

ARTICLE 22

ADMINISTRATION AND ENFORCEMENT

22.1 ADMINISTRATION

22.1.1 Officials

A. Zoning Administrator

A Zoning Administrator shall be appointed by, for such term, and subject to such conditions, as shall be determined by the Township Board.

The provisions of this Ordinance shall be administered by the Zoning Administrator. The enforcement of this Ordinance shall be the responsibility of the Zoning Administrator.

B. Interim Administrator

In the event of the resignation, death, disability, vacation or disqualification of the Zoning Administrator, the Township Board shall appoint a temporary administrator until the Zoning Administrator resumes his or her duties or a new Zoning Administrator is appointed by the Township Board.

22.1.2 Land Use Permits

A. Land Use Permits

It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny the same. No land shall be occupied or used and no building or structure shall be erected, structurally altered, or relocated under the provisions of this Ordinance until a land use permit authorizing the same has been issued by the Zoning Administrator.

B. Land Use Permit Applications

1. Any person owning an interest in a parcel may apply for a land use permit. A land use permit application shall be made on a form supplied by the Zoning Administrator.
2. The application shall include the completed form, copies of the building and site plans, a complete legal description of the parcel, specifications and other such information as may be necessary to determine that that use applied for complies with this Ordinance. Such other information shall include, but not be limited to:
 - a) Three (3) copies of the site plan, drawn to comply with the specifications of Section 14.6 of this Ordinance;
 - b) The maximum seating and/or sleeping capacity of all buildings and structures, according to applicable governmental regulations;

- c) A concise statement of all operations and uses which are proposed to be conducted on the premises;
 - d) A concise statement of the services, if any, to be offered to the public;
 - e) Any other information required by this Ordinance;
 - f) A non-refundable fee, the amount to be established from time to time by the Township Board.
3. The Application, and all the supporting documents, shall be kept by the Zoning Administrator as part of the Township's permanent records.
 4. The application and site plan shall describe the proposed use and each structure proposed to be constructed or altered and show that the same will be in compliance with his Ordinance.
 5. Upon receipt of a land use permit application, the Zoning Administrator shall review the application to determine whether it is complete, shall coordinate its review by other interested governmental entities as may be required, and shall act on the application within ten **(10)** business days.
 - a) If the application is not complete, the Zoning Administrator shall return the application to the applicant with a letter that specifies what additional information or documents are required to make it complete.
 - b) If the application is complete but the proposed use does not conform to a permitted or special use for the parcel under this Ordinance, the permit shall be denied in writing, sent to the applicant, and list which section(s) of this Ordinance it does not conform with and what changes would be required to make the proposed use conform, if any simple changes could be made to achieve conformance of the proposed use.
 - c) If the application is complete and the proposed land use and structures are determined to meet the basic site plan, a land use permit shall be issued by the Zoning Administrator.
 - d) If the application is complete and the project calls for a medium or detailed site plan, which calls for review by the Planning Commission pursuant to Section 14.5 and policy adopted thereunder, the site plan shall be forwarded by the Zoning Administrator to the Planning Commission for review and:
 - 1) approval of the site plan, with or without conditions, before the permit is issued by the Zoning Administrator, or
 - 2) denial, if found not to conform, in which case the Zoning Administrator shall send a written permit denial to the applicant which lists each violation of this Ordinance and what changes would be necessary to obtain a permit, if any simple changes made would make the proposed use conform.
 6. A land use permit shall be required prior to the issuance of a Michigan State Construction Code permit, issued pursuant to the State Construction Code Act.

