

ARTICLE 16

ADMINISTRATION AND ENFORCEMENT

16.01 Administrative and Enforcement Responsibilities

Administration and enforcement of this Ordinance shall be the responsibility of the City Manager. The City Manager may delegate this responsibility to the Chief Building Official, the Community Development Director, the Public Works Director and the Fire Chief. The division of duties between the department directors, with respect to this Ordinance, shall be:

16.01.01 Chief Building Official

The Chief Building Official shall have the following responsibilities with regard to this Ordinance:

1. Issue permits, as specified in Article 14, "Permits," when all requirements of an application for a permit are met including compliance with this Ordinance and other Codes as may be adopted by the City Council. If the application does not comply with this Ordinance or other applicable codes, then the Chief Building Official shall inform the applicant in writing of the reason for the refusal.
2. Issue certificates of occupancy in accordance with Article 14.02 "Certificate of Use and Occupancy" after on-site inspection to ensure conformity to the provisions of this Ordinance and other Codes as may be adopted by the City Council. (2017-044)
3. Notify in writing any person responsible for violating any of the provisions of this Ordinance, indicating the nature of the violation and ordering the necessary corrective action.
4. Order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
5. Conduct inspections of buildings, structures, and use of land to determine compliance with this Ordinance and other Codes adopted by the City Council.
6. Provide staff support to the Building Code Board of Appeals, including maintaining records thereof.
7. Refer any violation of this Ordinance to the City Attorney for prosecution or other appropriate action when deemed necessary.
8. The Chief Building Official may delegate responsibilities to other personnel within the Community Development Department, as necessary, to properly administer and enforce the provisions of this Ordinance.

16.01.02 Community Development Director (2017-044)

The Community Development Director shall serve as the administrative officer of the Planning and Zoning Commission and shall perform the following duties with regard to this Ordinance:

1. Provide clerical and technical services to the Planning and Zoning Commission, including maintaining records thereof. Such technical and administrative support includes:
 - a. Review, analysis, reports and recommendations on petitions for:
 - 1) Map Amendments (Rezoning)

- 2) Text Amendments
 - 3) Special Use Permits
 - 4) Variances
 - 5) Planned Developments
 - 6) Subdivision of Property
 - 7) Site Plans
 - 8) Annexations/Annexation Agreements
 - 9) Street, Alley and Plat Vacations
- b. Maintain permanent and current records of the Official Zoning Map.
2. By March 31 of each year, supervise the publication of an Official Zoning Map, clearly showing existing zoning district boundaries and associated regulatory classification, for the preceding calendar year as referenced by the Illinois Compiled Statutes.
 3. The Community Development Director may designate other personnel within the department to act in the Director's place.

16.01.03 Public Works Director (2017-044)

The Public Works Director shall have the following responsibilities with regard to this Ordinance:

1. 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.
2. Review of final 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 11, "Floodways, Floodplains, Stormdrainage and Erosion," of this Ordinance.
4. 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).
5. Conduct traffic impact analyses or review the same prepared by others as may be determined necessary to evaluate development proposals. Also, conduct or review other studies prepared by the applicant as may be required.
6. The Public Works Director may delegate these responsibilities to other personnel within the department, as necessary.

16.01.04 Fire Chief

The Fire Chief shall perform the following duties with regard to this Ordinance:

1. Review proposed subdivision plats, planned developments and other individual development projects for compliance with applicable life safety codes and city standards on:
 - a. Accessibility of fire fighting vehicles and equipment.
 - b. Fire hydrant locations and spacing.
2. The Fire Chief may delegate these responsibilities to other personnel within The Fire Department, as necessary.

16.02 Planning and Zoning Commission

The Planning and Zoning Commission of the City of DeKalb, Illinois, which has been duly created by the City Council, is the Planning and Zoning Commission referred to in this Ordinance. Membership, terms of office, certain powers and duties, etc., are set forth in Chapter 21 of the City of DeKalb Municipal Code. Specific to this Ordinance, the Planning and Zoning Commission responsibilities shall include:

16.02.01 General Powers and Duties (2017-044)

1. To conduct legislative public hearings and submit reports and recommendations to the City Council on petitions to amend the boundaries of the zoning districts created by this Ordinance.
2. To conduct public hearings and submit reports and recommendations to the City Council on proposed text amendments to the regulations imposed by this Ordinance.
3. To conduct public hearings and submit reports and recommendations to the City Council on petitions for Special Use Permits.
4. To submit reports and recommend approval or disapproval of preliminary plats for subdivisions and, if directed by the City Council, to report on final plats for subdivisions.
5. To conduct public hearings and recommend approval or disapproval of preliminary development plans for planned developments and, if directed by the City Council, to report on final development plans.
6. When required by this Ordinance or the City Council, to conduct public hearings and recommend approval or disapproval of site plans (i.e., special-use permit or rezoning).
7. To conduct public hearings and recommend land suitable for annexation and to recommend zoning classifications of such land upon annexation.
8. To recommend approval or disapproval of requests for street, alley or plat vacations.
9. To conduct public hearings and approve or disapprove petitions for variances per Article 18.03 of this Ordinance.

16.02.02 Bylaws

The Planning and Zoning Commission shall adopt bylaws setting forth the election of officers; duties; scheduling and conduct of meetings; and establishing other procedures and policies as necessary to carrying out its responsibilities with regard to this Ordinance and other applicable Illinois State Statutes.

16.03 City Council (2017-044)

The City Council is the final approving authority for the following items relating to this Ordinance.

1. Petitions for Rezoning.
2. Ordinance Text Amendments.
3. Special Use Permits.
4. Preliminary and Final Plats.
5. Preliminary and Final Development Plans.
6. Annexations and Annexation Agreements.
7. Development Agreements.
8. Street, Alley or Plat Vacations.

16.03.01 Legislative Procedures

1. *Amendments:* In considering proposed changes in the text of this Ordinance or in the official Zoning District Map, the City Council acts in its legislative capacity and must proceed in accordance with the requirements of Article 20, "Amendments."
2. *Ordinance Interpretations and Variances:*
 - a. In accordance with *Illinois Compiled Statutes*, the Planning and Zoning Commission has been delegated the authority to hear and decide appeals from decisions made by the Community Development Director or his/her designees. The City Council does not have jurisdiction on interpretation of this Ordinance, except as provided for in paragraph "c" below.
 - b. The City Council delegates its authority to grant variances, except as provided for in paragraph "c" below, from the provisions of this Ordinance to the Planning and Zoning Commission in accordance with the requirements of Article 18, "Appeals and Variances."
 - c. The City Council reserves to itself the authority to grant variances from the provisions of Article 9, "Streets, Sidewalks and Subdivision Design," and Article 10, "Utilities," and Article 11, "Floodways, Floodplains, Stormdrainage, and Erosion," in accordance with the provisions contained in said Articles.

16.04 Enforcement (2017-044)

The procedures for violations to this Ordinance, including penalties and remedies, are covered in Chapter 1 "General Provisions" of the Municipal Code.