

**ARTICLE 21
ADMINISTRATION AND ENFORCEMENT**

Sec. 21.01 DUTIES OF ZONING ADMINISTRATOR & OTHERS

- 21.01.01 **Zoning Administrator:** Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or the Zoning Administrator's designee; provided that site plan review shall be carried out by the Township Planning Commission, and special land uses by the Township Board and shall precede an issuance of permits.
- 21.01.02 **Zoning Compliance:** The Zoning Administrator shall have the power to grant zoning compliance permits, to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- 21.01.04 **Ordinance Requirements:** Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator.
- 21.01.05 **Compliance With Ordinance:** The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant, despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.
- 21.01.06 **Discontinuance of Illegal Uses:** The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction, or shall take any other lawful action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

Sec. 21.02 REQUIREMENT FOR PERMIT

- 21.02.01 **Land Use Permits:** A land use permit shall be secured from the Zoning Administrator prior to activities regulated by this Zoning Ordinance. In reviewing a request for a land use permit, the Zoning Administrator shall determine that such activity or use is in accordance with the requirements of this Ordinance. The Zoning Administrator may issue such permit following determination that appropriate action, sanctioning such use, has been taken by the Zoning Board of Appeals; and further provided that Site Review has been completed, where such review is required by this Ordinance.

The land use permit signifies that, in the opinion of the Zoning Administrator, the intended use, building or structure complies with all provisions of this zoning ordinance. Any change in the use of land, type of use or occupancy of any non-residential building or structure shall require a land use permit. Where a building permit is also required, application for a land use permit shall precede the application for building permit. In cases in which a building permit is not required for construction of a new or enlarged building or structure, the application for a land use permit shall be made prior to the date when construction is intended to begin.

- 21.02.02 **Special Land Use Permits:** A separate Special Land Use Permit is required for certain uses, as described in Article 19.

- 21.02.03 **County Permits:** No application shall be made to the Livingston County Building Department or Department of Health for appropriate permits until the Land Use Permit has been secured.
- 21.02.04 **Permits for New Use of Land:** A certificate of occupancy shall be required before any vacant or occupied land may be used or occupied by a new or different use.
- 21.02.05 **Permits for New Use of Buildings:** No building or structure or use for which a building or land use permit has been issued shall be used or occupied until the building official has, after final inspection, issued a certificate of occupancy. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this chapter.
- 21.02.06 **Permits Required:** No building or structure, or part thereof shall be hereafter erected, altered, moved or repaired unless a land use permit shall have been first issued for such work and a building permit shall have been first issued for such work. The terms "altered" or "repaired" shall include any changes in structural parts, stairways, fences, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township of Genoa, except for minor repairs or changes not involving any of the aforesaid features.
- 21.02.07 **Sewer and Water Permits:** Where public sewer and/or water is provided or required, a permit shall be issued prior to installation of such facilities only after review and approval of the construction plans by the Township Engineer.

Sec. 21.03 **PERFORMANCE GUARANTEE**

To ensure compliance with the provisions of this Ordinance and any conditions imposed by the Township Board, Zoning Board of Appeals, Planning Commission or Zoning Administrator, the Township may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements. The performance guarantee shall meet the following requirements:

- 21.03.01 **Performance Guarantee:** The performance guarantee may be in the form of a cash deposit, irrevocable letter of credit, certified check, cash escrow, or similar instrument acceptable to the Township. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Attorney attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Attorney presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.
- 21.03.02 **Submittal:** The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. The performance guarantee shall be in a form found acceptable to the Township.
- 21.03.03 **Amount:** The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval is sought. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements.

21.03.04 **Refund:** The entire performance guarantee, including interest accrued, shall be returned to the applicant upon satisfactory and timely completion of the required improvements. The applicant may request that the performance guarantee be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.

21.03.05 **Improvements not Completed:** Whenever required improvements are not installed or maintained in accordance with the standards set forth in this Ordinance and an approved site plan, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including any interest accrued on said bond or surety. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, and/or other firm or individual responsible for completion of the required improvements.

Sec. 21.04 **VIOLATIONS AND PENALTIES**

21.04.01 **Violation a Nuisance:** Any building erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.

21.04.02 **Inspection of Violation:** The Code Officer shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this Ordinance. The order to correct a violation shall be issued by serving personally, or by sending, by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs, or when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.

21.04.03 **Cease and Desist Orders:** The Code Officer shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provisions of this Zoning Ordinance. A cease and desist order may be issued to any person that is subject to the requirements of this ordinance. Such cease and desist order shall become effective once it has been posted on the property where the violation has occurs and a copy of the notice has been sent to the person involved by first class mail at the person's last known address. Once a cease and desist order is effective, any use or work done in violation of the Zoning Ordinance shall stop immediately and shall not be recommenced until the Code Officer issues written notice dissolving the cease and desist order. Any person who violates a cease and desist order shall be guilty of a municipal civil infraction as authorized below. Any decision of the Code Officer regarding a cease and desist order may be appealed to the Zoning Board of Appeals. A cease and desist order shall be in addition to the other violation penalties and remedies provided in this Ordinance.

21.04.04 **Penalties:** Every person, corporation or firm who violates, disobeys, or omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Code Officer, Board of Appeals or Township Board issued in pursuance of this Ordinance shall be guilty of a municipal civil infraction and upon conviction thereof shall be fined not more than \$500.00 for each such violation. The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be paid into the Township treasury on or before the first Monday of the month

next following receipt thereof by the court of jurisdiction. All fines collected shall belong to the Township and shall be deposited in the general fund.

The owner of record or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense. The imposition of any penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

- 21.04.05 **Remedies:** The Zoning Administrator, the Code Officer, the Township Board, the Planning Commission, the Zoning Board of Appeals or the Township Attorney, or any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature. (as amended 12/31/06)
- 21.04.06 **Scope of Remedies:** The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All monies received from penalties assessed shall be paid into the Township treasury on or before the first Monday of the month next following receipt thereof by the court of jurisdiction. All fines collected shall belong to the Township and shall be deposited in the general fund.

Sec. 21.05 PUBLIC HEARING NOTICES

In instances where a public hearing is required under state law with the Township Board, Planning Commission or the Zoning Board of Appeals, written notice of the public hearing shall be as follows:

- 21.05.01 **Notice Content:** The notice shall do all of the following:
- (a) Describe the nature of the request.
 - (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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. If there are no street addresses, other means of identification may be used.
 - (c) State when and where the request will be considered.
 - (d) Indicate when and where written comments will be received concerning the request.
- 21.05.02 **Notice Publication and Delivery:** Notice shall be published and delivered no less than fifteen (15) days prior to the public hearing as follows:
- (a) Notice of the request shall be published in a newspaper of general circulation in the Township.
 - (b) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - (c) Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property 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 the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- 21.05.03 **Ordinance Amendments and Rezoning of More Than 10 Properties:** Public hearings for an amendment to the zoning ordinance, or the zoning map that affects more than ten (10) properties shall only require notice in a newspaper, which shall not be required to indicate the property subject to the request under 21.05.01(b) above, and notice shall not be required to be mailed to individual properties under 21.05.02(b) and (c) above.
- 21.05.04 **ZBA Interpretations and Appeals:** Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, as required in 21.05.02(a) above and if the interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal, as required in 21.05.02(b) above. Variances shall require full notification under 21.05.02(a) through (c) above.

(as amended 12/31/06)