

ARTICLE 1.0 ADMINISTRATION AND ENFORCEMENT

Section 1.01 Title of this Ordinance.

This Ordinance shall be known and may be cited as the Freedom Township Zoning Ordinance, and shall be referred to herein as "this Ordinance."

Section 1.02 Enabling Authority.

This Ordinance has been prepared for and adopted by the Township Board of Freedom Township under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by this Act.

Section 1.03 Intent and Purposes of this Ordinance.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Master Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Protecting the character and stability of agricultural, residential, commercial, and industrial areas of the Township; and promoting the orderly and beneficial development of such areas;
3. Regulating the intensity of land use; and determining lot areas and open spaces necessary to surround buildings to provide adequate light and air;
4. Lessening and minimizing congestion and conflicts on public roads and highways;
5. Providing for the needs of agriculture, recreation, residences, limited commerce, and limited industry in future growth;
6. Providing adequate light, air, privacy and convenience of access to property, and promoting healthful surroundings for family life in residential and rural areas;
7. Fixing reasonable standards to which structures and other site improvements shall conform, and prohibiting uses or structures that are incompatible with the character of development or the uses or structures permitted in specific districts;
8. Protecting against fire, explosion, noxious fumes, odors, heat, dust, smoke, light pollution, glare, noise, vibration, radioactivity, and other nuisances and hazards;
9. Preventing the overcrowding of land and undue concentration of buildings so far as is possible and appropriate in each zoning district by regulating the use, height, location, and bulk of buildings in relation to the surrounding land; and
10. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

Section 1.04 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance.
3. **Unlawful uses, structures, and other site improvements.** A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.05 Compliance Required.

No structure, site or part thereof shall be constructed, altered or maintained and no use of any structure or land shall be established, maintained, altered or expanded except in conformity with this Ordinance.

Section 1.06 Authority, Duties, and Responsibilities.

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the boards, commissions, and officials charged with administering, implementing, and enforcing the provisions of this Ordinance, as follows:

A. Township Board Authority and Responsibilities.

The Township Board shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the

Michigan Zoning Enabling Act, the Township Board shall have the authority to adopt this Ordinance and Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 18.0 (Amendments).

2. **Approval of planned unit development (PUD) projects.** Township Board approval shall be required for establishment of planned unit developments, in accordance with Article 14.0 (Planned Unit Development District).
3. **Setting of fees.** The Township Board shall have the authority to set fees for all application reviews required under this Ordinance to defray costs and expenses incurred in processing such applications.
4. **Appointment, oversight, and removal of zoning officials.** The Township Board shall appoint a Zoning Administrator and any other ordinance enforcement officials deemed necessary to act as the officer(s) for the proper administration and enforcement of this Ordinance.
 - a. The duties and responsibilities of the Zoning Administrator may be vested in one (1) person, divided among two (2) or more persons or delegated to designated Township consultants as the Township Board may determine.
 - b. The Zoning Administrator and any other zoning enforcement officials shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
 - c. The Township Board may remove the Zoning Administrator and any other zoning enforcement official from office in accordance with such employment terms and conditions as the Board shall determine.

B. Planning Commission Authority and Responsibilities.

The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance.

1. **Zoning Commission authority.** All powers, duties, and responsibilities for a zoning commission as provided by the Michigan Zoning Enabling Act are hereby transferred to the Freedom Township Planning Commission.
2. **Formulation of Zoning Ordinance.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance and Official Zoning Map, review of rezoning petitions or other amendments to the Zoning Ordinance text or Official Zoning Map, holding hearings on a proposed Zoning Ordinance, rezoning petition, or other text or Map amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board.
3. **Site plan and conditional use approval.** The Planning Commission shall be responsible for review and action on applications for site plan approval per Article 15.0 (Site Plan Review); and for holding hearings, review, and action on applications for conditional use approval per Article 16.0 (Conditional Uses).

4. **Planned unit development (PUD) review and recommendation.** The Planning Commission shall be responsible for holding hearings, review, and making recommendations to the Township Board regarding establishment of special districts per Article 14.0 (Planned Unit Development District).
5. **Formulation of a Master Plan.** The Planning Commission is hereby designated as the commission specified in the Michigan Planning Enabling Act, and shall perform the planning duties of said commission as provided in the statute, including preparation of the Township's Master Plan.
6. **Report on the operation of the Zoning Ordinance.** The Planning Commission shall periodically oversee the preparation of a report to the Township Board on the Zoning Ordinance, including any recommendations as to the enactment of amendments or supplements to the Ordinance.
7. **Review of other matters referred by The Township Board.** The Planning Commission shall be responsible for review and making recommendations to the Township Board for action on subdivision plats, land division applications, and other matters referred by the Township Board.

