

## **Article 21 Administration and Enforcement**

### **Section 21.01 - Purpose**

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of land use and development plans, issuance of land and structural use zoning permits, inspection of properties for compliance with the Zoning Map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendment to it.

### **Section 21.02 - Administration**

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with the Michigan P.A. 184 of 1943, as amended, "Township Zoning Act" and this Zoning Ordinance.

The Township Board shall employ a Zoning Administrator who shall act as the officer to carry out the enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board.

### **Section 21.03 - Duties of Zoning Administrator**

- A. Receive and review all applications for Zoning Permits and approve or disapprove such application based on compliance with the provisions of this Ordinance and shall approve issuance of the permit, if the use and the requirements of this Ordinance are met.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
- C. The Township Clerk with the assistance of the Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Board and the Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended use, and estimate cost of construction for each permit.
- E. Maintain written records of all actions taken by the Zoning Administrator.

### **Section 21.04 - Zoning Permit**

- A. **Zoning Permit Requirements:** A Zoning Permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:
  - 1. The administrative coordination of Zoning Permits issued by Hillsdale Township and Building Permits by the Building Inspector shall be in accordance with Section 3.12 of this Ordinance.

2. The construction, enlargement, alteration, or moving of any dwelling, building, or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public, or semi-public purposes.
3. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a Zoning Permit.

B. **Application for a Zoning Permit:** Application for a Zoning Permit shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

1. The location, shape, area, and dimensions for the parcel(s), lot(s), or acreage, and all existing improvements on the lot or parcel.
2. The location of the proposed construction, upon the parcel(s), lot(s), or acreage affected.
3. The dimensions, height, and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard, open area, and parking space dimensions, if applicable.
8. The proposed plan and specifications of off-street parking spaces, if applicable.
9. The proposed plan and specifications of off-street loading and unloading spaces provided, if applicable.
10. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

If the information in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a Zoning Permit upon payment of the required Zoning Permit fee.

C. **Voiding of Permit:** Any Zoning Permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall make every effort to notify the holder of a Permit that is liable for voiding action before voidance 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 or any of the ordinances or regulations of the Township.

D. **Fees, Charges, and Expenses:** The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for Zoning Permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Offices and may be altered or amended only by the Township Board. No permit, certificate, special use 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 uses affected by any Zoning Permit shall be subject to the following inspections:

1. At time of staking out of building foundation or location of structure.
2. Upon completion of the construction authorized by the permit.

3. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed buildings, as indicated by corner stakes, is in accordance with yard setbacks and other 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.
4. 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, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
5. Should a Zoning Permit holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, 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 the notice to the permit holder of cancellation thereof; and no further work upon said construction 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 construction may proceed.

### **Section 21.05 - Violations**

Any building or structure, including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained, or changed in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se, a violation of this Ordinance and subject to the penalties of it.

### **Section 21.06 - Penalties**

Any person or the agent in charge of such building or land who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined; upon conviction, not more than one hundred (\$100) dollars, together with the cost of prosecution, or shall be punished by imprisonment in the County Jail for not more than ninety (90) days for each offense, or may be both fined or imprisoned as provided herein. Each and every day during which any illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. The Township Board, or any owner or owners of real estate within the district in which such buildings, structures, or land use is situated may institute injunction, mandamus abatement, or any other appropriate action, actions, or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance, or use of land, buildings, or structures. The rights and remedies provided herein are cumulative, and in addition to all other remedies provided by law.

### **Section 21.07 - Enforcement Procedure**

In addition to the enforcement actions provided in Section 21.04E, 1-5, the following additional enforcement procedures may be applicable in the instances of violations of (1) provisions of this Zoning Ordinance, (2) approved special uses, (3) approved planned unit developments, (4) approved site plans, or (5) decisions of the Zoning Board of Appeals, Planning Commission, Township Board, District Court, or Circuit Court relative to a particular land use development or activity approved under the provisions of this Zoning Ordinance.

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- A. When a violation is initially determined by the Zoning Administrator, it shall be the Administrator's responsibility to issue a "Notice of Zoning Ordinance Violation" to the owner(s) and occupant(s) of the lot or parcel upon which the zoning violation has occurred. This Notice shall be issued on a special form for this purpose and shall at least include the following information pertinent to the violation:
  1. Date and location of each violation observed by the Zoning Administrator.
  2. Name(s) and addresses of each owner(s) and occupant(s).
  3. Specific section(s) of the Zoning Ordinance which has been violated. If more than one violation, list each violation and each section violated.
  4. Length of time allowed before further prosecution of the violation(s).
- B. Failing compliance by owner(s) and occupant(s) by specified date in A above, the Zoning Administrator shall contact the Township attorney who shall again notify the violating owner(s) and occupant(s) of the date after which a zoning violation appearance ticket will be issued.
- C. Upon the violator(s) non-compliance with the procedures outlined in A and B above, the Zoning Administrator may then file a complaint with the District Court and bring the violator(s) to trial for violation of the Ordinance.