

---

---

## Chapter 2

# Decision-Making, Administration, and Enforcement Responsibilities

---

---

### Article 2.1

#### GENERAL PROVISIONS

**2.1.1. General Provisions.** The administration of this Title is hereby vested in the following:

- A. The Office of the Development Administrator;
- B. The Office of the Director of Public Works;
- C. The Hearing Officer;
- D. The Plan Commission; and,
- E. The Mayor and City Council.

### Article 2.2

#### THE OFFICE OF THE DEVELOPMENT ADMINISTRATOR

**2.2.1. Appointment.** The Development Administrator shall be appointed/designated by the Mayor with the advice and consent of the City Council.

**2.2.2. Duties of the Development Administrator.** The Development Administrator or his duly appointed and acting assistant shall administer and enforce this Title. It shall be the duty of the Development Administrator to:

- A. Receive and process applications for zoning certificates for structures or additions thereto for which building permits are required.
- B. Receive and process applications for zoning certificates not accompanied by an application for a building permit.
- C. Receive and process applications for an occupancy certificate after an on-site inspection and upon completion of a structure or when there is a change of use as herein provided to ensure conformity to the provisions of this Title.
- D. Conduct inspections of structures or the use of land to determine whether there is compliance with this Title, and, in cases of any violation, to notify in writing the person or person responsible, specifying the nature of the violation and ordering corrective action.
- E. Maintain in current status the Official Zoning Map.
- F. Maintain permanent and current records required by this Title, including, but not limited to, zoning certificates, occupancy certificates, useful life determinations and non-

conforming use certificates, inspections, and all official action on appeals, variations and amendments.

- G. Prepare and submit an annual report to the Mayor and City Council on the administration of this Title, setting forth such statistical data and information as may be of interest of value in advancing and furthering the purposes of this Title.
- H. Prepare and have available in book, pamphlet or map form, on or before March 31st of each year:
  - 1. The compiled text of this Title, including all amendments thereto, through the preceding December 31st; and,
  - 2. An Official Zoning Map, or Maps, showing the zoning districts, divisions, and classifications in effect on the preceding December 31st.
- I. Maintain for distribution to the public a supply of copies of the Zoning Map or Maps, the compiled text of this Title, and the rules of the Hearing Officer. The corporate authorities may establish a fee to be charged any person desiring a copy of such map to defray the cost of publication of such map.
- J. Act as custodian of the records of the Hearing Officer.
- K. Furnish members of the public with such forms for appeals and applications for variations as are approved by the Hearing Officer.
- L. Receive on behalf of the Hearing Officer all such forms, when completed and executed by the appellant or applicant, or his agent or attorney.
- M. Discharge such other duties as may be placed upon the Development Administrator by this Title.
- N. Refer any violation of this Title to the City Attorney for prosecution or other appropriate action when deemed necessary.
- O. The Development Administrator may delegate responsibilities to other personnel within the department, as necessary, to properly administer and enforce the provisions of this Title.
- P. Provide clerical and technical services to the Plan Commission, including maintaining records thereof, including review, analysis, reports and recommendations on:
  - 1. Petitions for Rezoning
  - 2. Text Amendments to this Title
  - 3. Special Use Permit Applications
  - 4. Planned Developments
  - 5. Subdivision of Property
  - 6. Annexations/Annexation Agreements
  - 7. Street, Alley and Plat Vacations

### Article 2.3

#### THE OFFICE OF THE DIRECTOR OF PUBLIC WORKS

- 2.3.1. Appointment.** The Director of Public Works shall be appointed by the Mayor with the advice and consent of the City Council.
- 2.3.2. Duties of the Director of Public Works.** The Director of Public Works shall have the following responsibilities with regard to this Title:
- A. Review preliminary and final plat applications for compliance with engineering design standards for streets, sidewalks, water distribution and other public improvements, as applicable. The same engineering design review shall be provided on plans submitted under "Planned Development" procedures.
  - B. Review of final plats for land survey documentation requirements of this Title and of applicable Illinois State Statutes.
  - C. Review all permit applications for compliance with the requirements of Article 6.15, "Floodways, Floodplains, Storm drainage and Erosion", of this Title.
  - D. Monitor construction of improvements to be ultimately dedicated to the City and determine compliance with the instrument to guarantee improvements (escrow agreement or land subdivision bond).
  - E. Conduct traffic impact analysis or review the same prepared by others as may review other studies prepared by the applicant as may be required.
  - F. Serve as custodian of the Official Map and confer with the Development Administrator on updates and annual publications.
  - G. The Director of Public Works may delegate these responsibilities to other personnel within the department, as necessary.