C. Permit Exemptions

Nothing in this section shall be construed to exempt or require construction permits, other than those required by the State Construction Code Act. Section 22.1.2.A notwithstanding, neither a land use permit nor a fee is required under this section for the following alteration or uses:

1. Exterior or interior repair and improvement that does not structurally alter the premises or change the exterior shape or form of any building or structure in any manner.
2. Relocation or replacement of machinery or equipment within a building which conforms to the provisions of this Ordinance and is used for a commercial or industrial purpose; and any modification to such building required in connection with said relocation or replacement, provided said modification does not structurally alter the premises or changes the exterior shape or form in any manner.
3. The erection, construction, alteration, or maintenance by public utilities or Township departments or commissions of over ground or underground gas, electrical, water, communications, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools and accessories used in connection therewith and reasonably necessary for furnishing adequate service to their individual customers and clients, but not including regional, long distance, interstate distribution or collection systems.
4. Open space.
5. Individual recreation uses such as boating, hiking, hunting, fishing and trapping.
6. Plowing and planting of cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation of one (1) or more parcels of land.
7. Harvesting of timber as part of a forest management activity when part of a forest management plan.
8. Sidewalks, driveways to dwellings and duplexes.
9. Domestic animal shelters used solely for an occupant's pet dog, rabbit or cat.
10. Personal property sales permitted by this Ordinance.

D. Start Work Deadline

A land use permit issued under this Article is void if the use is not commenced within one (1) year after the permit is issued and any construction diligently pursued to completion. A renewal may be granted by the Zoning Administrator after a re-study of the permit at no cost to the applicant, provided the applicant continues to meet all requirements for a permit.

E. Void Permits

1. A violation of any condition or specification in a land use permit issued under this Article shall void the permit.
2. Any improper or incorrect information contained in the application for a land use permit issued under this Article shall void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

22.1.2 Annual Report

The Zoning Administrator shall submit to the Planning Commission by April 1st of each year, an annual report fully explaining the nature and extent of violations of this Ordinance and the resolution of such violations.

22.1.3 Other Duties

The Zoning Administrator shall have other duties and responsibilities as specified elsewhere in this Ordinance.

22.1.4 Required Fees

- A. The fees for land use permits and other applications shall be established by the Township Board. Any required fee shall be paid to the Township Treasurer before any application is considered complete and before any action shall be taken on the application. Said fee shall be retained whether the requested relief or action is granted or not and shall be used as provided by law. The Township Board at any regular meeting may change fees which change shall be effective thirty (30) days from the date of publication of such change.
- B. Any works initiated or completed prior to all required Township approvals having been granted are subject to such additional fees and penalties as may be determined by the Township Board.
- C. In connection with any application for a special use permit, site plan approval, zoning amendment, planned residential development review, planned unit development review, appeal, or similar application, the reviewing board or official may determine that additional review fees are required to cover the reasonable costs of reviewing such application. Such costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. If determined to be required, the applicant shall pay such costs in advance into an escrow fund established by the Township for such application. No application shall be considered complete and no permit shall be issued until all costs have been paid. The Township shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within sixty (60) days of final action by the reviewing board or official.

22.2 ENFORCEMENT

22.2.1 Removal of Hazards

- a) When the Zoning Administrator finds a clear and present hazard that threatens the health and safety of persons and property he/she shall immediately contact the owner of such hazard in person or by phone, advising the owner of such hazard and shall determine with the owner what and when such remediation shall take place. This discussion shall be confirmed by letter, certified mail, receipted.
- b) If the owner fails to remedy the hazard as agreed, the Township Board may do so and charge all costs to the owner. Failure to pay said charges by the next tax due date shall require the Township to add these charges to the violators tax bill.

22.2.2 Violations and Penalties

Any land, dwelling, building or structure, including any tent or mobile home, used, erected, altered, raised or converted in violation of this Ordinance or in violation of any regulation, condition, permit or other right granted, adopted or issued pursuant to this Ordinance is hereby declared to be a nuisance per se. Any person, partnership, limited liability company, corporation, or association who created or maintains a nuisance per se or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Such infractions shall be determined and addressed in accordance with Clark Township Ordinance No. 01-2008, Municipal Civil Infractions, as amended or replaced by the Clark Township Board.