

CHAPTER 16 ADMINISTRATION AND ENFORCEMENT

Section 16.01 Administration and Enforcement

- A. Administration. This Ordinance shall be administered by the Zoning Administrator and any designees of the Zoning Administrator. The Zoning Administrator shall be appointed and have the various duties as specified herein.
- B. Enforcement. This Ordinance shall be enforced by the ordinance enforcement personnel designated by the City, in cooperation with the Zoning Administrator.

Section 16.02 Zoning Administrator Appointment and Duties

- A. Appointment. The Zoning Administrator shall be appointed by the Rutland Charter Township Board for such term and subject to such conditions as the Township Board may determine.
- B. Duties. The Zoning Administrator shall have all such duties as may be specified in this Ordinance, and as may otherwise be lawfully assigned, including the following specific duties:
 - 1. Review for administrative completeness all applications for zoning permits/zoning approvals, such as applications for zoning compliance permits, sign permits, temporary event permits, special land use permits, site plan review, and all other zoning-related matters, except where the duty to review the matter is expressly assigned by this Ordinance to another official.
 - 2. Approval or disapproval of permit applications where this Ordinance specifically assigns such authority to the Zoning Administrator, such as with respect to zoning compliance permits, temporary event permits, sign permits, and minor site plan approvals not otherwise required by this Ordinance to be reviewed by the Planning Commission.
 - 3. Promptly inform the City Clerk of all administratively complete applications required to be noticed for public hearing, and coordinate with the City Clerk with respect to the proper processing of such applications for hearing. See Section 16.04.
 - 4. Inform the Building Official of all issued and denied zoning permits/approvals, and otherwise coordinate with the Building Official with respect to all permit applications and other zoning matters reviewed by the Zoning Administrator under this Ordinance that may have implications for the responsibilities of the Building Official.
 - 5. Keep accurate records of all zoning matters with which the Zoning Administrator is involved, and a record of all fees submitted with zoning-related applications.

6. Attend such meetings of the Joint Planning Commission as may be requested by the Joint Planning Commission, and keep the members of the Joint Planning Commission informed of matters pertaining to zoning.

Section 16.03 Application/Review/Permit Fees

The Hastings City Council is authorized to establish, by motion or resolution, fees for consideration of all applications for a permit or other review/approval under this Ordinance or a related statute by the Zoning Administrator, Joint Planning Commission, Zoning Board of Appeals, Hastings City Council, and any other municipal personnel involved with the consideration of any such matter pursuant to this Ordinance. Such matters for which a fee may be established include but are not limited to: zoning compliance permit, temporary event permit, special land use permit, site plan review, variance, ordinance interpretation, appeal of Zoning Administrator determination, Zoning Ordinance text amendment, Zoning Map amendment (rezoning), and amendment of Master Plan (text or map). The fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting; and may be established as a flat fee or based on actual costs incurred with respect to administrative review, processing, and all aspects of consideration of the matter, with specified deposit and escrow amounts. All such fees/deposits applicable to a particular application shall be paid before an application is considered administratively complete and processed for public hearing or other consideration. Such fees may be changed by motion or resolution of the Hastings City Council at any lawful meeting, and shall take effect immediately unless a later effective date is specified by the Council action.

Section 16.04 Filing and Processing of Zoning Applications; Public Notice Requirements

- A. Filing and Processing of Applications. Except as may otherwise be specified in this Ordinance, all applications for zoning permits and other zoning-related matters shall be filed with the Zoning Administrator. The Zoning Administrator shall promptly forward to the Hastings City Clerk a copy of each filed application, along with any fee remitted with the application. The Hastings City Clerk shall coordinate with the Zoning Administrator to assure each application is thereafter processed as required by law and/or this Ordinance.
- B. Public Notice. All applications for land use or development approval requiring a public hearing shall be noticed for public hearing in accordance with all applicable requirements of the Michigan Zoning Enabling Act and the Michigan Open Meetings Act, and any other applicable requirements of this Ordinance and charter requirements and policies of the City of Hastings. The City Clerk or the designee of same shall be responsible for all public hearing notices.

Section 16.05 Zoning Text and Zoning Map Amendments

- A. This Ordinance may be amended, supplemented, or otherwise changed by ordinance, in accordance with this section, applicable legal procedures, and any relevant provisions of agreements between the City of Hastings and Rutland Charter Township.

- B. Amendments may be initiated by the Joint Planning Commission, the Hastings City Council, the Rutland Charter Township Board, or on application by any person.
- C. Applications for a zoning text amendment or zoning map change shall be filed with the Hastings City Clerk on an application form provided by the City Clerk, which shall contain the following information as applicable:
 - 1. Name, address and phone number of the applicant.
 - 2. Name, address and phone number of the property owner.
 - 3. A legal description and street address accompanied by a drawing illustrating the location of the property (for a Zoning Map change).
 - 4. Filing date of the application.
 - 5. Nature of the request.
 - 6. Signature of the applicant.
- D. The City Clerk shall promptly forward one copy of the application to the Joint Planning Commission, which shall consider and take action on the application in accordance with all applicable requirements of law, ordinance, charter, municipal policy, and agreements between the City of Hastings and Rutland Charter Township.

Section 16.06 Violation and Sanctions; Nuisance Per Se

- A. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- B. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- C. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- D. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine according to Section 52-38 of the City of Hastings Municipal Civil Infractions Ordinance, which is herein incorporated by reference.

- E. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to *MCL 125.3404* and as otherwise provided by law.

Section 16.07 Effective Date; Non-Repeal

- A. Effective Date. After this Ordinance has been adopted as a joint ordinance by the Hastings City Council and the Rutland Charter Township Board, this Ordinance shall become effective on the 8th day after publication of a Notice of Adoption in a newspaper of general circulation within the City of Hastings and Rutland Charter Township, or on such later date as may be specified in the joint ordinance or required by law, ordinance, or charter.
- B. Non-Repeal. No ordinance of the City of Hastings or Rutland Charter Township is intended to be repealed by this Joint Planning Commission Zoning Ordinance. However, upon the effective date of this Ordinance the area within the zoning jurisdiction of the Joint Planning Commission shall be governed by this Zoning Ordinance, with respect to zoning regulation and requirements, rather than by the provisions of any Zoning Ordinance of the City of Hastings or Rutland Charter Township.