

October 23, 2012

The Regular meeting of the Otsego County Board of Commissioners was held in the County Building at 225 West Main Street, Room 100. The meeting was called to order at 9:30 a.m. by Chairman Paul Beachnau. Invocation by Commissioner Ken Borton, followed by the Pledge of Allegiance led by Commissioner Clark Bates.

Roll call:

Present: Clark Bates, Paul Beachnau, Paul Liss, Lee Olsen, Erma Backenstose, Richard Sumerix, Ken Borton, Bruce Brown.

Excused: Doug Johnson.

Motion by Commissioner Clark Bates, to approve the regular minutes of October 9, 2012 with attachments. Ayes: Unanimous. Motion carried.

Consent Agenda:

Motion to approve the FY 2012 ORV Budget Amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the FY 2012 Parks and Recreation Budget Amendment. Ayes: Unanimous. Motion carried. (see attached)

Administrator's Report:

John Burt reported on the roof work at building and grounds; Groen property.

Committee Reports:

Motion by Commissioner Lee Olsen, to loan Otsego County Emergency Medical Services \$119,073 from the public improvement fund (fund 245) for the purchase of a new ambulance with repayment over 5 years at a 4% interest rate. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Liss, to approve the updated Land Use Services Ordinance Enforcement Policy. Ayes: Unanimous. Motion carried. (see attached)

Roberta Tholl reported on the Road Commission.

Correspondence:

The September 2012 Finance reports were reviewed.

New Business:

Motion by Commissioner Clark Bates, to approve the October 16, 2012 Warrant in the amount of \$146,893.32 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Erma Backenstose, to approve the October 23, 2012 Warrant in the amount \$268,756.20 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Richard Sumerix, to appoint Jon Deming as the Emergency Management Coordinator, and John Burt as the Emergency Management Deputy Coordinator. Ayes: Unanimous. Motion carried.

Board Remarks:

Commissioner Ken Borton: MAC Conference.

Chairman Paul Beachnau: Business showcase October 24, 2012 at Treetops, 4pm-7pm.

Meeting adjourned at 9:53 a.m.

Paul M. Beachnau, Chairman

Susan I. DeFeyter, Otsego County Clerk



Land Use Services Ordinance Enforcement Policy

The purpose of this policy is to ensure that all violations of the adopted codes within Otsego County, investigated by the Land Use Services Department, are treated in a uniform and fair manner.

Zoning Department Procedures

The Enforcement Officer(s) employed/contracted by Otsego County Land Use Services are responsible for working with Township and County Officials to enforce zoning ordinance violations.

Violations of the Zoning Ordinance have been designated as Municipal Civil Infractions, such violations are not criminal in nature and enforcement of such violations must follow a specific procedure.

It is not the intent of Otsego County Land Use Services to enforce violations for the sole purpose of obtaining fines. The purpose and intent of Otsego County Land Use Services is to insure that all citizens within the County know and understand the Zoning Ordinance and are provided assistance in order to comply with the rules and regulations found in the Zoning Ordinance.

It is not the policy of Otsego County Land Use Services to patrol and look for violations of the County Zoning Ordinance. However, all inspectors have a duty to report any activity that appears to be in conflict with the Adopted Codes within Otsego County. Violations of the Zoning Ordinance will also be investigated based on complaints received by the Zoning Department from private citizens or from Township or County Officials. The following procedures will be followed upon receipt of a complaint.

1. Upon receipt of a complaint, Otsego County Land Use shall assign a Zoning Enforcement Officer to investigate the complaint to verify the violation.
2. Upon verification of a violation of the Zoning Ordinance, Otsego County Land Use Services will act as the complainant and all previous information regarding the complaint will be held strictly confidential.
3. Otsego County Land Use Services will, by first class mail, notify the property owner of the property in question, of the violation and request that the violation be corrected within a specific time period. The time period will be determined by Otsego County Land Use Services based on the type of violation and other factors such as the weather.
4. If the property owner contacts Otsego County Land Use Services immediately in response to the initial letter, Land Use Services shall work with the property

owner to insure that the violation is corrected in a reasonable period of time as agreed upon between the property owner and Land Use Services. Otsego County Land Use Services shall continue to monitor the property to verify that the property owner is complying with the agreed correction of the violation.

