

## ARTICLE 24

### ADMINISTRATION

#### §24.05 - 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) Outline the collection of fees and performance guarantees;
- (C) Establish the procedures for the enforcement of this Ordinance; and
- (D) Establish the penalties for violations of this Ordinance.

#### §24.10 - 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 and materials in a timely manner, as outlined below.
  - (1) **Review Letter:** The Director of Planning and Zoning shall issue a review letter within fourteen (14) days of receiving an application stating whether the application is complete or, if not, what additional materials or information is necessary for it to be considered complete. If the review letter is not issued within the above period, the application shall be placed on the next available agenda.
  - (2) **Administratively Complete:** The date on which the Director of Planning and Zoning declares an application complete or the expiration of the fourteen (14) days described above, unless the application has been declared incomplete, shall be considered the date the application is administratively complete.
- (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, [in accordance with MCL 15.231 et seq \(Public Act 442 of 1976\)](#).
- (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, uses, 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) **Cease & 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, 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, as outlined in §224.50(EE): Cease & Desist Order of this Ordinance.
  - (3)(4) **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, conditions and safeguards established in connection with permits, special land uses, approved site plans, or variances, or in violation of this Ordinance, as outlined in §224.50(EE): Stop Work Order of this Ordinance.
  - ~~(4)(1) **Cease & 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, 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, as outlined in §22.50(F) 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, 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.

## §24.15 - FEES

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Fees for the issuance of permits, 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 is issued, an application is approved, or the review of a development proposal is concluded, in accordance with Township policy. 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.

## §24.20 - PREAPPLICATION MEETINGS

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Applicants shall meet with Township Officials, other agencies, and other interested parties before submission of various applications, as outlined in this Ordinance.

- (A) **Intent:** The intent of the preapplication meeting is to inform Township Officials and other interested parties of the general concept of the proposed development and to provide the applicant with feedback and guidance concerning the application. Statements made in the course of a preapplication meeting shall not be legally-binding on any party nor construed as representing approval or actions the approving authority may make during open space community review.
- (B) **Township Attendance:** The Director of Planning and Zoning shall invite the following individuals to attend the preapplication meeting:
- (1) **Township Officials:** Other Township Officials, including, but not limited to: the Planning Commission Chair, the Township Engineer, and the Township Attorney; and
  - (2) **Other Agencies:** Officials from other agencies, including, but not limited to: the Road Commission, the Environmental Health Department, the Water Resources Commissioner, the Fire Department, and local schools.
- (C) **Applicant Attendance:** The applicant, or an agent, shall attend and shall be responsible for inviting individuals responsible for preparing the plan.

## §24.25 - PERFORMANCE GUARANTEE

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

- (A) **Amount:** The amount of the performance guarantee shall be adequate to complete the improvements, restore the site, and maintain the site, and cover Township costs.
- (B) **Form:** The performance guarantee shall be a cash deposit, performance bond, or irrevocable (*evergreen*) letter of credit.
- (C) **Waiver of Performance Guarantee:** The Township Board may waive the requirement for a performance guarantee for site plans, special land uses, open space communities, and commercial planned unit developments 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 approval and any conditions of that approval.

## §24.30 - DEVELOPMENT AGREEMENT

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A development agreement between the applicant and the Township shall be necessary for all final, combined, and amended site plan approvals, in order to ensure compliance with the standards of this Ordinance and other county, state, and federal laws and to ensure orderly development, while protecting the health, safety, and general welfare

- (A) **Authority:** The Township Board shall have the authority to approve or waive the requirement for a development agreement.
- (B) **Waiver:** The Township Board may waive the development agreement if it finds all of the following to be true:
- (1) **Minor Project:** The scope of the project shall be of such a limited nature that a development agreement is not necessary to ensure completion; and
  - (2) **No Harm:** The lack of a development agreement shall not cause harm to surrounding properties or the Township in general.
- (C) **Recording:** [The development agreement, following approval by the Township Board, shall be recorded with the Register of Deeds at the developer's expense, with a copy provided to the Township.](#)

## §24.35 - NOTICES

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

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

- (1) Public Notice Content:** Notices for public hearings, including newspaper and mailed 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 & 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 & 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 & 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 properties within three hundred (300) 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.

