

## ARTICLE XXVIII

### ADMINISTRATION, ENFORCEMENT AND FEES

#### Section 28.1 Administration

The provisions of this Ordinance shall be administered by the Zoning Administrator, a person duly appointed by the Board of Trustees.

#### Section 28.2 Zoning Compliance Permits *(As amended June 8, 2015 effective date June 20, 2015)*

- (A) A building or structure in excess of 25 square feet, whether permanent or temporary, shall not be erected, moved, placed, reconstructed, extended, enlarged or structurally altered unless such activity is performed in accordance with a zoning permit issued by the Zoning Administrator under the terms of the Ordinance.
- (B) A zoning permit issued by the Zoning Administrator shall be required prior to issuance of a building permit. The erecting, moving, placement, reconstruction, extension, enlargement or structural alteration of any building or structure prior to issuance of zoning and building permits is declared to be a violation of this Ordinance.
- (C) An application for a zoning permit shall be on a form provided by the Township. The application shall include a drawing and such plans and specifications as are required by the terms of this Ordinance.
- (D) A zoning permit application shall also include such other drawings, plans and specifications as may be required by the Zoning Administrator.

#### Section 28.3 Other Permits

The Zoning Administrator shall be responsible for review and approval or denial of various additional types of permits under terms of this Ordinance, including but not limited to:

- (a) Private road permit. (Section 21.26)
- (b) Temporary buildings and uses. (Sections 21.27 and 21.28)
- (c) Land Division. (Section 21.36)
- (d) Minor Home Occupation Permit. (Section 19.43)
- (e) Special Land Use Permit. (Section 19.6)
- (f) Flood Plain Management Permit. (Section 22.2)
- (g) Collection and Managing Performance Guarantees. (Section 20.9)
- (h) Collection and Managing Escrow Funds. (Section 28.6)
- (i) Minor Site Plan Amendments. (Section 20.10)
- (j) Stop Work Orders. (Section 28.9)
- (k) Household and Recreational Storage Facility Special Use (Section 21.40)
- (l) Civil Infraction Citations or Notice of Civil Infraction (Section 28.10)

**Section 28.4 Accessory Buildings and Structures**

Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged, or structurally altered, at the same time as the principal building on the same lot or premises and when shown on the application for the zoning permit for the principal building, shall not require the issuance of a separate zoning permit. A separate zoning permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or structurally altered separately, or at a different time than the principal building on the same lot or premises.

**Section 28.5 Certificate of Occupancy**

No building shall be occupied or use established on land until and unless site improvements required by this Ordinance or the Planning Commission have been completed. The Zoning Administrator or designee shall conduct a final site inspection to confirm full compliance.

If due to late season winter weather, completion of required site improvements may not be possible, the proprietor may enter into an escrow agreement whereby improvements required are guaranteed by a cash or equivalent deposit with the Township. The Zoning Administrator shall determine a reasonable amount to guarantee completion of the required site improvements.

**Section 28.6 Escrow Fund Requirements**

For all forms of applications, review and approvals required by this Ordinance that require a professional consultant be retained by the Township, on-site inspection during construction or periodic follow-up inspections, a cash escrow deposit will be required. The amount of escrow deposit will vary based on the type and nature of the project to be reviewed. The Zoning Administrator or Planning Commission shall determine the amount of escrow required.

The escrow amount will be collected by the Zoning Administrator and placed on deposit with the Township Treasurer in the Township Trust and Agency Fund.

Monies spent by the Township from escrow funds shall be accounted for by the Treasurer to the applicant. If funds are depleted and additional funds are required, the Zoning Administrator shall notify the applicant that additional funds are required.

Types of applications typically requiring this form of escrow involve significant site work requiring inspection and include but are not limited to:

- (a) Site plan reviews where it is determined by the Planning Commission that the costs will likely exceed the application fee.

- (b) Planned unit developments (PUD).
- (c) Special Use Permits.
- (d) Plat approvals.
- (e) Site condominiums.
- (f) Private road approvals/permits.
- (g) Certain variance proceedings before the Zoning Board of Appeals – the escrow policy will only apply where the Township determines that the scope of the project or application will probably require the assistance of a professional or involve additional costs incurred by the Township.

