

## ARTICLE XX

### ADMINISTRATION

#### §X.05 - INTENT & PURPOSE

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It is the intent and purpose of this Article to:

- (A) Provide the procedures for the administration of this Ordinance;
- (B) Establish the process for the issuance of permits;
- (C) Outline the collection of fees;
- (D) Establish the procedures for the enforcement of this Ordinance; and
- (E) Establish the penalties for violations of this Ordinance.

#### §X.10 - STAFF DUTIES

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The provisions of this Ordinance shall be administered by the Director of Planning and Zoning, or designee, except where stated otherwise.

- (A) **Issue Permits:** The Director of Planning and Zoning shall receive applications for and issue zoning permits, temporary zoning permits, sign permits, and any other permits outlined in this Ordinance.
- (B) **Issue Certificates of Zoning Compliance:** The Director of Planning and Zoning shall issue certificates of zoning compliance.
- (C) **Review Applications:** The Director of Planning and Zoning shall review all applications submitted to the Planning Commission and Zoning Board of Appeals for completeness before applications are forwarded to those bodies. The Director of Planning shall forward all administratively complete applications in a timely manner.
- (D) **File of Applications:** The Director of Planning and Zoning shall keep and maintain a record of all applications. Records shall be made available for public inspection.
- (E) **Addresses:** The Director of Planning and Zoning shall be responsible for developing and implementing an address assignment system and assigning new addresses.
- (F) **Inspections:** The Director of Planning and Zoning shall make inspections of buildings or property in order to enforce this Ordinance.
  - (1) **Assistance:** The Director of Planning and Zoning may engage the assistance of the Township Engineer, Fire Inspector, Building Inspector, other officials, and other experts to make inspections.
  - (2) **Obstruction:** Persons shall not molest, hinder, or obstruct the Director of Planning and Zoning or authorized individuals from the discharge of their duties. Any time a property owner refuses access to a building or property, the Director of Planning and Zoning shall seek a search warrant in order to make any necessary inspections.

- (G) **Ordinance Violations:** The Director of Planning and Zoning shall be responsible for enforcing the provisions of this Ordinance.
- (1) **Initiation:** Violation complaints and enforcement actions may be initiated by a complaint or by the Director of Planning and Zoning independently anytime a violation has been identified.
  - (2) **Record of Complaints:** The Director of Planning and Zoning shall keep a record of every complaint of violation of this Ordinance and of the subsequent actions taken. Records shall be made available for public inspection.
  - (3) **Stop Work Order:** The Director of Planning and Zoning may issue a stop work order when work is being done in violation of an issued permit and shall issue a stop work order when work is being done in violation of this Ordinance.
  - (4) **Cease and Desist Order:** The Director of Planning and Zoning shall issue a cease and desist order when a structure or property is being used in violation of this Ordinance.
- (H) **Interpretations:** The Director of Planning and Zoning shall interpret this Ordinance but shall not make changes to or vary the terms of this Ordinance. Individuals unsatisfied with this interpretation may appeal for an interpretation to the Zoning Board of Appeals.
- (I) **Reports:** The Director of Planning and Zoning shall report to and offer recommendations to the Township Board, Planning Commission, and Zoning Board of Appeals.
- (J) **Professional Review:** The Director of Planning and Zoning shall arrange for professional reviews when an application requires review by the Director of Planning and Zoning, Township Engineer, Township Attorney, or other professional, in order to determine compliance with this Ordinance and other Township, state, or federal laws or to address possible concerns to public health, safety, and welfare. Professional review shall result in a report outlining compliance and noncompliance with this Ordinance and other Township, state, or federal laws and identifying mitigation measures or design alterations that would lessen or eliminate identified impacts.

## §X.15 - PERMITS

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Permits are required for various structures, uses, and activities, as outlined in this Section.

- (A) **Zoning Permit Required:** Clearing and excavating shall not be initiated, structures shall not be erected, altered, or moved, and commercial uses shall not be established or changed unless a zoning permit has been issued by the Director of Planning and Zoning. Issuance of a zoning permit signifies that the intended use or structure complies with all provisions of this Ordinance.
- (B) **Special Land Use:** Special land use approval from the Planning Commission is required for certain uses.
- (C) **Driveway Permit:** Access to a street shall be required before issuance of a zoning permit
- (1) **Public Street:** For lots that are to have access from a public street, a driveway permit from the Road Commission shall be required.
  - (2) **Shared Driveway:** For lots that have access through a shared driveway, a shared driveway approval from the Township is required.

