

ARTICLE: 13.0 - ADMINISTRATION AND ENFORCEMENT

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ADMINISTRATION AND ENFORCEMENT

SECTION 13.01 - ZONING ADMINISTRATOR: APPOINTMENT

The provisions of this Ordinance shall be administered and enforced by the Township Zoning Administrator or by deputies of his department as the Township Board may designate.

SECTION 13.02 - DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall have the following duties and powers:

- A. Shall interpret all provisions of this ordinance.
- B. Shall enforce all provisions of this ordinance and shall issue all necessary notices or orders to insure compliance with this ordinance. The Zoning Administrator, under no circumstances, is permitted to make changes to this Ordinance, nor to vary the terms of this Ordinance.
- C. Shall receive applications for and issue certificates of zoning compliance.
- D. Shall make all inspections required by this ordinance, and all inspections necessary to enforce this ordinance, and may engage the assistance of other Township Officials, legal council, or consultants in making such inspections.
- E. Shall identify and process violations of this ordinance and of permits and certificates issued hereunder, and shall make periodic inspections in Freedom Township for the purpose of finding such violations.
- F. Shall keep official records of applications received, certificates issued, applicable fees collected, reports of inspections, and notices and orders issued.
- G. Shall submit to the Township Board an annual report or a report issued at more frequent intervals, as requested by the Township Board, in which a summary of the activities of the office is presented.

SECTION 13.03 - CERTIFICATES OF ZONING COMPLIANCE

A. Application

- 1. Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Paragraph J below, and all information necessary to determine zoning compliance.
- 2. Application for a Certificate of Zoning Compliance may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
- 3. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

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B. Where Building Permit is Required

All plans to be submitted to the Zoning Administrator for a Building Permit shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of this Ordinance. No Building Permit shall be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Administrator for the same development and is in effect.

C. Where Building Permit is Not Required

In all cases in which a Certificate of Occupancy is required, but a Building Permit is not required, the Certificate of Occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Administrator and is in effect.

D. Nonconformities

1. A Certificate of Zoning Compliance shall not be issued for any use or structure unless said use or structure and the lot on which it is situated meet all requirements of this Ordinance.
2. If one (1) or more nonconformities exist, all of which are legal nonconformities, a Certificate of Zoning Compliance shall be issued for the use or structure and the lot on which such use or structure is situated. In such a case, the Certificate of Zoning Compliance shall clearly list each and every legal nonconformity.
3. If one (1) or more illegal nonconformities exist, a Certificate of Zoning Compliance shall not be issued for any use or structure or the lot on which such use or structure is situated.

E. Amendments

Subject to the limitations of Paragraph G below, amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the Certificate of Zoning Compliance was approved, and before a Certificate of Occupancy is issued. Such amendments shall be deemed a part of the original application and shall be filed therewith.

F. Approval or Denial

1. The Zoning Administrator shall examine all applications for Zoning Compliance and amendments thereto.
2. If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Administrator shall reject the application in writing, stating the reasons therefore, within fifteen (15) days of filing.
3. If the application or plans do so conform, the Zoning Administrator shall stamp or endorse all sets of corrected and approved site plans submitted with such application as "Approved."

G. Abandonment of Application

1. An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned one (1) year after the date of filing unless such application shall have been diligently pursued, or a Building Permit shall have been issued, or a Certificate of Occupancy shall have been issued for a use not requiring a Building Permit.
2. The Zoning Administrator may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding ninety (90) days each.

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3. Any Certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of one (1) year after time of commencing work.

H. Revocation of Certificate

If any false statement or misrepresentation of fact is made in the application or on the plans on which the Certificate was based, the Zoning Administrator may revoke the Certificate of Zoning Compliance.

I. Conditions

Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

1. no Certificate shall be issued until the required fees have been paid;
2. all work or use(s) shall conform to the approved application and plans for which the Certificate has been issued, and any approved amendments thereto; and
3. all work or use(s) shall conform to the approved final site plan, if a final site plan is required.

SECTION 13.04 - BUILDING PERMITS

No building permit shall be issued for the erection, alteration, moving or repair of any building or structure or part thereof which does not comply with all provisions of this Ordinance. No building or other structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been therefore issued.

An application for a building permit shall be accompanied by a site plan as required in this Section, unless a site plan is required under ARTICLE 5, SITE PLAN REVIEW, herein, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:

- A. Scale, date, and north point.
- B. Location, shape and dimensions of the lot.
- C. Dimensioned location, outline, and dimensions of all existing and proposed structures.
- D. A clear description of existing and intended uses of all structures.
- E. Additional information as required by the Zoning Administrator for purposes of determining compliance with the provisions of this ordinance.

SECTION 13.05 - CERTIFICATES OF OCCUPANCY

- A. It shall be unlawful to use or occupy or to permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued by the Zoning Administrator. A certificate of occupancy shall not be issued by the Zoning Administrator until a final certificate of zoning compliance has been issued by the Administrator and is in effect.
- B. Where permitted under the Building Code, a temporary certificate of occupancy may be issued by the Zoning Administrator, provided that said issuance is first approved in writing by the Administrator.

Section 13.06 - RECORDS

The Zoning Administrator shall maintain records of all certificates and permits issued under this ordinance and said records shall be open for public inspection.

Effective Date: 1/25/2001

ARTICLE: 13.0 - ADMINISTRATION AND ENFORCEMENT**Section 13.07 - FEES**

The Township Board 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 Administrator and may be changed only by resolution of the Township Board from time to time.

SECTION 13.08 - COMPLIANCE WITH PLANS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Section 13.10, herein.

SECTION 13.09 - VIOLATIONS AND PENALTIES

- A. Violations** - Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.

The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided by law.

- B. Compliance Required** - The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance.
- C. Public Nuisance Per Se** - Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- D. Service Of Appearance Tickets By Ordinance Enforcement Officer** - In addition to the above remedies, the Ordinance Enforcement Officer 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 Ordinance Enforcement Officer may appear before the District Judge, Magistrate, or Clerk, and file a complaint charging the person violating this Ordinance with the offense specified, praying for the arrest of the person, or in lieu thereof, issue and serve an Appearance Ticket with respect to the class of offenses heretofore described as Misdemeanors in A. above, by serving upon a person the Appearance Ticket when the Ordinance Enforcement Officer has reasonable cause to believe that the person has committed the offense of violating a provision of this Ordinance. The Ordinance Enforcement Officer is authorized to issue appearance tickets pursuant to Public Act 366 of 1984.