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ADMINISTRATION AND ENFORCEMENT

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ARTICLE 26: ADMINISTRATION AND ENFORCEMENT

SECTION 26.01: PURPOSE

This article sets forth the procedures required for obtaining a Zoning Compliance Certificate, certificate of occupancy, sign permit, and special land use permit. The authority and duties of the Zoning Administrator, and the Planning Commission are also specified.

SECTION 25.02: ADMINISTRATION

The responsibility for the administration and enforcement of this Ordinance shall rest with the Township Supervisor, who along with the Township Board, shall have the authority to delegate responsibility to appropriate Township officers and/or employees. The individual administering and enforcing this Ordinance shall be designated as the Zoning Administrator and shall have the power of a public official in implementing enforcement procedures.

SECTION 26.03: ZONING COMPLIANCE CERTIFICATE

Any development permitted by this Ordinance, including accessory and temporary uses, may not be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, moved onto a site nor removed therefrom, and no building used, occupied, or altered with respect to its use, after the effective date of this Ordinance until a Zoning Compliance Certificate has been secured from the Zoning Administrator. Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance.

SECTION 26.04: APPLICATION REQUIREMENTS FOR ZONING COMPLIANCE CERTIFICATES

- A. All application requests for a Zoning Compliance Certificate shall be executed by the owner of the subject property or his representative on a form provided by the Township and filed with the Zoning Administrator.
- B. When a Zoning Compliance Certificate is sought for a development which is a part of a plat of a subdivision which has received final plat approval or which has been issued a Special Use Permit, the plat, or Special Use Permit, together with any covenants, conditions, or other restrictions shall be submitted as a part of the application for the Zoning Compliance Certificate, if not previously submitted and on file at the Township Hall.
- C. Application for a Special Use Permit shall be made prior to application for a Zoning Compliance Certificate.
- D. With regard to subdivision developments, final approval of the final plat in accordance with *Section 148 of the Land Division Act, Act P.A. 288, 1967, as amended*, shall be verified by the Zoning Administrator prior to application for a Zoning Compliance Certificate.

SECTION 26.04: APPLICATION REQUIREMENTS FOR ZONING COMPLIANCE CERTIFICATES – (Cont.)

- E. A temporary use and an accessory use shall require a Zoning Compliance Certificate as a precondition to their lawful establishment. The Zoning Administrator may establish regulations governing the application requirements for a Zoning Compliance Certificate in the case of either a temporary or accessory use which is established at any time other than simultaneously with a principal use, in which case all information specified in *Section 26.05A of this Article* shall be submitted. The purpose of the required information is to provide the Zoning Administrator with a sufficient factual basis to determine if all requirements of the Ordinance applicable to temporary and accessory uses have been fulfilled.
- F. No application shall be accepted by the Zoning Administrator until it is completed as described above and until all fees established by the Township to offset processing have been paid in full.

SECTION 26.05: PROCEDURES

- A. Developments consisting of a single lot of record, a single dwelling unit, or a single nonresidential unit shall be reviewed by the Zoning Administrator for compliance with this Ordinance. Within five (5) business days after the application for a Zoning Compliance Certificate has been accepted by the Zoning Administrator, the Zoning Administrator shall inform the applicant whether the application has been granted. If the application is granted, the Zoning Administrator shall issue a Zoning Compliance Certificate which shall state on its face:

“This certificate does not certify building codes review or approval, nor subdivision review or approval, and is not authorization to undertake any work without such review and approval, where either is required.”
- B. Development consisting of more lots, uses, or structures than described above, shall be reviewed for compliance with this Ordinance in as timely a manner as possible. The Zoning Administrator shall inform the applicant whether the certificate has been granted within thirty (30) days after the application for a Zoning Compliance Certificate has been accepted by the Zoning Administrator.
- C. Applications for sign permits shall be reviewed for compliance with this Ordinance, and within five (5) business days after filing with the Zoning Administrator, the Zoning Administrator shall inform the applicant whether the permit has been granted.

ARTICLE 26 – ADMINISTRATION AND ENFORCEMENT

SECTION 26.06: SITE PLAN REVIEW

Site plan review shall be required as a precondition to the issuance of a Zoning Compliance Certificate in accordance with *Section 18.05, Procedures for Site Plan Review*. The Zoning Administrator or the Planning Commission, in those site plan reviews for which it has jurisdiction, shall review all site plans subject to the procedures, standards, and limitations set forth in this Ordinance. A Zoning Compliance Permit shall not be issued without written approval of the Zoning Administrator or the Planning Commission, in those site plan reviews for which it has jurisdiction based upon the submittal requirements specified in *Section 18.06, Required Information*.

SECTION 26.07: SPECIAL USE PERMIT

An application for a Special Use Permit required under this Ordinance shall be submitted to the Zoning Administrator in accordance with the requirements of *Article 17, Special Land Uses, Section 17.03, Application Procedure*.

