C. 711.06  
Fee of designated public land to vest on recording plat - see Ohio R. C. 711.07, 711.11  
Council to hold public hearing on regulations - see Ohio R. C. 711.101, 711.132  
Violation of rules and regulations - see Ohio R. C. 711.102  
Unlawful transfer of lots - see Ohio R. C. 711.13, 711.15

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#### **1155.01 EFFECTIVE DATE.**

These Subdivision Regulations shall be in effect at the earliest date allowed by law. (Ord. 44-66. Passed 10-17-66.)

#### **1155.02 ADMINISTRATION.**

It shall be the responsibility of the Commission to administer these Subdivision Regulations, except where specific authority is given to some other City or County office as set forth in these Regulations. (Ord. 44-66. Passed 10-17-66.)

#### **1155.03 ENFORCEMENT.**

It shall be the duty of the Commission and its designated official, together with other appropriate City or County offices to enforce these Subdivision Regulations within all areas under the subdivision jurisdiction of the Commission. (Ord. 44-66. Passed 10-17-66.)

#### **1155.04 VALIDITY.**

(a) If any section, clause, phrase, word, provision or portion of these Subdivision Regulations shall be held to be unconstitutional or invalid by any court of competent jurisdiction,

such holding or decision shall not affect the validity of these Regulations as a whole or any part thereof other than the section, clause, phrase, word, provision or portion so held to be invalid.

(b) Existing and subsequent rules, regulations, and ordinances of the City shall take precedence over rules and regulations of any County department which may be mentioned in these Regulations. (Ord. 44-66. Passed 10-17-66.)

**1155.05 VIOLATION NOTICES; STOPPING SERVICE AND COURT ACTION.**

The enforcement officer of the appropriate agency shall serve a written notice or order upon the person responsible whenever he is satisfied that any work is being done or any transactions are being made in violation of the provisions of these Subdivision Regulations or in violation of a detailed statement or plan submitted and approved by him. Such notice shall direct the discontinuance of any illegal action and the remedying of the condition that is in violation of the provisions and requirements of these Regulations.

In case such notice or order is not promptly complied with, the enforcement officer of the appropriate agency shall notify the other public offices, utility companies and other officials concerned therewith, and shall request the same to withhold their approval and to stop all services to the property where such violation is concerned and to refuse such services until these Regulations are complied with. The enforcement officer of the appropriate agency, in any case, may also request the City's Law Director to institute the appropriate action or proceedings at law or equity to restrain, correct, remove or prosecute such violation in compliance with these regulations.

**1155.06 IMPROVEMENT COMPLETION PRIOR TO FINAL PLAT APPROVAL.**

No final subdivision plat shall be approved by the Planning Commission unless the improvements listed in the sections of these Subdivision Regulations have been satisfactorily completed as determined by the City Safety-Service Director and Director of Utilities prior to such approval.

**1155.07 RECORDING PLAT.**

After the final plat has been approved by the Planning Commission, the Safety-Service Director, Utility Director, and Council, and their necessary approvals endorsed in writing thereon, it may then be filed for recording in the office of the Wayne County Recorder, as required by law. No plat of any subdivision shall be entitled to be recorded in the office of the County Recorder or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved plat is recorded, it shall be considered invalid and the Commission shall institute proceedings to have the plat stricken from the records of Wayne County.

**1155.08 PLAT REVISION AFTER APPROVAL.**

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Commission, and endorsed in writing on the plat, unless such plat is first resubmitted to and approved by the Commission.

**1155.09 SALE OF LANDS IN SUBDIVISION.**

No owner, or agent of the owner, of any land located within a subdivision shall transfer, sell or convey any land before such plat has been approved and recorded in the manner prescribed herein. Any sale, transfer or conveyance contrary to the provisions of this section is void. The description of any such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these Subdivision Regulations. (Ord. 44-66. Passed 10-17-66.)

**1155.10 PERMITS FOR BUILDING, WELLS AND SEPTIC TANKS.**

(a) Building or repair permits shall not be issued for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

(b) No owner or agent of the owner shall be entitled to a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein. (Ord. 44-66. Passed 10-17-66.)

**1155.11 APPEAL.**

Rights of appeal shall be as set forth in Ohio R.C. Chapter 711 or other applicable sections thereof. (Ord. 44-66. Passed 10-17-66.)

**1155.12 PARTITIONS.**

Whenever land is to be divided by the process of partition in court pursuant to Ohio R. C. 5307.06, all petitions for the partition shall be submitted to the Commission which shall take action thereon within forty-five days or within such additional time as agreed upon by the petitioners. (Ord. 44-66. Passed 10-17-66.)

**1155.13 REPEAL.**

All rules and regulations of the Commission or ordinances providing for platting and subdivision regulations in conflict with these Subdivision Regulations are hereby repealed. (Ord. 44-66. Passed 10-17-66.)

**1155.14 PLAN REVIEW AND APPROVAL BY THE SAFETY-SERVICE DIRECTOR.**

The final approval of all various plans shall be the prerogative of the Safety-Service Director, when stated as such within this document. The Safety-Service Director shall, when deemed necessary, seek recommendations and opinions from a registered professional engineer. However, the decision of the Safety-Service Director shall be final in all cases.

**1155.99 PENALTY.**

(a) Whoever violates any provision of these Subdivision Regulations or fails to comply with any order pursuant hereto shall be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of the County.

(b) A County Recorder who records a plat contrary to the provisions of these Regulations shall be fined not less than one hundred dollars (\$100.00) nor more than five

hundred dollars (\$500.00), to be recovered with costs in a civil action by the Law Director in the name and for the use of the City.

(c) Whoever, being the owner or agent of the owner of any land within a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot, parcel or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section.

(d) Any person who disposes of, offers for sale or leases for a time exceeding five years any lot or any part of a lot in a subdivision before the provisions of these Regulations are complied with shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each lot or part of a lot so sold, offered for sale or lease, to be recovered with costs in a civil action, in the name of the City's Law Director for the use of the City.