

**ARTICLE 30.00
ADMINISTRATION AND ENFORCEMENT**

Section 30.01 ENFORCEMENT

The provisions of the Ordinance shall be administered by the Township Building Official, who shall be appointed by the Township Board of Frenchtown Township for such term and subject to such conditions and at such rate of compensation as said Board shall determine. The Building Official may be assisted by any other Township employees and officials as he may delegate to enforce the provisions of this Ordinance. The duty of enforcement thereof shall rest with such administrative officials as shall be authorized therein by law, and such administrative officials shall for the purpose of this Ordinance have the power of public officers.

Section 30.01.1 POWERS AND DUTIES OF BUILDING OFFICIAL

Section 30.01.1(a) **POWERS.** The Building Official shall have the power to grant building permits, certificates of occupancy and other related permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Chapter and the Ordinance. It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Building Official shall require that every application for a permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, and showing the following information in sufficient detail to enable the Building Official to ascertain whether the proposed work or use is in conformance with this Chapter and this Ordinance:

Section 30.01.1(a)(1) The actual shape, location, and dimensions of the lot, including a legal description of the property in question and a boundary map of the property in question.

Section 30.01.1(a)(2) 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.

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

- Section 30.01.1(a)(3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- Section 30.01.1(a)(4) The lines of the lots or parcels under separate ownership therein.
- Section 30.01.1(a)(5) The names and widths of abutting pavements and rights-of-way.
- Section 30.01.1(a)(6) In the case of an application for other than a residence, the applicant shall furnish information concerning the uses proposed and the intended changes to the land and buildings.
- Section 30.01.1(a)(7) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the Ordinance are being observed.
- Section 30.01.1(a)(8) The Building Official is under no circumstances permitted to grant exception to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter, or use either buildings, structures of land within the Township.
- Section 30.01.1(a)(9) The Building Official is under no circumstances permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Official.
- Section 30.01.1(b) DUTIES. If the proposed excavation, construction, moving, or alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Official shall issue a permit. If any application for such permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

FEBRUARY 10, 2004

PAGE 517

ARTICLE 30.00

in no case be construed as waiving any provision of this Ordinance. In general the Building Official shall oversee and coordinate with the Ordinance enforcement Officer to insure that all excavations, repairs or construction of buildings and the use of land, buildings or properties etc. shall conform with the provisions of this Ordinance. The Building Official may have other duties and performance requirements as defined by the Township Board.

Section 30.01.1(b)(1)

The applications for repairs, alterations or construction of a building shall be filed with the Building Official and said applications shall furnish a general description of the contemplated construction and definite information as to the area of the lot on which the building is to be constructed and its location thereon and the materials which will be used in the foundation and on the exterior, which applications shall be accompanied by a fee as established by the Frenchtown Township Board in the schedule of fees set forth in the Township Building Code as amended from time to time. If the Building Official finds the application conforms to the requirements of this Ordinance and the statutes, he shall make all copies of the application approved over his signature and one(1) copy shall be filed with the Township Clerk and one (1) copy shall be returned to the applicant, which copy shall be construed to be the building permit.

Section 30.01.1(b)(2)

A record of all applications for permits shall be kept on file by the Building Official. Whenever the buildings, land and uses thereof as set forth on the application are in conformity with the provisions of this Ordinance, it shall be the duty of the Building Official to issue a building permit within ten (10) days after the receipt of such application. All building permits shall be conspicuously posted on the premises. In all cases when the Building Official shall refuse to issue a building permit, he shall state such

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

refusal in writing with the cause and reasons for said refusal.

FEBRUARY 10, 2004

PAGE 518

ARTICLE 30.00

Section 30.01.1(b)(3) All building permits, when issued, shall be valid for a period of one (1) year only, but may be extended by the Building Official for an additional period not to exceed six (6) months if said Building Official shall find good cause shown for failure to complete the work within the one (1) year time limit, provided a fee as set forth for expired permits is submitted.

Section 30.01.2 PERMITS

The following shall apply in the issuance of any permit:

Section 30.01.2(a) PERMITS REQUIRED. It shall be unlawful for any person to commence excavation or to contract or otherwise arrange with others to commence construction for, or construction of any building or structure, structural changes, or repairs in any existing building, without first obtaining a permit from the Building Official. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance.

