

## CHAPTER 17 ADMINISTRATION AND ENFORCEMENT

### SECTION 17.10 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be interpreted, administered, and enforced by the Zoning Administrator, Building Inspector or such other Township official(s) as may be appointed by the Township Board by resolution.

### SECTION 17.20 DUTIES OF THE ZONING ADMINISTRATOR

- A. The Zoning Administrator, Building Inspector or other Township official shall, in no case, issue any zoning compliance permit, building permit, or grant any occupancy permit where the proposed structure, alteration or use would be in violation of any provisions of this Ordinance or other applicable law or ordinance, except under written order of the Zoning Board of Appeals (where applicable) or a court of competent jurisdiction. Temporary occupancy maybe issued at the discretion of the Building Inspector.
- B. Violations: The Zoning Administrator shall investigate any alleged violation of this Ordinance as may be discovered. If a violation is found to exist, the Zoning Administrator shall:
1. Identity, observe and describe the land use activity.
  2. Determine what Section (s) of the Zoning Ordinance is (are) being violated.
  3. Follow the procedures as outlined in the “Croton Township Municipal Penalty, Civil Infractions and Appearance Tickets Ordinance.”
- C. Inspections: The Building Inspector shall inspect all new construction or alterations at the time footings are placed, when framing is underway and at the completion of the construction or alternation authorized. The Building Inspector (and/or Zoning Administrator) shall make such additional inspection deemed necessary to ensure compliance with the provisions of this Ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.
- D. Records: The Zoning Administrator and Building Inspector shall keep records of all inspections, applications, and permits issued, with a notation of all special conditions involved. They shall file with the Township and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same

shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

### **SECTION 17.30 ZONING COMPLIANCE AND BUILDING PERMITS**

- A. No structure or part thereof shall be constructed, reconstructed, commenced, erected, moved, enlarged or altered, nor shall any use on any property be commenced or changed to another use, until a Zoning Compliance permit has been granted by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, or site plan where required and such other information as may be necessary to provide for the enforcement of this Ordinance.
- B. Plans shall be drawn to scale and shall provide dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or application for a Zoning Compliance or Building Permit.
- C. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance and all applicable Township ordinances. All Zoning Compliance permits shall expire one (1) year from their date of issuance. All Building and Zoning permits may be renewed for an one (1) additional one (1) year term at a fee set by the Township Board.
- D. A Zoning Compliance Permit shall be issued prior to the issuance of any required Building Permit. A copy of all approved Building Permits shall be sent to the Assessor.
- E. A Zoning Compliance permit shall not be issued until the owner provides sufficient documentation that the lot involved has been created in conformance with this Ordinance and/or State and Township Land Division Regulations and all other applicable Township ordinances.
- F. The Zoning Administrator shall review all complete plans and specifications within a reasonable period of time, prior to taking appropriate action thereon.
- G. The Zoning Compliance Permit and Building Permits shall be displayed at all times on the property involved so as to be visible from a public street or private road at the site where authorized action is being undertaken.
- H. None of the following shall commence or occur until both a Zoning Compliance Permit

and a Building Permit have been issued for a building structure.

1. Digging of a basement or foundation area.
2. The installation of a septic tank or septic system.
3. The installation of a water well for a residential dwelling.

I An accessory building that does not exceed one hundred (100) square foot on the ground does not require a building permit but does require a Zoning Permit.

#### **SECTION 17.40 CERTIFICATE OF OCCUPANCY**

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy has been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A fee as established by the Township Board from time to time shall be charged for each Occupancy Permit. A copy shall be sent to the Township Clerk and Assessor.

#### **SECTION 17.50 ZONING ORDINANCE AMENDMENTS**

##### **A. Initiation**

1. An amendment to the Zoning Map, which is part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or by a person authorized in writing by the property owner to submit such application.
2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

##### **B. Procedure for Changes**

1. Applications for Zoning Ordinance Map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the

following information or materials:

- a.. A legal description of the property to be affected by a proposed change to the Zoning Map; or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing Ordinance section and language.
  - b. A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within three hundred (300') feet of the property affected by such amendment.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  - d. Any other information which may be required by the Township.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, notice to be given in accordance with the requirements of the Zoning Act.
  3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary. The notice for such hearing to be as required by Zoning Act.

## **SECTION 17.60 SCHEDULE OF FEES AND PENALTIES**

### **A. Application/Permit Fees**

1. For each zoning compliance permit issued, fees shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. All fees shall be paid in accordance with the fee schedule established by the Township Board.
2. The Township Board shall establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Township Hall. The fees may be changed from time to time by resolution of the Township Board.
3. The applicant shall pay all applicable fees upon the filing of any application, any

proposed site plan or any other request or application under this Ordinance and as to which a fee is prescribed.

**B. Escrow Fees**

1. In addition to regularly established fees, the Township or the Zoning Administrator may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters.
2. This fee shall not include expenses by Township employees (except for hourly employees or when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may be used to charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.
3. The costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, cost and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses.
4. The fees shall be retained by the Township for reimbursement of covered costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township pursuant to an escrow shall be refunded.

**C. Violations**

1. Except as otherwise provided in subsection 3 below, a violation of this Ordinance constitutes a municipal civil infraction. Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued hereunder or to any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.