C. Zoning Board of Appeals Authority and Responsibilities.

The Zoning Board of Appeals shall have the authority and responsibilities as specified in Article 17.0 (Zoning Board of Appeals), including hearing appeals of administrative decisions and requests for variances from Ordinance requirements, and making determinations related to nonconforming uses and interpretation of this Ordinance and the Official Zoning Map.

D. Township Clerk Authority and Responsibilities.

The Township Clerk or duly authorized agent(s) shall have the following responsibilities under this Ordinance:

1. Ensure that all notices required by these regulations are published and distributed in accordance with this Ordinance and the Michigan Zoning Enabling Act, and ensure that a record is kept of such notices.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

E. Zoning Administrator and Ordinance Enforcement Officer Duties and Responsibilities.

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, and any other ordinance enforcement officials as designated and authorized by the Township Board. The Township Board shall appoint the Zoning Administrator and Ordinance Enforcement Officer, and shall set the specific scope of responsibilities for each position. In general, these positions shall have the following duties and responsibilities:

1. The Zoning Administrator shall interpret all provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question,

and carry out the intent and purposes of this Ordinance and the Township's Master Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals by an aggrieved party in accordance with Section 17.06 (Interpretations).

2. The Zoning Administrator and Ordinance Enforcement Officer shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.
3. The Zoning Administrator shall have the authority to receive applications for and issue certificates of zoning compliance in compliance with the provisions of this Ordinance.
 - a. It shall be unlawful for the Zoning Administrator to approve any plan, issue any certificate of zoning compliance, or grant any other approval authorized under this Ordinance except in conformance to all applicable provisions of this Ordinance.
 - b. The Zoning Administrator shall not refuse to approve a certificate of zoning compliance upon determination that the applicant has complied with all conditions imposed by this Ordinance, despite any violations of private contracts, covenants or agreements that may result from work performed or improvements made under the approved permit or certificate.
 - c. The Zoning Administrator or Ordinance Enforcement Officer shall issue necessary notices or orders to ensure compliance with these provisions.
4. The Zoning Administrator or Ordinance Enforcement Officer shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance. The Zoning Administrator or Ordinance Enforcement Officer may engage the assistance of other Township officials, legal counsel, the Township Planner, and other designated consultants in making such inspections. The Zoning Administrator or Ordinance Enforcement Officer may engage other experts as needed, subject to Township Board approval.
5. The Zoning Administrator or Ordinance Enforcement Officer shall be responsible for making periodic inspection of the Township for the purpose of identifying violations of this Ordinance, and shall have the authority to initiate investigations into alleged violations of these regulations, investigate complaints of Ordinance violations, issue warnings and citations, and make inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
 - a. If the Zoning Administrator or Ordinance Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he or she shall promptly notify the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
 - b. The Zoning Administrator or Ordinance Enforcement Officer shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in

violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.

6. The Zoning Administrator and Ordinance Enforcement Officer shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
7. The Zoning Administrator and Ordinance Enforcement Officer shall each submit to the Township Board an annual report or a report issued at more frequent intervals, as requested by the Township Board, in which a summary of the activities of the office is presented.
8. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following zoning approval procedures.

F. Township Planner Responsibilities.

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.
2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.
3. Provide citizens and public officials with information relative to these regulations and related matters.
4. Review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
5. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township
6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
7. Perform other related duties, as authorized, to administer these regulations.

Section 1.07 Certificates of Zoning Compliance.

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a certificate of zoning compliance (or zoning

permit) from the Township. No certificate of zoning compliance shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises or part thereof created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Administrator. Failure to obtain a certificate of zoning permit shall be a violation of this Ordinance subject to the provisions of Section 1.13 (Violations and Penalties). Review and approval of certificates of zoning compliance shall be subject to the following:

A. Application.

Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Section 1.07J (Site Plan or Plot Plan), and all information necessary to determine zoning compliance.

1. Application for a certificate of zoning compliance may be made by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
2. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. Full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

B. Where Building Permit is Required.

All plans to be submitted to the Building Inspector for a building permit under the State Construction Code shall first be submitted for review and approval by the Zoning Administrator with respect to the requirements of this Ordinance. No building permit shall be issued unless a certificate of zoning compliance has been issued by the Zoning Administrator for the same development and is in effect.

C. Where Building Permit is Not Required.

In all cases in which a certificate of occupancy is required but a building permit is not required, the certificate of occupancy shall not be issued unless a certificate of zoning compliance has been issued by the Zoning Administrator and is in effect.

