

ARTICLE 3**ADMINISTRATION AND ENFORCEMENT****Section 3.1. Enforcement.**

The provisions of this Ordinance shall be administered and enforced by the zoning administrator and any of his aides or assigns responsible for enforcing the provisions of this Ordinance.

- 3.1.1. **VIOLATIONS:** All violations of this ordinance shall be civil infractions, and upon conviction thereof, shall be punishable by a fine of not less than Fifty (\$50.00) Dollars and not more than Five Hundred (\$500.00) Dollars. In addition, all violators shall be responsible for costs which may include all direct or indirect expenses to which the Township has been placed in connection with the violation. These costs shall not exceed Five Hundred (\$500.00) Dollars.
1. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
 2. The foregoing penalties shall not prohibit the Township from seeking other appropriate relief as may be provided by law.
 3. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
 4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- 3.1.2. **PUBLIC NUISANCE, PER SE:** Any building 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.
- 3.1.3. **FINES, IMPRISONMENT:** The owner of any building, structure, or premises or part thereof, where any condition in violation of this Ordinance shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- 3.1.4. **RIGHTS AND REMEDIES:** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- 3.1.5. **GENERAL RESPONSIBILITY:** The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of St. Clair County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

Section 3.2. Duties of Zoning Administrator.

The zoning administrator shall have the power to grant permits for zoning or building compliance, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

- 3.2.1. **PLANS REQUIRED.** It shall be unlawful for the zoning administrator to approve any plans or issue a zoning or building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the zoning administrator shall require that every application for a zoning or building compliance permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, in duplicate and showing the following in sufficient detail to enable the zoning administrator to ascertain whether the proposed work or use is in conformance with this Ordinance.
- A. The actual shape, location, and dimensions of the lot.
 - B. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot.
 - C. The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate.
 - D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- 3.2.2. **REVIEW.** If the proposed excavation, construction, moving, or alteration, or use of land, as set forth in the application are in conformity with the provisions of this Ordinance, the zoning administrator shall issue a zoning or building compliance permit. If any application for such permit is not approved, the zoning administrator shall state in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance. No alteration of approved plans are allowed without the written consent of the zoning administrator.
- 3.2.3. **LIMITATIONS.** The zoning administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order or regulation, contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures or land within the Township. The zoning administrator is under no circumstance permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as zoning administrator.
- 3.2.4. **RECORDS.** The zoning administrator shall record all non-conforming uses existing at the effective date of this Ordinance within six (6) months after the adoption of this Ordinance for the purpose of carrying out the provisions of the Ordinance

Section 3.3. Permits.

The following shall apply in the issuance of any permit:

- 3.3.1. **PERMITS REQUIRED.** It shall be unlawful for any person to commence excavation for, or construction of any building or structure, or moving of an existing building without first obtaining a zoning and building permit from the zoning administrator. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the building code.

No plumbing, electrical, mechanical, drainage, or other permit shall be issued until the zoning administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance.

"Alteration" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction, type, kind or class of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the building code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

- 3.3.2. PERMITS FOR NEW USE OF LAND. A zoning permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.
- 3.3.3. PERMITS FOR NEW USE OF BUILDING OR STRUCTURES. A zoning permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- 3.3.4. FINAL INSPECTION. The holder of every permit shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit for a final inspection. The signature of the zoning administrator is required, as is the Building Inspector.

Section 3.4. Certificates of Occupancy.

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the zoning administrator shall have issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with.

- 3.4.1. APPLICATION FOR CERTIFICATES. Certificates of occupancy shall be applied for in writing to the zoning administrator on forms provided by the zoning administrator, and shall be issued within ten (10) days after the receipt of such application, if it is found that the building or structure or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and the cause thereof within the aforesaid ten-day period.
- 3.4.2. CERTIFICATE FOR NEW USE. No land, building, structure, or part thereof shall be changed to, or occupied by, a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- 3.4.3. CERTIFICATE VALIDITY. No certificate of occupancy shall be issued for any building, structure or part thereof, or for the use of any land which is not in accordance with all the provisions of this Ordinance. The certificate of occupancy as required for new construction of, or renovations to existing buildings and structures, in the building code, shall also constitute certificates of occupancy as required by this Ordinance.
- 3.4.4. TEMPORARY CERTIFICATES. Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy and, provided further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- 3.4.5. CERTIFICATES FOR ACCESSORY BUILDINGS TO DWELLINGS. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

- 3.4.6. **CERTIFICATES FOR EXISTING BUILDING.** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- 3.4.7. **CERTIFICATES FOR NON-CONFORMING BUILDINGS AND USES.** All certificates for such uses shall be dealt with as described in the Ordinance regarding non conforming lots, uses and structures.
- 3.4.8. **BONDS.** If for any reason a full or temporary Certificate of Occupancy is requested or required to be issued, prior to the completion of all items covered by any permit issued by the Township, a performance guarantee in the form of cash, certified check or a letter of credit, must be submitted as a bond to ensure the faithful completion of all items covered by the permit. The amount will be set by resolution of the Township Board from time to time as necessary or requested. The amount, required to be deposited, may not be less than 110% of the costs that would be needed to complete the items listed on the Certificate as the condition for issuance. These guarantees may be used as necessary and as regulated in further detail in the Zoning Ordinance under "PERFORMANCE GUARANTEES."

