

CHAPTER 1262
Administration, Enforcement and Penalty

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CROSS REFERENCES

Zoning Board of Appeals - see CHTR. Sec. 6.8; M.C.L.A. Sec. 125.585;
P. & Z. Ch. 1234

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

City zoning ordinances; public hearing, notice; report of Planning Commission; amendment; vote required - see M.C.L.A. Sec. 125.584

Conflicting laws; governing law - see M.C.L.A. Sec. Sec. 125.586

Violations; nuisance per se; abatement - see M.C.L.A. Sec. 125.587

1262.01 ENFORCEMENT BY ZONING ADMINISTRATOR.

The Council designated Zoning Administrator shall administer and enforce the provisions of this Zoning Code, except where otherwise provided. Under no circumstances is the Zoning Administrator permitted to make changes to this Zoning Code, nor to vary the terms of this Zoning Code in carrying out his or her duties.

(Ord. 2005-05. Passed 8-9-05; Ord. 2008-08. Passed 9-9-08.)

1262.02 DUTIES OF ZONING ADMINISTRATOR.

(a) The Zoning Administrator shall have the power to grant certificates of compliance, and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Zoning Code. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Zoning Code. The Zoning Administrator shall not vary or change any terms of this Zoning Code. The Zoning Administrator shall maintain a record of all certificates of compliance and all certificates of occupancy.

(b) If the Zoning Administrator shall find that any of the provisions of this Zoning Code are being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structure; removal of illegal structures; or illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Zoning Code to ensure compliance with or prevent violation of its provision.

(c) The Zoning Administrator is hereby authorized to issue Municipal infraction citations for violations of the provisions of this Zoning Code. The authority to issue Municipal civil infraction citations shall be in addition to the other powers herein conferred upon the Zoning Administrator and the issuance of the Municipal infraction citation shall not prevent the enforcement of this Zoning Code or the abatement of violations through other authorized means.

(Ord. 2008-08. Passed 9-9-08.)

1262.03 CERTIFICATES OF COMPLIANCE.

No building or structure, or part thereof, shall be hereinafter located, erected, constructed, reconstructed, altered, converted, or enlarged or moved nor shall any change be made in the use of any building or land without a certificate of compliance having been first issued by the Zoning Administrator.

- (a) Application. A compliance certificate application shall be submitted to the Zoning Administrator and shall contain the following information:
- (1) All applications for certificates of compliance shall be accompanied by sufficient information for the Zoning Administrator to determine that the proposed uses and structures will meet all requirements of this Zoning Code, including:
 - A. The shape, location and dimensions of the lot.
 - B. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any building or other structure already on the lot.
 - C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 - D. Such other information concerning the lot or adjoining lots as may be essential in determining whether the provisions of this Zoning Code are being observed.
 - (2) The owner of the premises or his or her agent shall sign the application.
- (b) Certificate Issuance. The Zoning Administrator shall issue a certificate of compliance upon determination that the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Zoning Code. Upon receipt of a certificate of compliance, the applicant shall apply for a building permit in accordance with the requirements of the Michigan Building Code and shall pay such fees for inspection and issuance of building permits as might be required.
- In the event the Zoning Administrator determines that the buildings, structures, and uses as set forth in the application are not in conformity with the provisions of this Zoning Code, he shall deny the request for a certificate of compliance and provide the applicant with a written explanation for the denial.
- (1) Fees for inspections and the issuance of building permits required by the Michigan Building Code shall be the responsibility of the Hillsdale Building Inspector.
 - (2) Where action of the Zoning Board of Appeals or the Planning Commission is required as set forth in this Zoning Code, the Zoning Administrator shall issue a certificate of compliance promptly following such action.
 - (3) In any case, where the certificate is refused, the cause shall be stated in writing to the applicant.
- (c) Certificate Expiration. Any certificate of compliance under which no work is done within six months from its issuance shall be deemed expired. An expired certificate of

compliance is renewable upon reapplication and upon payment of all fees required to secure an original certificate of compliance, subject, however, to all provisions of this and all other ordinances in effect at the time renewal is requested.

(Ord. 2005-05. Passed 8-9-05; Ord. 2008-08. Passed 9-9-08.)

1262.04 CERTIFICATES OF OCCUPANCY.

No land, building or part thereof shall hereafter be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (a) Certificate Required. Until a certificate has been issued, no person shall:
 - (1) Occupy or use any vacant land;
 - (2) Occupy or use any structure hereafter constructed, reconstructed, moved, altered, or enlarged;
 - (3) Change the use of a structure or land to a different use; or
 - (4) Change a nonconforming use.
- (b) Application. Applications for certificates of occupancy shall be made in writing to the Zoning Administrator on forms furnished by him or her, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure or part thereof, or the use of land, is in accordance with the provisions of this Zoning Code and all building or health laws and ordinances as verified by the Building Inspector. If such certificate is refused for cause, the applicant thereof shall be notified of such refusal and the cause thereof within the aforesaid five-day period.
- (c) Record of Certificates. A record of all certificates issued shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished upon request to any person having a propriety or tenancy interest in the property involved.
(Ord. 2005-05. Passed 8-9-05; Ord. 2008-08. Passed 9-9-08.)

1262.05 FEES.

The City Treasurer or the City Treasurer's designee, in advance of issuance, shall collect fees for inspections and the issuance of certificates, or copies thereof, required by the provisions of this Zoning Code. The amount of such fees shall be established by resolution of the Council and shall reimburse the City for costs resulting from enforcement of this Zoning Code. No permit, certificate, conditional use permit, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until all applicable charges and fees have been paid in full.

(Ord. 2008-08. Passed 9-9-08.)

1262.06 VIOLATIONS AS MUNICIPAL CIVIL INFRACTIONS AND NUISANCES PER SE; PENALTIES AND ABATEMENT.

(a) Violations as Civil Infractions - Penalties. Any violation of any provision of this Zoning Code shall constitute a Municipal civil infraction. Upon a defendant being determined to be responsible or responsible with explanation for such a violation, the court shall impose a civil fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), in the discretion of the court, together with costs of the action which may include all expenses, directly or indirectly, to which the City has been put in connection with the Municipal civil infraction, up to the

entry of Judgment. Costs of not more than five hundred dollars (\$500.00) shall be ordered and, except as otherwise provided by law, shall be payable to the general fund of the City. The imposition or payment of any Municipal civil infraction penalty shall not prevent the City from seeking injunctive relief as may be required by law.

(b) Violations as Nuisances Per se - Abatement. Except as otherwise provided by law, a use of land or a dwelling, building, or structure, including a tent or recreational vehicle used, altered, raised or converted in violation of this Zoning Code is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the dwelling, building, structure, tent, recreational vehicle, or land, is liable for maintaining a nuisance per se.

(c) Separate Offense. Each day that a violation of this Zoning Code is continued and permitted to exist, shall constitute a separate violation, punishable upon an admission or determination of responsibility or responsibility with explanation as prescribed herein.
(Ord. 2008-08. Passed 9-9-08.)