

ARTICLE 15 - ADMINISTRATION AND ENFORCEMENT

SECTION 1500. ENFORCEMENT

The provision of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

SECTION 1501. DUTIES OF BUILDING INSPECTOR

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Building Inspector permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

SECTION 1502. PLOT PLAN

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- A. The actual shape, location, and dimensions of the lot.
- B. The shape, size, and location of all buildings or other structures, to be erected, altered, or moved and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

SECTION 1503. PERMITS

The following shall apply in the issuance of any permit:

- A. Permits Not to be Issued:

No building permit shall be issued for the erection, alteration of use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this and other Ordinances.

- B. Permits Required:

No building or structure, or part thereof, shall be hereinafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The term "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress, and ingress, or other changes affecting or regulated by the Township Building Code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Construction plans for water mains, sanitary sewers, paving, storm drainage facilities and site grading, approved by the Township Engineer, shall also accompany an application for a building permit, where necessary.

SECTION 1504. CERTIFICATES

No land, building, or part thereof, shall hereafter be occupied by, or for, any use unless and until a Certificate of Occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

A. Certificate for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

B. Certificate for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.

C. Certificate Not to be Issued

No Certificate of Occupancy shall be issued for any buildings, structure, or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance.

D. Certificates Required

No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a Certificate of Occupancy shall have been issued for such building or structure.

E. Certificates including Zoning

Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.

F. Certificates for Existing Buildings

Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

G. Records of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

H. Certificates of Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate Certificates of Occupancy but may be included in the Certificate of Occupancy for the dwelling which shown on the plot plan and when completed at the same time as such dwelling.

I. Application for Certificates

Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by him, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

J. Permits for Temporary Placement of a travel trailer as a Residence or as a Contractor's On-Site Construction Office.

1. The Building Inspector may issue a permit for the temporary placement of a travel trailer for use as temporary living quarters during the actual construction of a single family dwelling or as a contractor's on-site construction office, subject to the following:

- a) The initial permit period shall not exceed twelve (12) months. One (1) extension not to exceed twelve (12) months may be granted provided a valid building permit has been obtained and significant progress is being made toward completion of the permanent building, as determined by the Building Inspector.
- b) The travel trailer shall be properly connected to an approved septic tank/tile field disposal system and an adequate water supply well prior to occupancy.
- c) A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to insure removal of the travel trailer unit upon expiration of the temporary permit.

2. In the event of total loss of a dwelling or its being rendered uninhabitable due to fire, tornado, flood, or similar natural disaster, the Building Inspector may approve the temporary placement of a travel trailer on the owner's property for use as a residence while the dwelling is being rebuilt or replaced, subject to the following:

- a) A building permit for repair or replacement of the permanent residence must be obtained prior to placement of the temporary unit.
- b) The initial permit period for the temporary residence shall not exceed six (6) months and not more than two (2) extensions of three (3) months each may be granted by the Building Inspector.
- c) A cash performance guarantee shall be deposited, in an amount established by resolution of the Township Board, to ensure removal of the temporary dwelling unit upon expiration of the temporary permit.

SECTION 1505. FINAL INSPECTION

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for the final inspection.

SECTION 1506. FEES

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

SECTION 1507. INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or Ordinance other than the above described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits; the provisions of this Ordinance shall control.

SECTION 1508. ZONING COMMISSION

The Township Planning Commission is hereby designated as the Commission specified in Public Act 184 of 1943, as amended, and shall perform the duties of said commission as provided in the statute in connection with the amendment of this Ordinance.

SECTION 1509. PLANNING COMMISSION APPROVAL

- A. The Planning Commission shall have those powers and duties as provided in Public Act 168 of 1959, as amended, Public Act 184 of 1943, as amended, and such other duties as are established in this Ordinance including:
 1. Prepare and maintain a General Development Plan;

2. Review and make recommendations to the Township Board regarding adoption of a zoning ordinance and subsequent amendments thereto;
3. Review and decide Special Land Uses in accordance with this ordinance;
4. Review and approve site plans in accordance with this ordinance;
5. Review and make recommendation to the Township Board regarding tentative preliminary plat review of subdivisions under P.A. 288 of 1967 as amended.
6. Review and approval of proposed public works projects;
7. Conduct necessary public hearings as required by law regarding matters before the Commission for review, recommendation or approval.
8. Review and take appropriate action on all other matters which are subject to Planning Commission review authority as required by law.

B. MEETINGS AND RECORDS

1. The Planning Commission shall hold regular meetings as scheduled each year. The Planning Commission shall also conduct such special meetings as shall be called by the Chair.
2. All meetings of the Planning Commission shall be conducted in compliance with Act 267 of 1976 as amended, The Open Meetings Act.
3. Applicants shall appear at hearing(s) regarding their case, either personally or by designated representatives who are authorized by the applicant to act on their behalf for purposes of the application. The Planning Commission may conduct required hearings and reach a decision on all applications without the applicant being present if the applicant does not request a continuance or postponement in writing prior to the hearing.
4. The Planning Commission shall make no decision except in a specific case and after required hearing, if applicable.
5. A simple majority of the members of the Planning Commission shall constitute a quorum, without which the Planning Commission shall not conduct business. The concurring vote of a simple majority of the members of the Planning Commission shall be required to pass a motion regarding any matter brought before the Commission, unless otherwise required by State law, this ordinance or Township ordinance.
6. The secretary shall prepare and maintain minutes of all Planning Commission proceedings. The minutes shall be the final authority on proceedings of the Planning Commission. The Commission shall approve all minutes prior to their designation and use as the official record of proceedings. Where a written record is required or requested, the approved minutes, along with any plans or other information submitted with the application shall constitute the written decision.

7. The official records of the Planning Commission shall be maintained by the Township Clerk or the Administrative Official so designated.
8. The Planning Commission may adopt by-laws for the conduct of its meetings and hearings.

C. **APPEALS FROM DECISIONS OF THE PLANNING COMMISSION**

1. Appeals from decisions of the Planning Commission shall be taken in the manner provided by law.

SECTION 1510. CHANGES AND AMENDMENTS

The Township Board may from time to time, on recommendation from the Planning Commission, on its own motion, or on petition, amend, supplement or change this Ordinance in accordance with the procedure established by State Law.

SECTION 1511. FEES - PETITION FOR AMENDMENT

Upon presentation of petition for amendment of the Zoning Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be paid to the Township Clerk to partly defray the expense of said public hearing.

SECTION 1512. VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100) dollars and cost of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

SECTION 1513. PUBLIC NUISANCE PER SE

Any building or structure which is erected, altered or converted, or any use of premises of land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 1514. FINES, IMPRISONMENT

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

SECTION 1515. EACH DAY A SEPARATE OFFENSE

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

SECTION 1516. RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by the law.

SECTION 1517. VARIANCE

A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement would cause undue hardship due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship, and unique circumstances applied to property. A variance is not justified unless all of these elements are present in the case.