

CHAPTER 1262
Administration, Enforcement and Penalty

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CROSS REFERENCES

Board of Appeals - see M.C.L.A. Sec. 125.585; P. & Z. Ch. 1264

City zoning ordinances; public hearing, notice; report of Planning Commission; amendment; vote required - see M.C.L.A. Sec. 125.584

Conflicting laws; governing law - see M.C.L.A. Sec. 125.586

Violations; nuisance per se; abatement - see M.C.L.A. Sec. 125.587

1262.01 ENFORCEMENT BY ZONING ADMINISTRATOR.

This Zoning Code shall be enforced by the Zoning Administrator or any other employee, inspector or official whom the Zoning Administrator may delegate to enforce this Zoning Code. (Ord. Unno. Passed 12-14-87.)

1262.02 DUTIES OF ZONING ADMINISTRATOR.

(a) The Zoning Administrator may grant zoning compliance and/or site permits and make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Zoning Code. The Zoning Administrator shall not approve any plan or issue a zoning compliance permit, or authorize the issuance of a building permit, for any excavation or construction, until such plan has been found to be in conformity with this Zoning Code. To this end, the Zoning Administrator shall require that every application for a zoning compliance permit for excavation, construction, moving or alteration or change in type of use or of occupancy, be accompanied by a written statement and plans or plats drawn to scale and showing in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this Zoning Code:

- (1) The actual shape, location and dimensions of the lot or parcel;
- (2) The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot or parcel;

- (3) The existing and intended use of the lot and of all such structures upon the lot or parcel, including, in residential areas, the number of dwelling units the building is intended to accommodate;
- (4) The signature of the fee holder of the premises concerned or his or her agent; and
- (5) Such other information concerning the parcel or adjoining parcels as may be essential for determining whether or not the provisions of this Zoning Code are being observed.

(b) If the proposed excavation, construction, moving, alteration or use of land as set forth in the application is in conformity with this Zoning Code, the Zoning Administrator shall issue a zoning compliance permit. If an application for such permit is not approved, the Zoning Administrator shall state, in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this Zoning Code, and a permit issued contrary to the terms of this Zoning Code shall be void ab initio.

(c) The Zoning Administrator shall not, under any circumstances, grant exceptions to the actual meaning of any cause, order or regulation contained in this Zoning Code to any person making application to excavate, construct, remove, alter or use either buildings, structures or land in the Village.

(d) The Zoning Administrator shall not refuse to issue a zoning permit when the conditions imposed by this Zoning Code are complied with by the applicant, despite violations of contracts, covenants or private agreements to which the Village is not a party.

(e) The Zoning Administrator shall record all nonconforming uses existing on the effective date of this Zoning Code. (Ord. Unno. Passed 11-9-94.)

1262.03 PERMITS.

(a) Permit Required. No person shall commence excavation for or construction of any building or structure, structural changes or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Zoning Compliance Permit from the Zoning Administrator and a building permit from the Building Inspector. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with this chapter showing that the construction proposed is in compliance with this Zoning Code, the Building Code and other applicable ordinances.

No plumbing, electrical, drainage or other permit shall be issued until the Building Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to this Zoning Code.

"Alteration" or "repair" of an existing building or structure means any change in a structural member, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the Building Code, the State Housing Law or this Zoning Code, except for minor repairs or changes not involving any of the aforesaid provisions.

(b) **Permit for New Use of Land.** A zoning compliance permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.

(c) **Permits for New Use of Buildings or Structures.** A zoning compliance permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

(d) All new businesses in the Village shall be required to submit a Site Plan Review to the Zoning Administrator for review and approval. Same-Use Business Reviews shall be conducted by the Zoning Administrator; businesses with a different use will require review and approval from the Planning Commission following completion of the Zoning Administrator's initial site review procedure.

(e) The fees for all permits shall be established by Council resolution and amended at such times as deemed necessary by Council to defray the cost of administration.

(Ord. Unno. Passed 12-14-87; Ord. 2009-11. Passed 5-11-09.)

1262.04 CERTIFICATES OF OCCUPANCY.

(a) **Issuance.** No person shall use or permit the use of any land, building or structure for which a building permit is required, or use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until a certificate of occupancy has been issued. Said certificate shall document that the use and structure are in compliance with this Zoning Code and all applicable construction codes. (Ord. Unno. Passed 11-9-94.)

