

Section 2200: Planning Commission

1. The City Planning Commission is hereby designated as the Commission specified in Section 4 of Act 207 of the Public Acts of 1921, as amended, and shall perform the zoning duties of said Commission as provided in the statute in connection with the amendment of this Ordinance.
2. Planning Commission Approvals
 - a. In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the Commission for the proper consideration of the matter.
 - b. The Planning Commission shall investigate the circumstances of each such case and shall give notice in accordance with Section 2240, Public Hearing of the time and place of any public hearing which may be held relative thereto as required under this Ordinance.
 - c. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.
 - d. Except where otherwise set forth in this Ordinance, any approval given by the Planning Commission, under which premises are not used or work is not started within twelve (12) months or when such use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.

Section 2205: Enforcement

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator and the Building Inspector or by such deputies of their departments or other city departments as may be delegated.

Section 2210: Duties of the Community Development Director

1. The Community Development Director shall serve as the chief administrator for construction within the city. Initial inquiries by petitioners regarding construction should be to the Community Development Director. The Community Development Director will in turn refer petitioners to the appropriate personnel and assure that plans are reviewed by the appropriate departments.

2. The Community Development Director shall prepare a report at intervals of not greater than twelve (12) months, which summarizes 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. The Community Development Director shall also prepare a report of Zoning Board of Appeals actions at intervals of not greater than twelve (12) months.
3. The Community Development Director shall review plans for conformance with the City Master Plan of Future Land Use and general community objectives.

Section 2215: Duties of the Zoning Administrator

1. The Zoning Administrator shall review plans to assure zoning compliance. If the proposed construction or use of land, as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Inspector shall notify the Building Inspector in writing. If any application for such permit is not approved, the Zoning Administrator shall state in writing on the application the cause for such disapproval.

Under no circumstance is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

2. The power of the Zoning Administrator shall include the power to issue appearance tickets involving violations of this Zoning Ordinance for which a fine may be levied. The Zoning Administrator, or the Administrator's designee, shall inspect each alleged violation of this Ordinance and after inspection shall within ten (10) days of his inspection, issue to the offender an order to correct the violation. All violations shall be corrected within fourteen (14) days after the order to correct is issued, or within such a period of time as the Zoning Board of Appeals may permit upon application. Upon reinspection following the time allowed for correction, the Zoning Administrator may issue an appearance ticket to the offender if a violation has not been corrected and shall report the violation to the City Attorney. In all prosecutions for violations of this Ordinance, appearance tickets and the appropriate procedures set forth in Act 147 of Public Acts of 1968, as amended, may be used whenever appropriate.
3. The Zoning Administrator shall record all nonconforming uses of land existing at the effective date of this Ordinance and the Zoning Administrator shall further notify all affected property owners of their nonconforming status within one (1) year 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.
4. 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.

Section 2220: Duties of the Building Inspector

1. The Building Inspector shall have the authority to grant building permits 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 grant a building permit for any excavation or construction other than a single family dwelling until he has received written notice from the Zoning Administrator and other city officials, confirming that the plans have been inspected and have been found in conformity with this Ordinance.
2. If the proposed excavation, construction, moving or alteration, or use of land, as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue a building permit. If any application for such permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
3. The Building Inspector is, under no circumstances, permitted to grant exceptions to the actual meaning of any clause, order, or regulation, contained in this Ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land within the City. The Building Inspector is, under no circumstances, permitted to make changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

Section 2225: Plot Plan

Each application for a building permit shall be accompanied by a plan. For proposals that will require site plan review by the Planning Commission, a site plan will be required in accordance with Section 1670, Site Plan Review. For proposals that do not require site plan review by the Planning Commission, three copies of a plot plan shall be submitted to the Building Inspector. The plot plan is intended to provide the minimum information necessary for the city to sufficiently determine compliance with codes and ordinance. At a minimum, each plot plan shall be drawn to scale and shall include the following information:

1. The shape, location, area, and dimensions of the lot.

2. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected altered, or moved on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including in the residential areas the number of dwelling units the building is intended to accommodate.
4. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other information necessary to determine density and parking requirements.
5. The yard, open space and parking space dimensions.
6. Existing and proposed grades to an extent necessary to allow the Building Inspector, the Zoning Administrator and the City Engineer to properly determine the results of the proposed work.
7. 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 2230: Permits

The following shall apply in the issuance of any permit:

1. **Permits Required:** It shall be unlawful for any person to commence excavation for, or construction of any building, structure, or moving of an existing building without first obtaining a building permit from the Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the Building Code.

"Alteration" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction, type, kind or class of occupancy, light or ventilation, means of egress and ingress or any changes affecting or regulated by the Building Code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

2. **Permits 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.
3. **Permits for New Use of Buildings or Structures:** 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.

4. **Permits Not to be Issued:** No building permit shall be issued for the erection, alteration or 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 Ordinance.
5. **Voiding of Permit:** Any permit issued shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit, or if authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.
6. **Inspection:** The development or use proposed by any building permit shall be subject to six (6) inspections by the building department, (Footing, Framing, Backfill, Insulation, Drywall, and Final Inspection). It shall be the duty of the permit holder to notify the Building Inspector regarding times of inspection. A fee shall be required for all call back inspections.

Section 2235: Certificates of Occupancy

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Building Inspector shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance have been complied with, except as otherwise specified in this Ordinance.

1. **Certificate Validity:** The Certificate of Occupancy as required for new construction of, or renovations to existing buildings and structures, in the Building Code, shall also constitute Certificates of Occupancy as required by this Ordinance.
2. **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. Failure of the City to provide such notification shall not constitute approval.

Section 2240: Public Hearing

For uses making reference to this section, and in all applications for special approval or special land use, notice of the public hearing before the Planning Commission or the Council shall be given as follows:

1. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the city not less than fifteen (15) days before the hearing.
2. One (1) notice of the public hearing shall be sent by first-class mail, postage prepaid or by personal delivery, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question , and to the occupants of all structures within three hundred (300) feet of the boundary of such property. Notice shall be given not less than fifteen (15) days before the hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of the structure except that if a structure contains more than one (1) dwelling unit or spacial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spacial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spacial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post a notice at the primary entrance to the structure.

Section 2245: Amendments

1. **Council Authority:** The City Council may from time to time, upon recommendation from the Planning Commission or upon petition, amend, supplement or change the district boundaries or the regulations in this chapter, or subsequently established in this chapter pursuant to the authority and procedure established in Act. 207 of the Public Acts of Michigan of 1921 as amended.
2. **Petition for Amendment:** Upon presentation to the Planning Commission of a petition for amendment of the zoning ordinance by the owner of real estate affected, such petition shall be accompanied by a deposit or fee in an amount to be established by resolution of council payable to the City Clerk. If the petitioner withdraws his or her request prior to the time the Planning Commission sets the amendment for public hearing, the petitioner shall be entitled to a refund of the fee, unless a public hearing has been held to discuss the petition.

Section 2250: 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

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 2255: Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 2260: 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 Five Hundred Dollars (\$500.00) and the costs 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.

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

Section 2265: 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 2270: 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 2275: Severability

This Ordinance and the various parts, articles, sections, subsections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged

unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby.