

Article 11

Administration and Enforcement

11.01 Purpose: The purpose of this Chapter is to establish the decision-making, administration and enforcement responsibilities connected with the Unified Development Ordinance. The administration of this Ordinance is hereby vested in the following:

- A. The Zoning Administrator;
- B. The Plat Officer;
- C. The County Engineer;
- D. The Hearing Officer; and
- E. The County Board.

11.02 The Zoning Administrator

- A. Appointment: The duly-appointed Planning Director for DeKalb County shall serve as the Zoning Administrator.
- B. Duties of the Zoning Administrator: The Zoning Administrator or his duly appointed and acting assistant shall administer and enforce this Ordinance. It shall be the duty of the Zoning Administrator to:
 - 1. Interpret, construe and apply the provisions of this Ordinance;
 - 2. Conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in cases of any violation, notify in writing the person or person responsible, specifying the nature of the violation and ordering corrective action;
 - 3. Order discontinuance of uses of land, buildings or structures; order removal of buildings or structures and alterations or structural changes thereof; order discontinuance of work being done; or take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions;
 - 4. Serve as the Building Official for DeKalb County for the interpretation, administration and enforcement of the adopted building codes, including overseeing the issuance of all building permits and occupancy permits and the creation and maintenance of records thereof;
 - 5. Enforce all regulations contained in Special Use Permits;
 - 6. Maintain in current status the Official Zoning District Maps;
 - 7. Maintain records required by this Ordinance, including, but not limited to, records related to inspections, violations, subdivisions, building permits, and all official action on appeals, variations, zoning map amendments, zoning text amendments, special uses and planned developments;
 - 8. Prepare and submit an annual report to the County Board or its designee on the administration of this Ordinance, setting forth such statistical data and information as may be of interest of value in advancing and furthering the purposes of this Ordinance;
 - 9. Provide to the public, as requested, copies of the Zoning District Maps, the compiled text of this Ordinance, and the rules and application forms for seeking zoning actions. Fees for the production may be charged to persons requesting said copies;
 - 10. Act as custodian of the records of the Hearing Officer;
 - 11. Receive on behalf of the Hearing Officer all such zoning application forms, when completed and executed by the appellant or applicant, or his agent or attorney;
 - 12. Discharge such other duties as may be placed upon the Zoning Administrator by this Ordinance;
 - 13. Refer any unabated violation of this Ordinance to the Code Hearing Unit for adjudication or other appropriate action when deemed necessary;

14. Delegate responsibilities to other personnel within the Planning, Zoning and Building Department, as necessary, to properly administer and enforce the provisions of this Ordinance;
 15. Provide clerical and technical services to the County Board or its designee on issues related to this Ordinance, including maintaining records thereof, including review, analysis, reports and recommendations on:
 - a. Petitions for Rezoning
 - b. Text Amendments to this Ordinance
 - c. Special Use Permit Applications
 - d. Planned Developments
 - e. Subdivision of Property
 - f. Variations
 - g. Appeals of decisions by the Zoning Administrator; and
 16. Require the provision of additional pertinent information, submissions and review processes, or waive the provision of otherwise required information, submissions and reviews, for applications for Variations, Appeals, Special Use Permits, Map Amendments, Text Amendments and Planned Developments.
- C. Entry and Inspection of Land and Buildings: The Zoning Administrator or his authorized representatives are hereby empowered in the performance of their function to enter upon any land in the unincorporated area of DeKalb County for the purpose of making inspections, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this Ordinance. The above-authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Ordinance. The Sheriff's Department shall aid in enforcing this Ordinance including posting stop-work or stop-use notices when requested by the Zoning Administrator.

11.03 The Plat Officer

- A. Appointment: The duly-appointed Planning Director for DeKalb County shall serve as the Plat Officer for DeKalb County.
- B. Duties of the Plat Officer: It shall be the duty of the Plat Officer, or his designee, to:
 1. Review and sign all final plats of subdivision that are prepared and approved in accordance with the provisions of this Ordinance;
 2. Review and sign all final development plans for planned developments that are prepared and approved in accordance with the provisions of this Ordinance;
 3. Review, approve and sign all plats of survey prepared in accordance with Section 4.02.D.2 of this Ordinance.

