

CHAPTER 1242
Administration, Enforcement and Penalty

EDITOR'S NOTE: This chapter, previously a codification of Ordinance 101, passed February 20, 1970, was repealed in its entirety and re-enacted by Ordinance 2000-38, passed May 8, 2000.

A schedule of fees for planning related activities is adopted from time to time by resolution of Council. Copies of the latest such schedule and of the latest relevant legislation may be obtained, at cost, from the Village Clerk.

1242.01	Enforcement.	1242.06	Fees.
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1242.05	Notification of Enforcement Official during construction or alteration.		

CROSS REFERENCES

Regulation of land development and the uses of land and structures
by local authorities - see M.C.L.A. 125.3201
Authority to zone - see M.C.L.A. 125.3202
Uses of land or structures not conforming to ordinances; powers of
legislative bodies; acquisition of property - see M.C.L.A. 125.3208
Conflicts of laws - see P. & Z. 1240.02, 1240.04
Compliance required - see P. & Z. 1240.03
Interpretation - see P. & Z. 1240.04 et seq.
Board of Zoning Appeals - see P. & Z. Ch. 1244

1242.01 ENFORCEMENT.

The provisions of this Zoning Code shall be administered by the Building Department and the Enforcement Official and his or her deputies.
(Ord. 2000-38. Passed 5-8-00.)

1242.02 DUTIES OF ENFORCEMENT OFFICIAL.

The Enforcement Official, as designated by Council, shall have the power to grant zoning compliance and occupancy permits and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Zoning Code. The Enforcement Official shall not approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he or she has caused such plans to be inspected in detail and found them in conformity with this Zoning Code. To this end, the Enforcement Official shall require that every application for a zoning compliance permit for excavation, construction or alteration or change in type of use or occupancy be accompanied by written statements and plans or plats drawn to a scale of not less than one inch equals thirty feet, in duplicate, and showing the following in sufficient detail to enable the Enforcement Official to ascertain whether the proposed work or use is in conformance with this Zoning Code.

- (a) The legal description, actual 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 buildings or other structures already on the lot.
- (c) The existing and intended use of the lot and all such structures upon it.
- (d) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Zoning Code are being observed.
- (e) Existing and proposed grades to an extent necessary to allow the Enforcement Official and the Village Engineer to properly determine the results of the proposed work.

If the proposed excavation, construction or alteration, or use of land, as set forth in the application, are in conformity with the provisions of this Zoning Code, the Enforcement Official shall issue a zoning compliance permit. If any application for such permit is not approved, the Enforcement Official 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 Zoning Code.

The Enforcement Official is, under no circumstances, permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this Zoning Code to any person making application to excavate, construct, move, alter or use either buildings, structures or land within the Village.

The Enforcement Official is, under no circumstances, permitted to make changes to this Zoning Code, nor to vary the terms of this Zoning Code in carrying out his or her duties as Enforcement Official.

The Enforcement Official shall record all nonconforming uses existing at the effective date of this Zoning Code within twelve months after the adoption of this Zoning Code for the purpose of carrying out the provisions of Chapter 1264.

(Ord. 2000-38. Passed 5-8-00.)

1242.03 PERMITS.

The following provisions shall apply in the issuance of any permit:

- (a) Permits Required. No person shall commence excavation for, or construction of, any building or structure or for the moving of an existing building, without first obtaining a building permit from the Enforcement Official. 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 Zoning Code, showing that the construction proposed is in compliance with the provisions of this Zoning Code and with the Building and Housing Code.

No plumbing, electrical, drainage or other permit shall be issued until the Enforcement Official has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Zoning 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 other changes affecting or regulated by the Building and Housing Code, or this Zoning Code, except for minor repairs or changes not involving any of the aforesaid provisions. (See the definition of "alteration" in Section 1240.07.)

- (b) Permits for New Uses of Land. A building permit shall also be obtained for the new use of land, whether such land is presently vacant or a change in land use is proposed.
- (c) Permits for New Uses of Buildings or Structures. A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- (Ord. 2000-38. Passed 5-8-00.)

1242.04 CERTIFICATES OF OCCUPANCY.

No person shall use or permit the use of any land, building or structure for which a building permit is required, or use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Enforcement Official shall have issued a certificate of occupancy stating that the provisions of this Zoning Code and the Building and Housing Code have been complied with.

- (a) Certificate Validity. The certificate of occupancy as required in the Building and Housing Code for new construction of, or renovations to, existing buildings and structures, shall also constitute certificates of occupancy as required by this Zoning Code.
- (b) Certificates for Existing Nonresidential Buildings. Certificates of occupancy shall be issued for existing nonresidential 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 use of land, is in conformity with the provisions of this Zoning Code.