**Section 28.7 Expiration of Zoning Compliance Permit**

A Zoning Compliance Permit for which all construction has not been completed within one year from the date of its issuance shall expire automatically. A zoning permit expiring automatically pursuant to this section shall, upon re-application, be renewable once for an additional term of one year upon payment of the applicable fee.

**Section 28.8 Cancellation of Zoning Compliance Permit**

The Zoning Administrator may revoke and cancel any zoning permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance or any of those of the zoning permit, or in the event of any false statement or misrepresentation in the application for the permit.

Notice of any such cancellation and revocation shall be securely posted at the construction site. Such posting shall constitute service of notice upon the permit holder as to the cancellation and revocation of the permit.

**Section 28.9 Stop Work Orders**

Upon notice from the Zoning Administrator that any use being conducted or that any work on any building or structure is contrary to the provisions of this Ordinance, such use or work shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, at the owner's last known address or as that address is shown in the current property tax assessment roll.

Any person who shall continue to work in or about the structure, land or building or use it after a stop work order has been posted on the land or at the site shall be in violation of this Ordinance, except such work as such person may be directed to perform in order to moderate or remove a violation.

**Section 28.10 Enforcement**

- (A) Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised extended, enlarged, structurally altered, maintained or changed, in violation of any provision of this Ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals or the Planning Commission, issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance per se.
- (B) A violation of this Ordinance is a municipal civil infraction, for which the fines shall not be less than specified in the Township's Municipal Civil Infractions Ordinance and in the discretion of the Court, and is in addition to all other costs, damages, attorneys' fees, and expenses provided by law.
- (C) Each day during which any violation continues shall be deemed a separate offense.
- (D) The following Township officials are authorized to issue citations for violation of provisions of this Ordinance which are designated to be municipal civil infractions or notice of civil infraction, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation:
  - (1) Zoning Administrator
  - (2) Code Enforcement Officer
- (E) The Township may also institute injunction, mandamus, abatement or any other appropriate legal action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and are in addition to all other remedies provided by law.

**Section 28.11 Fees, Charges and Escrow Payments**

All applicants for rezoning of lands, special land uses, site plan approval, site condominium approvals, variances, permits, and all other land use review, consideration or approval provided for by the terms of this Ordinance, shall pay to the Township any required application fee and other fees or charges established by resolution of the Township Board. Applicants shall also deposit sums into an escrow account as provided by resolution of the Township Board, and such deposited sums shall be used for reimbursement of Township expenses with respect to the zoning approvals or other relief being applied for, in accordance with any such Township Board resolution and the terms of this Ordinance.

Any application for consideration and approval hereunder, shall not be complete, and need not be considered, until the required application fee and other charges

have been paid in full and until the deposit of the required sum in any required escrow account has taken place, and such deposit maintained or reestablished at the required amount.

**Section 28.12 Required Public Notices**

Except where expressly stated or by the Michigan Zoning Enabling Act, being 110 PA 2006 [MCL 125.3101 et seq], as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- (A) The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- (B) For applications involving the rezoning of property; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
  - (1) The applicant;
  - (2) All persons to whom real property is assessed within 500 feet of the property that is subject of the application;
  - (3) The occupants of all structures within 500 feet of the property that is the subject of the application.

If the above described 500-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the prescribed radius, to all persons in the above-stated categories.

- (C) The notice of public hearing shall include the following information:
  - (1) A description of the nature of the application or request.
  - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if 11 or more adjacent properties are being proposed for rezoning.
  - (3) State when and where the application or request will be considered.
  - (4) Identify when and where written comments will be received concerning the application or request.

**Sections 28.13 Zoning Administrator determination of Right-To-Farm Act preemption**

Should an issue arise involving a farm or agricultural operation and whether a particular regulation or restriction contained in this Ordinance is preempted or precluded by the Michigan Right to Farm Act, being MCL 286.471 *et seq.*, the Zoning Administrator shall determine whether any such preemption precludes the applicability of one or more provisions of this Ordinance to the farm or agricultural operation involved. The Zoning Administrator may require that the owner or applicant of the farm or agricultural operation involved submit reasonable information to the Township so that the Zoning Administrator can make the determination regarding whether or not preemption applies, and if so, to what extent.

**Sections 28.14 – 28.99** *[Reserved]*