D. Nonconformities.

A certificate of zoning compliance shall not be issued for any use or structure unless said use or structure and the lot on which it is situated meet all requirements of this Ordinance.

1. If one (1) or more nonconformities exist, all of which are legal nonconformities, a certificate of zoning compliance shall be issued for the use or structure and the lot on which such use or structure is situated. In such a case, the certificate of zoning compliance shall clearly list each verified legal nonconformity.
2. If one (1) or more unlawful uses, structures or other site improvements are determined to exist, a certificate of zoning compliance shall not be issued for any

use or structure or the lot on which such unlawful uses, structures or other site improvements are situated.

E. Amendments.

Subject to the limitations of Section 1.07G (Abandonment of Application), amendments to a certificate of zoning compliance application or plan regulated by this Section may be filed any time before completion of work for which the certificate of zoning compliance was approved, and before a certificate of occupancy is issued. Such amendments shall be deemed a part of the original application and shall be filed therewith. The Zoning Administrator shall keep a written record of approved amendments to an application.

F. Approval or Denial.

The Zoning Administrator shall examine or cause to be examined all applications for a certificate of zoning compliance and amendments thereto.

1. If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Administrator shall reject the application in writing, stating the reasons therefore, within 15 calendar days of filing.
2. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance within 15 calendar days of filing. The Zoning Administrator shall attach his or her signature to every certificate, or may authorize a subordinate to affix such signature. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

G. Abandonment of Application.

An application for a certificate of zoning compliance shall be deemed to have been abandoned 365 calendar days after the date of filing, unless such application shall have been diligently pursued, or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit.

1. The Zoning Administrator may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding 90 calendar days each.
2. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of 365 calendar days after time of commencing work.

H. Revocation of Certificate.

If any false statement or misrepresentation of fact is made in the application or on the plans on which the certificate was based, the Zoning Administrator may revoke the certificate of zoning compliance.

I. Conditions.

Issuance of a certificate of zoning compliance shall be subject to the following:

1. No certificate shall be issued until the required fees have been paid;
2. All work or use(s) shall conform to the approved application and plans for which the certificate has been issued, and any approved amendments thereto; and

3. All work or use(s) shall conform to the approved final site plan, if a final site plan is required under this Ordinance.

J. Site Plan or Plot Plan.

An application for a certificate of zoning compliance shall conform to any approved site plan required under this Ordinance. The Zoning Administrator may require that a copy of the approved final site plan be submitted with the certificate of zoning compliance application. If a site plan is not required under this Ordinance, two (2) copies of a plot plan, drawn to scale and containing the following information, shall be submitted:

1. Scale, date, and north point.
2. Location, shape, and dimension of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
4. A clear and complete description of existing and intended uses of all structures, existing or proposed.
5. Additional information required by the Zoning Administrator to determine compliance with this Ordinance, including but not limited to a parcel survey.

K. Inspections.

Per Section 1.06 (Authority, Duties, and Responsibilities), shall be the duty of the Zoning Administrator to inspect work performed under an approved certificate to verify Ordinance compliance. It shall be the duty of the holder of every certificate of zoning compliance to notify the Township when the work subject to the certificate is ready for inspection. Upon determination that the work has not been completed in conformance with this Ordinance, the Zoning Administrator shall take action in accordance with Section 1.13 (Violations and Penalties) to correct the violation.

Section 1.08 Building Permits.

Issuance of a building permit under the State Construction Code shall not exempt a building permit holder from compliance with the requirements of this Ordinance. Any building permit required in accordance with the State Construction Code shall be in addition to any certificate(s) of zoning compliance required under this Ordinance. No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township ordinances, nor shall such a permit be issued unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect.

Section 1.09 Certificates of Occupancy.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure 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 certificate of occupancy shall have been issued therefore by the Building Authority.

A. General Requirements.

A certificate of occupancy shall not be issued until the Zoning Administrator confirmed compliance with all provisions of this Ordinance by signature or in writing to the Building Authority. A certificate of occupancy shall not be issued for any structure or part thereof, or for use of land, which does not comply with all provisions of this Ordinance. Failure to obtain a certificate of occupancy and a written verification of zoning compliance when required shall be a violation of this Ordinance and shall be punishable in accordance with Section 1.13 (Violations and Penalties).

The Zoning Administrator shall review each application for a certificate of occupancy to verify that the structure complies with all regulations of this Ordinance. The Building Authority shall review such applications for compliance with the State Construction Code and any adopted property maintenance code.

