

## **Article 2**

# **GENERAL ADMINISTRATION, ENFORCEMENT, and PENALTIES**

### **Section 2.1 Purpose**

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a zoning permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a zoning permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a building permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Building Code.

### **Section 2.2 Zoning Permit Required**

**A. When a Zoning Permit is Required:** Except as provided in subsection (C) below, none of the following shall occur until the Zoning Administrator has issued a zoning permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies that the proposed buildings and structures comply with the Building Code through the issuance of a building permit:

1. Grading or excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, building and structure.
3. The use of any land, building or structures, or change in the use of any land, building or structure, as delineated in the Permitted Uses tables of Article 3, including the conversion of an abandoned building to an active use.

**B. Zoning Permit Form / Approval:** A zoning permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, the proposed buildings and structures, and any conditions made part of such permit. No zoning permit shall be issued for any building, structure, or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance or any other Township ordinance or code. See Section 2.4 regarding application review procedures.

**C. Zoning Permit Exemption:** A zoning permit shall not be required for the following or as provided elsewhere in this Ordinance, but the following shall still be subject to the standards and other requirements of this Ordinance:

1. The alteration of any wall of any building provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A building permit may be necessary for such an alteration pursuant to the Building Code.
2. Grading and/or excavation to a depth no greater than twelve (12) inches in association with ground care, landscaping or agricultural field contouring.
3. Paved surfaces such as sidewalks but excluding driveways. See Section 13.3 regarding private driveways and Section 13.4 regarding private roads.

**D. Conditions:** The designated approving body for a permit application may attach reasonable conditions to such zoning permit application approval.

### **Section 2.3 Responsibility for Administration**

**A. General Administration:** The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, Planning Commission, Zoning Board of Appeals, Zoning Administrator, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance. The Zoning Administrator shall be the sole body authorized to accept permit applications, and issue permits upon action by the designated approving body for such permit application. The Zoning Administrator may simultaneously serve as the Building Inspector.

**B. Duties of the Zoning Administrator:** Under no circumstances is the Zoning Administrator permitted to make changes in or to this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator shall perform the duties specified in this Ordinance including, at a minimum:

1. Provision of Application Forms: The Zoning Administrator shall make available forms as necessary for the efficient and comprehensive administration of this Ordinance.
2. Accept, Forward and Review Applications: The Zoning Administrator shall be the sole body authorized

to accept permit applications and forward such applications to the designated review and approval bodies. The Zoning Administrator shall undertake the review of zoning permit applications and other applications made under this Ordinance for conformance to this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.

3. Issue Zoning Permits: The Zoning Administrator shall issue zoning permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the designated body or official, including in association with plot plans, site plans, special land uses and variances.
4. Issue Zoning Permit Denials: The Zoning Administrator shall issue zoning permit denial correspondence, including notifying an applicant of such action and the basis for the denial.
5. File of Applications: The Zoning Administrator shall maintain files of all applications submitted under this Ordinance, actions on such applications, and any performance guarantees associated with permits or approvals.
6. Inspections and Violations: The Zoning Administrator shall investigate or assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance. The Zoning Administrator is authorized to issue notices of violations and municipal civil infractions.
7. Record of Complaints: The Zoning Administrator shall maintain a record of any complaint of a violation of this Ordinance and of the action taken consequent to each complaint.
8. Maintain a Record of Official Ordinance Interpretations: The Zoning Administrator shall keep a record of any official interpretation of any aspect of this Ordinance by the Zoning Administrator or as rendered by the Zoning Board of Appeals according to Article 16.
9. Disburse Public Information: The Zoning Administrator shall make available to officials and the public copies of this Ordinance as the need may arise or as may be requested, and provide other Ordinance information as the need or requests may arise.
10. Reports/Meetings: The Zoning Administrator shall report to the Planning Commission, Zoning Board of Appeals, and Township Board on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise. The Zoning Administrator shall attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, as may be requested.

## **Section 2.4 Zoning Permit Application and Review Procedures and Permit Withholding, Revocation and Expiration**

**A. General Application and Review Procedures:** An application form for a zoning permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a zoning permit shall be issued.

