

## ARTICLE XX

### ADMINISTRATION

#### §x.05 - INTENT & PURPOSE

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It is the intent and purpose of this Article to:

- (A) Establish the procedures for the administration of this Ordinance;
- (B) Establish the process for the issuance of permits and certificates of zoning compliance;
- (C) Outline the collection of fees and performance guarantees;
- (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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This Ordinance shall be administered and enforced 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 any permits outlined in this Ordinance.
- (B) **Issue Certificates of Zoning Compliance:** The Director of Planning and Zoning shall receive applications for and 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 and 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 structures and properties 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 Official, 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 structure or property for purposes of administering or enforcing this Ordinance, the Director of Planning and Zoning may 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 or preliminary certificate of zoning compliance, or conditions and safeguards established in connection with permits, special land uses, approved site plans, variances, or certificates of zoning compliance or in violation of this Ordinance.
  - (4) **Cease and Desist Order:** The Director of Planning and Zoning may issue a cease and desist order when a structure or property is being used in violation of an issued permit or certificate of zoning compliance, or conditions and safeguards established in connection with permits, special land uses, approved site plans, variances, or certificates of zoning compliance, or 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 submit reports to and offer recommendations to the Township Board, Planning Commission, and Zoning Board of Appeals.
- (J) **Professional Review:** The Director of Planning and Zoning may arrange for professional reviews when an application requires review by the Director of Planning and Zoning, Township Engineer, Township Attorney, Dexter Area Fire Department, or other professionals in order to determine compliance with this Ordinance and other Township Ordinances, county, state, and federal laws, or to address possible concerns to public health, safety, and welfare. Professional reviews shall result in a report outlining compliance and noncompliance with this Ordinance and other Township Ordinances and state and federal laws and identifying mitigation measures or design alterations that would lessen or eliminate identified impacts.

## §X.15 - PERMITS & CERTIFICATES OF ZONING COMPLIANCE

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Permits and/or certificates of zoning compliance are required for various structures, uses, and activities, as outlined in this Section.

- (A) **Preliminary Certificate of Zoning Compliance Required:** Excavation shall not be initiated, structures shall not be erected, altered, or moved, and commercial uses shall not be established or changed unless a preliminary certificate of zoning compliance has been issued. Issuance of a preliminary certificate of zoning compliance signifies that the intended structure or use complies with all provisions of this Ordinance.
- (B) **Sign Permit Required:** Signs shall not be erected, altered, or moved unless a sign permit has been issued. Issuance of a sign permit signifies that the sign complies with all provisions of this Ordinance.

- (C) **Street Access:** Access to a street shall be required before issuance of a preliminary certificate of zoning compliance.
- (1) **Public Street:** For lots that are to have access from a public street, a driveway permit from the Road Commission shall be required, when a new driveway is being installed or the use of an existing driveway is being intensified.
  - (2) **Shared Driveway:** For lots that have access through a shared driveway, a shared driveway approval from the Township shall be required.
  - (3) **Access Easement:** For lots that have access through an access easement, the recorded access easement shall be 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 preliminary certificate of zoning compliance.
- (1) **Septic System:** When a 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 municipal 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 preliminary certificate of zoning compliance.
- (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:** Excavation 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 Official. A building permit shall not be issued until a zoning permit or preliminary certificate of zoning compliance has been issued for those projects requiring a zoning permit or preliminary certificate of zoning compliance.
- (G) **Natural River Permit:** For projects located within the natural river zone, 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 and certificates of zoning compliance shall be issued after adequate review whenever the structure and use are consistent with the provisions of this Ordinance. The Director of Planning and Zoning shall not refuse to grant any permit or certificate of zoning compliance that complies with this Ordinance. A permit or certificate of zoning compliance shall be issued within fourteen (14) business days of receiving a completed application, unless a delay is agreed to, in writing, by the applicant.
- (I) **Conditions:** Conditions and safeguards may be placed on permit and certificate of zoning compliance approvals, as determined necessary, in order 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 county, state, and federal law.

- (J) **Withholding Permit:** Issuance of any permit or certificate of zoning compliance 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 permit or preliminary certificate of zoning compliance granted under this Ordinance shall be valid for one (1) year, unless otherwise stated in this Ordinance. If a final certificate of zoning compliance has not been issued in this time, the permit or preliminary certificate of zoning compliance shall be null and void. Two (2) extensions of up to six (6) months each may be granted if the applicant has demonstrated a good-faith effort to complete the permit or preliminary certificate of zoning compliance and it is likely that the permit or preliminary certificate of zoning compliance will be completed within the extension period.
- (L) **Revocation:** The Director of Planning and Zoning shall have the authority to revoke or cancel any permit or preliminary certificate of zoning compliance, as outlined below. A stop work order or cease and desist order may be issued pending a decision on revocation.
- (1) **Criteria:** In order to revoke a permit or preliminary certificate of zoning compliance, the Director of Planning and Zoning shall find any one (1) of the following to be true:
    - a. **Error:** The permit or preliminary certificate of zoning compliance was issued in error;
    - b. **Compliance:** The applicant, improvement, or use fails or neglects to comply with any provision of this Ordinance or conditions and safeguards established in connection with permits, special land uses, approved site plans, variances, or certificates of zoning compliance; or
    - c. **Fraud:** A false statement, misrepresentation, or omission of facts was committed in the application.
  - (2) **Notice:** The owner or agent shall be notified of the revocation in writing.
  - (3) **Effect:** Upon revocation of a permit or preliminary certificate of zoning compliance, all work shall cease, other than that necessary to correct the violation or secure the site, as authorized by the Director of Planning and Zoning.
  - (4) **Nuisance per se:** Failure to terminate construction or the use for which the permit or preliminary certificate of zoning compliance was revoked shall be declared a nuisance per se and a violation of this Ordinance.
- (M) **Final Certificate of Zoning Compliance:** Structures shall not be occupied or used without receiving a final certificate of zoning compliance. Uses requiring a permit or preliminary certificate of zoning compliance shall not start or continue without receiving a final certificate of zoning compliance.
- (N) **Certificate of Occupancy:** Structures requiring a certificate of occupancy from the Building Official 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 fee schedule shall be adopted by the Township Board and shall cover the Township's cost of review and inspection, including, but not limited to: costs associated with conducting public hearings, public body and staff time and mileage, and costs associated with review by qualified professionals.
- (B) **Professional Review:** Payment of a review 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 preliminary 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 before a permit or certificate of zoning compliance is issued.