Section 3.5. Performance Guarantees.

A performance guarantee shall be required to be deposited with the Township at the time of the issuance of the permit authorizing a project, or subsequently as permitted by the issuance of a Temporary Certificate of Occupancy, to ensure faithful completion of the required improvements. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the Township to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project.

- 3.5.1. **SURETY.** Any required surety shall be submitted in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond as determined by resolution of the Township Board.
- 3.5.2. **AMOUNT.** To insure compliance with the St. Clair Township Zoning Ordinance and any condition imposed by it, a cash deposit, certified check, letter of credit or surety bond equal to 110 percent of the site improvement costs may be required to insure faithful completion of the improvements. The estimate of the actual costs for such improvements shall be determined by the Zoning Administrator, in consultation with nationally published cost valuation and/or the Township Engineer as necessary.
- 3.5.3. **REBATE.** The Township shall rebate to the applicant, as the work progresses, amounts of such deposit equal to the ratio of work satisfactorily completed to the entire project. Such rebates shall be based on the report and recommendation of the Zoning Administrator.
- 3.5.4. **FORFEITURE.** If any portion of the required improvements is not completed or does not meet construction standards within the allocated time period, the Township shall declare whatever security has been pledged as forfeit. Where the Township is not already in possession of said guarantee, it shall immediately take the actions necessary to obtain it. Upon receipt of these securities, the Township shall use them, or receipts from their sale if that be necessary, to finance the completion of contracted improvements or the rebuilding of such improvements to the proper specifications. The Township may also use these guarantees for any and all legal fees associated in pursuing the completion of the necessary improvements in a court of law. All expenditures, will be considered non-refundable unless determined differently by a court of law. Unused portions of these securities shall be returned to the owner, developer, bonding company, or crediting institution, as is appropriate.

- 3.5.5. **EXTENSION.** Any action or inaction by St. Clair Township in respect to any required improvement shall not serve to extend the time of validity of any Temporary Certificate of Occupancy or excuse any violation of this Ordinance. A Temporary Certificate of Occupancy may, however, be extended in time, and from time to time, for good cause, upon receipt of a request, submitted in writing, prior to the expiration date of the current Temporary Certificate of Occupancy.

Section 3.6. Zoning Amendments.

The Township Board may, from time to time, amend this Ordinance by changing or supplementing, the text, the district map, the districts on said map or the boundaries of such districts, district regulations, zoning of a particular parcel, or other provisions of this Ordinance. An amendment may be initiated by the Township Boards or Commissions, by an interested party or their agent.

- 3.6.1 **APPLICATION.** Upon the receipt of a request for a zoning amendment, by an interested party or their agent, the request shall be accompanied by an application and fee in an amount established by resolution of the Township Board. Sufficient time must be allowed for proper public hearing notification and publication prior to the next regularly scheduled meeting. When a request for rezoning is received by an interested party or their agent the information required to be provided by the applicant shall include the following:

- A. Name, address and signature of the applicant and the owner of the proposed property for rezoning.
- B. All existing street addresses of the land proposed for rezoning or the parcel number or other common form of identification, where a street address is not available.
- C. Legal description of the land proposed to be rezoned.
- D. Present and requested zoning classification of land proposed to be rezoned.

- 3.6.2. **PUBLIC HEARING AND NOTICE.** Following the acceptance of an application by the Township or the initiation of changes by the Township, a Public Hearing shall be held by the Planning Commission, with public notification given as follows:

- A. **Publication.** The Township shall publish a Notice of Public Hearing in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the public hearing. The Notice of Public Hearing shall include the following information:
 1. Describe the nature of the request, including the present and requested zoning classification of any land proposed for rezoning or the proposed Zoning Ordinance amendments, additions or deletions.
 2. The street address of all properties that are the subject of the request or the parcel number or other common form of identification, where a street number is not available.
Note: If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identification are required to be listed in the notification.
 3. State when and where the public hearing for the rezoning request will be held.
 4. State when and where written comments will be received concerning the request.
 5. State time and places the zoning ordinance, map and the future land use plan may be examined.
- B. **Mail Notice.** For rezoning requests, the public notification shall also include Notice of Public Hearing to be sent by regular first class mail or personally delivered, not less than 15 days before the date of the public hearing, containing the information required for publication, to the following as listed:
 1. To each electric/gas/pipeline public utility company, telecommunication service provider and railroad operation within the affected zoning district and the manager of each airport within the Township, provided the designated entity has registered their name and address with the Clerk for the purpose of receiving zoning public hearing notices.
 2. To the applicant and the owner of the property requested for rezoning.

