

CHAPTER 1242

Administration, Enforcement and Penalty

1242.01 Enforcement by Planning Commission and City Commission.

1242.02 Fees.

1242.03 Variances.

1242.99 Penalty.

CROSS REFERENCES

Approval of plats; street system - see M.C.L.A. Sec. 125.43

Regulations governing subdivision of land; bond to secure improvement; publication of regulations - see M.C.L.A. Sec. 125.44

Approval or disapproval of plats; procedure; effect - see M.C.L.A. Sec. 125.45

Certification of city plats - see M.C.L.A. Secs. 125.51 et seq.

1242.01 ENFORCEMENT BY PLANNING COMMISSION AND CITY COMMISSION.

These Subdivision Regulations shall be interpreted and enforced by the Planning Commission and the City Commission pursuant to and under the authority of Act 285 of the Public Acts of 1931, as amended (M.C.L.A. 125.31 et seq.) and Act 288 of the Public Acts of 1967, as amended (M.C.L.A. 560.101 et seq.). (1976 Code Sec. 15.08)

1242.02 FEES.

(a) Plan Review. Fees for subdividing land shall be in accordance with a schedule recommended by the Planning Commission and adopted by the City Commission, as published and amended from time to time.

(b) Construction Inspection. Prior to the approval of the City for the proprietor to proceed with the installation of required utilities, a deposit in the amount of four percent of the contract costs of the utilities proposed for construction shall be received to guarantee any construction inspection expense of the City. Upon completion of the project, actual expenses shall be itemized and accounted for, based on payroll cost plus thirty-five percent. The excess, if any, shall be returned to the depositor, and if the deposit is insufficient to cover the expenses, the depositor will be billed for the deficiency. (1976 Code Sec. 15.09)

(c) Final Plat Approval. The final plat approval fee shall be determined by resolution of the City Commission.

1242.03 VARIANCES.

The City Commission may authorize a variance from these Subdivision Regulations when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the City Commission shall prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings as required in this section, the City Commission shall take into account the nature of the proposed use of land, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the City Commission finds that:

- (a) There are special circumstances or conditions affecting the property such that the strict application of these Subdivision Regulations would deprive the applicant of the reasonable use of his or her land;
- (b) The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and
- (c) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(1976 Code Sec. 15.13)

1242.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of these Subdivision Regulations shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, in the discretion of the court. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The subdivision or use of land in violation of these Subdivision Regulations is hereby declared to be a nuisance per se, and any court of competent jurisdiction may order such nuisance abated. Any person so violating these Subdivision Regulations shall be adjudged guilty of maintaining a nuisance per se.

(1976 Code Sec. 15.10)