1. Agricultural Buildings, Single-Family Dwellings and Two-Family Dwellings: Whenever the Zoning Administrator determines an application for an agricultural building, single-family dwelling or two-family dwelling, and accessory uses, buildings and structures thereto, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the zoning permit. See Section 2.4(B).
2. Buildings and Structures Not Associated with Single-Family or Two-Family Dwellings: Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator upon completion of the approval process specific to the application in question which, in the case of a use requiring site plan approval or a special land use application, shall first require final action by the Township Board after receipt of a Planning Commission recommendation.
3. Plot Plan / Site Plan: An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for agricultural buildings, single family dwellings, and two-family dwellings, and accessory buildings and structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, buildings and structures and shall be prepared according to Article 14 (Site Plan Review) unless provided otherwise by this Ordinance.
4. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a zoning permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 3, or elsewhere in this Ordinance, shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.

5. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Township Board, nor shall such project be issued a zoning permit, until action on the variance request has first been acted upon by the Zoning Board of Appeals.
6. Incomplete Applications: If zoning permit application materials are not complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
7. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a zoning permit in order to ensure conformance with the requirements of this Ordinance, according to Sec. 2.6.
8. Permit Refusal or Denial in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused or denied, the reasons shall be provided to the applicant in writing by the Zoning Administrator. Such notification may include a copy of the meeting minutes and denial motion containing such reasons.

**B. Agricultural Buildings, Single Family Dwellings and Two-Family Dwellings/Plot Plan Approval**

1. Application Required: Application for a zoning permit for agricultural buildings, single family dwellings and two-family dwellings, including alterations and accessory buildings and structures thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(C) for exceptions. Three (3) copies of all application materials shall be submitted to the Township and shall consist of:
  - a. The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits including county health department wastewater disposal and potable water system permits, county soil erosion control and storm water management permits, county road commission driveway permits, and state wetland permits.
  - b. An accurate, readable, drawing of scale not less than 1" = 50', constituting a plot plan, identifying:
    - 1) Name, address and telephone number of the applicant (and owner if different).
    - 2) A scaled property drawing showing lot lines, dimensions, bearings, lot area, legal description, and an arrow pointing north. The Zoning Administrator or Building Inspector may require a sealed property survey, or partial survey specific to one (1) or more property lines, prepared by a Michigan-licensed surveyor or engineer, where conditions are present that necessitate a greater level of detail or accuracy regarding the location of property lines and/or buildings and the determination of conformance to this Ordinance including setback standards. The Zoning Administrator or Building Inspector may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All such surveying costs shall be paid for by the applicant or property owner.
    - 3) The location and footprint of existing buildings and structures, and the location, height, footprint and scaled floor plans of proposed buildings and structures to be erected, altered, or moved on the lot.
    - 4) Distances of buildings and structures from lot lines.
    - 5) A description of proposed use(s) of the building(s), land and structures.
    - 6) Configuration of the driveway and parking areas.
    - 7) Existing public and private right-of-ways and easements.
    - 8) Existing and/or proposed location of septic drain field and potable water well.
    - 9) In the case of a corner lot, the designated side and rear yard.
    - 10) Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling.
2. Application Review: The Zoning Administrator shall review a zoning permit application and determine its conformity with the provisions of this Ordinance. The Zoning Administrator may refer a plot plan to the Planning Commission for advisory comments, as the Zoning Administrator may find beneficial, due to the particular nature of the proposal.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. A plot plan shall be approved if it contains the information required by and is in compliance with this Ordinance.

4. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions thereto, shall be maintained as part of the Township's records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the application and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

**C. Permit or Approval Withholding or Denial, Revocation and Expiration**

1. Withholding Permit: A designated approving body or official, including in the case of a variance approval by the Zoning Board of Appeals, may withhold approval of an application pending verification that an applicant has received required county, state or federal permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.
2. Revocation: A body or official that grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may also issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.
3. Misrepresentation or Falsehood. If the applicant, landowner or developer has made a substantial and material misrepresentation (in writing or orally) pursuant to its application or to the Zoning Administrator, building inspector or the Township body involved in the zoning reviewing and approval process, then the Township may revoke and terminate any resulting Township zoning, building permit or other Township approval.
4. Construction Time Limits. Once construction or installation has begun regarding a building or structure, such building or structure shall be finished and an occupancy permit shall be issued in accordance with all other applicable Township ordinances.
5. Expiration of Permit:
  - a. **Permit Expiration Period**: A zoning permit or approval, including the approved plot plan or site plan upon which the permit or approval is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of the granting such permit or approval unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector within one year.
    - 1) Where a zoning permit or approval does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit or approval shall become null and void after one (1) year from the date of the granting such permit or approval unless for a development the clearing, preliminary grading, and survey staking of roads and drives shall have been completed within such time. Such permit or approval shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
  - b. **Extension of Permit Expiration Period**: The body or official that granted a zoning permit or approval may waive or extend the period of time in which the permit or approval is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is demonstrating a good faith intention to proceed with the use or construction and even though the permit or approval and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit or approval. In the case of a multi-phased project, the expiration of a zoning permit or approval for a specific phase shall similarly result in the expiration of all zoning permits or approvals previously granted for subsequent phases.
    - 1) In the case where the original zoning permit or approval is to expire more than three (3) years following the initial issuance of the permit or approval, no extension shall be granted unless the body that approved the permit or approval finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is demonstrating a good faith intention to proceed with the use or construction.
  - c. **Reapplication**: Should a zoning permit or approval expire, such use, building and/or activity shall not be initiated or continued except upon reapplication and re-approval, subject to the provisions of all ordinances in effect at the time of reapplication. Upon the expiration of the zoning permit or approval, failure to terminate the use for which the permit or approval was issued is declared to be a nuisance per se and a violation of this Ordinance.