SECTION 26.08: CHANGE OF USE

A change or alteration of the use of any building, structure, or land shall not be permitted until a Zoning Compliance Certificate and a Certificate of Occupancy are obtained pursuant to this Article.

SECTION 26.09: ZONING ADMINISTRATOR, DUTIES AND POWERS

- A. The Zoning Administrator shall be appointed by the Township Board and shall have the following responsibilities and the authority to administer the Zoning Ordinance.
1. Receive and review all applications for Zoning Compliance Certificates.
 2. Process Zoning Compliance Certificate and Special Use Permit applications for all permitted uses.
 3. Process all applications for Certificate of Occupancy.
 4. Receive applications for amendments and variances and forward to the proper board and/or commission for action.
 5. Following disapproval or a permit application, receive application for interpretation and appeals and forward information to the Zoning Board of Appeals.
 6. Record and file all applications for Zoning Compliance Certificates with accompanying plans and documents. All applications, plans, and documents shall be a public record.
 7. Revoke any Zoning Compliance Certificate issued under a mistake of fact or contrary to the law or provision of this Ordinance.

ARTICLE 26 – ADMINISTRATION AND ENFORCEMENT

SECTION 26.09: ZONING ADMINISTRATOR, DUTIES AND POWERS – (Cont.)

8. Make any other inspections and determinations as specified in this Ordinance.
9. If by amendment to this Ordinance, any zone boundary or any other matter shown on the official zoning maps is changed by action of the Township Board, such change shall be promptly indicated on the official map by the Zoning Administrator, together with the date of passage of the amendment and a sufficient, written description to give a precise understanding of the change. Every such change shall be certified by the Township Clerk. An up-to-date copy of the official zoning maps as amended, shall be available for public inspection in the Township Office during regular business hours.

SECTION 26.10: DUTIES OF THE PLANNING COMMISSION

- A. The Planning Commission shall study and report on all proposed amendments to the text of this Ordinance referred to it by the Township Board. When reviewing any such proposed amendments, the Planning Commission shall, within forty-five (45) days of receipt from the Zoning Administrator, submit its recommendations and findings to the Township Board.

SECTION 26.11: PENALTIES

A. CIVIL LAW

Any buildings or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

B. CIVIL LAW PENALTIES

Any person, firm, or corporation found violating the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not less than \$50 or more than \$500 as determined on the basis of the facts surrounding the violation(s). Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$10 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

SECTION 26.12: REMEDIES

The Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, jail sentence, or both, shall not exempt the violator from compliance with the provisions of this Ordinance.

ARTICLE 26 – ADMINISTRATION AND ENFORCEMENT

SECTION 26.13: FEES

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
1. Zoning compliance certificates and permits.
 2. Special land use permits.
 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Classification of unlisted property uses.
 5. Requests to change a nonconforming use.
 6. Requests for variances from the Zoning Board of Appeals.
 7. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 8. Site plan reviews.
 9. Requests for a planned unit development (PUD).
 10. Any other discretionary decisions by the Planning Commission or the Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing public notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

- B. If the Planning Commission, Zoning Board of Appeals or Zoning Administrator determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission, Zoning Board of Appeals or Zoning Administrator determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees an amount determined by the Planning Commission, Zoning Board of Appeals or Zoning Administrator equal to the estimated additional costs. These zoning fees are required to obtain a professional review of a project which may create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on the subject or adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made. The zoning fees shall be used to pay for the professional review expenses of the professionals whose expertise Marquette Township values to review the proposed application and/or site plan, special use, traffic impact study or other documents of an applicant. The professional review will

SECTION 26.13: FEES – (Cont.)

result in a report to Marquette Township indicating the extent of conformance or nonconformance with this Ordinance and to identify and problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review or report completed for Marquette Township and a copy of the statement of expenses for the professional services rendered, if requested. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission, Zoning Board of Appeals or Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission, Zoning Board of Appeals or Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal.

Failure of the applicant to make any escrow deposit required under this ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or release of a final decision on an appeal. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

SECTION 26.14: EFFECTIVE DATE

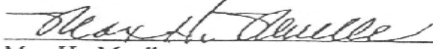
In accordance with the provisions and procedures as set forth in the *Act 110 of the Public Acts of 2006, as amended (Michigan Zoning Enabling Act)* and *Act 359 of the Public Acts of 1947, as amended (The Charter Township Act)*, a Notice of Ordinance Adoption shall be published within seven (7) days of the date this Ordinance is adopted by the majority vote of the Township Board, and it shall take effect and be in force on the date of publication.

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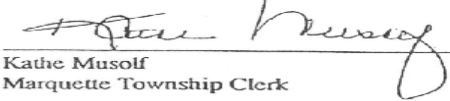
Officially adopted by the Township Board of the Charter Township of Marquette, Marquette County, Michigan, on this 9th day of October, 1996.

1. Date of public hearing(s) _____ & _____.

Publication date of Notice of Ordinance Adoption _____, 1996.



Max H. Muelle
Marquette Township Supervisor



Kathe Musolf
Marquette Township Clerk