## §x.25 - PERFORMANCE GUARANTEE

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

- (A) **Amount:** The amount of the performance guarantee shall be adequate to complete the improvements or restore the site and maintain the site.
- (B) **Form:** The performance guarantee shall be a cash deposit or irrevocable (evergreen) letter of credit.
- (C) **Waiver of Performance Guarantee:** The Township Board may waive the performance guarantee if it finds all of the following to be true:
- (1) **Minor Project:** The scope of the project is of a such limited nature that a development agreement is not necessary to ensure completion; and
  - (2) **Other Guarantees:** There are other guarantees that will ensure that the project will be developed according to the approved site plan and any conditions of that 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

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 hearings 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; and
  - 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); and
  - 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 and 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; and
  - 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); and
  - b. *Interested Persons:* Notice shall be sent by first class mail or personal delivery to the owners and residents of adjacent properties and to those registered to receive notice.



- (C) **Interpretations or Appeals of Decisions Notice:** Notice for interpretations or appeals of decisions that do not relate to a specific property shall only require newspaper publication and a letter to the applicant.
- (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.
- (E) **Registration to Receive Notice:** Any public utility, railroad, airport, neighborhood association, or person may register with the Director of Planning and Zoning to receive written notice of all applications requiring public notice.
- (1) **Period:** Registration shall be valid through the end of that calendar year.
  - (2) **Fees:** The Township may charge a fee for registering to receive the notices.

## SX.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 certificates of zoning compliance, shall be nuisances per se, municipal civil infractions, and/or misdemeanors.

- (A) **Nuisances Per Se:** Any use of a structure or property, the excavation, erection, alteration or moving of any structure, or any other violation of the provisions of this Ordinance is a nuisance per se. The owner of record or agent in charge of the structure or property shall be liable for maintaining a nuisance. 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 person(s) who commits, participates in, assists, aids, or maintains such violation may each be found guilty or responsible for each separate offense and be subject to the fines and penalties provided for in this Ordinance. It shall be conclusively presumed for purposes of enforcement, notwithstanding the lack of actual knowledge, that the owner 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) **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.

- (E) **Notice of Violation:** If a violation of this Ordinance is determined to exist after an 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. A notice of violation shall not be required for cease and desist orders or stop work orders.
- (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; the action necessary to remedy the violation; and the cure time for the violation to be remedied.
  - (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) *Cure Time:* The notice of violation shall give the violator a period of fifteen (15) days, unless otherwise noted in this Ordinance, in which to correct the violation or present a timeline to correct the violation that is acceptable to the Director of Planning and Zoning.
- (F) **Cease and Desist Order:** If a violation of this Ordinance concerning the use of any structure or property is determined to exist after an inspection, a cease and desist letter may be issued in the form of a written notice ordering an immediate cessation of the use that is in violation. 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 or 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 by the Director of Planning and Zoning.
  - (3) *Violation:* Any violation of a cease and desist order shall be a violation of this Ordinance.
  - (4) *Other Remedies:* A cease and desist order shall be in addition to other penalties and remedies provided by this Ordinance.
- (G) **Stop Work Order:** If a violation of this Ordinance concerning the construction of any structure or improvement of any property is determined to exist after an inspection, a stop work order may be issued in the form of a written notice ordering an immediate stop of the work being done in violation. 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 or 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 by the Director of Planning and Zoning.
  - (3) *Violation:* Violation of a stop work order or removal a stop work order without authorization shall be a violation of this Ordinance.
  - (4) *Other Remedies:* A stop work order shall be in addition to other penalties and remedies provided by this Ordinance.



**(H) *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. Payment of a fine shall not allow the violation to continue. Each day a violation continues shall be considered a separate offense. If found responsible, the responsible party shall pay all costs and expenses, direct and indirect, that the Township has incurred and shall be subject to the civil fines listed below:

- (1) *Use Violations:*** For violations of any provision of this Ordinance, including conditions and safeguards established in connection with a permit, preliminary certificate of zoning compliance, site plan, 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) *Non-use 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: \$200.00;
  - b. Second violation within a three (3) year period, determined by the date of violation: \$400.00;
  - c. Third violation within a three (3) year period, determined by the date of violation: \$800.00;
  - d. Fourth and subsequent violation(s) within a three (3) year period, determined by the date of violation: \$1,200.00.

**(I) *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, certificate 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, direct and indirect, that the Township has incurred. Each day a violation continues shall be considered a separate offense.

**(J) *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.

*End of Article X.*

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V 09.28.2015 PC