

## ARTICLE XXII

### ADMINISTRATION AND ENFORCEMENT

#### **Sec. 22.01    Administration:**

The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Township Board shall have the right to delegate said responsibility to appropriate Township officers or employees and may entertain recommendations for such officers or employees from the Township Supervisor. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s). Said Zoning Administrator shall have the power of a public officer in the enforcement of this Ordinance.

#### **Sec. 22.02    Duties of Zoning Administrator:**

- A. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance. No person shall refuse to permit the Zoning Administrator to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator in the discharge of his duties.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, he shall order discontinuance of any illegal work being done; or shall take such action as authorized by this ARTICLE to insure compliance with, or to prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. It shall be unlawful for the Zoning Administrator to issue Certificate of Zoning Compliance or other such permits, for any construction or use until he has inspected such plans and found them to conform with this Ordinance.

#### **Sec. 22.03    Certificate of Zoning Compliance:**

- A. A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate of Zoning Compliance has been issued therefore. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance. The Zoning Administrator shall provide written notice to the applicant stating the reasons why a Preliminary Certificate of Zoning Compliance cannot be issued and shall be sent to the applicant within fifteen (15) days after the Zoning Administrator is provided with the plans for which the building permit is requested.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building 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 final Certificate of Zoning Compliance shall have been issued therefor by the Zoning Administrator. The Certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- C. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance.
- D. It shall not be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain Certificates of Zoning Compliance in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended until a preliminary

Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. The certificate shall state specifically wherein the nonconforming building, structure or use differs from the provisions of this Ordinance.

- E. The applicant for a final Certificate of Zoning Compliance shall notify the Zoning Administrator when final inspection is desired. The final Certificate of Zoning Compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said Certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Administrator is notified that the building, structure or premises is ready for inspection.

**Sec. 22.04 Building Permits:**

- A. No building permit for erection, alteration, moving or repair of any building shall be issued until a Certificate of Zoning Compliance has been issued.
- B. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Inspector.
- C. No Building Permit shall be issued by the Building Inspector except in conformity with this Ordinance, unless he receives a written order from the Board of Appeals or Zoning Administrator in the form of an administrative review or a variance, as provided by this Ordinance.
- D. Plans submitted in application for a Building Permit shall contain information necessary for determining conformity with this Ordinance, including a copy of the Certificate of Zoning Compliance.

**Sec. 22.05 Enforcement and Violation:**

- A. Notice of Violation:
  - (1) Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
  - (2) Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
  - (3) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
  - (4) All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

**Sec. 22.06 Fees:**

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted for public display in the office of the Zoning Administrator and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full.

**Section 22.07 Public Hearing Notices**

- A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:
1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
  2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  3. Indicate the date, time and place of the hearing(s).
  4. Indicate when and where written comments will be received concerning the request.
- B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.
1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
  2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
  3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Bloomer Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
    - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
  4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.
- C. Timing of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.
- D. Confirmation of Notices Made by Mail or Personal Delivery: Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

*(Sec. 22.07 amended 8-20-12)*