- (D) **Wastewater Permit:** When a wastewater system is required by law or proposed by the applicant, that approval shall be required before issuance of a zoning permit.
- (1) *Septic System:* When public, private, or shared septic system is required or proposed, a report or permit from the Washtenaw County Environmental Health Department certifying approval shall be required.
  - (2) *Wastewater System:* When a connection with a wastewater system is required or proposed, approval from the wastewater system administrator shall be required.
- (E) **Water Supply Approval:** When a water supply is required by law or proposed by an applicant, that approval shall be required before issuance of a zoning permit.
- (1) *Water System:* When a public, private, or shared water supply system required or proposed, either a report from the Washtenaw County Environmental Health Department certifying approval of a water supply system or a written notice of acceptance or hook-up fee receipt from the water supply administrator shall be required.
  - (2) *Private Well:* When a private well is required or proposed, an approval from the Washtenaw County Environmental Health Department shall be required.
- (F) **Building Permit:** Clearing and excavating shall not be initiated and structures shall not be erected, altered, or moved unless a building permit, when required, has been issued by the Building Inspector.
- (G) **Natural River Permit:** For projects within four hundred (400) feet of the Huron River, clearing and excavation shall not be initiated, and structures shall not be erected, altered, or moved unless a Natural River Program Zoning Permit has been issued by the Department of Natural Resources.
- (H) **Issuance:** Permits shall be issued after adequate review whenever the structure(s) and use(s) are consistent with the provisions of this Ordinance. The Director of Planning and Zoning shall not refuse to grant any permits that comply with this Ordinance. A permit shall be issued within fourteen (14) business days of receiving a completed application.
- (I) **Conditions:** Conditions and safeguards may be placed on permit approvals, as determined necessary, to: observe the intent and purpose of this Ordinance; protect the public health, safety, and welfare; and ensure compliance with the standards and provisions of this Ordinance, other Township Ordinances, and state and federal law.
- (J) **Withholding Permit:** Issuance of any permit may be withheld pending verification that an applicant has received the necessary county, state, and federal permits or to confirm that any conditions of approval placed by the Township Board, Planning Commission, or Zoning Board of Appeals have been satisfied.
- (K) **Expiration:** Any zoning permit granted under this Ordinance shall be valid for one (1) year. If a certificate of zoning compliance has not been issued in this time, the permit shall be null and void. CONSTRUCTION COMMENCE WITHIN TIME X. COMPLETION WITHIN TIME X. EXTENSION

- (L) **Revocation:** The Director of Planning and Zoning shall have the authority to revoke or cancel any permit, as outlined below. A stop work order or cease and desist order may be issued pending a decision or revocation.
- (1) **Criteria:** In order to revoke a permit, the Director of Planning and Zoning shall find any one (1) of the following to be true:
    - a. **Compliance:** The permit fails or neglects to comply with any provision of this Ordinance; or
    - b. **Fraud:** A false statement, misrepresentation, or omission of all facts was committed in the application.
  - (2) **Notice:** The owner or agent shall be notified of revocation in writing.
  - (3) **Effect:** Upon revocation of a permit, all work shall cease, other than that necessary to correct the violation or secure the site.
  - (4) **Nuisance per se:** Failure to terminate construction or the use for which the permit was revoked shall be declared a nuisance per se and a violation of this Ordinance.
- (M) **Certificate of Zoning Compliance:** Structures shall not be occupied or used without receiving a certificate of zoning compliance. Uses requiring a zoning permit shall not continue without receiving a certificate of zoning compliance.
- (N) **Certificate of Occupancy:** Structures requiring a certificate of occupancy from the Building Inspector shall not be occupied or used without receiving a certificate of occupancy. The issuance of a certificate of occupancy shall not be construed as waiving any provision of this Ordinance.

## §x.20 - FEES

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Fees for the issuance of permits or certificates of zoning compliance, inspections, review of development proposals, and applications to the Planning Commission, Zoning Board of Appeals, or Director of Planning and Zoning shall be submitted in advance of processing or issuance.

- (A) **Fee Schedule:** The fees shall be adopted by the Township Board and shall cover the Townships cost of review and inspection, including, but not limited to: costs associated with conducting a public hearing, public body and staff time and mileage, and costs associated with review by qualified professionals.
- (B) **Professional Review:** Payment of a fee may be required to cover the anticipated costs of a professional review. The applicant shall receive a copy of any reports and a statement of expenses.
- (C) **Fee Balance:** The applicant shall receive any unused balance paid towards professional review at the time a permit or certificate of zoning compliance is issued, an application is approved, or the review of a development proposal is concluded. If the actual professional review costs exceed the fee that was paid, the applicant shall pay the balance prior to the Township issuing a zoning permit or certificate of zoning compliance.