## **Section 2.5 Building Permit / Permit of Occupancy Required**

- A. Building Permit:** No grading, excavation, or construction shall be initiated prior to the issuance of a zoning permit and, where required by state law, the Building Inspector certifies that the proposed buildings and structures comply with the Building Code through the issuance of a Building Permit.
- B. Occupancy Permit:** No structure, building or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Building Code.

## **Section 2.6 Performance Guarantee**

- A. Authority, Purpose, and Timing:** To ensure compliance with this Ordinance and any conditions imposed under this Ordinance, the designated approving body or official for an application may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township and covering the estimated cost of improvements, conditions or other matters be deposited with the Township to ensure faithful completion of the improvements, conditions or other matters. The performance guarantee shall be deposited at the time of the issuance of the zoning permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. This section shall not be applicable to single family and two-family dwellings or improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited under the Land Division Act, Public Act 288 of 1967, as amended.
- B. Improvements Covered:** Improvements that shall be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roads, lighting, utilities, sidewalks, screening and drainage.
- C. Return of Performance Guarantee:** For the return of a performance guarantee or portion thereof involving improvements, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect the improvements and transmit a recommendation to the Township Board with a statement of the reasons for any recommended denial of the return of the performance guarantee or portion thereof. The Township Board shall approve, partially approve or deny the return of the performance guarantee request and shall notify the applicant in writing of the action of the Township Board. Where approval or partial approval is granted, the Township shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be proportional to the work completed.
- D. Lack of full Completion:** Should installation of improvements fail to meet full completion based on the approved permit application or approval, the Township may complete the necessary improvements itself or by contract with an independent contractor, and assess all costs of completing the improvements against the performance guarantee. Any deficiency shall be paid by the applicant. Any balance remaining shall be returned to the applicant.

## **Section 2.7 The Rule of Non-estoppel; Nonwaiver**

If any provision of this Ordinance is not enforced against a particular lot, parcel, or property or throughout the Township in general, that shall not be deemed to be a waiver (or constitute laches) regarding the ability of the Township to enforce that provision (or any other provision) of this Ordinance against a particular lot, parcel, or property involved or throughout the Township in general. Furthermore, should any Township official, body, board, or commission render any zoning approval or opinion, or undertake (or not undertake) any other action pursuant to this Ordinance, and it is determined that any such opinion, interpretation, approval, action or inaction was done in error or in an *ultra vires* or other mistaken fashion, that shall not preclude the Township from reversing, revoking, or revising any such zoning approval, interpretation, opinion, action, or inaction which was done in error and to thereafter enforce the provision or provisions of this Ordinance involved. The Michigan common law "rule of municipal non-estoppel" shall benefit the Township, as well as its officials, officers, bodies and commissions.

## **Section 2.8 Application Fees**

**A. Application Fees Required:** Fees for the administration and review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections, other matters under this Ordinance and the issuance of permits required under this Ordinance shall be deposited with the Township in advance of processing any application. The amount of such fees shall be established by the Township Board and may be revised from time to time. Such fees shall be limited to covering actual costs incurred by the Township including costs associated with conducting meetings and inspections, public notices, postage, photocopying, staff time, mileage, and professional assistance.

**B. Professional Review and Escrow Fees:** In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing the acting upon any such application or related matters. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part. Such costs and expense to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. If insufficient monies are deposited by the applicant or property owner with the Township to cover the Township's reasonable costs and expenses (as mentioned above), the applicant or property owner shall fully reimburse the Township for all such reasonable costs and expenses at any and all times demanded by the Township, whether during the zoning review process or after the process has been completed. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded.

