

ARTICLE 14 ADMINISTRATION AND ENFORCEMENT

Section 14.01 Administration

The provisions of this Ordinance and the Township land use plan, shall be administered by the Township Planning Commission with final approval of the Township Board, and in accordance with 2006 PA 110, as amended (MCL 125.3101, et seq.) and 2008 PA 33, as amended (MCL 125.3801 et seq.). The Township Board shall appoint a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment and rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, Zoning Administrator shall have the powers of a police officer and shall be sworn in by the Township Clerk. The Township Board may appoint such assistants to the Zoning Administrator as may be necessary to aid the Zoning Administrator in the performance of his duties hereunder. In the absence of the Zoning Administrator, the Township Board shall designate an individual or a Zoning Administrator from another governmental unit who shall assume all the powers and duties of the Zoning Administrator.

Section 14.02 Duties of a Zoning Administrator

The Zoning Administrator shall:

- A. Issue a zoning permit prior to the issuance of a building permit. The zoning administrator shall base the issuance of a zoning permit only when the permit complies with all provisions established by this Ordinance.
- B. Review all applications for conditional use permits; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant, in writing, of any decision of the Planning Commission.
- C. Review all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and other wise process applications to the Zoning Board of Appeals for determination.
- D. Review all applications for amendments to this Ordinance, conduct field inspections, survey and investigation, prepare maps, charts and other pictorial materials when necessary or desirable, and other process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
- E. Prepare and submit to the Township Board Clerk a written record of all zoning compliance permits issued during each month. The record shall state the owner's name, location or property, intended use and estimated cost of construction for each permit.
- F. Maintain written records of all actions taken by the Zoning Administrator.
- G. The Zoning Administrator shall prepare and submit to the Township Clerk a written record of all compliance permits issued during each month. The record shall state the owner's name, location or property intended use and estimated cost of construction for each permit

Section 14.03 Duties of the Building Inspector

The Building Inspector referred to in this Ordinance is and shall be the Building Inspector appointed by the Township Board pursuant to the provisions of 1972 PA 230, as amended (MCL 125.1501 et seq.), known as the "Stille-DeRossett-Hale single state construction code act" and the building inspector shall have and perform duties as therein set forth.

Section 14.04 Building Permits

A building permit is required for and shall be obtained, prior to the construction, enlargement, alteration, conversion or moving of any building or structure or any part thereof, except under the following circumstances:

- A. The erection and placing of a portable structure necessary to an agricultural operation in an agricultural district so long as the placement of said building shall conform to the setback and height requirements of the district in which it is located.
- B. Repairs of a minor nature such as painting and general maintenance and upkeep which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light and ventilation of a building or structure.
- C. Accessory or portable building two hundred (200) square feet or less.

Section 14.05 Application for Any Construction Permit

Application for a building permit and/or occupancy permit shall be made in writing upon a form furnished by the Building Inspector or Zoning Administrator. The application shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered or moved. There shall be submitted with all applications for building permits and/or occupancy permits one of a site layout or plot plan showing or providing information as required by the application.

The Building Inspector shall make every effort to notify the holder of a permit that he is liable for voiding action before voidance is actually declared. The Building Inspector may suspend or revoke a permit issued in error on the basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.

Section 14.06 Occupancy Permit

No lot, building or structure for which a building, conditional use or other permit was or should have been obtained under this Ordinance or other law, shall be occupied or used until an Occupancy Permit shall have been issued by the Building Inspector. The Building Inspector shall inspect the lot and building and structure which is the subject of an application for a Building Permit at the time of the staking out of the building foundation, at the completion of the work authorized by the permit and at such other times as are required by the State Construction Code (Act 230) and shall determine on such inspections whether or not the construction or alteration of the building or structure or the use or occupancy of the lot conforms to the information provided in the application for the Building Permit, the Conditional Use Permit, and the provisions of this Ordinance and all other laws relating to the construction, alteration conversion or moving of the building or structure. It shall be the duty of the holder of every Building Permit and every Conditional Use Permit to notify the Building Inspector of when the lot, building or structure is ready for inspection. Following each inspection, the Building Inspector shall notify the holder of each permit, or his agent, as to whether or not the construction is in compliance with the application and this Zoning Ordinance at the time of inspection. Should the Building Inspector determine that the use, building or structure is not in compliance with the application of

this Ordinance, further construction or use of the lot, building or structure or any part thereof, shall cease until such lot, building or structure has been brought into compliance and approved by the Building Inspector following notice of and request for re-inspection and re-inspection duly made by the Building Inspector.

Should a permit holder fail to comply with the requirements of the Building Inspector or this Ordinance at any inspection stage, the Building Inspector shall report in writing such failure to the Township Clerk and revoke all Building, Conditional Use or Occupancy permits issued. The Building Inspector 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 and notice to the permit holder of the cancellation thereof; no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this Ordinance. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permits requiring the issuance of new permits before construction may proceed.

Following the final inspection of the lot, building or structure and the finding of the Building Inspector that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this Ordinance, the Building Inspector shall issue an Occupancy Permit therefore.

Section 14.07. Permit; Voidable.

Any permit granted under the provisions of this Article shall be governed by 1972 PA 230 (MCL 125.1501 et seq.) ("The Stille-DeRossett-Hale single state construction code act ").

Section 14.08 Fees, Charges and Expenses

The Township Board or Zoning Administrator shall establish a schedule of fees, charges and expenses, and a collection procedure for Building or Occupancy, both by Zoning Administrator; or Conditional Use Permits, appeals, variances and other matters pertaining to the Ordinance by the Township Board. The schedule of fees shall be posted in the Tekonsha Township Office and may be altered or amended by the Township Board only. No permit, certificate, conditional use approval or variance shall be issued until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, until preliminary charges and fees have been paid in full.

Section 14.09 Violations – Nuisances per Se

Any building or structure, including tents, mobile homes, and campers, which are erected, constructed, reconstructed, altered, converted, maintained or changed in violation of any provisions of this Ordinance is prohibited and hereby declared to be a nuisance per se.

Section 14.10 Penalties

Any person, firm or corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be responsible for a municipal civil infraction and shall pay a fine. 'Schedule of fines' to be set and periodically reviewed by the Township Board.

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by the law in addition to the fines called for above.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Every day that a violation is permitted to exist shall constitute a separate offense. The imposition of any fine shall not exempt the offender from compliance with the provisions of this Ordinance.

Section 14.11. Enforcement of Zoning by Zoning Administrator

In addition to all other remedies provided herein, the zoning administrator in the event it determines a structure, including tents, mobile homes, campers, recreational vehicles, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed, or abandoned in violation of any provisions of this ordinance, may, following the expiration of 30 days after notice of intent to proceed under this section is given to the owner of record of said land or premises at the last address shown on the records of said township, undertake to correct the violation and to assess the land or premises for the cost thereof, which said assessment shall become a lien upon said land and shall be collected in the same manner as township taxes in accordance with the law in such case made and provided.

Section 14.12 Compliance Bond

- (1) To ensure compliance with this ordinance and any conditions imposed under this ordinance, the township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements be deposited with the Treasurer of the township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The township shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.
- (2) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act, 1967 PA 288, MCL 560.101 to 560.293.