

CHAPTER 18
ADMINISTRATION AND ENFORCEMENT

Section 18.1 Zoning Administration. The provisions of this Ordinance shall be administered by the Zoning Administrator and shall be enforced by the Township Board or its designee.

Section 18.2 Building and Zoning Permits. A building or structure shall not be erected, moved, placed, reconstructed, extended, enlarged or altered unless such activity is performed in accordance with a building permit issued by the building official under the terms of the Township Building Code and the Township Zoning Ordinance.

- (b) A zoning permit shall be required for those buildings, structures and other land uses that are exempt from a building permit under the Township Building Code and the Township Zoning Ordinance. A zoning permit issued by the Zoning Administrator shall be required for the erecting, moving, placement, reconstruction, extension, enlargement or alteration of any such exempt building or structure including a bona fide farm building or structure.
- (c) An application for a building permit and an application for a zoning permit shall state the name and address of the owner and contractor, the address or description of the location of the premises, and the value of the proposed improvements. The application shall include a drawing and such plans and specifications as are required by the terms of the building code and the Zoning Ordinance. A building permit application and a zoning permit application shall also include such other drawings, plans and specifications as the building official and the Zoning Administrator, respectively, consider necessary to provide for the enforcement of this Ordinance. However, a zoning permit or building permit shall not be required for small or easily movable structures, such as storage sheds without a foundation, dog kennels or other similar structures, as determined by the Zoning Administrator.
- (d) The exemption of construction or other work from the permit requirements of the Michigan Building Code and the Michigan Residential Code, or either of them, shall not constitute approval for any construction or other work to be carried out in any manner or to any extent that is in violation of the provisions of either such code or other applicable Township ordinances or state laws.

Section 18.3 Certificate of Occupancy. No building erected or altered shall be occupied or used for any purpose until it is completed and until final inspection and final approval has been given. At such time, a certificate of occupancy can be issued by the building official, indicating that the premises or building complies with the provisions of the approved plans and the Township Building Code and other applicable ordinances of the Township.

- (b) A record of all certificates of occupancy shall be kept on file in the office of the building official.

Section 18.4 Expiration of Building and Zoning Permits. A building permit or zoning permit (for those buildings, structures and other land uses requiring a building permit or zoning permit)

shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced. A building or zoning permit expiring pursuant to this section may be renewed, upon re-application and upon payment of the applicable fee. The Building Official or the Zoning Administrator is authorized to grant, in writing, one or more renewals for such permits for periods of not more than six months each. The renewals shall be requested in writing and justifiable cause demonstrated.

Section 18.5 Cancellation of Permits.

- (a) The Building Official may revoke and cancel any building permit in the event of a failure or neglect to comply with any of the terms and provisions of this Ordinance, the Township Building Code or any terms or provisions of the building permit, or in the event of any false statement or material misrepresentation in the application for the building permit.
- (b) 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 terms or provisions of the zoning permit, or in the event of any false statement or material misrepresentation in the application for the permit.
- (c) Written notice of any such cancellation and revocation shall be hand-delivered or sent by U.S. mail to the permit holder or securely posted at the construction site. Such delivered or mailed notice or such posting shall constitute service of notice upon the permit holder as to the cancellation and revocation of the permit.
- (d) The written notice of cancellation and revocation of a building permit under the terms of this section shall terminate all rights of the building-permit-holder arising under the terms of the permit, and shall not constitute nor be construed as only a stop work order under Section 18.8.

Section 18.6 Application Fees and other Charges; Zoning Escrow Deposits and Payments.

- (a) All applicants for rezoning of lands, special land uses, site plan approval, site condominium approvals, variances, permits, special exception approvals, 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 a zoning 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.
- (b) An application for any of the above-stated land use reviews, considerations and approvals, and other applications authorized 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 zoning

escrow account has taken place, and such deposit maintained or reestablished at the required amount.

Section 18.7 Violations and Penalties.

