

CHARTER TOWNSHIP OF BREITUNG

ARTICLE X
ADMINISTRATION AND ENFORCEMENT

Section 1001 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Breitung Township Board. The Supervisor and Township Board shall have the right to delegate said responsibility to appropriate Township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 1002 Administrative Standards and Procedures

- (A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- (B) Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006:

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Breitung Township and mailed or delivered as provided in this Section.

1. *All mail, personal and newspaper notices for public hearings shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the Zoning Ordinance and proposals and applications may be examined.*
2. *Personal and Mailed Notice - When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:*
 - a) *The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.*
 - b) *Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Breitung Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.*

Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling

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unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c) *All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.*
- d) *Other governmental units within one mile of the property involved in the application.*

3. *Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.*

4. *Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal or ordinance interpretation shall be provided no less than fifteen (15) days before the date the application will be considered for approval.*

5. *Registration to Receive Notice by Mail:*

- a) *General: Any neighborhood organization, Public Utility Company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.*
- b) *Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.*

(C) *Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:*

- 1. *Shall base their decision upon facts presented at a public hearing;*
- 2. *Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;*

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3. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 4. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 5. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;
 6. Shall comply with all other requirements under the law; and
 7. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- (D) Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of Conditional Use Permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the Zoning Ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- (E) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 1003 Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

Section 1004 Duties of Zoning Administrator

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- (A) The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance.

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The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.

- (B) If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.
- (C) The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- (D) The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Board of Appeals.
- (E) It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

Section 1005 Zoning Compliance Permit

- (A) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance. ***A change in ownership or a change in the use of any building shall require an issuance of a new Zoning Compliance Permit.***
- (B) The Zoning Administrator shall maintain a record of all Zoning Compliance Permit and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 1006 Enforcement and Violation

Notice of Violation:

- (A) Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
- (B) Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- (C) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- (D) All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

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- (E) *Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than ninety-three (93) days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.*

Section 1007 Special Zoning Orders Book and Map

The Zoning Administrator shall maintain a book, to be known as the Special Zoning Orders Book, in which shall be listed, with a brief description, all variances, Conditional Use Permits, authorizations for Planned Unit Developments, *designations of Nonconforming Uses and Structures, and any termination of any of them.* Each item shall be assigned a number when entered. The Zoning Administrator shall also maintain a map, to be known as the Special Zoning Order Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Orders Book and Map shall be open to public inspection.

Section 1008 Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit or certificate shall be issued unless such fees have been paid in full.