11.04 The County Engineer

- A. Appointment: The County Engineer shall be appointed by the County Board.
- B. Duties of the County Engineer: The County Engineer shall have the following responsibilities with regard to this Ordinance:
 1. Review preliminary and final subdivision plats 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;
 2. Review of final subdivision plats for land survey documentation requirements of this Ordinance and of applicable Illinois State Statutes;
 3. Review all permit applications for compliance with the requirements of Article 6.15, "Floodways, Floodplains, Storm drainage and Erosion", of this Ordinance;
 4. Monitor construction of public improvements approved as part of subdivision, and determine compliance with the instrument to guarantee improvements (escrow agreement or land subdivision bond);

5. Conduct traffic impact analysis or review the same prepared by others as may review other studies prepared by the applicant as may be required;
6. The County Engineer may delegate these responsibilities to other personnel within the department, as necessary.

11.05 The Hearing Officer

- A. Establishment: The position of DeKalb County Hearing Officer is hereby created in accordance with Chapter 55, Paragraph 5/5-12015 of the Illinois Revised Statutes.
- B. Appointment and Term of Office: The Hearing Officer shall be appointed by the County Board following a recommendation by the designated committee of the County Board. Such appointment shall be confirmed by a majority vote of the members of the County Board present and voting thereon. The Hearing Officer and alternate Hearing Officer(s) shall serve at the pleasure of the Board. Alternate Hearing Officers shall serve when the Hearing Officer is not available. Vacancies in the position of Hearing Officer shall be filled expeditiously and in the manner herein provided for the appointment of such officer.
- C. Duties of the Hearing Officer: The Hearing Officer shall have the following responsibilities with regard to this Ordinance:
 1. 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 Zoning Administrator;
 2. To hear and decide all applications for variations from the bulk regulations and other dimensional requirements imposed by this Ordinance in accordance with the criteria set forth herein;
 3. To hear and recommend by written report to the County Board on applications for special uses, zoning map amendments, zoning text amendments, planned developments, use variations, and variations from the regulations applicable to nonconformities, in accordance with the provisions and criteria set forth in this Ordinance.
- D. Meetings and Rules: All hearings conducted by 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 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 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 Zoning Administrator and shall be of public record. The Hearing Officer shall adopt his own rules and procedures, not in conflict with this Ordinance or applicable Illinois Compiled Statutes.

11.06 The County Board

- A. Authority: Without limiting any authority granted to the County Board by state law or by other ordinances of the DeKalb County, the County Board shall have the following powers and duties with respect to this Ordinance, to be carried out in accordance with the terms of this Ordinance:
 1. To determine whether or not to adopt amendments to the text of this Ordinance and amendments to the zoning district maps after receiving recommendations from the Hearing Officer and designated committee of the County Board;
 2. To determine whether or not to approve (with or without conditions) or deny applications for special uses, amendments to special uses, subdivisions, planned developments and amendments to planned developments, as identified and established in this Ordinance, after receiving recommendations from the Hearing Officer and designated committee of the County Board; and

3. To determine whether or not to adopt amendments to and updates of the DeKalb County Comprehensive Plan after receiving recommendations from the Hearing Officer and designated committee of the County Board.

11.07 Enforcement

- A. Complaints Regarding Violations:
 1. Any property owner or tenant of real property may notify the Zoning Administrator in writing of an alleged violation of any provision of this Ordinance. Upon receipt of such notice, the Zoning Administrator shall take whatever action is warranted and inform the complainant what actions have been or will be taken;
 2. The Zoning Administrator or his authorized representative(s) are hereby empowered in the performance of his duties to enter upon any land in the unincorporated area of DeKalb County for the purpose of making inspections, examinations and surveys, or to place and maintain thereon monuments, markers, notices, signs or placards to effectuate the purpose and provisions of this Ordinance. The above authorized persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this Article or other provision of this Ordinance;
 3. The Sheriff's Department shall aid in enforcing this Ordinance including posting stop-work or stop-use notices when requested by the Zoning Administrator.
- B. Code Hearing Unit: The Zoning Administrator may refer any unabated violation of this Ordinance to the Code Hearing Unit, as established in Chapter 42, Article III, of the DeKalb County Board.
- C. Penalties for Violation of Zoning Ordinance:
 1. Any person, persons, firm, association or corporation violating any provision of this Ordinance or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of this Ordinance may be prosecuted as provided by law for the violation of ordinances of DeKalb County and upon conviction shall be punished by a fine not exceeding five hundred dollars (\$500) for any one offense. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.
 2. In addition to the penalties hereinabove authorized and established, the State's Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this Ordinance.