

**ARTICLE 11**

**ADMINISTRATION AND ENFORCEMENT**

**SECTION 11.01 ZONING INSPECTOR**

The Superior Charter Township Board shall appoint the Zoning Inspector.

**SECTION 11.02 DUTIES AND POWERS OF ZONING INSPECTOR**

The Zoning Inspector shall have the following duties and powers:

- A. The Zoning Inspector shall interpret all provisions of this Ordinance.
- B. The Zoning Inspector shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with these provisions.
- C. The Zoning Inspector shall receive applications for and issue Certificates of Zoning Compliance in accordance with this Ordinance and shall sign Certificates of Occupancy as required herein.
- D. The Zoning Inspector shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the Township Fire Chief, Building Inspector, and Engineer as deemed necessary in making such inspections. The Zoning Inspector may engage other expert opinion subject to the approval of the Superior Township Board.
- E. The Zoning Inspector shall identify and process violations of this Ordinance. The Zoning Inspector shall be responsible for making periodic inspection of Superior Township for the purpose of identifying violations of this Ordinance.
- F. The Zoning Inspector shall keep official records of applications received, Certificates issued, fees collected, reports of inspections, and notices and orders issued.
- G. The Zoning Inspector shall submit to the Township Board an annual report in which a summary of the activities of the office is presented.

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SECTION 11.03 CERTIFICATES OF ZONING COMPLIANCE

A. Application

1. Applications for Certificates of Zoning Compliance shall be made to the Zoning Inspector. 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.

B. Where Building Permit is Required

All plans to be submitted to the Building Inspector for a Building Permit shall first be submitted for review and approval by the Zoning Inspector 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 Inspector 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 Inspector 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.

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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. Amendments to any plan reviewed and approved by the Planning Commission may only be considered by the Commission as provided in Articles 7 (“Special District Regulations”) or 10 (“Site Plan Review”) herein.

### **F. Approval or Denial**

1. The Zoning Inspector shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto.
2. If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Inspector 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 Inspector shall issue a Certificate of Zoning Compliance within fifteen (15) days of filing. The Zoning Inspector shall attach his or her signature to every Certificate, or may authorize a subordinate to affix such signature. The Zoning Inspector shall stamp or endorse all sets of corrected and approved 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 six (6) months 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 Inspector 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 six (6) months 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 Inspector 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.

### **J. Site Plan**

1. An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required under Articles 7 ("Special District Regulations") or 10 ("Site Plan Review") herein. If a site plan is not required under Articles 7 or 10, two (2) copies of a site plan, drawn to scale and containing the following information, shall be submitted:
  - a. Scale, date, and north point.
  - b. Location, shape, and dimension of the lot.
  - c. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
  - d. A clear and complete description of existing and intended uses of all structures, existing or proposed.
  - e. Additional information as required by the Zoning Inspector for purposes of determining compliance with this Ordinance.

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**SECTION 11.04 BUILDING PERMITS**

No Building Permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township ordinances, nor shall such a Permit be issued unless a Certificate of Zoning Compliance has been issued therefore by the Zoning Inspector and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a Building Permit shall have been issued therefore by the Building Inspector.

**SECTION 11.05 CERTIFICATES OF OCCUPANCY**

**A. General Requirements**

1. It shall be unlawful to use or occupy or 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 therefore by the Building Inspector.
2. A Certificate of Occupancy shall not be issued until the Zoning Inspector shall have signed it, signifying compliance with all provisions of this Ordinance. A Certificate of Occupancy shall not be issued for any building or structure or part thereof, or for use of land, which does not comply with all provisions of this Ordinance.
3. The Certificate of Occupancy shall state that the building, structure, and lot and use thereof conform to the requirements of this Ordinance, and shall list each legal nonconformity existing on the premises.
4. Failure to obtain a Certificate of Occupancy when required shall be a violation of this Ordinance and shall be punishable in accordance with Section 11.09 herein.

**B. Application**

Application for Certificates of Occupancy shall be made in writing to the Building Inspector on forms furnished by the Township.

**C. Certificates of Occupancy Required Under Building Code**

Certificates of Occupancy as required by the Township Building Code for new buildings or structures, or parts thereof, or for alterations or repairs to existing

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buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance, provided such Certificates are signed by the Zoning Inspector.

### **D. Temporary Certificates**

Where permitted under the Township Building Code, a temporary Certificate of Occupancy may be issued provided that the temporary Certificate is signed by the Zoning Inspector.

### **E. Change in Use**

A structure, or part thereof, shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a Building Permit is required, unless a Certificate of Occupancy is first issued for the different use.

### **F. New or Altered Structure**

Any structure, or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied or used until a Certificate of Occupancy is issued for such structure.