Section 30.01.2(a)(1) No permit shall be issued until the Building 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 Ordinance.

Section 30.01.2(a)(2) Accessory buildings, when erected at the same time as the main building on a lot and so shown on the application plot plan, shall not require a separate building permit.

Section 30.01.2(a)(3) All new structures or structures being altered or repaired shall be provided with a permanent house number identifying the property which shall be readable by

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

emergency services from the street or road. Said properties shall also provide a house number during construction. During construction the house number may be

FEBRUARY 10, 2004

PAGE 519

ARTICLE 30.00

displayed in a temporary manner, provided it is readable by emergency services from the street or road.

Section 30.01.2(b) PERMITS FOR NEW USE OF LAND. A permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

Section 30.01.2(c) PERMITS FOR NEW USE OF BUILDINGS OR STRUCTURES. A permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

Section 30.01.2(d) FAILURE TO COMPLETE WORK. Should the holder of a building permit fail to complete the work for which said permit was issued within the time limit as set forth by the Zoning Ordinance and Building Code, the person who secured the permit shall be guilty of a misdemeanor for every day the violation continues.

Section 30.01.2(e) LIMITATIONS. The mere application for or issuance of a building permit does not give the applicant or holder thereof a vested right to or in the permit unless founded upon substantial construction and expenditures under a permit lawfully granted.

Section 30.01.2(f) PERMITS FOR DEMOLITION AND MOVING OF STRUCTURES. Prior to the demolition, moving or dismantling of any structure, a permit to demolish, move or remove such structure shall be issued subject to the following regulations:

Section 30.01.2(f)(1) A release shall be obtained from all utilities having service connection within the building stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner. Written evidence thereof shall be provided.

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

Section 30.01.2(f)(2.) Where applicable, gas and water service shall be disconnected at the property line; septic tank systems shall be pumped and filled with sand; and water wells shall be

FEBRUARY 10, 2004

PAGE 520

ARTICLE 30.00

properly capped. If municipal sanitary sewers serve the property, approval of the sanitary sewer disconnect shall be secured from the City of Monroe, Department of Public Works.

Section 30.01.2(f)(3) The site shall be posted with "NO TRESPASSING" signs and there shall be provided around all sides of the site a minimum four (4) feet high snow fence or equivalent thereof. Except that where work is commenced and continued without any time interruption, the fence and signs may be omitted when approved by the Building Official.

Section 30.01.2(f)(4) Permits shall be valid for sixty (60) days at which time the site shall be clear of all building materials, any excavations filled to grade and the site in a level condition suitable for the growing of turf with the grade not to exceed eight (8) inches over the crown of the road or to the average grade of the adjoining property. Permits shall be void in thirty (30) days if 25% demolition is not completed. Except that additional time may be approved by the Zoning Board of Appeals, provided, an application is submitted at the time the permit is issued.

Section 30.01.2(f)(5) When the work is completed, the permit holder shall call for a site inspection by the Building Official.

Section 30.01.2(f)(6) Securing a permit to demolish and failing to start and/or complete the work authorized or any part of the above conditions shall be a violation of this Ordinance.

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

Section 30.01.2(f)7) To insure strict compliance with the above provisions, the Building Official may require irrevocable letter of credit or a cash deposit with the Township Treasurer in the amount of 10% of the value of the demolition as determined by the Building Official.

FEBRUARY 10, 2004

PAGE 521

ARTICLE 30.00

Section 30.01.3

CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building, or structure for which a permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Official shall have issued a Certificate of Occupancy to the applicant for the building permit in effect stating that the provisions of this Ordinance have been complied with.

Section 30.01.3(a) **CERTIFICATES FOR EXISTING BUILDINGS.** Certificates of Occupancy shall be issued for existing 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, are in conformity with the provisions of this Ordinance.