3. To all owners of property for which approval is being considered and to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property proposed for rezoning, regardless of whether the property or occupant is located in the zoning jurisdiction. If there are no street addresses other means of identification may be used.

Note: This applies to individual property and up to 10 or fewer adjacent properties that are the subject of the request. If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identification is required to be listed or notified.

- C. Posted Notice. If the public hearing is not taking place on the regular meeting date, notice shall be posted at the township hall a minimum of 18 hours prior to the public hearing.
- D. File Affidavits. An affidavit of mailing shall also be maintained.

3.6.3. REFERRAL. Following the public hearing, the Planning Commission shall submit the information listed below to the respective boards as follows:

- A. All proposed property zoning changes and zoning ordinance changes, including any zoning maps shall be submitted to the County Planning Commission for review and recommendation. The review may be waived by the County or shall be assumed waived, should a recommendation not be received by the Township within 30 days after receipt of the information by the County.
- B. Following receipt of the County Planning Commission report or waiver thereof, a report shall be submitted to the Township Board including the following information:
 1. A summary of comments received at the public hearing.
 2. Copies of the proposed zoning change, plan and/or text.
 3. The recommendation of the township Planning Commission regarding the proposed zoning change, plan and/or text.

3.6.4. TOWNSHIP BOARD. After a hearing at a regular meeting or at a special meeting called for that purpose the Township Board shall proceed as follows:

- A. The Board shall consider the County and Township Planning Commission recommendations and shall:
 1. Disapprove the proposed ordinance or zoning change or;
 2. Approve the proposed ordinance or zoning change, with or without permissible changes or;
 3. Refer the proposed ordinance or zoning change back to the Planning Commission for further consideration and comment within a time stated by the Township Board.
- B. The Board may hold an additional public hearing at their own initiative, or upon the receipt of a request of a property owner, addressed to the Township Clerk by certified mail. The Board shall hold the public hearing, in compliance with the requirements listed in this ordinance for Public Hearing and Notice and proceed in compliance with the actions listed above.

3.6.5. ADOPTION. Approval of any proposed ordinance or zoning change shall take place only by majority of township board members by roll call vote. Subsequent to approval, the following actions are to take place:

- A. File the ordinance or zoning change with the Township Clerk in such a manner as to allow for a notice of ordinance adoption to be published within 15 days after adoption.
- B. The notice is to be published in a newspaper, of general circulation in the township, within 15 days after adoption and shall contain either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- C. An affidavit of publication from the newspaper shall be kept in the Township public records.

- D. A copy of the notice of adoption of the ordinance shall be mailed to each designated entity that have registered their name and address with the Clerk for the purpose of receiving zoning public hearing notices.
- E. A copy of the ordinance is to be placed on record within one week after the publication of the notice of ordinance adoption. It shall be kept on hand and available for inspection and/or purchase during regular business hours.
- F. The ordinance shall be certified by the Township clerk, recording the date of adoption of the ordinance, names of members voting thereon, how each member voted, the date of publication and name of the newspaper in which the ordinance was published, the date of filing with the County and date of mailing notice of ordinance adoption to public entities registered with the Clerk for the purpose of receiving zoning public hearing notices.
- G. Copies of all changes to the zoning map or ordinance pages are to be distributed to members of the Township Board, Planning Commission, Zoning Board of Appeals members and other appropriate Township officials.
- H. The Zoning Ordinance shall take effect upon expiration of 7 days after publication as required by this section or at such later date after publication as may be specified by the Township Board.

Exception: Within 7 days after publication of a zoning ordinance as specified above, a registered elector, residing in the Township may file with the Clerk a notice of intent to file a petition as specified in the laws of the State of Michigan regulating zoning. The elector shall then have 30 days from the date of publication to file a petition and have the clerk determine invalidity or validity of the petition. Should the petition be found to be valid, the ordinance shall be subject to the approval of the voters, as regulated further by the laws of the State of Michigan regulating elections.

Section 3.7. Fees

The Township Board shall, by resolution, determine and set the fees to be charged for all permits, certificates and copies thereof, fees for appeals to the Board of Appeals, fees for application to the Planning Commission for special approval uses or site plan review, fees for rezoning applications, and fees for all other applications and services provided for in this Ordinance.

Section 3.8. Records

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township records.