**C. Incurring Expenses:** The Zoning Administrator shall not incur significant time nor expense to the Township unless and until the property owner, applicant or developer involved has filed a formal and complete zoning application with the Township and paid any and all applicable fees.

## **Section 2.9 Site Inspections**

**A. Inspections Authorized:** The Zoning Administrator shall have the authority to make inspections of premises, upon request at reasonable times, for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall interfere with the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator may seek an administrative search warrant in the event a property owner refuses access to a property in order to make an inspection.

1. Rejection of an Application: If an applicant refuses access to the Zoning Administrator to property that is the subject of a current application, the Zoning Administrator may return the application as incomplete and rejected.

### **B. Required Inspections:**

1. Zoning Administrator / Building Foundation Staking: No construction shall be continued beyond the staking of proposed foundation walls until the Zoning Administrator has approved in writing such staking, upon finding that the staked foundation walls are in compliance with the approved plot plan or site plan and this Ordinance.
2. Building Inspector / Construction Code: No construction shall be continued beyond any point where, prior to such construction, a site inspection is required by the Building Inspector according to the Michigan Construction Code including inspections required after footings and foundation forms are in place prior to the pouring of concrete and inspections required prior to the covering of structural members.

## **Section 2.10 Violations, Penalties and Remedies**

### **A. Violations in general and also as a Nuisance Per Se:**

1. **Activity/Use:** Any activity or use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, razed, extended, used, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance (or permit or approval pursuant to 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.
2. **Persons:** Any person who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, or condition thereof, or other approval granted hereunder, or any lawful order or determination of the Township Board, Planning Commission, Zoning Board of Appeals, Building Inspector, Zoning Administrator, Zoning Enforcement Officer or any authorized deputy sheriff, issued pursuant to this Ordinance, shall be in violation of this Ordinance and is hereby declared to be maintaining a nuisance *per se* subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.

### **B. Violations Are Municipal Civil Infractions / Penalties**

1. A violation of this Ordinance or permit or approval pursuant to this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine in accordance with the Lake Township Civil Infractions Ordinance, Ordinance #2013-01 or successor ordinance.

**C. Other Remedies:** In addition to issuance of a municipal civil infraction citation, the Township may also commence and enforce an action in a court of competent jurisdiction seeking injunctive, declaratory or other equitable relief to enforce or interpret any provision of this Ordinance, to require abatement of a violation and to seek such other relief as may be provided by law.

## **Section 2.11 Public Hearing Notices**

**A. Hearing Notice Content:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a property tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

**B. Recipients and Means of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. To the general public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within three hundred (300) feet of the boundary of the project subject to the request, and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located in Lake Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property.
  - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure and such person shall be requested to post the notice at the primary entrance to the structure.
4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the District or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice

of public hearing, by mail. Such notifications need only be provided in the case of text amendments or zoning map amendments to this Ordinance.

**C. Timing of Notice and Determination of Notice Given:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date of the public hearing involved, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, administrative appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

## **Section 2.12 Stop Work Orders**

**A. Halting of Use/Work:** Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance or any Township code, such work or use shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U. S. mail to the owner of the property involved at the owner's last known address or at the address that is shown for the owner in the current Township property tax assessment roll.

**B. Penalties:** Any person who shall continue to work in or about a structure, land or building or use it after a stop work order has been posted on the land or at the site shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 and the cost of prosecution, or shall be imprisoned in the county jail for not more than 90 days, or both such fine and imprisonment in the discretion of the court.

**Short-Term Rental ("STR"):** A dwelling unit, cabin, cottage or house that is available for rental, leasing, or use for habitation, accommodation or lodging of guests paying a fee or other compensation, for a period of less than 30 consecutive days and nights at a time.

*(Section amended 9-18-23, Ord. #2023-2. Above definition misplaced in Section 2.12 and to be relocated to Article 21, Sec. 21.2, as part of future amendment)*

## **Section 2.13 Proof of Ownership**

The Zoning Administrator or Building Inspector may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before issuance of a zoning compliance permit or a building permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a building permit, variances, special use requests, site plan review, zoning permits, and any other zoning or building code action.

## **Section 2.14 Advisory Opinions**

Neither the Township Board, Planning Commission nor ZBA should give advisory, hypothetical or informal zoning opinions or interpretations. The ZBA may decide a zoning interpretation or determination only if pursuant to a formal written appeal to the ZBA by an aggrieved party, with the proper hearing notices and hearing, based upon a formal zoning determination/interpretation made by the Zoning Administrator.

## **End of Article 2**

*(Article amended 9-18-23, Ord. #2023-2)*