

ARTICLE 2

PURPOSE

SECTION 2.01. PURPOSE.

It is the purpose of this Article to provide the procedure for the administration of the ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 2.02. ADMINISTRATION.

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the Clarendon Township Planning Commission Ordinance, the Michigan Planning Enabling Act, 2008 PA 33, MCL 125.3801, et seq., as amended, and the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101, et seq., as amended.

The Township Board shall appoint a zoning administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the zoning administrator shall have the powers of a police officer and shall be sworn in by the Township Clerk. The Township Board may appoint such assistants to the zoning administrator as may be necessary to aid the zoning administrator in the performance of his duties hereunder.

In the absence of the zoning administrator, the Township Clerk or other Township Zoning Administrator.

SECTION 2.03. DUTIES OF ZONING ADMINISTRATOR.

- A. Review all applications for zoning permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and other codes and ordinances adopted by the Township Board and shall approve issuance of the permit if the use and the requirements of this Ordinance and other laws are met; provided, however, that such application shall also be subject to the approval of the building inspector as hereinafter set forth.
- B. Receive all applications for conditional use permits; conduct field inspections, surveys, and investigations, prepare maps, charts, and other pictorial materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; and notify the applicant, if requested, in writing, of any decision of the Planning Commission.
- C. Receive all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance; conduct field inspections, surveys, and investigation; prepare maps, charts, and other pictorial materials when necessary or desirable; and otherwise process applications so as to formulate recommendations to the Zoning Board of Appeals for determination.

- D. Receive all applications for amendments to this Ordinance; conduct field inspections, survey, and investigation; prepare maps, charts, and other pictorial materials when necessary or desirable; otherwise process applications so as to formulate recommendations; and report to the Planning Commission all such applications, together with recommendations.
- E. The building inspector shall be responsible to update the Township Zoning Map and keep it current.
- F. The zoning administrator shall prepare and submit to the Township Board and Planning Commission a written record of all building permits issued during each month. The record shall state the owner name(s), location of property, intended use, and estimated cost of construction for each permit. The building inspector shall maintain and post monthly a list in the Township Hall of all building permits issued.
- G. Maintain written records of all actions taken by the building inspector.
- H. Be responsible for providing forms necessary for the various applications to building inspector, Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance, subject to general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

SECTION 2.04. BUILDING PERMIT.

- A. **BUILDING INSPECTOR.** The building inspector referred to in this Ordinance is and shall be the building inspector appointed by the Township Board pursuant to the provisions of 1972 PA 230, as amended (MCL 125.1501 et seq.), known as the “Stille-DeRossett-Hale single state construction code act” and the building inspector shall have and perform duties as therein set forth.
- B. **BUILDING PERMIT REQUIREMENTS.** A building permit is required for and shall be obtained after the effective date of this Ordinance from the office of the building inspector or his agent for the following conditions:
 - 1. The construction, enlargement, alteration, or moving of any dwelling, building, or any part thereof, being used or to be used for agricultural, residential, commercial, or industrial purposes; provided, however, that a building permit is not required for a building incidental to the use for agricultural purposes of the land on which the building is located if the building is not used in the business of retail trade.
 - 2. Agricultural buildings and structures to insure proper placement on a lot or parcel of land.
 - 3. Accessory buildings and portable structures necessary to an agricultural operation, shall not require a building permit as long as the placement of said building conform to the setback and height requirements of the district in which they are located.

4. Repairs of a minor nature or minor alterations which do not change the use, occupancy, structural strength, fire protection, exits, light, and ventilation of a building shall not require a building permit.

C. **APPLICATION FOR A BUILDING PERMIT.** Application for a building permit shall be made in writing upon a blank form furnished by the building inspector and shall state the name and address of the owner of the building and the owner of the land upon which it is to be erected, enlarged, altered, or moved. There shall be submitted with all applications for building permits two copies of a site layout or plot plan showing:

1. The location, shape, area, and dimensions of the lot, lots, or acreage.
2. The location of the proposed construction upon the lot, lots, or acreage affected.
3. The dimensions, height, and bulk of structures.
4. The nature of the proposed construction, alteration, or repair and the intended use.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other uses.
6. The present use of any structure affected by the construction or alteration.
7. The yard area and parking space dimensions, if applicable.
8. The proposed design and construction standards of parking spaces, if applicable.
9. The number of loading and unloading spaces provided, if applicable.
10. Any information deemed necessary by the building inspector to determine compliance with and provide for the enforcement of this Ordinance. If the information and all other provisions of this Ordinance, the building inspector shall issue a building permit upon payment of the required building permit fee.
11. Certified permit from the county health department stating that the proposed on-site water and sewer is in conformance with the county sanitary code.

D. **VOIDING OF PERMIT.** Any building permit granted under this Section shall be null and void unless the development proposed shall have its first inspection within ninety (90) days from the date of the granting of the permit. The building inspector shall make every effort to notify the holder of a permit that is liable for voiding before voidance is actually declared. The building inspector may void or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of the ordinance or regulations of the Township.

E. **INSPECTION.** The construction or usage affected by any building permit shall be subject to the following inspections:

5. At time of staking out of building foundation.
6. Upon completion of the work authorized by the permit.
7. Additional inspections as required by the Township Building Inspector.

It shall be the duty of the holder of every permit to notify the building inspector when construction is ready for inspection. Upon receipt of such notification for the first inspection, the building inspector shall determine whether the location of the proposed building, as indicated by corner stakes, is in accordance with yard setback and other requirements of the ordinance. The building inspector shall issue his/her written approval at the time of inspection, if the building or proposed construction meets the requirements of this Ordinance. Should the building inspector determine that the building or structure is not located according to the site and construction plans filed or is in violation of any provision of this Ordinance or any other applicable law, he/she shall so notify in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved by the building inspector upon notice and request for re-inspection duly made.

Should a building permit holder fail to comply with the requirements of the building inspector at any inspection stage, the building inspector shall make a report in writing such failure to the Township Clerk. The building inspector shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before construction may proceed.

SECTION 2.05. FEES, CHARGES, AND EXPENSES.

The Township Board shall establish a schedule of fees, charges, and expenses and a collection for building permits, appeals, and other matters pertaining to the ordinance. The schedule of fees shall be posted in the office of the building inspector and may be altered or amended only by the Township Board. No permit, certificate, conditional use on approval, or variance shall be issued until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals until preliminary charges and fees have been paid in full.

SECTION 2.06. VIOLATIONS; NUISANCES *PER SE*.

Any building or structure including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained, or used or any use of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance are hereby declared to be a nuisance per se.

SECTION 2.07. PENALTIES (MUNICIPAL CIVIL INFRACTION).

A person who violates any provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions for each infraction. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses shall be subject to increased fines as provided by Section 10 of the Clarendon Township Code of Ordinances.

SECTION 2.08. ENFORCEMENT OF ZONING BY TOWNSHIP BOARD.

In addition to all other remedies provided herein, the Township Board in the event it determines a structure, including tents and mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any use of land or premises which is begun, maintained, changed, or abandoned in violation of any provisions of this Ordinance, may, following the expiration of thirty (30) days after notice of intent to proceed under this Section is given to the owner of record of said land or premises at the last address shown on the records of said Township, undertake to correct the violation and to assess the land or premises for the cost thereof, which said assessment shall become a lien upon said land and shall be collected in the same manner as Township taxes in accordance with the law in such case made and provided.

SECTION 2.09. COMPLIANCE BOND.

- A. To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the Township may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements be deposited with the clerk of the Township to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The Township shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.
- B. This Section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the land division act, 1967 PA 288, MCL 560.101 to 560.293.