

## **ARTICLE TWENTY-THREE (23)**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 23.01            Administration:**

The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Township Board shall have the right to delegate said responsibility to appropriate Township officers or employees and may entertain recommendations for such officers or employees from the Township Supervisor. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s). Said Zoning Administrator(s) shall have the power of a public officer in the enforcement of this Ordinance.

#### **Sec. 23.02            Duties of Zoning Administrator:**

- a.     The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance. No person shall refuse to permit the Zoning Administrator to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator in the discharge of his duties.
  
- b.     If the Zoning Administrator finds that any provision of this Ordinance is being violated, he/she shall order discontinuance of any illegal work being done; or shall take such action as authorized by this article to insure compliance with, or to prevent violation of the provisions of this Ordinance.
  
- c.     The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance to any person making application under the requirements of this Ordinance.
  
- d.     It shall be unlawful for the Zoning Administrator to issue Certificate of Zoning Compliance or other such permits, for any construction or use until he/she has inspected such plans and found them to conform to this Ordinance.

#### **Sec. 23.03            Certificate of Zoning Compliance:**

- a.     A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate of Zoning Compliance has been issued. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance. The Zoning Administrator shall provide written notice to the applicant stating the reasons why a Preliminary Certificate of Zoning Compliance cannot be issued and shall be sent to the applicant within fifteen (15) days after the Zoning Administrator is provided with the plans for which the building permit is requested.
  
- b.     It shall be unlawful to use or occupy or permit the use or occupancy of any building or

premises, or both, or part thereof, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a final Certificate of Zoning Compliance has been issued by the Zoning Administrator. The Certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

- c. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance.
- d. It shall not be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain a Certificate of Zoning Compliance in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended until a preliminary Certificate of Zoning Compliance has been issued by the Zoning Administrator. The certificate shall state specifically wherein the nonconforming building, structure or use differs from the provisions of this Ordinance.
- e. The applicant for a final Certificate of Zoning Compliance shall notify the Zoning Administrator when final inspection is desired. The final Certificate of Zoning Compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said Certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Administrator is notified that the building, structure or premises is ready for inspection.

**Sec. 23.04            Building Permits:**

- a. No building permit for erection, alteration, moving or repair of any building greater than 200 square feet or for the erection of a fence higher than six (6) feet shall be issued until a Certificate of Zoning Compliance has been issued.
- b. No building or other structure shall be erected, moved, added to, or structurally altered without a Building Permit issued by the Building Inspector.
- c. No Building Permit shall be issued by the Building Inspector except in conformity with this Ordinance, unless he receives a written order from the Board of Appeals or Zoning Administrator in the form of an administrative review or a variance, as provided by this Ordinance.
- d. Plans submitted in application for a Building Permit shall contain information necessary for determining conformity with this Ordinance, including a copy of the Certificate of Zoning Compliance.

**Sec. 23.05            Enforcement and Violation:**

- a. Authority. The Zoning Administrator(s) shall have the authority to enforce and initiate proceedings to enforce and abate violations of the provisions of this Ordinance. Any land, dwellings, buildings, or structures, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other

rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

- b. Investigation; correction period. The Zoning Administrator shall investigate each alleged violation and shall send to the alleged violator by registered mail a written notice specifying all violations and ordering him or her to correct the violation within thirty (30) days of the notice.
- c. Violations. Any person who fails to correct a violation of any provision of this Ordinance within (30) days of the date of the notice ordering the correction shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Each day this Ordinance is violated shall be considered as a separate violation.
- d. Enforcement. The Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations requiring alleged violators of this Ordinance to appear in court.
- e. Abatement. In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.
- f. Dispute Resolution. Where it is alleged by an adjoining property owner or the Zoning Administrator that a structure is being constructed in violation of the provisions of this Ordinance or any conditions imposed by the Township on a permit, the Zoning Administrator shall have the authority to issue an order to stop the construction to allow for resolution of the dispute. The Zoning Administrator may, at his or her discretion, order the preparation of a boundary survey to determine whether a violation exists, which survey shall be paid for by the zoning permit applicant.

**Sec. 23.06            Fees:**

- a. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public displaying the office of the Zoning Administrator and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full. Fees shall be established for the following:
  - 1. Zoning permits.
  - 2. Special Use permits.
  - 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board or Zoning Administrator shall not be subject to a zoning fee.
  - 4. Classification of unlisted property uses.

5. Requests for variances from the Zoning Board of Appeals.
6. Requests for rezoning of property by individual property owners. Rezoning of property initiated by the Township Board shall not be subject to a zoning fee.
7. Site plan reviews.
8. Temporary dwelling permits issued by the Zoning Administrator.
9. Any other discretionary decisions by the Township Board, Planning Commission, or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spend by staff, and time spent by the members of the Township Board, Planning Commission, and Zoning Board of Appeals. The basic fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- b. **Additional Fees.** If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Clerk such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.