

## ARTICLE XXI

### 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 amendments to it.

(Ord. No. 1 eff. Jan. 8, 1983)

#### **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 P. A. 33 of 2006 as amended, "Michigan Planning Enabling Act", and P.A. 110 of 2006, "Zoning Enabling Act" and this Zoning Ordinance.

The Township Board shall employ a Zoning Administrator who shall be administered by the Planning Commission to act as the officer to carry out the proper administration and enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the powers of a police officer or municipal code enforcement officer.

(Ord. No. 1 eff. Jan. 8, 1983, amended by Ord. No. 201 eff. Dec. 21, 2006)

#### **Section 21.03 DUTIES OF ZONING ADMINISTRATOR.**

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications 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. Issue Certificates of Compliance when the use and development of properties are completed and in compliance with the provisions of this Ordinance, including any required provisions resulting from site plan review procedures.
- 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 by conducting the necessary field inspections, surveys and investigations, preparation of maps, charts and other graphic materials as requested by the Township Board, Planning Commission and Zoning Board of Appeals and process all applications, including site plans, and formulate recommendations relative to all applications, including site plans, required under the provisions of this Zoning Ordinance.

- C. The Zoning Administrator shall be responsible for updating the Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Board and 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.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

**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 Howell Township and Building Permits by the Livingston County Building Inspector shall be in accordance with Section 3.10 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.
  - 4) No zoning permit shall be issued until all of the following have been paid in full:
    - A) All previously billed and past due property taxes;
    - B) All past due special assessment installments;
    - C) All water or sewer bills outstanding
    - D) All charges levied by the Township against the property for mowing, cleanup, weed or debris removal and similar charges; and
    - E) All fees, fines, penalties and costs levied by the Township with respect to the property in connection with the enforcement of any Township ordinance.
    - F) Certificate of Compliance and Occupancy. Upon determination of all construction in accordance with the final approved Site Plan and to all requirements of the provisions of the Zoning Ordinance and all other requirements of officials, boards and agencies of the Township or other levels of government by the Zoning Administrator a Certificate of Compliance and Occupancy shall be issued in written published form over the signature of the Zoning Administrator to the Applicant.

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.
- 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 uses 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 included in and with the application is in compliance with the above 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 of any of the ordinances or regulations of the Township.

- D. **Fee, 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 office of the Zoning Administrator 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 usage affected by any Zoning Permit shall be subject to the following inspections:
- 1) At time of staking out a 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 building, 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 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 reinspection 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.

**F. Procedures and penalties for failure to acquire a zoning permit prior to construction.**

- 1) If a property owner and/or contractor/developer proceeds to construct any land, building or other structural improvement requiring a Zoning Permit on a lot or parcel of land in Howell Township without a Zoning Permit, upon such determination and notification by the Zoning Administrator the property owner and/or contractor/developer shall cease all further construction, apply for a Zoning Permit according to this Section and other applicable provisions of this Ordinance and be assessed a penalty in the amount determined by the Township Board in the [Schedule of Fees](#) for failure to acquire a Zoning Permit.
- 2) If the Site Plan accompanying the Application for a Zoning Permit is required to be approved by either the Planning Commission or Zoning Administrator, and it is determined by either that the completed construction is found to be in noncompliance with the requirements of this Zoning Ordinance, the Zoning Administrator shall notify the property owner and/or contractor/developer to either remove or bring the noncomplying construction into compliance with the requirements of this Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 73 eff. Aug. 12, 1998; amend. by Ord. No. 173 eff. May 23, 2004; further amend. by Ord. No. 182 eff. March 15, 2005; further amended by Ord. 202 eff. Dec. 21, 2006)

**Section 21.05 VIOLATIONS.**

Any building or structure including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, is hereby declared to be a nuisance, a violation of this Ordinance and subject to the penalties of it. Refer to Ordinance No. 132, Civil Infractions for additional regulations, Refer to Ordinance No. 134 Municipal Ordinance Violations Bureau for additional regulations and refer to Ordinance No. 135 Enforcement Officer Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

**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 five hundred dollars (\$500.00), together with the cost of prosecution, or shall be punished by imprisonment in the County jail and not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Persons, firms, corporations or entities in violation of a provision of this Ordinance designated as a municipal civil infraction shall be deemed responsible for a municipal civil infraction and subject to a fine not to exceed five hundred dollars (\$500.00) plus court costs and abatement

costs and all other remedies pursuant to MCL 600.8701 et. seq. 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.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amended by Ord. No. 202 eff. Dec. 21, 2006)

**Section 21.07 ENFORCEMENT PROCEDURE.**

(Repealed)

(Ord. No. 202 eff. Dec. 21, 2006)