- (a) Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, 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, license or exception granted hereunder, or any lawful order of the building official, Zoning Administrator, zoning board of appeals, or the Township Board 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 \$100 nor more than \$500 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, attorneys' fees, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- (c) In addition to the foregoing penalties, the Township may seek injunctive relief against persons alleged to be in violation of this Ordinance, and such other relief as may be provided by law.
- (d) A violation of this Ordinance includes any act which is prohibited or declared to be unlawful or an offense by the terms of this Ordinance, or which is contrary to any condition upon any permit or approval granted under this Ordinance; a violation also includes any omission or failure to act if the act is required by any provision of this Ordinance, or condition of any permit or approval given under this Ordinance.
- (e) The owner and lessee of lands upon which a violation of this Ordinance has or is occurring shall be jointly and severally responsible for such violation along with the person, partnership, limited liability company, corporation or association which commits or has committed such violation.
- (f) **Form and Service of Civil Infraction Citations.**
 - (1) Civil infraction citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's Office.
 - (2) The authorized Township official or other authorized official shall personally serve the citation upon the alleged violator; provided, however, that if the municipal civil infraction involves the use or occupancy of land or a building

or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy of the citation on the land or attaching a copy of the citation to the building or structure. In addition, in such a case, a copy of the citation shall be sent by first class U.S. mail to the owner and occupant of the land, building or structure at the owner's and occupant's last known address.

(g) Officials Authorized to Issue Municipal Civil Infraction Citations.

(1) The following Township officials and law enforcement personnel are authorized to issue citations for violation of any provision of this Ordinance if such person has reasonable cause to believe that an infraction has occurred based upon personal observation or the report of a person who allegedly witnessed the violation:

- (i) The Township Supervisor.
- (ii) The Township Zoning Administrator.
- (iii) The Township Enforcement Officer.
- (iv) A deputy of the County Sheriff's Department.

(2) If a citation is based solely upon the complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized official, then the citation may nevertheless be issued if the official has reasonable cause to believe that the violation has occurred and if the Township Attorney approves in writing the issuance of the citation, if such approval by the Township Attorney is required by law.

(h) Procedures Following Issuance of Municipal Civil Infraction Citations.

(1) A municipal civil infraction citation shall require that the alleged violator appear at the district court within a reasonable time after the citation has been issued, or within such period of time as is stated in the citation.

(2) The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for municipal civil infractions shall be as provided by law.

(i) Nothing in this section shall excuse the offender from compliance with the provisions of this Ordinance.

(j) The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating a Township ordinance shall be paid to the Township immediately upon entry of the court order. If any such fines, costs, assessments, damages and/or expenses remain unpaid or unsatisfied after the time

permitted for such payment or satisfaction, the Township may impose and record a lien upon the real property involved, to the extent permitted by law, and may enforce the lien to the extent and in the same manner as is provided by law for the enforcement of unpaid ad valorem real property taxes, including the inclusion of monetary amount of such lien upon the ad valorem property tax roll, and the collection thereof in the same manner as ad valorem real property taxes are collected.

Section 18.8 Stop Work Orders.

- (a) Upon notice from the Zoning Administrator or building official that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use 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 Township property tax assessment roll.
- (b) 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 or to avoid an unsafe condition.

Section 18.9 Publication and Delivery of Notice of Public Hearing. Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, 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 before to the date of the public hearing, in a newspaper of general circulation in the Township.
- (b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel of land; for all planned unit development and special land use applications; and for other zoning applications as to which a public hearing is required, a notice of public hearing shall be personally delivered or shall be mailed by first-class U.S. mail to the following persons, at least 15 days before the date of the public hearing:
 - (1) The applicant; the owner of the subject property, if different from the applicant.
 - (2) All persons to whom real property is assessed for property taxes within 300 feet of the property that is the subject of the application;
 - (3) One occupant of each dwelling unit in each building that contains four or fewer dwelling units and is located within 300 feet of the subject property; and

- (4) The owner or manager of a building containing more than four dwelling units, who shall be requested in writing to post the notice at the primary entrance of the building, but failure of such posting shall not constitute lack of notice to the owners or occupants of such dwelling units.

If the above-described 300-foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the 300-foot radius, to all persons stated above in this subsection.

- (c) The notice of public hearing shall include the following information:

- (1) A description 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 eleven or more adjacent properties are being proposed for rezoning.
- (3) The date and time when the application or request will be considered; the location of the public hearing.
- (4) The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.