

**ARTICLE 11  
ADMINISTRATION AND ENFORCEMENT**

**SECTION 11.01 OFFICE OF PLANNING AND ZONING ADMINISTRATOR**

The office of Planning and Zoning Administrator is hereby created.

**SECTION 11.02 DUTIES OF PLANNING AND ZONING ADMINISTRATOR**

It shall be the duty of the Planning and Zoning Administrator or any other official as authorized by City Council to enforce this Ordinance and to make such orders and decisions as may be necessary to carry out the intent thereof. The Planning and Zoning Administrator shall have all the powers, duties and responsibilities assigned to that office by this ordinance.

**SECTION 11.03 ZONING COMPLIANCE PERMIT**

No use, construction, work, excavation, movement of earth, or any activity associated with a permanent improvement or change of use, land or building, alteration, addition, or similar activity, other than preliminary testing, boring, soil samples, surveying and investigative work or activity shall be commenced, performed, or done without the issuance of a zoning compliance permit.

No permit shall be issued by any municipal, County, City, State, official or agency for any use, building, construction, work, alteration, addition, or improvement to land, as above described, until a zoning compliance permit has been issued by the Planning and Zoning Administrator under the terms and provisions of this Ordinance. The issuance of any other approval or certification of a site plan, variance, special use permit, planned unit development, or other discretionary permit by any board or body under this Ordinance, shall not supercede or lessen compliance with this Article of the Ordinance and that any use, development, construction, improvement or work allowed under such discretionary permit, shall in all cases be further conditioned on compliance with this Article and shall not be allowed until the issuance of the zoning compliance permit in accordance with this Article.

**A.** An application for a zoning compliance permit shall be accompanied by a site plan, where required under other provisions of this Ordinance, or a drawing, that provides the following information:

1. Scale, date and north point.
2. Location, shape and dimensions of the lot.
3. Legal description, tax parcel number and address of the lot.

## ADMINISTRATION

### 11.03(A) Cont.

### ZONING COMPLIANCE PERMIT

4. Location, outline and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
5. A clear description of existing and intended uses of all structures.
6. Additional information as required by the Planning and Zoning Administrator for purposes of determining compliance with this ordinance.

The application shall be signed by the owner of the land, or the owner's duly authorized agent.

- B. A zoning compliance permit shall be signed and issued by the Planning and Zoning Administrator. The application and all supporting documentation shall be considered a part of the permit. Any alteration, false statement, change or other variation between the application and its supporting documents, and the use, construction, work, development, alteration, addition, or improvement authorized by the permit, shall render the permit null and void. Any such change, variation or alteration of the application and supporting documents, shall require resubmission to the Planning and Zoning Administrator and the reissuance of a new zoning compliance permit. All fees due under this Ordinance, or under other Ordinances or policies of the City for municipal services and development of the work, must be paid in full prior to the issuance of the zoning compliance permit, unless exception is made by the appropriate board authorized to waive or delay the payment of such fees. The applicant shall furnish to the Planning and Zoning Administrator, upon request, a title insurance policy or other acceptable evidence of ownership.
- C. A zoning compliance permit shall be null and void unless the use, construction, work, alteration, addition and/or use is completed or established within one hundred eighty (180) days of the date of issuance of the Permit.
- D. The Planning and Zoning Administrator is authorized to prepare and furnish to the public, from time to time forms for application for a zoning compliance permit. The Planning and Zoning Administrator is authorized to affix to the face of any Zoning Compliance Permit any condition authorized by the Ordinance or under any discretionary permit issued by any Board under this Ordinance, or under other Ordinances or promulgated policies of the City, pertaining to the use, work or occupancy of the land and premises, Failure to comply

## **ADMINISTRATION**

### **11.03 (D) Cont.**

### **ZONING COMPLIANCE PERMIT**

with any such condition shall render the zoning compliance permit null and void.

### **SECTION 11.04 CERTIFICATE OF OCCUPANCY**

- A.** No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or part for any purpose, until a certificate of occupancy shall have been issued by the Planning and Zoning Administrator stating that the premises or building complies with all the provisions of this Ordinance. A certificate of occupancy shall be applied for at the same time that the building certificate of occupancy is applied for and if approved by the Planning and Zoning Administrator, shall be issued within 10 days after notification from the permit holder that the premises are ready for occupancy.
- B.** The holder of a permit for construction, erection, alteration, repair or moving of a building, structure, or part thereof, shall notify the Planning and Zoning Administrator immediately upon the completion of the work authorized by such permit for final inspection. The Planning and Zoning Administrator shall sign the certificate of occupancy within 3 days of the application date if he/she finds that the building or structure, the use of the building or land, and lot complies with the provisions of this Ordinance and with the approved site plan.
- C.** If the Planning and Zoning Administrator refuses to issue a certificate of occupancy, he/she shall notify the applicant in writing of such refusal and the reasons thereof, within the 3-day period.