#### §24.40 - PUBLIC HEARINGS

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Public hearings, when required by this Ordinance or State law, shall meet the standards outlined below.

- (A) **Notice of Hearing:** Public notice of the public hearing shall be given as outlined in [§24.35: Notices of this Ordinance](#).
- (B) **Hearing Appearance:** Any party may appear in person or by duly-authorized agent or attorney at a public hearing.
- (C) **Hearing Recess:** Public hearings may be recessed from time-to-time, with notice conforming to the requirements of the Open Meetings Act.
- (D) **Additional Notice:** If a duly-noticed public hearing is postponed to a specific date, additional public notice shall not be required.

#### §24.45 - CONDITIONS OF APPROVAL

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Reasonable conditions may be placed on approvals, as outlined below.

- (A) **Health, Safety, & Welfare:** Conditions shall be designed to protect the health, safety, and welfare of those who will use the lot under consideration, residents and landowners immediately adjacent to the lot, and the community as a whole.
- (B) **Public Services & Facilities:** Conditions shall be designed to ensure that public services and facilities affected by a proposed activity or structure will be capable of accommodating the resulting increased service and facility loads.
- (C) **Police Power:** Conditions shall be related to the valid exercise of the police power and purposes that are affected by the activity.
- (D) **Compliance:** Conditions shall be necessary to ensure compliance with the standards and provisions of this Ordinance, other Township Ordinances, or state and federal law.

## §24.50 - 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, 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 or condition of approval 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) **Cease & 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 cease and desist 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 and state and federal law.

(F) **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 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 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 stop work 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 and state and federal law.

(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, 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, including, but not limited to staff time and attorney costs, 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:* First violation within a three (3) year period, determined by the date of violation: \$500.00;

b. *Second Violation:* Second violation within a three (3) year period, determined by the date of violation: \$1,000.00;

c. *Third Violation:* Third violation within a three (3) year period, determined by the date of violation: \$2,000.00;

d. *Fourth & Subsequent Violation:* 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:* First violation within a three (3) year period, determined by the date of violation: \$200.00;

b. *Second Violation:* Second violation within a three (3) year period, determined by the date of violation: \$400.00;



- c. *Third Violation:* Third violation within a three (3) year period, determined by the date of violation: \$800.00;
- d. *Fourth & Subsequent Violation:* Fourth and subsequent violation(s) within a three (3) year period, determined by the date of violation: \$1,200.00.

**(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, 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.

**(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.

#### §24.55 - REHEARING

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A rehearing shall be processed in the same manner as the original application, including a new fee, unless initiated by the Planning Commission or Township Board, as outlined below.

- (A) Filing Deadline:** A request for rehearing shall be made within thirty (30) days of the decision becoming final, [unless otherwise noted in this Ordinance](#).
- (B) Decision Criteria:** The only grounds upon which a rehearing of a previously-denied application shall be granted is if the approving authority, upon inspection, finds one (1) or more of the following to be true:
  - (1) New Evidence:** Newly-discovered evidence is available that may affect the decision that was made;
  - (2) Inaccurate Evidence:** Evidence previously relied upon is found to be inaccurate; or
  - (3) Procedures:** Proper procedures were not followed.
- (C) Effect:** If a rehearing is granted, the approving authority shall review the application and may consider new evidence.

#### §24.60 - REAPPLICATION

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An application that has been denied shall not be resubmitted for reconsideration for a period of one (1) year from the date the decision became final, unless one (1) of the following is true:

- (A) Changed Conditions:** The approving authority, upon inspection, finds proof of changed conditions that contributed to the denial; or
- (B) Changes to Application:** Substantial changes have been made to the application that addresses the reasons for denial.

## §24.65 - SUSPENSION

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An approval may be suspended temporarily and immediately by the approving authority, as outlined below.

