

ARTICLE 17
ADMINISTRATION, ENFORCEMENT, AND PENALTIES

17.01 ZONING ADMINISTRATION

The duty of administrating the provisions of this Ordinance, including the issuance and revocation of permits shall, unless otherwise provided for, rest in a Village Zoning Administrator who shall be appointed for such terms and subject to such conditions and at such rates of compensation as the Village Council shall determine. The Zoning Administrator shall administer and enforce this Ordinance including the receiving and processing of applications for zoning permits, certificates of occupancy, special land use permits, appeals for variances or other matters the Zoning Board of Appeals or Planning Commission is required to decide. The Administrator shall be responsible for the inspection of premises, the issuing of Zoning Permits, and for instituting proceedings for the enforcement of the provisions of this Zoning Ordinance.

17.02 ELIGIBILITY

To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, fire prevention and the proper installation of safety, health and sanitary facilities. He shall have no interest whatever, directly or indirectly, in the sale or manufacture of any material process, facility or device entering into or used in connection with building construction.

The Zoning Administrator shall be generally informed on:

1. Zoning permits for applications involving zoning compliance.
2. Site Plan Review procedures for the development of property.

The preparation of all documents concerning zoning applications including resolutions, public hearing notices, publications and correspondence.

17.03 ZONING COMPLIANCE PERMITS

No building or structure subject to the provisions of the Ordinance shall be commenced or constructed, reconstructed, erected, altered, enlarged or moved, in any zoning district, until a zoning compliance permit has been issued by the Zoning Administrator. Such zoning permit shall certify that the proposed land use and/or structure is in compliance with the provisions of this Ordinance. Compliance with the provisions this Ordinance shall make issuance of a zoning compliance permit mandatory except that any other violation of this Ordinance by the same property owner or applicant within this Village which is unresolved on the date of such application shall be grounds for denial of a zoning compliance permit.

Exempted from the permit requirements are alterations and ordinary maintenance repairs made on any building or structure that does not affect the external dimension of the structure.

17.04 ZONING COMPLIANCE PERMIT APPLICATION

Application for a zoning compliance permit shall be filed with the Zoning Administrator, signed by the person, firm, co-partnership or corporation or by the duly authorized agent of such person, firm, co-partnership or corporation requesting the permit and shall include the following information:

1. Location and dimension of the lot(s) to be used.
2. Nature of the proposed construction or alteration.
3. Existing or intended use of the structures.
4. Location of all existing and proposed structures on the lot.
5. Written conformation from County Health Department with current and reserve drain field areas identified shall be required as a condition of approval.
6. Evidence of ownership of all property affected by the coverage of the permit.
7. Evidence that Village property taxes are paid to date.
8. Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator.

To each copy of the application there shall be attached an accurately scaled copy of the plan to be followed, which will disclose the lot dimensions and the location on the lot of all existing structures, current and reserve drain field locations and the proposed construction or alteration.

A stake survey by a licensed surveyor in the State of Michigan may be required at the discretion of the zoning administrator

The Zoning Administrator is authorized to refuse to accept any zoning application that does not comply with the requirements set forth in this Ordinance.

17.05 PERMIT FEE

Payment of a fee, as established by resolution of the Village Council, is required at the time

of filing an application for a Zoning Compliance permit.

17.06 LAPSE OF PERMIT

Each zoning compliance permit shall become null and void within 12 months following the date of issue unless the provisions of the permit have been utilized. Within 90 days following such 12-month period, the applicant may apply for reinstatement and the Zoning Administrator is hereby authorized to reinstate such permit upon payment of a fee as established by the Village Council, but no original zoning permit shall be reinstated more than once.

17.07 PRE-CONSTRUCTION INSPECTION

After the issuance of a zoning compliance permit and before any construction begins, the Zoning Administrator or his designee may make a pre-construction field inspection to determine that the provisions of the zoning compliance permit are being met.

17.08 FEE AND COST REVIEW

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees specified by resolution of the Village Council.

At least once a year the Village Council shall, upon the advice and recommendation of the Planning Commission, enact a fee schedule making reasonable charges for the services involved, including the cost of hearing and appeals.

All monies collected shall be deposited with the Village Treasurer who shall place the same in a separate fund known as the Zoning Ordinance Fund to be used for administration of this Ordinance.

17.09 ENFORCEMENT

Buildings erected, altered, moved, razed or converted or any uses of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se.

It shall be the duty of the Zoning Administrator to investigate any alleged violation of the Zoning Ordinance coming to his/her attention, whether by complaint or arising from his/her own personal knowledge.

The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing or by posting the premises, of all conditions found to be in violation of this Ordinance.

All violations shall be promptly corrected after receipt of notification by the zoning administrator. Any violation not corrected shall be reported to the Village Attorney who shall initiate prosecution procedures.

17.10 PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute and shall be punishable by a civil fine of not more than \$500, along with costs which may include all expenses, direct and indirect, to which the Village of Freeport has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. In addition, the Village shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each and every day that such violation continues shall be deemed a separate and distinct violation.

17.11 RELIEF FROM PERSONAL RESPONSIBILITY

An official, officer, or employee charged with the enforcement of this Ordinance, while acting as an agent for the Village of Freeport, shall not thereby render him/herself personally liable.

17.12 VALIDITY

Should any section, clause or provision of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

17.13 REPEAL OF PRIOR ORDINANCES

All prior Zoning Ordinances of the Village of Freeport, State of Michigan, and amendments thereof, are hereby repealed. In the event the within ordinance is rejected at a referendum election under the statues the within repealing clause shall be ineffective to repeal any prior Zoning Ordinance of the Village.

EFFECTIVE DATE

This ordinance shall become effective 30 days after passage and publication.