## §x.25 - PERFORMANCE GUARANTEE

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A performance guarantee may be required by the approving authority as a condition to the issuance of a zoning permit or other approval in order to ensure compliance with the standards of this Ordinance, the permit, or an approval.

## §x.30 - DEVELOPMENT AGREEMENT

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A development agreement may be required by the approving authority as a condition to approval of a site plan in order to ensure compliance with the standards of the Ordinance and the site plan and to ensure orderly development.

## §X.35 - NOTICES

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Notice shall be given for all public hearings, administrative adjustments, and administrative site plans, as outlined in this Section.

**(A) Public Hearings:** Notices for public hearings shall comply with MCL 125.3103 (PA 110 of 2006) and the following.

- (1) Public Notice Content:** Notices for public hearings, including mailed and newspaper notices, shall contain the following:
  - a. Description:** A description of the type and nature of the request;
  - b. Location:** For public hearing involving a specific property or properties, the location of the property or properties involved, including the street address(es). If street addresses do not exist, other means of identification may be used;
  - c. Time and Place:** The date, time, and place of the public hearing;
  - d. Comments:** A statement describing when and where written comments will be received, and a statement that the public may appear at the public hearing in-person or by agent;
  - e. Handicap Access:** Information concerning how handicap access will be accommodated if the meeting is not handicap accessible.
- (2) Publication and Delivery:** Notice shall be published and mailed at least fifteen (15) days before a public hearing, as follows:
  - a. Newspaper:** Notice shall be published in a newspaper of general circulation in the Township;
  - b. Owner/Applicant:** Notice shall be sent by first class mail or personal delivery to the property owner(s) and applicant(s);
  - c. Interested Persons:** Notice shall be sent by first class mail or personal delivery to the owners and residents of properties within three hundred (300) feet of the property in question. Notice shall also be sent to those registered to receive notice.

**(B) *Administrative Adjustments and Administrative Site Plans:*** Notices for administrative adjustments and administrative site plans shall comply with the following.

**(1) *Notice Content:*** Notices for administrative adjustments and administrative site plans shall contain the following:

- a. *Description:*** A description of the type and nature of the request;
- b. *Location:*** The location of the property or properties involved, including the street address(es). If street addresses do not exist, other means of identification may be used;
- c. *Comments:*** A statement describing when and where written comments will be received;

**(2) *Delivery:*** Notice shall be mailed at least fifteen (15) days before a final decision is made, as follows:

- a. *Owner/Applicant:*** Notice shall be sent by first class mail or personal delivery to the property owner(s) and applicant(s);
- b. *Interested Persons:*** Notice shall be sent by first class mail or personal delivery to the owners and residents of properties within three hundred (300) feet of the property in question. Notice shall also be sent to those registered to receive notice.

**(C) *Interpretations or Appeals of Decisions Notice:*** Notice for interpretations or appeals of decisions that do related to a specific property shall only require newspaper publication and a letter to the applicant(s).

**(D) *Zoning Text Amendment Notice:*** Notice for zoning text amendments that do not relate to a specific property shall only require newspaper publication and a letter to the applicant(s).

**(E) *Registration to Receive Notice:*** Any public utility, railroad, airport, neighborhood association, or person may register with the Township Clerk to receive written notice of all applications requiring public notice.

**(1) *Period:*** Registration shall be valid for one (1) year.

**(2) *Fees:*** The Township may charge a fee for the notices.

## §X.40 - VIOLATIONS, FINES, & PENALTIES

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Violation of any provision of this Ordinance or failure to comply with any of its requirements, including conditions and safeguards established in connection with permits, special land uses, approved site plans, variances, or certifications of zoning compliance shall be civil infractions, nuisances per se, and misdemeanors.

**(A) *Nuisances Per Se:*** Any act, use, thing, structure, or occupation that violates any provision of this Ordinance is declared a nuisance per se and may be abated by a court of competent jurisdiction.

**(B) *Presumption/Party to Violation:*** The owner of record or tenant of any structure, property, or part thereof, and any architect, contractor, agent, or other persons who commits, participates in, assists, aid, or maintains such violation may each be found guilty or responsible for each separate offense and be subject to the fines and penalties provided in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner(s) of record, as disclosed in the Township's current assessment roll, has authorized all structures and uses.

**(C) *Inspection of Violation:*** Each alleged violation of this Ordinance shall be inspected, and a record shall be kept of the findings. Records shall be made available for public inspection.