B. Application.

Application for certificate of occupancy shall be made in writing to the Building Authority in accordance with the State Construction Code.

C. Certificates of Occupancy Required Under Building Code.

Certificates of occupancy as required by the State Construction Code for new buildings or structures or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificate of occupancy as required by this Ordinance, provided such certificates include written verification of zoning compliance from the Zoning Administrator.

Section 1.10 Records.

The Zoning Administrator shall, in cooperation with the Township Clerk, maintain records of all certificates and permits issued under this Ordinance, which shall be open for public inspection.

Section 1.11 Fees and Performance Guarantees.

The Township Board shall establish a fee schedule by resolution to defray fixed costs and variable expenses incurred by the Township to perform functions required under this Ordinance. In accordance with the Township's adopted fee schedule, the Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Administrator may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

A. Application Fees for Fixed Costs and Expenses.

Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Application fees are non-refundable, but may be waived by the Township Board for good cause.

2. The amount of the application fee shall be established by resolution of the Township Board.

B. Escrow Deposits for Variable Costs and Expenses.

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application.

1. The funds shall be managed by the Township Clerk, and shall be deposited before the cost or expense is incurred.
 - a. The funds will not be deposited in an interest bearing account.
 - b. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.
 - c. Costs incurred to manage the account may be debited to the account.
2. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.
3. The Township shall provide written notice and a request for an additional escrow deposit to the applicant if at any time the sums on deposit appear insufficient to cover anticipated costs and expenses.
 - a. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.
 - b. If additional funds are not promptly deposited, the Township shall issue a stop work order, cease review or table action on the application, deny zoning permits or certificates of zoning compliance associated with the application, or take no further action to process the project.
4. Sums remaining in the account when the project is completed shall be promptly returned to the applicant.

C. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Administrator may require that the applicant deposit with the Township Treasurer a financial guarantee, in a form satisfactory to the Township, to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning permits or certificates of zoning compliance, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant and accepted by the Planning Commission.

2. The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in southeastern Michigan, or other surety acceptable to the Township Board.
3. Performance guarantees shall continue until the Planning Commission has verified that the conditions for release of the guarantee have been met.

Section 1.12 Compliance with Plans and Applications.

Certificates of zoning compliance, building permits, and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator and Building Authority authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and shall be punishable as provided for in Section 1.13 (Violations and Penalties).

Section 1.13 Violations and Penalties.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Violation.

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction or misdemeanor citation and other measures allowed by law.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
2. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
3. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

B. Correction Period and Stop Work Orders.

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator or other ordinance enforcement official as designated and authorized by the Township Board. The Zoning Administrator or other ordinance enforcement official may:

1. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
2. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
3. Issue may issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.

If the violation is not corrected within the time period specified by the Zoning Administrator or other ordinance enforcement official, or a stop work order is disregarded, the Zoning Administrator or other ordinance enforcement official shall notify the Township Board and request that appropriate legal action be taken by the Township Attorney to resolve the violation.

C. Penalties and Remedies.

A firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation who violates the provisions of this Ordinance by failing to comply with any of its provisions and requirements, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance shall be subject to any or all of the following penalties and remedies:

1. **Violation as misdemeanor.** A violator shall be guilty of a misdemeanor and upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 90 calendar days, or both, and in addition, shall pay all costs and expenses involved in the case, including cost of prosecution. Each day a violation continues shall be considered a separate offense. The imposition of such fines or sentences shall not exempt the violator from compliance with this Ordinance.
2. **Violation as civil infraction.** The violator shall be responsible for a civil infraction for which the court may impose a civil fine of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
3. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.
 - a. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.
 - b. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.

4. **Choice of remedy.** The decision to charge a violator with a misdemeanor or a civil infraction or to seek injunctive relief to enjoin violations of the Ordinance or any combination of these remedies shall be at the sole discretion of the Township.

D. Public Nuisance Per Se.

Any structure which is erected, altered, or converted, or any use of any structure or lot which is established or altered in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 1.14 Public Hearing Procedures.

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or other designated Township official, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice.

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
 - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
 - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which a review is being considered.
5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300

feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.

- a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - b. Delivery of such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning.
 - c. Such notices need not be given to more than one (1) occupant of a building, except as follows:
 - (1) If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
 - (2) If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
 - d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
 - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

B. Discretionary Notice.

The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send such notices by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. Pre-Hearing Examination.

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

D. Right to Submit Written Statements.

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

E. Timeframe for Hearings.

The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.

F. Rights of All Persons.

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

G. Adjournment.

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

H Governance.

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.