### **G. Existing Structure and Use**

1. A Certificate of Occupancy shall not be issued for an existing structure or part thereof, or for an existing use of land, unless said use or structure and the lot on which it is situated meets all requirements of this Ordinance.
2. If one (1) or more nonconformities exist, all of which are legal nonconformities, a Certificate of Occupancy shall be issued for the use or structure. In such a case, the Certificate of Occupancy shall list each and every legal non-conformity.
3. If one (1) or more illegal nonconformities exist, a Certificate of Occupancy shall not be issued for any use or structure.

### **H. Accessory Structures**

An accessory structure shall require a separate Certificate of Occupancy, unless included in the Certificate of Occupancy issued for the principal structure, when such accessory structure is completed under the same Building Permit as the principal structure.

### **I. Inspection; Approval or Denial**

1. The applicant for a Certificate of Occupancy shall notify the Zoning Inspector and the Building Inspector when inspection is desired.

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2. If, after inspection, the Zoning Inspector finds that the building or structure, or part thereof, or the use of land, complies with the provisions of this Ordinance and with any approved site plan, the Zoning Inspector shall sign the Certificate of Occupancy within fifteen (15) days after receipt of such application.
3. If, after inspection, the Zoning Inspector refuses to issue such Certificate, he or she shall notify the applicant and the Building Inspector in writing of such refusal, stating the reasons therefore, within fifteen (15) days after receipt of such application.

### **SECTION 11.06 COMPLIANCE WITH PLANS AND APPLICATIONS**

Building Permits and Certificates of Occupancy issued on the basis of plans and applications approved by the Zoning Inspector and the Building Inspector 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 shall be punishable as provided for in Section 11.09 herein.

### **SECTION 11.07 RECORDS**

The Zoning Inspector and Building Inspector shall maintain records of all Certificates and Permits issued under this Ordinance. Such records shall be open for public inspection.

### **SECTION 11.08 FEES**

The Township Board shall establish a schedule of fees, by ordinance and/or resolution, for administering this Ordinance. The schedule of fees shall be posted on public display in the office of the Zoning Inspector and the Building Inspector and may be changed only by the Township Board. No part of any fee paid shall be refundable to the petitioner or applicant.

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**SECTION 11.09 VIOLATIONS**

**A. Notice of Violation**

The Zoning Inspector shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use, or occupancy of a structure or lot in violation of the provisions of this Ordinance, or in violation of a Certificate of Occupancy issued hereunder. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**B. Prosecution of Violation**

If the notice of violation is not complied with promptly, the Zoning Inspector shall request the Township Attorney to institute the appropriate proceedings at law or in equity. Such action shall be to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the lot or structure which is in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto.

**C. Violation Penalties**

Any person who shall violate a provision of this Ordinance or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter, or repair a structure in violation of an approved plan or directive of the Zoning Inspector, or of a Certificate issued under the provisions of this Ordinance, is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL§600.8701et.seq., as amended. Each day that a violation continues is a separate offense and subject to a separate penalty as provided for herein. The Zoning Inspector is hereby authorized to issue and process municipal civil infractions in accordance with the Superior Charter Township Municipal Civil Infractions Ordinance, Ordinance No. 137, and as otherwise permitted by law. Except as otherwise provided for in subsection (E) below, if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this Ordinance, a civil fine shall be assessed as follows:

1<sup>st</sup> offense - Minimum fine of one hundred dollars (\$100.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

2<sup>nd</sup> offense – Minimum fine of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;

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3<sup>rd</sup> and subsequent repeat offenses – Minimum fine of three hundred dollars (\$300.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees.

For the purpose of this section, a “repeat offense” means a second or subsequent violation of the same requirement or provision of this Ordinance. Nothing in this subsection shall be interpreted as abrogating the Township’s right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and /or abate any violation of the terms of this Ordinance.

### **D. Abatement of Violation**

The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.

### **E. Stop-Work Order**

1. Upon notice from the Zoning Inspector or his or her designated representative that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, or contrary to the provisions of any other Township ordinance, all work shall be immediately stopped.
2. The stop-work order shall be in writing and shall be posted on the property. It shall state the conditions under which the work may be resumed, and shall state the date issued and posted.
3. The stop-work order shall be given or mailed to the owner of the property involved, or to the owner's agent, or to the person doing the work, or may be posted upon the property.
4. Any person who shall continue any work in or about the structure or premises after the property has been posted with a stop-work order, except such work as such person is directed by the Zoning Inspector to perform to remove violations or unsafe conditions, shall be liable for a fine of not more than seven hundred fifty dollars (\$750). Each day a violation occurs shall be deemed a separate offense.

### **F. Public Nuisance Per Se**

Any structure that is erected, altered, or converted, or any use of any structure or lot that is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.