

SECTION 7
ADMINISTRATION
(Revised – February 18, 2014)

1. RESPONSIBILITIES OF GOVERNMENT BOARDS AND OFFICIALS IN ZONING ADMINISTRATION

The administration of this zoning ordinance is the joint responsibility of the zoning administrator, building inspector, planning commission, zoning board of appeals and village council.

- a. **Zoning Administrator.** The Mayville Village Council shall appoint a zoning administrator to carry out the day to day administration and enforcement of this ordinance.

The zoning administrator's duties shall include the following items and other tasks as assigned by the village council.

1. **Issue Zoning Permits** - The zoning administrator shall be responsible for review and approval of zoning permits. The administrator shall keep a copy of all applications received and a record of action taken on them. He shall provide any applicant denied a permit the reasons for the denial in writing.
2. **Inspections** - The zoning administrator shall be empowered to make inspections of building or premises as required to enforce this ordinance.
3. **Application** - The zoning administrator shall be responsible for taking applications for zoning ordinance text amendments, rezoning, special use permits, variances, appeals or ordinance interpretation. He will also undertake whatever investigation of the requests required by the planning commission or zoning board of appeals prior to the presentation of the request.
4. **Records** - The zoning administrator shall be responsible for keeping records of all nonconforming uses as of the effective date of this ordinance. As well as records of all special use permits issued, zoning amendments adopted, variances granted, interpretations made, appeals granted, and zoning permits issued.
5. **Complaints** - The zoning administrator shall respond in writing to all complaints regarding violations of the zoning ordinance within 5 business days, if possible. A record of the complaint and the findings of the investigation shall be maintained. The zoning administrator shall report on the status of current complaints at the monthly planning commission meeting.

- b. **Building Inspector**

The Village of Mayville Building Inspector or designee shall be responsible for the following items in administration of the village zoning ordinance.

1. **Building Permit** - The building inspector shall be responsible for the issuance of building permits as required in this ordinance.
2. **Certificate of Occupancy** - The building inspector shall ensure that all construction inspected by him meets the requirements of the zoning permit issued for the job before issuing a certificate of occupancy.
3. **Permit to Raze Building** - No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in such amount according to a schedule as determined by the Village Council. Said bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector or the Village Council may from time to time prescribe including filing of excavations and proper termination of utility connections.

c. **Planning Commission**

The Village of Mayville Planning Commission shall be responsible for the following items in administration of the village zoning ordinance.

1. **Amendment to Zoning Ordinance Text or Map** - The Planning Commission shall conduct a public hearing on requests to amend the zoning map, rezoning, or the zoning ordinance text or on other matters as requested by the Village Council. The public hearing will be held as required in District Changes and Ordinance Amendments. Following the public hearing the planning commission will submit their recommendations on the request, including their reasons, to the village council, in the form of a written report. The Planning Commission may initiate an amendment to the zoning ordinance map or text.
2. **Special Use Permits** - The Planning Commission shall conduct a public hearing on requests for special use permits, following the requirements in Uses Authorized by Special Use Permit, Permit Procedures: Public Hearing.
3. **Site Plans** - The Planning Commission shall review all site plans submitted to it following the requirements in Site Plan Review, Public Hearing and approve or deny the site plan stating its reasons for doing so.

d. **Village Council**

The Mayville Village Council shall be responsible for the following items in administration of the zoning ordinance.

1. **Zoning Ordinance Text and Map Amendments** - The Village Council shall be responsible for approving or rejecting all requests for amendments to the zoning ordinance text or map after receiving a recommendation from the Planning Commission.
2. **Fees** - The Village Council shall be responsible for setting all fees for hearing and permits required under this ordinance.

3. **Special Use Permits** - Following a public hearing and recommendation by the planning commission, the Village Council shall approve, approve with conditions or deny the application, stating their reasons for doing so.

2. PERMITS AND CERTIFICATES

a. **Building Permit(s)**

No person shall hereafter begin the construction, alteration, or repair of any building or other structure or the moving into or change the use within any building or structure within the Village before first having obtained a building permit therefore from the Building Inspector as hereinafter provided. Fees for building permits shall be in accordance with a schedule established by Village Council.

Application for any such permit shall state the name and address of the owner and contractor, the address of description of the premises, statement of intended use, and a statement of the value of the improvements. It shall be accompanied by a plot plan and such plans and specifications as Building Inspector shall consider to be necessary to determine that the requirements of this Ordinance and of any other applicable laws or ordinances for which he is responsible for enforcement will be complied with.

Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance, and the Building Inspector is without authority to alter or vary the terms of this Ordinance in carrying out his duties, and any permit so issued is void and of no effect.

A building permit shall become void unless construction commences within ninety (90) days of the issuance thereof, and unless construction is completed within twelve (12) months from the date of issuance thereof except as otherwise provided in this ordinance a building permit may be extended for an additional period by the Building Inspector, provided the applicant demonstrates that, his failure to complete construction within said twelve (12) month period was due to special circumstances beyond his control and that an extension is necessary to complete such construction.

b. **Zoning Permit**

A zoning permit is required when a new building is built or moved onto a piece of property, an existing building is expanded, property changes use, or any work is performed on a nonconforming use or structure. The permit shall include the following information:

1. Location, shape and dimensions, of the parcel, with location of easements and center line of road.
2. The location, dimensions, and height of existing and proposed buildings.
3. The existing and intended uses.
4. The proposed number of bedrooms, dwelling units, employees and anticipated number of customers if applicable.

5. Existing and proposed front, side and rear yard setbacks and parking areas.

The purpose of the permit is to ensure that all construction is performed in compliance with this ordinance.

c. Certificate of Occupancy

No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been signed by the Building Inspector and Zoning Administrator stating that the building and use comply with all of the provisions of this Ordinance applicable to the building or premises or the use in the district in which it is to be located. Upon completion of the improvement covered by the building permit, the Building Inspector shall reveal that the improvement has been completed in substantial conformity with the site plans, shall issue a Certificate of Occupancy

No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a Certificate of Occupancy having been issued by the Building Inspector, and no such permit shall be issued to make such change unless it is in conformity with the provisions of the Ordinance.

3. ENFORCEMENT

- a. **Responsibility.** The Mayville Village Zoning Administrator, or any other officer of the Village so designated, shall enforce the provisions of this Ordinance.
- b. **Violations and Penalties.** Violations of any provisions of the Village of Mayville Zoning Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be violations of the provisions of this Ordinance, and which are observed by or communicated to a Village official or employee, shall be reported to the Zoning Administrator.
 1. **Inspection of Violation.** The Zoning Administrator shall inspect each alleged violation which he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this ordinance.
 2. **Correction.** All violations shall be corrected within a reasonable time determined by the Zoning Administrator, but not to exceed 15 days.
 3. **Enforcement Action.** A violation not corrected within the 15 day period shall be reported to the Enforcement Officer, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Enforcement Officer, any legal action which is deemed necessary to restore compliance with all terms and conditions of this ordinance is hereby authorized.
 4. **Penalties.** Every person whether as principal, agent, servant, employee, or otherwise, including the owners of any building, structure, or premise, or part thereof, where any

violation of this ordinance shall exist or shall be created, or who shall violate or refuse to comply with any of the provisions of this ordinance, shall be responsible for a civil infraction, as defined by Michigan law and subject to a civil fine as follows:

- i. First violation within a 1-year period - \$250
- ii. Second violation within a 1-year period - \$400
- iii. Third or subsequent violations within a 1-year period - \$500

A violator of this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist constitutes a separate violation.