

ARTICLE III: ADMINISTRATION AND ENFORCEMENT

Section 3.1 ADMINISTRATION

3.1.1. ADMINISTRATION: The provisions of this Ordinance shall be administered by the City of Olivet Planning Commission and the City Council in accordance with the Municipal Planning Commission Act, Act 285 of the Michigan Public Acts of 1931, as amended, and the City and Village Zoning Act, Act 207, of the Michigan Public Acts of 1921, as amended.

3.1.2. ZONING ADMINISTRATOR: The City Council, with the recommendation of the Planning Commission, shall designate or employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The term of employment, rate of compensation, and any other conditions of employment shall be established by the City Council. For the purpose of this Ordinance, the Zoning Administrator will have the powers of a police officer.

3.1.3. DUTIES OF THE ZONING ADMINISTRATOR: It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in so doing shall perform the following duties:

1) Issue Permits: All applications for zoning permits shall be submitted to the Zoning administrator who may issue zoning permits and certificates of occupancy when all applicable provisions of this Ordinance have been complied with.

2) File of Applications: The Zoning Administrator shall maintain files of all applications for building permits and for certificates of occupancy and shall keep records of all building permits and certificates of occupancy issued; these shall be filed in the office of the City Clerk, which files and records shall be open to public inspection. Copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.

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3) Inspections: The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.

4) Record Nonconforming Uses: The Zoning administrator shall record all nonconforming uses of land existing at the effective date of this Ordinance for the purposes of carrying out the provisions of Article VI, Section 6.7. and the Zoning Administrator shall further notify all affected property owners of their nonconforming status within six months from the effective date of this Ordinance by means of written communication mailed to the address of the owner of the nonconforming land use as given in the last assessment roll.

5) Record of Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint, which records shall be public records.

6) Report to City Council: The Zoning Administrator shall report to the City Council periodically, at intervals of not greater than six (6) months, summarizing for the period since the last previous report all building permits and certificates of occupancy issued and all complaints of violation and the action taken subsequent thereon.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of the Ordinance while carrying out the duties prescribed herein.

3.1.4. ZONING PERMITS: The following shall apply in the issuance of any permit:

1) Requirements For: Exclusive of farm service buildings, the excavation for any building or structure shall not be commenced; the erection of, addition to, alteration of, or moving of any building or structure shall not be undertaken; or any land shall not be used, or an existing use of land shall not be changed to a use of a different type or class, until a building permit or a certificate of occupancy has been secured from the

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Zoning Administrator. Except upon a written order of the Board of Appeals, no such building permit or certificate of occupancy shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this Ordinance.

2) Application Requirements: There shall be submitted with all applications for zoning permits three (3) copies of a site layout or plat plan, drawn to scale, showing:

- a) The location, shape, area and dimension of the lot.
- b) The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
- c) The intended uses.
- d) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
- e) The yard, open space and parking space dimensions.
- f) Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

3) Voiding of Permit: Any permit granted under this Section shall become null and void after one (1) year from the date of granting such permit unless the development proposed shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective.

4) Inspection: The development or usage proposed by any zoning permit shall be subject to two (2) zoning inspections; one inspection before construction begins and the other before occupancy occurs. It shall be the duty of the permit holder to notify the Zoning Administrator regarding times of inspection. Failure of the permit holder to make proper requests for

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inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.

5) Fees: Fees for inspection and the issuance of permits or certificates required under this Ordinance shall be collected by the City Clerk in advance of issuance. The amount of such fees shall be established by the City Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

3.1.5. CERTIFICATE OF OCCUPANCY: No land shall be occupied or used, and no building shall be used or changed in use until a certificate of occupancy shall have been issued by the Zoning Administrator, stating that the building and its proposed use complies with the provisions of this Ordinance.

1) Certificate for Existing Buildings: Certificates of occupancy may be issued upon request 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 uses of land are in conformity with the provisions of this Ordinance.

2) Certificate for Nonconforming Uses: Any use or occupancy of any land or building not specifically permitted in its particular zoning district shall require the issuance of a certificate of occupancy for continued use. The certificate shall indicate the authorized use, the authority by which it is permitted, and any limiting conditions to such use.

3) Application for Certificates: Application for certificates of occupancy shall be made at the time of application for building permit or, in the case of existing buildings or uses of land, by application in writing to the Zoning Administrator. A certificate of occupancy applied for coincidentally with an application for a building permit shall be issued at the completion of the final inspection, and in the case of existing buildings or uses of land a certificate of occupancy shall be issued within ten (10) days after the receipt of such application if the building, structure or use of land is in accordance with the provisions of this Ordinance. If such certificate is

refused for cause, the applicant shall be notified of such refusal in writing within the aforesaid ten (10) day period.

Secion 3.2 ENFORCEMENT

3.2.1. **VIOLATIONS AND PENALTIES:** The Zoning Administrator shall enforce the provisions of this Ordinance. Violations of any provisions of this Ordinance are declared to be nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to poilce and fire department employees or to any City officials shall be reported to the Zoning Administrator.

1) **Inspection of Violation:** The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.

2) **Correction Period:** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall permit. A violaation not corrected within this period shall be reported to the City Attorney who is hereby authorized to and shall initiate procedures to eliminate such violations.

3) **Penalties:** For each and every day the violation continues beyond the permissible grace period, seperate offense shall be declared. Any person, firm, corporation, or legal entity violating any provisions of this Ordinance shall be adjudged guilty of maintaining a nuisance per se, punishable by imprisonment for not more than ninety (90) days or by a fine of not more than one hundered dollars (\$100) or by both such fine and imprisonment.

4) **Cumulative Rights and Remedies:** In the interpretation, application and enforcement of the provisions of this Ordinance whenever any one of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than any other law or ordinance, then the provisions of this Ordinance shall govern, provided that

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whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.