**(D) Notice of Violation:** If a violation of this Ordinance is determined to exist after inspection, a notice of violation shall be issued in the form of a written notice ordering correction of all conditions found to be in violation of this Ordinance.

- (1) *Content:* The notice of violation shall include: property identification, such as the address and/or parcel/tax id number, a description of the violation(s), the action necessary to remedy the violation(s), the time required to come into compliance.
- (2) *Notification:* A notice of violation shall be issued by serving personally or by first class mail to the last known address of the property owner and violator, if different and known.
- (3) *Time:* The notice of violation shall give the violator a period of fifteen (15) days to correct the violation(s) or present a reasonable timeline to correct the violation(s).

**(E) Cease and Desist Order:** The Director of Planning and Zoning shall have the authority to issue a cease and desist order in the form of a written notice for violation of provisions of this Ordinance. A cease and desist order may be issued to any person that is subject to the provisions of this Ordinance.

- (1) *Effective:* A cease and desist order shall be effective once it has been posted on the property where the violation exists and a copy has been sent to the last known address of the property owner and violator, if different and known.
- (2) *Effect:* Once a cease and desist order has been issued, any use or work done in violation of this Ordinance shall stop immediately and shall not resume until the Director of Planning and Zoning issues a written notice ending the order. Work necessary to secure the structure or property may continue as authorized.
- (3) *Violation:* Any person who violates a cease and desist order shall be guilty of a municipal civil infraction.
- (4) *Other Remedies:* A cease and desist order shall be in addition to other penalties and remedies provided by this Ordinance.

**(F) Stop Work Order:** The Director of Planning and Zoning shall have the authority to issue a stop work order in the form of a written notice for violation of provisions of this Ordinance. A stop work order may be issued to any person that is subject to the provisions of this Ordinance.

- (1) *Effective:* A stop work order shall be effective once it has been posted on the property where the violation occurs and a copy has been sent to the last known address of the property owner and violator, if different and known.
- (2) *Effect:* Once a stop work order has been issued, any use or work done in violation of this Ordinance shall stop immediately and shall not resume until the Director of Planning and Zoning issues a written notice ending the order. Work necessary to secure the structure or property may continue as authorized.
- (3) *Violation:* Any person who violates a stop work order shall be guilty of a municipal civil infraction.
- (4) *Other Remedies:* A stop work order shall be in addition to other penalties and remedies provided by this Ordinance.

**(G) *Municipal Civil Infraction:*** Any person, corporation, partnership, limited liability corporation, or other entity who violates this Ordinance or fails to comply with any of its provisions, including conditions and safeguards established in connection with a permit, special land use, approved site plan, variance, or certificate of zoning compliance shall be responsible for a municipal civil infraction, as defined by Michigan law, and subject to civil fines listed below:

**(1) *Special Land Use Violations:*** For violations of any provision of this Ordinance, including conditions and safeguards established in connection with a permit or special land use, the following fines shall apply:

- a. First violation within a three (3) year period, determined by the date of violation: \$500.00;
- b. Second violation within a three (3) year period, determined by the date of violation: \$1,000.00;
- c. Third violation within a three (3) year period, determined by the date of violation: \$2,000.00;
- d. Fourth and subsequent violation(s) within a three (3) year period, determined by the date of the violation: \$5,000.00.

**(2) *Other Violations:*** For violations of any other provision of this Ordinance, including conditions and safeguards established in connection with a permit, variance, appeal, certification of zoning compliance, or site plan, the following fines shall apply:

- a. First violation within a three (3) year period, determined by the date of violation: \$100.00;
- b. Second violation within a three (3) year period, determined by the date of violation: \$200.00;
- c. Third violation within a three (3) year period, determined by the date of violation: \$400.00;
- d. Fourth and subsequent violation(s) within a three (3) year period, determined by the date of violation: \$600.00.

**(H) *Misdemeanor:*** Any person, corporation, partnership, limited liability corporation, or other entity who violates this Ordinance or fails to comply with any of its provisions, including conditions and safeguards established in connection with a permit, special land use, variance, appeal, certification of zoning compliance, or approved site plan, may be prosecuted for a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500.00, imprisonment of not more than ninety (90) days, or both, and shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense.

**(I) *Remedies:*** The Director of Planning and Zoning or Township Attorney may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoy, abate, or remove any unlawful erection, alteration, maintenance, or use. The rights and remedies provided above are civil in nature.

**(J) *Scope of Remedies:*** The Township may pursue any and all remedies available. Enforcement by one remedy does not preclude or waive enforcement by another remedy. The imposition of any fine, penalty, jail sentence, or combination of the above, shall not exempt a violator from compliance with the provisions of this Ordinance. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law.