

## ARTICLE 18 – Administration and Enforcement

### Section 18.1 Violations and Penalties

- A. Nuisance Per Se. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
- B. Violation. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 <sup>st</sup> Offense	\$ 75.00	\$ 500.00
-2 <sup>nd</sup> Offense	\$ 150.00	\$ 500.00
-3 <sup>rd</sup> Offense	\$ 325.00	\$ 500.00
-4 <sup>th</sup> or More Offense	\$ 500.00	\$ 500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Florence Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 be ordered.

- D. Remedial Action. Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

### Section 18.2 Compliance Bonds

- A. To ensure compliance with any decision made by any body or person so authorized the Planning Commission, Zoning Board of Appeals or Township Board may require that a cash deposit, certified check, irrevocable bank letter, of credit or acceptable surety bond covering the estimated costs of improvements associated with a project be deposited with the Township Clerk to ensure faithful completion of the improvements.

- B. Improvements means those features and actions associated with a project which are considered necessary by the body or person granting approval to protect natural resources, or the health, safety and welfare of current and future residents of the Township. Improvements so considered may include roadways, lighting, utilities, sidewalks, screening and drainage.
- C. Such guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. Cash deposits shall be returned to the applicant in reasonable proportion to the ratio of work completed on the required improvements.

### **Section 18.3 Re-submittal**

No petition for rezoning which has been disapproved by the Board, nor any petition for a Special Use which has been disapproved by the Planning Commission shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon re-submittal.

### **Section 18.4 Certificate of Occupancy**

No dwelling or building or mobile home subject to the provisions of this Ordinance, shall be occupied or used until the Zoning Administrator has issued a Certificate of Occupancy to the owner or applicant who made application for the building permit. At least ten (10) days prior to being ready for use or occupancy, the owner applicant shall notify the Zoning Administrator who shall, within five (5) days, assure himself that the building is in proper conformity and, if so, issue a Certificate of Occupancy, in two (2) copies. One (1) copy may be retained in the Zoning Administrator's files. One (1) copy shall be returned to the owner or applicant. If a certificate of occupancy is denied, the owner or applicant shall receive, in writing, the reasons for denial.

### **Section 18.5 Severability**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

### **Section 18.6 Repeal of Prior Ordinance**

This Ordinance shall be deemed a replacement of the existing Florence Township Zoning Ordinance which was effective as of June 15, 1987 which supersedes and replaces the existing Florence Township Zoning Ordinance in its entirety. In addition, all other Ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

### **Section 18.7 Effective Date**

This Ordinance was adopted by the Township Board on October 20, 2003 and is ordered to take immediate effect.

Sections 18.8 through 18.14 are reserved for future expansion.

**Section 18.15 Enforcement**

The Florence Township Zoning Administrator, the Florence Township Ordinance Enforcement Officer and any other individual Township officials that may from time to time be designated shall administer this Ordinance and are hereby authorized and empowered to investigate violations and to issue notices of violation and citations for violation of the same.

