

## **ARTICLE XX. ADMINISTRATION AND ENFORCEMENT**

### **Section 2001. PURPOSE**

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto.

### **Section 2002. ADMINISTRATION**

The provisions of this Ordinance shall be administered by the Township Zoning Administrator, Township Planning Commission and the Township Board in accordance with the State of Michigan Planning Commission Act, Act 168 of the Public Acts of 1959, as amended, the State of Michigan Zoning Enabling Act, Act 110 of 2006, as amended and the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, as amended.

The Township Board shall employ a Zoning Administrator in order to effect proper administration of this Ordinance. The individual selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the powers of a police officer and ordinance enforcement officer as provided by Michigan law.

In the absence of the Zoning Administrator, the Township Clerk or other Township officer as designated by the Township Board shall assume all the powers and duties of the Zoning Administrator.

### **Section 2003. DUTIES OF THE ZONING ADMINISTRATOR**

- A. Review all applications for building and Zoning permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit(s) if the use and the requirements of this Ordinance are met.
- B. Review all applications for special use permits; conduct field inspections, surveys, and investigations, collect maps, charts, and other pictorial materials from the applicant when necessary or desirable, and otherwise process applications so as to formulate recommendations. Notify the applicant, in writing, of any decision of the Planning Commission.
- C. Receive 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 investigation, collect maps, charts and other pictorial materials from the applicant when necessary or desirable, and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determinations.

- D. Review all applications for amendments to this Ordinance, conduct field inspections, survey and investigation, collect maps, charts and other pictorial materials from the applicant when necessary or desirable, and otherwise process applications so as to formulate recommendations; report to the Planning Commission all such applications together with recommendations.
- E. The Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- F. Be responsible for providing forms necessary for the various applications as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township board, Planning Commission and Zoning Board of Appeals.
- G. Attend all Planning Commission meetings.

**Section 2004. ZONING PERMITS**

- A. Zoning Permit Requirements: A zoning permit is required prior to the erection, addition, or alteration of any buildings or portion thereof, prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs and alterations which do not structurally change a building or structure.
- B. Application for a Zoning Permit: Application for a Zoning Permit shall be made in writing upon a blank form furnished by the Zoning Administrator. The application and two copies shall be submitted to the Zoning Administrator and shall indicate the following:
  - 1. Name of developer (if appropriate)
  - 2. Name and address of owner
  - 3. Legal description of property affected by the permit request.
  - 4. Existing zoning classification
  - 5. Description of proposed development, alteration or addition
  - 6. Estimated timetable of construction

7. Description of any restrictions to be placed on the property described in the application.
8. Any other information deemed necessary by the Zoning Administrator to determine and provide for enforcement of this Ordinance. Such information may include, but not be limited to:
  - a. Site plan at a scale specified by the Zoning Inspector
  - b. Delineation of boundaries of properties in question
  - c. Location of proposed buildings and structures, parking areas, driveways, distances between buildings and between buildings and lot lines, setback lines, all open spaces including flood plains, drainage courses, and land to be dedicated and/or reserved for parks, recreation, and permanent open space, lots to be subdivided with dimensions.
  - d. Locations of streets and other right-of-way to be dedicated.
  - e. Schedule of usable floor area and land areas by category of use, building ground coverage, square feet net lot area and preserved open space per dwelling unit, number of parking spaces, and other information necessary to establish the satisfaction of requirements.
  - f. Sketches or drawings showing maximum and typical building heights and elevations.

If the information shown on the site layout is in compliance with the above requirements and all other provisions of this Ordinance, the Zoning Administrator may issue a Zoning Permit upon payment of the required zoning fee.

- C. Voiding of Permit: In the event a Zoning Permit shall have been issued by the Zoning Administrator, and as the permitted activity has not commenced or been completed within the timetable stated on the permit, said permit shall lapse and become null and void unless, within one hundred twenty (120) days following lapsing of said permit the applicant shall apply for reinstatement thereof. The Zoning Administrator is hereby authorized to reinstate such permit, providing no original zoning permit shall be reinstated no more than once. The Zoning Administrator shall make every effort to notify the holder of a permit that is liable for voiding action before a violation 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. Fee Charges and Expenses: The Township Board may establish a schedule of fees, charges, and expenses, and a collection procedure for zoning permits, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the Office of the Zoning Administrator, and may be altered or amended only by the Township board. No permit, certificate, conditional use on

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 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 other delineation of said project.
2. Upon completion of the work authorized by the permit.

It shall be the duty of the holder of every permit to notify the Zoning Administrator when the project is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall, within a prompt and reasonable period of time, determine whether the proposed use, as indicated by corner stakes or other markings is in accordance with the zoning 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. 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 provision of this Ordinance, or any other applicable law, he shall so notify the holder of the permit, or his agent. Further activity shall be stayed until correction of the defects set forth has been accomplished and approved by the Zoning Administrator upon notice and request for re-inspection duly made.

Should a zoning permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall make report in writing of such failure to the Township Clerk. 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 and notice to the permit holder, of cancellation thereof; and no further work upon said activity 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 activity may proceed.

### **Section 2005. CERTIFICATE OF OCCUPANCY**

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises and/or building complies with the provisions

of approved plans and all Ordinances of the Township and Cass County. The Zoning Administrator shall have the responsibility of certifying that all ordinances of the Township have been complied with. Where any Special Use conditions are applicable, said conditions shall be stated on the Certificate of Occupancy.

A record of all Certificates of Occupancy shall be kept on file in the Office of the Building Inspector. A copy shall be sent to the Township Clerk and the Assessor.

**Section 2006. VIOLATIONS**

Any building or structure including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se

**Section 2007. CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

**Section 2008. PENALTIES** (added December 20, 2006)

- A. Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
  
- B. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
-1st Offense	\$150.00	\$500.00
-2nd Offense	\$225.00	\$500.00
-3rd Offense	\$325.00	\$500.00
-4th Offense	\$500.00	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Wayne Township has incurred in connection with the

municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- C. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.