- a. The civil fine for a municipal civil infraction violation hereunder shall be not less than \$50.00 (fifty dollars), in addition to all other costs, damages, expenses, and remedies provided by law.
  - b. Increased civil fines may be imposed for subsequent violations by a person or any requirement or provision of this Ordinance.
  - c. The fine for any offense which is a first repeat offense shall be not less than one hundred dollars (\$100.00) plus costs. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than two hundred dollars (\$200.00) plus costs.
  - d. For purposes of this Section, “subsequent offense” means a violation of the provisions of this Ordinance or similar provisions of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
2. Any tenant, possessor or owner of land shall each be liable and responsible for any violations of this Zoning Ordinance occurring on such land, as well as any and all additional persons or entities who cause such land to be in violation of this Zoning Ordinance.
  3. Any person who disregards or violates a Stop Work Order issued pursuant to Section 17.120 of this Ordinance shall be guilty upon conviction of a criminal misdemeanor and shall be punished by imposition of a fine now exceeding five hundred dollars (\$500.00) (plus costs), by imprisonment in jail for a term not exceeding ninety-three (93) days, or by combination of such fine and jail in the discretion of the court.
  4. Any violation of the Ordinance shall also be deemed to be a nuisance per se.

## **SECTION 17.70 SURVEYS**

Prior to issuing a Zoning Compliance Permit, the Zoning Administrator shall have the discretion to require that the applicant for a building or other structure provide a copy of a survey by a registered surveyor or engineer for the lot involved, including showing existing buildings and structures on the survey, as well as specific distances between those structures and buildings and all lot lines. Furthermore, the Zoning Administrator can require that an applicant have a registered surveyor or engineer provide stakes on the property indicating where the proposed structure or building will be and verifying all setbacks from lot lines.

**SECTION 17.80 VERIFICATION OF OWNERSHIP**

The Zoning Administrator or other Township official shall have the authority to require that all applications for a Zoning Compliance Permit or other zoning approval be signed not only by the applicant, but also the owner (s) if different than the applicant. Furthermore, the Zoning Administrator or other Township official may require proof of ownership for the property involved from the applicant / purported owner (s), including but not limited to, the last deed of record as recorded with the county register of deeds or land contract for the same.

**SECTION 17.90 SAFETY RAILINGS**

The Zoning Administrator shall have discretion to require the installation and maintenance of a safety railing at least forty (40") inches tall along any retaining wall, retaining structure, drop off, or similar topographical item with a drop off associated with or nearby a residential dwelling if, in his / her opinion, such railing is reasonably necessary for safety purposes and to prevent children or others from accidentally falling.

**SECTION 17.100 PERFORMANCE GUARANTEES**

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond, irrevocable letter of credit, cashier's check or other suitable negotiable security acceptable to the Township in an amount equal to the estimated cost ( plus twenty-five percent (25%) for miscellaneous costs, unforeseen expenses, and other related matters) of improvements associated with a project or any zoning approval.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan or other zoning approval: if such improvement(s) is/are not completed, said performance bond or cashier's check shall be forfeited.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by Zoning Administrator.
- D. In cases where the improvements indicated with the approval site plan or otherwise have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the

required improvements. The balance, if any, shall be returned to the applicant.

### **SECTION 17. 110 LAND DIVISIONS**

- A. No lot, parcel of land, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other minimum requirements of the Ordinance. All land divisions, lot splits, or property boundary reconfiguration of platted lots and unplatted parcels of land shall comply with all applicable requirements of this Ordinance and the Michigan Land Division Act.
- B. No land division, lot split, creation of an access easement, or reconfiguration of property boundary lines shall occur unless and until a land division permit has been obtained from the Zoning Administrator or such other person as may be designated for such purpose by resolution of the Township Board. No permit for a land division, shall be issued unless and until the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, parcel of land, or access easements, fully complies with the requirements of this Ordinance and all other applicable Township Ordinances. Fee for a land division permit shall be established from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor or engineer showing all resulting lots or parcels of land, easement (if any), and legal descriptions thereof. The Township may waive the requirement of a survey, for good cause shown by the applicant. No permit for division of a platted lot or lots, shall be issued unless and until such land division is approved by the Township Board. No platted lot shall be partitioned or divided into more than four parcels of land.

### **SECTION 17. 120 STOP WORK ORDERS**

- A. Notice to Owner. Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work and shall state the conditions. If any conditions, under which work or the use will be permitted to resume.
- B. Unlawful Continuance. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be in violation of this Ordinance.

**SECTION 17. 130 CONSTRUCTION CLEANUP AND DEBRIS**

During construction, both the contractor for the project and the owner(s) of the lot involved are jointly and severally responsible for any damages to or debris on any public road or private road, litter, flooding, or other waste associated with, caused by, or attributable to such construction. Litter and any mud, sand, or debris tracked onto public street or private road shall be cleaned up on a daily basis. Damage to roads shall be repaired within a reasonable time period. The Zoning Administrator can suspend or revoke a Zoning Compliance Permit if in his/hers opinion issues regarding damage to roads, litter, flooding, and other waste attributable to construction on a particular project are not being reasonably and timely corrected. Furthermore, any such Zoning Compliance Permit will not be reinstated or reinstated until the owner(s) of the lot have posted security with the Township in an amount reasonably determined by the Zoning Administrator to be sufficient to ensure cleanup or repairs which reasonably could occur thereafter. Construction and excavation equipment shall not block roads nor present a safety hazard.