Section 30.01.3(b) **TEMPORARY CERTIFICATES.** Temporary Certificates of Occupancy may be issued for the use of lands, buildings or parts thereof provided the Building Official finds that: (1) the occupancy or use of the completed portion shall not interfere or be interfered with or endangered by the completion of the remainder of the building or any portion thereof; and (2) that a satisfactory schedule of the completion and financial guarantee for the remainder of the building or structure is submitted to assure that all buildings, access, parking, landscaping and accessory building can reasonably be completed within a specified period of time; provided that no such Temporary Certificate of Occupancy shall remain in force for more than one hundred twenty (120) days, nor more than five (5) days after the building(s) or structure(s) is fully completed and ready for occupancy and provided further, that such building or portions of the building(s) or structure(s) are in conformity with the provisions of this Ordinance. The Building Official may issue a Temporary Certificate of Occupancy for a period of time judged by the Building Official as necessary to complete the construction, but in no case exceeding the time limit of the applicable building permit, provided that a cash bond or irrevocable letter of credit determined by the Building Official as

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

equivalent to the value of the amount of work to be finished is put in escrow to insure completion of the work. In fixing the amount of such bond, the Building Official shall also take into account, the work remaining to be completed and the costs and expenses which might be incurred by the Township in order to compel the owner to comply by Court Decree, and such other factors and conditions as might be relevant in determining the amount of the bond. The temporary occupancy shall be conditioned upon the opinion of the Building Official that no unsafe condition exists.

FEBRUARY 10, 2004

PAGE 522

ARTICLE 30.00

Amended October 12, 2004, by Zoning Ordinance No. 200-70.

Section 30.01.3(c) 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 building or structure are completed at the same time as the principal use.

Section 30.01.3(d) APPLICATION FOR CERTIFICATES. Certificates of Occupancy shall be applied for in writing to the Building Official coincidentally with application for building permits and shall be issued within (5) days after notification of completion of the building, if it is found that the building or structure or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such Certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

Section 30.01.4 FINAL INSPECTION

The recipient of any building permit for erection, construction, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection. It is the responsibility of the recipient of the building permit to prohibit occupancy of said building prior to a Certificate of Occupancy being issued.

Section 30.01.5 FEES

Fees for inspections and the issuance of permits or Certificates of

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

Occupancy thereof, required or issued under the provisions of the Ordinance shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates.

Section 30.02 FLOODPLAIN BUILDING PERMITS

From and after the effective date of this amendment, it shall be unlawful to proceed with excavation for any building, the construction, alteration, enlargement, demolition, moving of any building or removal of any building without first obtaining a building permit. No permit shall be issued unless such building is designed and arranged to conform to the provisions of this Article. Said building permit shall be required for any **FEBRUARY 10, 2004 PAGE 523 ARTICLE 30.00** development occurring within the Floodplain District area even though said development may not involve the actual construction of a building or structure.

Section 30.02.1 PERMIT APPLICATION. Application for a building permit or occupancy permit shall be filed in writing, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership, or corporation.

Section 30.02.1(a) Application Requirements. There shall be submitted with all applications for building permits two (2) copies of a site layout or plot plan, drawn to scale, showing where applicable:

- Section 30.02.1(a)(1) The location, shape, area, and dimension of the lot.
- Section 30.02.1(a)(2) The location, dimensions, height and bulk of the existing and/or proposed structures, to be erected, altered or moved on the lot.
- Section 30.02.1(a)(3) The intended uses.
- Section 30.02.1(a)(4) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
- Section 30.02.1(a)(5) The yard, open space, and parking space dimensions.
- Section 30.02.1(a)(6) The proposed parking areas and surfacing.
- Section 30.02.1(a)(7) The number of loading and unloading spaces provided.

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

Section 30.02.1(a)(8) Any other information deemed necessary by the Building Official to determine and provide for the enforcement of this Article.

Section 30.02.1(b) Evidence of Ownership. All applications for building permits under the provisions of this Article shall be accompanied with evidence of ownership, or contract right to ownership, to the property to be covered by the permit.

FEBRUARY 10, 2004

PAGE 524

ARTICLE 30.00

Section 30.02.2 VOIDING OF PERMIT. Any building permit granted under this Section shall become null and void unless the development proposed shall have passed its first building inspection within one year from the date of the granting of the permit.

Section 30.02.3 INSPECTION. The construction or usage affected by any building permit shall be subject to periodic inspections in accordance with the Uniform Building Code.

FRENCHTOWN CHARTER TOWNSHIP ZONING ORDINANCE NO. 200

FEBRUARY 10, 2004

PAGE 525

ARTICLE 30.00