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# Township Zoning Enforcement Officer: Role, Responsibilities, and Tools to Succeed

**David Civittolo**

Area Leader, Western Reserve and Extension Educator, Community Development  
OSU Extension, Medina County  
120 West Washington Street  
Medina, Ohio 44256  
Phone: 330.725.4911  
Fax: 330.764.8453  
E-mail: [civittolo.1@osu.edu](mailto:civittolo.1@osu.edu)

## **Introduction**

In 1947, the Ohio General Assembly passed enabling legislation that allowed townships to establish zoning. While the procedures and methods to create zoning are established by the Ohio General Assembly, the content of the local zoning regulation is at the discretion of township residents. Ohio law is designed to involve the public in the decision-making process. Township trustees are charged with hiring a zoning enforcement officer. The role of the township zoning enforcement officer, sometimes called the township zoning inspector, is to enforce the zoning code and map as it is currently adopted by the township trustees. Although the zoning enforcement officer's main role is to enforce the zoning code, he or she must also develop work tools and a system that will allow him or her to deal with zoning issues in an orderly, efficient manner.

## **Zoning Enforcement Officer Tools**

### ***1. Ohio Revised Code***

The zoning enforcement officer should reference the Ohio Revised Code, Title V, Chapter 19, which is devoted to township zoning. The chapter describes township zoning, the processes and procedures of township zoning, and the roles of the township zoning commission, the township zoning board of appeals, and the zoning inspector.

### ***2. Township Zoning Resolution and Official Township Zoning Map***

The zoning enforcement officer should thoroughly familiarize himself or herself with the zoning resolution and zoning map. It is also critical that the zoning enforcement officer have an updated resolution and map, therefore allowing him or her to give accurate information to the potential applicant and to the public.

### **3. Zoning Application**

The zoning enforcement officer, in cooperation with the township trustees, should develop a written zoning permit. The information provided by the applicant will become the basis for the zoning enforcement officer to approve or deny the permit. The zoning permit application should include the following:

- Name, address, and telephone of property owner
- Location of property
- Proposed use
  - New construction, deck, patio, accessory building, fence, pool, remodeling, sign, etc.
- Property site plan, indicating setbacks and side yard clearance. The property site plan is usually prepared by the applicant and includes a layout of the property, setbacks and side yard clearance, and any other pertinent information that would aid the zoning enforcement officer in his or her decision-making process. If the zoning enforcement officer needs additional information, he or she may request that a property survey, completed by a registered surveyor, be included in the application process.
- Signature and date of individual requesting the permit
- Signature and date of zoning enforcement officer either approving or denying the permit
- Any other information pertinent to the zoning application

Typically, draft permit applications are available from the local county or regional planning department and could be adopted by a township for its use. After the zoning enforcement officer reviews the application and determines that it meets the zoning code, a zoning certificate can be granted to the property owner. If the zoning enforcement officer denies the permit, the applicant has the right to appeal the decision to the Township Board of Zoning Appeals. Either way,

the zoning inspector shall keep the application on file and provide a copy to the property owner for his or her records.

If the permit has been issued or the Township Board of Zoning Appeals rules in favor of the applicant, the zoning enforcement officer should regularly inspect the project to ensure that it continues to meet the zoning code. If the zoning enforcement officer inspects the project and it is not consistent with the zoning application, he or she can issue a project stop order, which should be posted at the property site. If the zoning enforcement officer issues a stop order, the construction of the project must stop until the zoning officer and the zoning applicant can reach a resolution of the issue.

