

## **ARTICLE XXIII**

### **ADMINISTRATION AND ENFORCEMENT**

#### **SECTION 23.01      PURPOSE**

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspections of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

#### **SECTION 23.02      ADMINISTRATION**

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Michigan P.A. 168 of 1959, as amended, "Township Planning Act"; P.A. 184 of 1943, as amended, "Township Zoning Act" and this Zoning Ordinance. *[editor's note: P.A. 184 rescinded and replaced by P.A. 110 of 2006]*

The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out certain administrative and enforcement assignments of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

#### **SECTION 23.03      DUTIES OF ZONING ADMINISTRATOR**

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special land use permits, planned unit developments and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the official Township Zoning Map and keep it current.
- D. Maintain written records of all actions taken by the Zoning Administrator.  
*[amende 1-14-98]*

## **SECTION 23.04 ZONING PERMIT**

A. ZONING PERMIT REQUIREMENTS: A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:

1. The administrative coordination of Zoning Permits issued by the Township and Building Permits by the Building Inspector shall be in accordance with Section 3.12 of this Ordinance.
2. The construction, enlargement, alteration or moving of any dwelling, building or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes.
3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a Zoning Permit.

### **B. APPLICATION FOR A ZONING PERMIT**

Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

1. The location, shape, area and dimensions for the parcel(s), lot(s) or acreage, and all existing improvements on the lot or parcel.
2. The location of the proposed construction, upon the parcel(s), lot(s) or acreage affected.
3. The dimensions, height, bulk and floor area of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use(s).
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard, open area and parking and loading space dimensions, if applicable.
8. The proposed plan and construction specifications of off-street parking spaces, if applicable.

9. The proposed plan and construction specifications of off-street loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.
11. Any other information specified by the Planning Commission as a condition of site plan approval. *[amended 7-12-00]*

If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee.

- C. VOIDING OF PERMIT: Any Zoning Permit granted under this Article shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall notify the holder of the permit at least thirty (30) days prior to the expiration of the one year (1) year period before voidance of the zoning permit is actually declared. The Zoning Administrator may suspend or revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.
- D. FEES, CHARGES, AND EXPENSES: The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for Zoning Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, until preliminary charges and fees have been paid in full.
- E. INSPECTION: The construction or usage affected by any Zoning Permit shall be subject to the following inspections:
  1. At time of staking out of building foundation or location of structure.
  2. Upon completion of the construction authorized by the permit.
  3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setbacks and other requirements of the Ordinance. The Zoning Administrator shall issue his written

approval at the time of inspection if the building or proposed construction meets the requirements of this Ordinance.

4. Should the Zoning Administrator determine that the building or structure is not located according to the site and construction plans filed, or is in violation of any provisions of this Ordinance, or any other applicable law, he shall so notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for reinspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
5. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements, and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

#### **SECTION 23.05 VIOLATIONS**

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

#### **SECTION 23.06 PENALTIES**

Any violation of this Ordinance or any code or standard adopted hereunder, or any part thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00) plus costs and/or confinement in the county jail for a term not to exceed ninety (90) days. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance and said code. Each day that a violation continues to exist shall constitute a separate offense. *[amended 1-14-98]*

#### **SECTION 23.07 ENFORCEMENT PROCEDURE**

In addition to the enforcement actions provided in Section 23.04.E, 1-5, the following additional enforcement procedures may be applicable in the instances of violations of (1)

provisions of this Zoning Ordinance, (2) approved special uses, (3) approved planned unit developments, (4) approved site plans or (5) decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance:

- A. When a violation is initially determined by the Zoning Administrator, it shall be the Administrator's responsibility to issue a "Notice of Zoning Ordinance Violation" to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. This Notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
  - 1. Date and location of each violation observed by the Zoning Administrator.
  - 2. Name(s) and addresses of owner(s) and occupant(s).
  - 3. Specific section(s) of the Zoning Ordinance which has been violated. If more than one violation, list each violation and each section violated.
  - 4. Length of time allowed before further prosecution of the violation(s).
- B. Failing compliance by owner(s) and occupant(s) by specified date in A. above, the Zoning Administrator shall issue a "Second Notice of Zoning Ordinance Violation."
- C. Failure to comply with the procedures outlined in A. and B. above may then upon recommendation of the Zoning Administrator result in the issuance of a "Notice of Show-Cause Hearing" by the Township Board and the holding of a special hearing by the Board for those parties interested in the violation(s).
- D. Failure to comply with the procedure of A, B, and C above may then result in the issuance of a "Show-Cause Hearing, Finding and Order" by the Township Board. The Show-Cause Hearing, Finding and Order Form shall indicate the findings of fact about the violation(s) by the Township Board, the Board's conclusions and its order for compliance with the Zoning Ordinance with respect to reach violation.
- E. Failure to comply with the procedure outlined in 1-4 above may then be followed by the instituting of a procedure to seek a bench warrant from the Judge of the District Court for the owner(s) and occupant(s) of the property upon which the violation(s) occurred into court to seek correction of the violation(s). The information contained in the request to District Court for a bench warrant shall be drafted by the Township Attorney, submitted to the Township Board for its approval and submitted to the District Court Judge for appropriate setting of the date and determination for correcting the violation(s).

- F. At the discretion of the Township Board the Township may seek corrections for all violations by any other means available to it under the laws of Michigan for such violations.