

CHAPTER 15
ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, who shall be appointed by the Township Board.

SECTION 15.02 DUTIES OF THE ZONING ADMINISTRATOR

A. This Ordinance shall be enforced by the Zoning Administrator and Building Inspector who shall, in no case, issue any Building Permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Board of Appeals or a court of competent jurisdiction.

B. Violations

The Zoning Administrator shall investigate any alleged violation of this Ordinance coming as may be discovered. If a violation is found to exist, the Zoning Administrator shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct said violation and does not correct such violation within fourteen (14) days or any extension of time required by the Zoning Administrator, the Zoning Administrator shall serve notice upon the owner, notify the Township Board, and prosecute such violator to terminate said violation before a court of proper jurisdiction.

C. Inspections

The Building Inspector shall inspect all new construction or alterations at the time footings are placed, when framing is underway, and at the completion of the construction or alterations authorized. The Building Inspector shall make such additional inspections deemed necessary to insure compliance with the provisions of this Ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.

D. Records

The Zoning Administrator and Building Inspector shall keep records of all inspections, applications, applications and permits issued, with a notation of all special conditions involved. They shall file and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

SECTION 15.03 ZONING COMPLIANCE AND BUILDING PERMITS

- A. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be changed to another use, until a Zoning Compliance permit has been granted by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, a site development plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.

- B. Plans shall be drawn to scale and shall show dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a Zoning Compliance or Building Permit. In the event a Building Permit is also required by the Building Code of the Township, then said fee shall be credited toward the Building Permit required by the Building Code of the Township.

- C. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance. All Zoning Compliance permits shall expire one year from their date of issuance.

- D. A copy of all approved Building Permits shall be sent to the Assessor.

- E. A Zoning Compliance permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance and/or State and Township Subdivision Regulations.

- F. The Zoning Administrator shall have a reasonable period of time, not to exceed thirty (30) days to review all plans and specifications prior to taking appropriate action thereon.

- G. The Zoning Compliance permit and Building Permit shall be displayed so as to be visible from a public street at the site where authorized action is being undertaken.

SECTION 15.04 CERTIFICATE OF OCCUPANCY

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy shall have been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A copy shall be sent to the Township Assessor. Where a Building Permit is not involved, a fee as established by the Township Board from time to time shall be charged for each permit.

SECTION 15.05 ZONING ORDINANCE AMENDMENTS

A. Initiation

1. An amendment to the Zoning Map, which is a part of this Ordinance, may be initiated by the Township Board or Planning Commission on a motion by either body, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed, or by a person authorized in writing by the property owner to submit such application.
2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a motion by either body or by a verified application of any person affected by the provision requested to be changed.

B. Procedure for Changes

1. Applications for Zoning Ordinance Map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
 - a. A legal description of the property to be affected by a proposed change to the Zoning Map; or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing Ordinance section and language.
 - b. A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within one-half (½) mile of the property affected by such amendment.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold a public hearing. Notice of the public hearing shall be given as provided in Section 15.09. (8-15-06)
3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary. The notice for such hearing to be the same as required by the Planning Commission public hearing for the same matter.

C. Resubmission

Whenever a proposed Zoning Map or text change has not been approved by the Township Board, the Planning Commission shall not reconsider such Map or text change for at least one (1) year following the date of the original application unless the Planning Commission finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

SECTION 15.06 SCHEDULE OF FEES

- A. No action shall be taken on any application for any variance, ordinance amendment, Site Plan Review, Special Land Use, or any other review required by this Ordinance by the Township Board, Planning Commission, or Board of Appeals, unless or until fees connected with such application, as determined from time to time by the Township Board, have been paid.
- B. Where structures have begun construction or are occupied before any required approval is granted, the fees for such application approval shall be doubled. Payment of such fees shall not relieve any person from fully complying with the requirements of this Ordinance.

SECTION 15.07 PENALTIES

- A. Penalties
 - 1. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this ordinance is hereby declared to be a nuisance per se.
 - 2. A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,500 for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses.
 - 3. Each day during which any violation continues shall be deemed a separate offense.

B. Procedure

The Township Board and/or Township Supervisor may institute mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

SECTION 15.08 PERFORMANCE GUARANTEES

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond or cashier's check, or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project.

- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance bond or cashier's check shall be forfeited.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

SECTION 15.09 NOTICE REQUIREMENTS (8-15-06)

A. Notice Required

Notice of public hearing on certain actions by zoning officials and bodies is required by the Zoning Act and this Ordinance, and this section sets forth the requirements for notice. If the Zoning Act is amended such that any provision of this section does not comply with or exceed the requirements of such amended law, then the provisions of law shall control. For the different types of review and approval provided for in this Ordinance, notice shall be given as follows:

1. Planned Unit Development - (Chapter 9): Notice by both publication and mailing in accordance with subsections B. and C.
2. Public Information Meeting on Site Plan Review - (Chapter 11): Notice by mailing only in accordance with subsection C.
3. Special Land Use - (Chapter 12): Notice by both publication and mailing in accordance with subsections B. and C.
4. Action of the Zoning Board of Appeals on Appeals, Interpretations and Variances - (Chapter 14): Notice by both publication and mailing in accordance with subsections B. and C. (Mailing not required for appeal or interpretation not involving a specific parcel.)
5. Rezoning of An Individual Property, or Ten or Fewer Adjacent Properties - (Chapter 15): Notice by both publication and mailing in accordance with subsections B. and C.
6. Text Amendment of Zoning Ordinance, Not Involving Rezoning of Any Identified Property - (Chapter 15): Notice by publication only in accordance with subsection B. below.
7. Rezoning of Eleven or More Adjacent Properties - (Chapter 15): Notice by publication only in accordance with subsection B. below.

For purposes of determining whether or not mailing is required for rezoning (and also for the required text of notice), each contiguous parcel or parcels under common ownership, not divided by a public road, shall be considered to be one parcel.

B. Notice by Publication

If notice of public hearing is required, it shall be published in a newspaper of general circulation in the Township one time not less than fifteen days prior to the date of the public hearing.

C. Notice by Mail or Personal Delivery

1. Notice of public hearing shall be mailed or given by personal delivery to the owners of property for which a request or action is being considered, not less than fifteen days before the date of the public hearing. Notice to neighboring property owners and occupants shall be mailed or given by personal delivery not less than fifteen days before the date of public hearing 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. Notice shall be addressed to the respective owners at the address given on the last confirmed assessment roll, as supplemented by any changes processed and reflected on the tax records by the Township subsequent to that time. If an occupant's name is not known, the term "occupant" shall be used. Notice shall be given to owners or occupants of property located outside of Courtland Township, if within the above notification radius.
2. Notice given by mail shall be complete when placed in United States Mail, with first class postage prepaid. Notice by personal delivery shall be complete by delivering the notice to the person entitled to the notice, or by leaving it with a person of suitable age and discretion at that person's residence, or affixing it to the front door of that person's residence.

D. Contents of Notice

Notices of public hearings on zoning actions shall include at least the following information:

1. A general description of the land use or change proposed, and the type or types of zoning approval being considered.
2. An identification of the property that is subject to the request. Except for re-zoning of eleven or more adjacent properties, the notice shall include a listing of all existing street addresses within the property. If the request pertains to a proposal for rezoning of eleven or more adjacent properties, the notice need not include a listing of all existing street addresses within the property, but shall include identification of the general location of the request. Street addresses need not be created and listed if no such addresses exist for the property. If there are no street addresses, other means of identification may be used.
3. A statement of when and where the request will be considered.
4. A statement that written comments may be received addressed to the Township Clerk, at the Township Hall, prior to the meeting, or delivered to the body conducting the hearing at the time of the hearing.
5. In case of a proposed amendment to the text of the Zoning Ordinance or a rezoning, notification that the proposed Ordinance amendment is on file with the Township for review during regular Township Hall business hours.

E. Additional Notice to Public Utilities, Railroads and Airports

In addition to other notices required, notice of any amendment to the text of the Zoning Ordinance, or re-zoning of property (regardless of number of properties involved), shall be given by mail at least fifteen days prior to the hearing to each electric, gas, and pipeline public utility company, each telecommunication service provider, any railroad operating within the Township, and the airport manager of any airport that has registered its name and mailing address with the Clerk of the Township for the purpose of receiving such notices of public hearing.

F. Authorized Officials

The Township Zoning Administrator, Supervisor and Clerk are each authorized to give notice of public hearing, in compliance with this Ordinance and the Zoning Act, without prior approval of the reviewing body. However, in their discretion, or at the direction of the reviewing body, these officials may or shall defer the giving of notice until the application has first been considered by the reviewing body. Appropriate written proof of the giving of notice shall be prepared and maintained in the Township files.