5. In the event that no action is taken by the property owner following the mailing of the written notification of the violation, Otsego County Land Use Services shall follow the procedures required for issuance of a Municipal Civil Infraction Citation. Otsego County Land Use Services shall mail to the property owner a "Notice of Violation" form advising the property owner that the property owner has two (2) weeks to contact Otsego County Land Use Services, pay a fine and arrange for the correction of the violation. The property owner may instead choose to deny responsibility for the violation.
6. If the property owner contacts Otsego County Land Use Services, pays the fine and agrees to correct the violation, Land Use Services shall work with the property owner to arrange for the violation to be corrected within a reasonable period of time. Land Use Services shall continue to monitor the property to verify that the property owner is complying with the agreed correction of the violation.
7. If the property owner does not reply to the "Notice of Violation" or if the property owner denies responsibility for the violation, Otsego County Land Use Services shall mail to the property owner a "Citation" form advising the property owner that the property owner must appear in Otsego County District Court regarding the violation. A copy of the "Citation" form will be provided to the District Court Clerk and the matter will, from then on, be within the jurisdiction of the District Court.

Building Department Procedures

The Building and Construction Trades inspectors employed/contracted by Otsego County Land Use Services are responsible for working with residential and business property owners, architects, engineers, building contractors, and builders to enforce the State of Michigan Residential Building Code, Michigan Building Code and all other state codes adopted by Otsego County.

The Michigan Building Codes are minimum requirements necessary to insure safe construction and installation of plumbing, mechanical and electrical components within residential and commercial structures. Building Codes are State mandated regulations necessary to insure the health and safety of the public,

All inspectors have a duty to report any activity that appears to be in conflict with the Adopted Codes within Otsego County. In addition, violations of the Adopted Codes within Otsego County will be investigated based on complaints received by Otsego County Land Use Services from private citizens or from Township or County Officials. The following procedures will be followed upon receipt of a complaint:

A. Inspector observes work being conducted: (workers on site)

- i. The inspector shall first contact Otsego County Land Use Services to verify whether or not a permit has been issued for the subject property. If it is verified that a permit has been issued, the Inspector shall do nothing further. If it is verified that no permit has been issued on the subject property, Otsego County Land Use shall initiate an enforcement action on the subject property.
- ii. Otsego County Land Use will schedule an inspection and instruct the inspector to stop and inform the person(s) that a permit is required for the work being conducted and direct the person(s) to contact Otsego County Land Use Services for the proper permits. The inspector shall photograph the work being completed to document the enforcement action. Upon returning to the Otsego County Land Use office, the inspector shall insert the results of the inspection and attach photographs taken during the inspection to the property file.

B. Inspector observes work being conducted: (no workers on site)

- i. The inspector shall first contact Otsego County Land Use Services to verify whether or not a permit has been issued for the subject property. If it is verified that a permit has been issued, the inspector shall do nothing further. If it is verified that no permit has been issued on the subject property, Otsego County Land Use shall initiate an enforcement action on the subject property.
- ii. Otsego County Land Use will schedule an inspection and instruct the inspector to photograph the suspected violation(s) and leave a door tag requesting the property owner contact Otsego County Land Use Services.
- iii. Upon returning to the Otsego County Land Use office, the inspector shall insert the complete results of the inspection including which code and what sections of that code are being violated and attach photographs taken during the inspection to the property file.

General:

1. Upon verification of a violation, Otsego County Land Use Services will act as the complainant and all previous information regarding the complaint will be held strictly confidential.
2. Otsego County Land Use shall send a notice of violation letter to the property owner/Contractor. The letter shall contain all violations with code section number(s) attached. The notice of violation will be mailed by first class mail, notifying the property owner/contractor of the violation(s) and requesting that the property owner/contractor contact Otsego County Land Use Services within the specified time frame so that the violation(s) can be corrected.
3. If the property owner contacts Otsego County Land Use Services immediately in response to the initial letter of concern, Land Use Services shall work with the property owner to insure that the violation is corrected in a reasonable time frame as agreed upon between property owner and Land Use Services. Otsego County Land Use Services shall continue to monitor the property and the Building Department permitting system to verify that the property owner is working with the Department to comply with the Building Code requirements.
4. In the event that no action is taken by the property owner, after two (2) weeks following the mailing of the written notification of the violation, Otsego County Land Use Services shall follow the procedures required for issuance of a Misdemeanor Citation. Otsego County Land Use Services shall mail to the property owner a "Citation" form advising the property owner that the property owner must appear in Otsego County District Court regarding the violation. A copy of the "Citation" form will be provided to the District Court Clerk and the matter will, from then on, be within the jurisdiction of the District Court.

This policy replaces the earlier adopted Land Use Services Ordinance Violation Policy.