### **4. Inspection Forms**

After the zoning permit has been approved, the zoning enforcement officer should regularly inspect the project to ensure that it is in compliance with the approved permit. If it is not in compliance, the zoning enforcement officer can issue a work stop order. In addition, the zoning enforcement officer should routinely drive through the township to determine if there are potential zoning violations. When conducting township inspections, the zoning enforcement officer should not trespass on private property. Rather, he or she should knock on the front door and request permission from an adult to inspect the property. If an adult is not available, the zoning enforcement officer should leave a business card and request to be contacted by phone. If the township zoning enforcement officer determines that there is a zoning violation, he or she should mail the property owner a zoning violation letter. The letter should include the following:

- Name, address, and telephone of property owner
- Date of inspection
- Location of property
- Zoning violation

- Proof of the zoning violation, such as a digital camera photograph
- Potential monetary cost of the zoning offense
- Zoning enforcement officer's contact information

### **5. Township Identification Badge and Cellular Phone**

While performing the duties of the zoning enforcement officer, one should always have his or her township-issued identification badge available. It is important that the zoning enforcement officer identify himself or herself and show the badge to the property owner. Lastly, the township zoning enforcement officer should always have a cellular phone to use in case of an emergency.

### **6. Tape Measure and Measuring Wheel**

A tape measure and measuring wheel are critical to the zoning enforcement officer and should be used during inspections to measure the exact location of the project as it relates to setback and side yard zoning requirements.

### **7. Digital Camera**

To ensure that a property owner is not violating the zoning code, the zoning enforcement officer should use a digital camera when conducting regularly scheduled monthly inspections throughout the township. A digital camera can provide documentation of a potential zoning violation and can ensure that the project is meeting the standards set forth in the zoning code. The pictures from the digital camera should show the dates and times that the pictures were taken. The pictures can be used as 1) evidence if there is a concern regarding a project; 2) defense of the zoning enforcement officer's decision to approve or disapprove a zoning permit; and 3) notification of a zoning code violation to a property owner.

### **8. Computer with Internet Access and Printer**

When reviewing a zoning permit, the zoning enforcement officer can review material specific to the property by visiting the county auditor's web site and reviewing the county tax maps. The

county tax maps will provide information specific to the property in question. For example, the tax maps will indicate the street frontage and depth of the lot, along with any setback from the side of the road. The information obtained from the county auditor can be downloaded, printed, and attached to the application for future reference.

### **9. Set Office Hours**

It is important that the public is aware of the zoning enforcement officer's availability. The zoning enforcement officer should have regularly scheduled hours so that he or she is available to answer questions from township residents. The zoning enforcement officer should also have an answering machine that records the date and time of any messages. In addition, the zoning enforcement officer should have an e-mail address so residents can contact him or her if they cannot meet during regularly scheduled office hours.

### **10. Record Keeping**

It is critical for the zoning enforcement officer to have orderly record keeping. When discussing a zoning issue with an applicant, written documentation logs should be developed that indicate the essence of the conversation, when the conversation occurred, and the expectations of the call. The zoning enforcement officer should create a folder that includes all conversation pertaining to the property, any written correspondence, the zoning application, the tax map information, and any digital pictures. The filing system should be by address, not by property owner name, as homeowners will change. The filing system should be kept in the zoning enforcement officer's office, typically located in the township hall.

### **Conclusion**

The zoning enforcement officer is typically the first person with whom a property owner will meet in relation to township zoning. Often, residents are unaware of the need to obtain a zoning permit for a project on their property. The role of the zoning enforcement officer is to enforce the zoning resolution as adopted by the township trustees.

He or she also needs to educate residents about local zoning and its importance to the land use of the township. The zoning enforcement officer should develop a system that provides necessary information and guidance to township residents, thus ensuring an understanding of the zoning process. Because the zoning enforcement officer is responsible for approving or denying zoning permits, residents may be passionate about the zoning permit process and may feel that it is an invasion of their property rights. Therefore, it is imperative for the zoning enforcement officer to

be consistent and to treat everyone the same. The zoning enforcement officer who has an organized procedure to issue permits and is readily available to meet with residents will make the process a convenient one for township residents.

### References

Ohio Revised Code. <http://codes.ohio.gov/orc/519>

“Rural Zoning Purpose and Definition.” Ohio State University Extension Fact Sheet, CDFS-300. <http://ohioline.osu.edu/cd-fact/0300.html>

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Keith L. Smith, Ph.D., Associate Vice President for Agricultural Administration and Director, Ohio State University Extension  
TDD No. 800-589-8292 (Ohio only) or 614-292-1868