

**Article 6: Administration
Division 2: Administrative
Authority**

Section 610 Authority of Zoning Administrator

Except where herein otherwise stated, the provisions of this section shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the City Commission. The Zoning Administrator shall have the power to:

- a. The Zoning Administrator shall make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- b. The Zoning Administrator shall issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense.
- c. The Zoning Administrator shall issue a certificate of zoning compliance when the requirements of this Ordinance have been met.
- d. The Zoning Administrator shall perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 611 Certificates of Zoning Compliance

The Zoning Administrator shall issue Certificates of Zoning Compliance under the following conditions:

- a. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefore. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this ordinance.
- b. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, as permitted under the terms of this ordinance, until a certificate of zoning compliance shall have been issued hereunder by the Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this ordinance.
- c. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.

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- d. Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this ordinance and shall require the issuance of an amended certificate of zoning compliance.

- e. The types of buildings and structures subject to a building permit or zoning compliance permit are generally described in the following table. The Zoning Administrator will make the final determination of the applicability of the building permit and will make the final determination of the applicability of a zoning compliance permit, based on the information submitted by the applicant and subject to applicable legislation, including this chapter.

Buildings and Structures Subject to Building Permits	Buildings and Structures Subject to Zoning Compliance Permits
<ul style="list-style-type: none"> a. All principal structures b. Accessory structures two stories in height or taller, regardless of floor area c. Attached accessory structures d. Accessory structures that have a floor area exceeding 100 square feet e. Retaining walls greater than four feet in height f. Other structures as outlined in the Michigan Building and Residential Codes 	<ul style="list-style-type: none"> a. Change of use, including operations for current occupants b. Change of tenant c. Building façade changes d. Landscape changes; entrance features e. Parking lot changes, other than routine maintenance f. Lighting, including the replacement of fixtures g. Utility relocation h. Change of rooftop mechanical units

Section 612 Performance Guarantees

- a. As a condition of approval of a site plan, special land use or planned unit development, the Zoning Administrator may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities, and similar items. Financial guarantees are generally required for items that cannot be completed due to weather or related delays yet a temporary certificate of occupancy is sought.

- b. Performance guarantees shall be processed in the following manner:
 1. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the uncompleted required improvements, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be no greater than one hundred percent (100%) of the cost of installing the uncompleted improvements, plus the cost of necessary consultants and a reasonable amount for contingencies.
 2. The required performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the City.
 3. Upon receipt of the required performance guarantee, the Zoning Administrator may issue a temporary certificate of occupancy for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance.
 4. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of such improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall recommend to the Zoning Administrator either approval or rejection of the improvements with a statement of the reasons for any rejections.
 5. The Zoning Administrator shall then either approve or reject the improvements. The Zoning Administrator shall notify the obligor in writing of the action within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements.
 6. The Zoning Administrator, upon completion of all required improvements, shall issue a certificate of zoning compliance and forward it to the Zoning Administrator.
 7. Upon receipt of the certificate of zoning compliance and request of the obligor, the Zoning Administrator shall rebate the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed.

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8. Performance guarantees shall not be returned until all debts or obligations to the City are resolved.
9. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 613 Public Hearings

- a. Unless otherwise required, notices for all public hearings shall be given as follows:
 1. The notice shall:
 2. Describe the nature of the request.
 3. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 4. State when and where the request will be considered.
 5. Indicate when and where written comments will be received concerning the request.
 6. Except as required in c. and d., below, notices for all public hearings shall be given as follows:
 - a) Notice of the hearing shall be not less than five (5) days before the date of the public hearing, not including the date of the meeting.
 - b) Notice of the hearing shall be published in a newspaper of general circulation
 - c) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - d) Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - e) Newspaper publication as required in b. above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.
- b. Zoning Board of Appeals. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice shall be only to the applicant and by newspaper publication, as required in a.6. above.

- c. If the interpretation or appeal of an administrative decision involves a specific property, notice shall be given to the person bringing the appeal and as required in a.1.-3., above.

Section 614 Violations and Penalties

Whenever by the provisions of this chapter the performance of any act is required, or the performance of any act is prohibited, or whatever regulation, dimension or limitation is imposed on the use of, or upon any land, or on the erection or alteration or the use or change of use of a structure or the uses within such structure, a failure to comply with such provisions of this chapter shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgement thereof, pay a civil fine or not less than fifty dollars (\$50) and not more than five hundred dollars (\$500), plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.

In addition to any other civil remedies provided for in this Ordinance, the City Commission may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance

Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.