(b) **Validity.** The certificate of occupancy, as required in the Building Code for occupancy or use of new construction of, or renovations to, existing buildings and structures shall also constitute a certificate of occupancy for purposes of this Zoning Code.

(c) **Records.** A record of all certificates of occupancy shall be kept in the office of the Building Inspector, and copies of such certificates shall be furnished upon request to a person having a proprietary or tenancy interest in the property involved.

(d) Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but, rather, may be included in the certificate for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

(e) Parts of Buildings. The Building Inspector shall, upon request, issue a certificate of occupancy for a part of a building or structure prior to the completion of the entire building or structure if the Building Inspector determines that the occupancy or use of the completed part does not materially interfere with, or is not interfered with or endangered by the completion of the remainder of the building or structure and that the remainder of the building or structure can reasonably be completed within one year from the issuance of the certificate, if the person to whom the building permit has been issued certifies that the remainder of the building or structure shall be completed within one year.

If, after the issuance of such certificate for a portion of a building or structure, the Building Inspector determines that the conditions for issuance of such permit no longer subsist or that the building or structure cannot or will not be completed within the time specified above, the Building Inspector shall revoke such certificate. The person to whom such revoked permit has been issued shall, forthwith upon receipt of notice of such revocation, terminate and abandon or cause the termination or abandonment of such occupancy or use.

(f) Application. Any person applying for a building permit shall, at the same time, apply to the Building Inspector in writing for a certificate of occupancy. Such person shall notify the Building Inspector upon completion of the building or structure of such completion. The Building Inspector shall, within five business days after actual receipt of such notification, inspect such building or structure, and, if he or she determines that the building or structure or part thereof, or the proposed use of the premises, is in conformity with this Zoning Code and other applicable ordinances and laws, the Building Inspector shall forthwith issue a certificate of occupancy therefor. If the Building Inspector determines that a violation exists, he or she shall not issue a certificate and shall forthwith notify the applicant of such refusal and the cause therefor.

(Ord. Unno. Passed 12-14-87.)

(g) Fee. The fee for a certificate of occupancy shall be twenty-five dollars (\$25.00).

1262.05 CORRECTION ORDER BY ZONING ADMINISTRATOR.

If a violation of this Zoning Code occurs, the Zoning Administrator shall, after inspection, order in writing the correction of such conditions as are found to constitute a violation. If within thirty days, or such longer time as the Zoning Administrator may authorize in writing, any such conditions have not been corrected, the Zoning Administrator shall institute appropriate action.

(Ord. Unno. Passed 12-14-87.)

1262.06 APPEARANCE TICKETS.

As used in this section "appearance ticket" means a written notice, signed by the Zoning Administrator, directing a designated person to appear in District Court at a specific time in connection with causing or permitting a violation of this Zoning Code. The Zoning Administrator is authorized to issue and serve an appearance ticket. The ticket shall be served by first class or certified mail to the last known address of the person named, or by personal service provided the Zoning Administrator signs a proof of service. After issuing and serving an appearance ticket, the original ticket shall be filed with the District Court. After the Zoning Administrator files the original ticket and at or before the time the appearance ticket is returnable, the Zoning Administrator shall file a complaint with the District Court charging the person named in the appearance ticket with causing or permitting a violation of this Zoning Code. If, after service of an appearance ticket, the defendant appears, an examining magistrate may accept a plea of guilty or not guilty upon the appearance ticket. However, if the defendant pleads not guilty, no further proceedings may be had until a sworn complaint is filed with the magistrate. If, after service of an appearance ticket and the filing of a complaint, the defendant does not appear at the time the appearance ticket is returnable, the Court may issue a summons or a warrant of arrest based upon the filed complaint.

(Ord. Unno. Passed 12-14-87.)

1262.99 PENALTY; VIOLATIONS AS NUISANCE.

Land, dwellings, buildings or structures, including tents, motor homes, mobile homes and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this Zoning Code, are hereby declared to be a nuisance. The owner and/or agent in charge of any such land, dwelling, building or structure, including tents and trailer coaches, and the lessee or tenant of any part of a building or land where any such violation has been committed or exists, or the architect, builder, contractor or any other person who takes part in or assists in any such violation or who maintains any building or land where any such violation exists, shall be guilty of maintaining a nuisance, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned not more than ninety days, or both, for each offense.

The imposition of any sentence shall not exempt the offender from compliance with this Zoning Code. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
(Ord. Unno. Passed 12-14-87.)