### Article 2.4

#### THE HEARING OFFICER

- 2.4.1. Establishment.** The position of City of Genoa Hearing Officer is hereby created in accordance with Chapter 34, Paragraph 3158.1 *et seq.* of the Illinois Revised Statutes.
- 2.4.2. Appointment and Term of Office.** The Hearing Officer shall be appointed by the Mayor with the advice and consent of the majority of members of the City Council present and voting thereon. The Hearing Officer shall serve at the pleasure of the City Council. Vacancies in the position of Hearing Officer shall be filled expeditiously and in the manner herein provided for the appointment of such officer.
- 2.4.3. Duties of the Hearing Officer.** The Hearing Officer shall have the following responsibilities with regard to this Title:
- A. To hear and decide appeals in which it is alleged there is an error in any order, requirement, decision, interpretation or determination (hereinafter referred to collectively as "decision") made by the Development Administrator.
  - B. To hear and review all applications for variations from the regulations and restrictions imposed by this Title and recommend with respect there to the City Council.

- C. To hear and report to the Mayor and City Council on such other matters as may be referred to it by the Mayor and City Council subject to the provisions of this Title.
- D. Perform such other duties as may be assigned from time to time by the City Council.

**2.4.4. Meetings and Rules.** All meetings of the Hearing Officer shall be held at the call of the Hearing Officer and at such times as he may determine. All hearings required by this ordinance to be conducted by the Hearing Officer shall be open to the public. At meetings and hearings of the Hearing Officer, any interested person may appear in person or by duly authorized agent or attorney. All testimony before the Hearing Officer shall be given under oath. The Hearing Officer shall administer of oaths and may compel the attendance of witnesses. The Hearing Officer shall keep minutes of his proceedings and shall also keep records of his hearings and other official actions. Every rule, regulation, decision or determination of the Hearing Officer shall immediately be filed with the Development Administrator and shall be of public record. The Hearing Officer shall adopt his own rules and procedures, not in conflict with this Title or applicable Illinois Statutes.

## **Article 2.5**

### **THE PLAN COMMISSION**

- 2.5.1. Creation.** A Plan Commission is hereby authorized and established.
- 2.5.2. Appointment and Terms.** The Commission shall consist of seven (7) members appointed by the Mayor with the consent of the City Council. The terms for Plan Commission members shall be four (4) years.
- 2.5.3. Officers.** The Mayor shall designate with confirmation by the City Council, one of the members of the Plan Commission as chairman for a period of one (1) year. The Plan Commission shall elect a vice-chairman and such other officers as deemed necessary.
- 2.5.4. Vacancies.** Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairman is vacated for any reason, the Mayor and City Council shall immediately appoint a new chairman.
- 2.5.5. Jurisdiction.** The Plan Commission of the City of Genoa which as been duly established, is the Plan Commission referred to in this ordinance. It shall have the following duties:
  - A. To hear and review all applications for special uses, including planned developments, and recommend with respect thereto, to the City Council.
  - B. To initiate, direct and review, from time to time, studies of the provisions of the Unified Development Ordinance and the Comprehensive Plan, and to make reports of its recommendations to the City Council not less frequently than once each year.
  - C. To receive and review all plats of subdivision and Class I site plans and recommend with respect thereto to the City Council.
  - D. To hear and review all zoning and planning aspects of proposed annexations as referred to it by the City Council and recommend with respect thereto the City Council.
  - E. To hear and review all applications for amendments of the text to this Title and recommend with respect thereto the City Council.