Where an existing nonresidential building has been occupied without the issuance of a proper certificate of occupancy, the Enforcement Official shall, as soon as possible, issue a temporary certificate of occupancy which shall set forth all of the alterations and changes necessary to bring the structure or use in compliance with the requirements of this Zoning Code and other ordinances of the Village of Franklin. The said date for bringing the structure or use into compliance with the requirements of this Zoning Code shall not be more than six months later than the date of the temporary certificate of occupancy.

If the structure or use cannot be made to conform with the requirements of this Zoning Code and other ordinances of the Village of Franklin, then the structure or use shall be vacated within the six-month period.

- (c) Temporary Certificates. Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and, provided, further, that such portions of the building or structure are in conformity with the provisions of this Zoning Code.
- (d) Records of Certificates. A record of all certificates of occupancy shall be kept in the office of the Enforcement Official, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- (e) Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.
- (f) Application for Certificates. A certificate of occupancy shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or alteration of such building shall have been completed in conformity with the provisions and requirements of this Zoning Code. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and the cause thereof within ten days.
- (g) Certificates for Nonconforming Buildings and Uses. Reference is made to Section 1264.02 of this Zoning Code.
(Ord. 2000-38. Passed 5-8-00.)

1242.05 NOTIFICATION OF ENFORCEMENT OFFICIAL DURING CONSTRUCTION OR ALTERATION.

In order to insure compliance with the provisions of this Zoning Code, the Enforcement Official will be notified as construction or alteration reaches specific stages as specified in the Building and Housing Code. (Ord. 2000-38. Passed 5-8-00.)

1242.06 FEES.

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Zoning Code shall be collected in advance of the issuance of such permits or certificates.

The amount of such fees shall be established by the Village Council, from time to time, and shall cover the cost of inspection and supervision relating to the enforcement of this Zoning Code.

(Ord. 2000-38. Passed 5-8-00.)

1242.07 PERFORMANCE BONDS.

Where in this Zoning Code there is delegated to Council or the Board of Zoning Appeals the function of establishing certain physical site improvements as a contingency to securing a site plan approval, special approval or variance, the Enforcement Official shall, to insure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, require the permittee to furnish a performance or surety bond, or cash bond at the discretion of the Enforcement Official or Board of Zoning Appeals, executed by a reputable surety company authorized to do business in the State of Michigan in an amount determined by Council or the Board of Zoning Appeals to be reasonably necessary to insure compliance hereunder, provided, however, that in fixing the amount of such performance or surety bond, Council or the Board of Zoning Appeals shall take into account the size and scope of the proposed improvement project, current prevailing cost for the Village to rehabilitate the premises upon default of the operator, estimated expense to compel the operator to comply with a court judgment and such other factors and conditions as might be relevant in determining the sum reasonable in the light and circumstances surrounding such application. If cash or a check is received as a bond, the cash or check need not be maintained in an interest bearing account.

The Enforcement Official shall monitor the progress of the work under permit. Upon request of the permit holder, the Enforcement Official shall inspect the work site within a reasonable period of time for purposes of determining compliance with the permit as issued by the Village. If, in the opinion of the Enforcement Official, all work, including restoration of soil and other property disturbed by the work, has been completed in compliance with the permit and all applicable laws, then the remaining portion of any performance, surety or cash bond held by the Village shall be returned to the permit holder. Interest shall not be paid on the surety or cash bond.

(Ord. 2000-38. Passed 5-8-00.)

1242.08 STANDARD NOTICE OF PUBLIC HEARING.

(a) Except as otherwise provided in this section, if the Village is required to provide notice for a public hearing, the Village shall do all of the following:

- (1) Public notice of the request in a newspaper of general circulation in the Village;
- (2) Mail or personally deliver said notice to the owners of property for which approval is being considered; and

- (3) Mail or personally deliver said notice to all persons to whom real property is assessed within one thousand (1,000) feet of the subject property and to the occupants of all structures within one thousand (1,000) feet of the subject property, regardless of whether the property or occupant is located in the Village. If the name of an occupant is not known, the term "occupant" may be used.
- (4) For any notice given regarding a plan applying the Single-Family Planned Residential Development Option, described in Chapter 1252, the notice shall be delivered as specified in subsection (c) above, except that the distance shall be fifteen hundred feet (1,500) feet.

(b) The notices specified above shall be given not less than fifteen days before the date the application will be considered for approval. The notice shall do all of the following:

- (1) Describe the nature of the request;
- (2) Indicate the property that is the subject of the request by street address, or if none, other appropriate descriptive terms;
- (3) State when and where the request will be considered; and
- (4) Indicate when and where written comments will be received concerning the request.

(Ord. 2006-03. Passed 11-13-06.)

1242.99 PENALTY.

Whoever violates, or neglects or refuses to comply with any of the provisions of this Zoning Code shall be responsible for a Municipal civil infraction and shall be subject to the penalty, sanctions and remedies prescribed in Section 202.99 of these Codified Ordinances. A separate offense shall be deemed committed each day that a violation or noncompliance occurs or continues.

(Ord. 2000-38. Passed 5-8-00; Ord. 2001-03. Passed 4-9-01.)