



Chapter 4 -- COMPLIANCE AND ENFORCEMENT

- 8- 4-1: **Compliance with Building Ordinance Necessary**
It is hereby declared unlawful for any person or persons, firm, or corporation to construct, erect, enlarge, remodel, alter, repair, raise, lower, underpin, change of use as defined in the building code, move or wreck any building, structure, or any portion thereof, in violation of the Building Ordinance. It is further declared unlawful to equip, use, or occupy any building, structure, or any portion thereof in said Village with any devices or for any business or other purposes, in any manner prohibited by the Building Ordinance of said Village. Violators of any of the provisions or requirements for this Section of the Building Ordinance shall be subject to the general penalty provided for violations of the Building Ordinance.
- 8- 4-2: **Building Contrary to Building Ordinance a Nuisance**
Any building, structure, or any portion thereof hereafter constructed, erected, enlarged, remodeled, altered, repaired, raised, lowered, underpinned, or moved within said Village, in any manner contrary to the provisions of the Building Ordinance or any laws of the Village, is hereby declared a nuisance, and the person, owner, agent, architect, builder, contractor, house-mover, or mechanic, so constructing, erecting, enlarging, remodeling, altering, repairing, raising, lowering, underpinning, or moving the same, contrary to any of the provisions of said laws or Ordinance, shall be subject to the general penalty provided for violations of said laws of Ordinance.
- 8- 4-3: **Deviations of Violations, if Found – Procedure**
The procedure in all cases of unauthorized deviations from, or violations of, the provisions of the Building Ordinance found on inspections required by the preceding section shall be as follows: A verbal notice shall be immediately served by the Building Officer at

the site, and on the person or persons doing or in charge of the work being done, or responsible for or capable of correcting, or of causing to be corrected the deviation observed. If a verbal notice cannot be served on the site, or if served, is disregarded (or deemed inadequate by the Building Officer for the purpose) then written notice, on forms prepared for the purpose and designating the deviation observed, shall be posted at the site, in as safe and conspicuous a place as practical, and where, if unmolested, the same must certainly come to the notice of any person or persons either employed on the work, or frequently occupying the building, structure, or premises; and a copy of the notice so posted shall be mailed to the last known address of the owner, agent, or person in control of the building observed from the provisions of the Building Ordinance has been posted and mailed, as aforesaid, and the work or condition continues in defiance thereof, or if the deviation, of whatever nature, is not promptly corrected in a manner consistent with the provisions of the Building Ordinance and the urgency of the case, then the deviation shall be considered a willful violation and the Building Officer shall promptly stop the work and, if need be, shall close the building or structure to the public. The facts pertaining to the case and the steps so far taken therein shall next (and forthwith) be reported in writing to the Building Commissioner, who in turn shall forthwith proceed to enforce the provisions and penalties of the Building Ordinance for and in such case provided. The Chief of Police and Village Attorney, pursuant to, and consistent with, the duties of their respective offices, shall assist in enforcing the Building Ordinance against violators who defiantly refuse to comply with notices from the Building Officers; and such officer named in this paragraph shall act in conjunction with the Building Commissioner and Deputy Building Commissioners, in so far as may be necessary and practicable. But nothing in this paragraph contained is intended, or shall be construed, to disqualify or exempt any officer of the Village not named therein from the duty of assisting in the enforcement of the Building Ordinance. The Building Officers and other officers named, who may assist them in case of flagrant or defiant violations of the Building Ordinance, are hereby authorized to sue with the police power of the Village in such manner and to such extent as the character of the violation and the urgency, hazards, rights, and interests of public health and safety may justify and demand for the case involved. No failure on the part of any officer to take any action hereby did not require, nor any failure to give any notice hereby required, shall excuse any violation of any law or ordinance.

- 8- 4-4: **Work May Be Stopped – Permit Cancelled**
Building Officers are hereby empowered and directed to stop work on any building, structure, or portion thereof that is being done in a reckless, unsafe or unsanitary manner, or with the use of defective or improper materials and on any building, structure, or portion thereof,

proposed for unlawful purposes as regards locations, intended use or occupancy and any work that in any other respect is being done contrary to the provisions of the Building Ordinance or to the requirements of any other laws or ordinances. This right and duty shall exist and be performed irrespective of any permit that may or may not have been either required or issued for the work, building, structure, or any portion thereof involved. The suspension of work shall be for such time as may be necessary to secure a correction of the particular violations and features complained of, or at least until a satisfactory agreement and arrangement approved by the Building Commissioner is reached that such correction will be made, and if a court trial is made, then the work shall be suspended and held in abeyance until the court trial is made, then the work shall be suspended and held in abeyance until the court renders its decisions. Any person, firm or corporation having charge of, directing, or in any way engaged in work that violates the Building Ordinance who shall refuse or fail to promptly desist from such work on written notice from any Building Officer, or who having desisted on either verbal or written notice shall resume the work before the violation which occasioned the order is corrected or agreed to be corrected satisfactory to the officer causing the work to be stopped (or to some other Building Officers higher in authority) and consistent with the purposes of the Building Ordinance, or who, before having been authorized by the Officer causing the same to be stopped (or to some other Building Officer) shall be deemed guilty of violating the Building Ordinance, and shall be subject to the general penalty provided therefor in said Building Ordinance. Permits for work being done in violations of the Building Ordinance may be cancelled or revoked on order of the Building Commissioner as is elsewhere provided in said Ordinance.

8- 4-5: **Persons Subject to Penalty – Nature of Penalty**

Any architect, structural engineer, contractor, subcontractor, or other person, firm, or corporation directly or indirectly engaged in the design, construction, erection, enlargement, remodeling, altering, repairing, raising, lowering, underpinning, moving or wrecking of any building structure or portion thereof who shall knowingly design, construct, erect, enlarge, remodel, alter, repair, raise, lower, underpin, move or wreck such building structure or a portion thereof to be designed, constructed, erected, enlarged, remodeled, altered, repaired, raised, lowered, underpinned, moved or wrecked in violation of the Building Ordinance shall be subject to the general penalty provided for violation of the Building Ordinance and all permits granted by the Village to any such person, firm, or corporation so engaged may be suspended for not less than thirty (30) days nor more than one (1) year.