- F. To hear and review all amendments to the City of Genoa Comprehensive Plan and recommend with respect thereto the City Council.
  - G. To hear and review all applications for reclassification of the zoning designation of property and recommend with respect thereto the City Council.
  - H. To hear and decide appeals in which it is alleged there is an error in any decision of the Development Administrator concerning Class II site plans.
  - I. To submit reports and recommend approval or disapproval of preliminary plats for subdivision and, if directed by the City Council, to report on final plats for subdivisions.
  - J. To recommend approval or disapproval of requests for street, alley or plat vacations.
- 2.5.6. Meetings and Rules.** All meetings of the Plan Commission shall be held at the call of the Chairman, and at such time as the Plan Commission may determine. All hearings conducted by said Plan Commission under this Title shall be in accordance with the Illinois Statutes. In all proceedings of the Plan Commission provided for in this Title, the Chairman, or in his absence, the Vice-Chairman, shall have the power to administer oaths. All testimony by witnesses at any hearing provided for in this Title shall be given under oath. The Plan Commission shall keep minutes of its proceedings, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every amendment and Special Use, and every recommendation, order, requirement, decision or determination of the Plan Commission under this Title shall be filed in the Office of the City Clerk and shall be a public record. The Plan Commission shall adopt its own rules and procedures, not in conflict with this Title or with applicable Illinois Statutes.
- 2.5.7. Quorum.** Four members of the Commission shall constitute a quorum. No meeting or public hearing shall be conducted by the Commission without a quorum being present.

## Article 2.6

### THE MAYOR AND CITY COUNCIL

- 2.6.1. Authority.** Without limiting any authority granted to the Mayor and City Council by state law or by other ordinances of the City, the Mayor and City Council shall have the following powers and duties with respect to this Title, to be carried out in accordance with the terms of this Title:
- A. To determine whether or not to adopt amendments to the text of this Title after receiving recommendations from the Plan Commission.
  - B. To determine whether or not to adopt amendments to the Zoning District Map after receiving recommendations from the Plan Commission.
  - C. To determine whether or not to adopt amendments to the Comprehensive Plan after receiving recommendations from the Plan Commission.
  - D. To determine whether or not to approve (with or without conditions) or deny applications for Class I site plan review after receiving recommendations from the Plan Commission.
  - E. To determine whether or not to approve (with or without conditions) or deny applications for special uses, as identified and established in this Title, after receiving recommendations from the Plan Commission; and
  - F. To determine whether or not to approve or deny any decision on appeal of the Development Administrator after receiving recommendations from the Hearing Officer.

- G. To determine whether or not to approve or deny a variation from this Title after receiving recommendations from the Hearing Officer.

## **Article 2.7**

### **ENFORCEMENT**

**2.7.1. Complaints Regarding Violations.** Any property owner or tenant of real property may notify the Development Administrator in writing, of the alleged violation. Upon receipt of such notice, the Development Administrator shall take whatever action is warranted and inform the complainant in writing what actions have been or will be taken.

**2.7.2. Persons Liable.** The owner, tenant, or occupant of any building or land or part thereof any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Title may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

**2.7.3. Procedures Upon Discovery of Violations**

- A. If the Development Administrator finds that any provision of this Title is being violated, he 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 Development Administrator's discretion.
- B. The final written notice (and the initial written notice may be the final notice) shall state what action the Development Administrator intends to take if the violation is not corrected and shall advise that the Development Administrator's decision or order may be appealed to the Hearing Officer in accordance with Section 4.6.2.
- C. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Development Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 2.7.4.

**2.7.4. Penalties and Remedies for Violations.**

- A. Any act constituting a violation of the provisions of this Title or a failure to comply with any of its requirements, including violations of any conditions or safeguards established in connection with the grant of a variation or Special Use Permit, shall also subject the offender to a fine not less than \$25.00 nor more than \$10,000.00 for each offense.
- B. Each day that a violation continues after notification by the Development Administrator that such violation exists shall be considered a separate offense for purposes of the remedies and penalties specified in this Section.
- C. Nothing herein shall be construed to prevent the City of Genoa from taking such other lawful action as is necessary or appropriate to prevent or remedy any violation.
- D. This Title may also be enforced by any appropriate equitable action.
- E. Any one, all, or combination of the foregoing penalties and remedies may be used to enforce this Title.