### **SECTION 11.05 PENDING APPLICATIONS FOR BUILDING PERMITS**

Nothing in this Ordinance shall require any change in plan, construction, size or designated use of a building for which a building permit has been granted before the effective date of this Ordinance and the construction of which from such plans shall have been started within six months of such date.

### **SECTION 11.06 RECORDS**

The Planning and Zoning Administrator and Building Inspector shall maintain records of all certificates and permits issued under this Ordinance and the records shall be open for public inspection.

## **ADMINISTRATION**

### **SECTION 11.07 FEES**

The City Council shall establish by resolution a schedule of fees for administering this ordinance. The schedule of fees shall be posted on public display in the office of the Planning and Zoning Administrator and may be changed only by resolution of the City Council.

### **SECTION 11.08 COMPLIANCE WITH PLANS AND APPLICATIONS**

Building permits and certificates of zoning compliance issued on the basis of plans and applications approved by the Planning and Zoning Administrator and the Building Inspector authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design or construction. Use, design or construction different than that authorized is a violation of this Ordinance and punishable as provided in Section 11.09, herein.

### **SECTION 11.09 VIOLATION AND PENALTIES/SANCTIONS**

- A. VIOLATION** - Any building or structure constructed, erected, altered, extended, repaired, used or occupied, or lot, parcel, or premises used, or which is begun or changed, in violation of the provisions of this Ordinance or in violation of a certificate of occupancy issued hereunder, is declared to be a public nuisance per se, and may be abated by order of a Court of competent jurisdiction.
- B. PROSECUTION OF VIOLATION** - The Planning and Zoning Administrator and/or Ordinance Enforcement Officer may institute appropriate proceedings to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the lot or structure which is in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto.
- C. VIOLATION PENALTIES** - Any person who shall violate this ordinance or shall fail to comply with any of its requirements, or who shall erect, construct, alter or repair a structure in violation of an approved plan or directive of the Planning and Zoning Administrator, or of a certificate or permit issued under the provisions of this ordinance, shall be guilty of a misdemeanor. Upon conviction there of, such person shall be punishable by a fine of not more than five hundred (500) dollars or by imprisonment not exceeding ninety (90) days or both. Each day a violation occurs shall be deemed a separate offense.
- D. ABATEMENT OF VIOLATION** - The imposition of the penalties herein prescribed shall not preclude the City from instituting appropriate action to prevent

## ADMINISTRATION

### 11.09 (D) Cont.

### VIOLATION AND PENALTIES/SANCTIONS

unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.

**E. STOP-WORK ORDER** - Upon notice from the Planning and Zoning Administrator that work on any structure or premises is being conducted contrary to the provisions of this Ordinance, such work shall be immediately stopped. The stop-work order shall be posted on the property. The stop-work order shall also be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which the work may be resumed. Any person, who shall continue any work in or about the structure or premises after having been served with a stop-work order, except work as such person is directed by the Planning and Zoning Administrator to remove violations or unsafe conditions, shall be subject to the foregoing penalties.

**F. SERVICE OF APPEARANCE TICKETS** - In addition to the above remedies, the Ordinance Enforcement Officer and/or Planning and Zoning Administrator may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance or use which is in violation of the provisions of this Ordinance; to restrain, correct, abate such violation; to prevent the occupancy of any building, structure or land; to prevent any act, conduct, business, or use in and about any premises in violation of this act, by any appropriate civil or criminal proceeding. The Planning and Zoning Administrator and/or the Ordinance Enforcement Officer may appear before the District Judge, Magistrate, or Clerk, and file a Complaint charging the person violating this Ordinance with the offenses specified, praying for the arrest of the person, or in lieu thereof, issue and serve an Appearance Ticket by serving upon a person the Appearance Ticket when the Ordinance Enforcement Officer and/or Planning and Zoning Administrator has reasonable cause to believe that the person has committed the offense of violating a provision of this Ordinance. The Ordinance Enforcement Officer and/or Planning and Zoning Administrator is authorized to issue appearance tickets pursuant to Public Act 366 of 1984.

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following fine schedule:

**ADMINISTRATION**

**11.09(F) Cont**

**VIOLATION AND PENALTIES**

1st violation within 3-year period - \$50.00  
2nd violation within 3-year period - \$125.00  
3rd violation within 3-year period - \$250.00  
4th or subsequent violation within 3-year period -  
\$500.00

\*Determined on the basis of the date of violation(s). Additionally, the violator shall pay costs, which shall include all direct or indirect expenses to which the City has been put in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.