- (A) **Public Hearing:** A public hearing shall not be necessary for suspension of an approval.
- (B) **Notice:** The applicant shall receive written notice of the possible suspension, including the time and place the suspension will be considered and the reason for the suspension.
- (C) **Decision Criteria:** In order to suspend an approval, the approving authority shall find all of the following to be true:
  - (1) **Threat:** A severe and imminent threat exists to the health, safety, and welfare of neighboring persons or properties; and
  - (2) **Delay:** The delay required for noticing would be detrimental to efforts to mitigate or respond to the threat.
- (D) **Effect:** Upon suspension of an approval, all activity shall cease immediately, except for work directly related to securing the site, correcting the violation, or addressing the threat, as approved by the Director of Planning and Zoning.
- (E) **Removing Suspension:** [The approving authority shall outline the conditions necessary for removal of suspension.](#)

## §24.70 - REVOCATION

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An approval may be revoked by the approving authority, as outlined below.

- (A) **Public Hearing:** If the Planning Commission is the approving authority, the revocation shall be heard at a public hearing.
- (B) **Notice of Hearing:** When the revocation will be heard at a public hearing, the Township shall give public notice for the public hearing, as outlined in §24.35: [Notices of this Ordinance](#). Written notice shall be sent to the applicant of the possible revocation, including the time and place the revocation will be considered and the reason for the revocation.
- (C) **Decision Criteria:** In order to revoke an approval, the approving authority shall find any one (1) of the following to be true:
  - (1) **Ordinance Standard:** The approval or execution or use of a zoning permit related to the approval is not consistent with a standard of this Ordinance as it existed at the time of approval;
  - (2) **Approval & Conditions:** The approval or execution or use of the zoning permit related to the approval is not consistent with the approval, any condition of approval, or any written commitment; or
  - (3) **Fraud:** The approval was a result of fraud or misrepresentation of facts.
- (D) **Effect:** Upon revocation of an approval, all activity shall cease immediately, except for work directly related to securing the site or correcting a violation, as approved by the Director of Planning and Zoning.
- (E) **Reinstatement:** An approval that has been revoked shall be submitted for review and approval as a new application.

## §24.75 - MORATORIUM

The Township Board may adopt a moratorium to on the acceptance, processing, or issuance of zoning permits or other applications to temporarily defer or delay development, as outlined below.

**(A) Intent & Purpose:** The moratorium shall be necessary to address at least one (1) of the following:

- (1) *Direct Threat:* Address a direct threat to the public health, safety, and welfare;
- (2) *Overburdening:* Prevent the shortage ~~of~~ or overburdening of public facilities or services that would otherwise occur during the period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development;
- (3) *Serious Public Harm:* Prevent serious public harm due to the application of the existing Master Plan, use and development standards of this Ordinance, and other applicable laws, is not adequate to prevent serious public harm; or
- (4) *Develop Standards:* Allow the Township the adequate time to develop and adopt necessary standards to address use or structure that is not adequately addressed in this Ordinance.

**(B) Period:** A moratorium shall be for a limited, definite period, as outlined below.

- (1) *Effective Date:* A moratorium may be effective immediately upon adoption.
- (2) *Period:* A moratorium shall be for a term not to exceed one hundred eighty (180) days.
- (3) *Extension:* A moratorium may be extended one (1) time for a period not to exceed one hundred eighty (180) days, if all of the following are true:
  - a. *Still Exists:* The need for the moratorium continues to exist; and
  - b. *Progress:* Reasonable progress is being made to address the need for the moratorium.

**(C) Resolution:** The moratorium shall be in the form of a resolution adopted by the Township Board.

- (1) *Contents:* The resolution adopting the moratorium shall contain the following information:
  - a. *Effect:* What specifically the moratorium effects;
  - b. *Purpose:* The intent and purpose of the moratorium; and
  - c. *Period:* The start and finish dates for the moratorium.
- (2) *Publishing:* The resolution adopting the moratorium shall be published in a newspaper of general circulation within fourteen (14) days, but the moratorium may be effective as soon as adopted.

*End of Article 24.*

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