

Article XXII

ADMINISTRATION AND ENFORCEMENT

Section 22.01 - Zoning Administrator

The Office of Zoning Administrator is hereby created. The Zoning Administrator shall be appointed by the City Council. When the position of Zoning Administrator is vacant the City Manager shall act as Zoning Administrator until such time a Zoning Administrator is appointed by the City Council.

Section 22.02 - DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall have the following duties and powers.

- A. The Zoning Administrator shall interpret all provisions of this Ordinance.
- B. The Zoning Administrator shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to insure compliance with said provisions.
- C. The Zoning Administrator shall receive applications for and issue certificates of zoning compliance in accordance with this Ordinance and shall sign certificates of occupancy as required herein.
- D. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the City Fire Chief, and Engineer as deemed necessary in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections subject to the approval of the City Council.
- E. The Zoning Administrator shall identify and process violations to this Ordinance. The Zoning Administrator shall be responsible for making periodic inspection of Dexter City or parts thereof for the purpose of finding violations of this Ordinance.
- F. The Zoning Administrator shall keep official record of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- G. The Zoning Administrator shall submit to the City Council a quarterly report in which a summary of the activities of the office is presented.

Section 22.03 - CERTIFICATE OF ZONING COMPLIANCE

- A. Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Section 21.04 herein, and all information necessary to determine zoning compliance.
- B. All plans to be submitted for a building permit shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of this Ordinance. No building permit shall be issued unless a certificate of zoning compliance has been issued by the Zoning Administrator for the same development and is in effect.
- C. A certificate of zoning compliance shall not be issued for any use or structure unless said use or structure and the lot on which situated meet all requirements of this Ordinance. However, a certificate of zoning compliance shall be issued for a use or structure and the lot on which situated in which one or more legal nonconformities exist. In such case, the certificate of zoning compliance shall clearly list each and every legal nonconformity. A certificate of zoning compliance shall not be issued for any use or structure and the lot on which situated if any illegal nonconformity exists thereon.
- D. Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- E. Subject to the limitations of Section 22.03, herein, amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the zoning compliance is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.
- F. The Zoning Administrator shall examine or cause to be examined all applications for a certificate of zoning compliance and amendments thereto within seven (7) days after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing and state the reasons therefor. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance therefor as soon as possible. The Zoning Administrator shall attach his/her signature to every certificate, or may authorize a subordinate to affix such signature thereto. The

Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such applications as "Approved."

- G. An application for a certificate of zoning compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently prosecuted or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.
- H. The Zoning Administrator may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based.
- I. Issuance of a certificate of zoning compliance shall be subject to the following conditions.
 - 1. No certificate shall be issued until the required fees have been paid.
 - 2. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereto.
 - 3. All work or use shall conform to the approved final site plan, if required.
- J. An application for a certificate of zoning compliance shall be accompanied either by a site plan as required in this Section, or by a site plan as required under Article XXI, herein, Site Plan Review, whichever applies. If a site plan is not required under Article XXI, herein, a plot plan shall be submitted as required in this Section. Such plan shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:
 - 1. scale, date and north point;
 - 2. location, shape and dimensions of the lot;
 - 3. dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures;
 - 4. a clear description of existing and intended uses of all structures; and
 - 5. additional information as required by the Zoning Administrator for purposes of determining compliance with this ordinance.

Section 22.04 - BUILDING PERMITS

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Zoning Administrator.

Section 22.05 - CERTIFICATES OF OCCUPANCY

- A. General Requirement -- It shall be unlawful to use or occupy or to permit the use or final zoning compliance of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of final zoning compliance shall have been issued therefor by the Zoning Administrator. A certificate of final zoning compliance shall not be approved until it has been signed by the Zoning Administrator, said signature signifying compliance with all provisions of this Ordinance. A certificate of occupancy shall not be approved until issued for any building or structure or part thereof, or for the use of land, which does not comply with all provisions of this Ordinance. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this ordinance, and shall list each legal nonconformity existing on the premises. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under Section 22.09, herein.
- B. Change in Use -- A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.
- C. Existing Structure and Use -- A certificate of occupancy shall be issued upon the request of the owner for an existing structure or part thereof, or for an existing use of land, including legal nonconforming uses and structures if, after inspection of premises, it is found that such structures or uses comply with all provisions of this Ordinance, or otherwise have legal nonconforming status. All legal nonconformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal nonconformities exist.
- D. Accessory Structures -- An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.

- E. Application -- Application for certificates of occupancy shall be made in writing to the Zoning Administrator on forms therefore furnished.
- F. Certificate to Include Zoning -Certificates of occupancy as required by the County Building Code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance.
- G. Temporary Certificates -- Where permitted under the County Building Code, a temporary certificate of occupancy may be issued provided that the temporary certificate is signed by the Zoning Administrator.

Section 22.06 RECORDS

The Zoning Administrator shall maintain records of all certificates and permits issued under this ordinance and said records shall be open for public inspection.

Section 22.07 FEES

The City Council shall establish a schedule of fees, by resolution, for administering this Ordinance. The schedule of fees shall be posted on public display in the Office of the Zoning Administrator and may be changed only by the City Council.

Section 22.08 COMPLIANCE WITH PLANS AND APPLICATIONS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 22.09, herein.

Section 22.09 VIOLATIONS

(Amended April 12, 2004, Effective May 1, 2004)

- A. It shall be the responsibility of the Zoning Administrator to initiate the procedure for removing or abating a violation of the Zoning Ordinance. Upon verification that a Zoning Ordinance violation exists, the Zoning Administrator shall:
 - 1. Give notice of violation by mail or in person to the property owner and the property possessor/occupant (if any). Such notice shall identify the subject property, identify the nature of the violation and the applicable parts of the Zoning Ordinance, direct the discontinuance of the violation, and specify the time period, which will be allowed for abatement of the violation. Or,

2. Issue a "Stop Work Order" if any one of the following apply:

- a. A zoning permit has not been issued.
- b. Work in progress does not comply with the plan of the zoning permit.

The stop work order shall contain the same information required for the notice of violation (paragraph A.1., above). In addition the stop work order shall contain the time of day that the order is issued, shall order all persons to stop work immediately, and shall state that failure to comply with the order or removal of the posted order may result in criminal prosecution. If work is progressing at the time of issuance of the stop work order, the order shall be shown to all persons performing work. A copy of the order shall be posted on the property at a point visible from the street and shall be of a distinctive bright color.

The Zoning Administrator shall cancel a notice of violation or remove and cancel a stop work order when his/her reinspection confirms that the violation originally cited has been abated and that no new violation exists. A copy of the cancellation will be mailed or hand delivered to the property owner and the occupant if different from the owner.

- B. If work continues after posting of the stop work order, the Zoning Administrator is authorized to issue a Civil Infraction violation notice per Section 22-9 of the City of Dexter General Code. Any person who violates any provision of this section shall be responsible for a civil infraction, subject to payment of a civil fine as set forth in Section 22-9 of the City of Dexter General Code.
- C. Public Nuisance Per Se -- Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.