

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

Section 3.01 Administration and Administrator

The provisions of this ordinance shall be administered by the Planning Commission and the Township Board in accordance with the MZEA, 2006 PA 110, MCL 125.3101 et seq., as amended, and the MPEA, 2008 PA 33, MCL 125.3801 et seq., as amended..

The Township Board shall employ a Zoning Administrator or such other official or officials to act as its officer to effect proper administration of this ordinance.

Section 3.02 Duties of Zoning Officials

A. Zoning Administrator.

1. The Zoning Administrator shall receive and review all applications for land use permits and approve or disapprove such applications based on compliance or non-compliance with the provisions of this ordinance and issue land use permits when there is compliance with this ordinance.
2. The Zoning Administrator shall have the power to make inspection of buildings or premises necessary to carry out their duties in the enforcement of this ordinance.
3. The Conway Township Board may assign the Zoning Administrator with the task of recording all nonconforming uses existing at the effective date of this ordinance for the purpose of carrying out the provisions of Article 18, Nonconforming Structures and Uses.
4. The Zoning Administrator shall receive all applications for site plan review and special use permits which the Planning Commission is required to decide under this ordinance; conduct field inspections and investigations or prepare other informational materials when necessary or desirable so as to assist the Planning Commission in formulating recommendations. The Zoning Administrator shall then implement the decisions of the Planning Commission.
5. The Zoning Administrator shall maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy.

6. The Zoning Administrator shall receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals (“ZBA”) is required to decide under this ordinance; conduct field inspections and investigations or prepare other informational materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the ZBA for determination.
7. Under no circumstances is the Zoning Administrator permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out the duties of the Zoning Administrator.

B. Township Clerk and Township Board.

1. The Township Clerk shall notify all applicants requesting site plan review or a special use permit in writing of any decision of the Planning Commission.
2. The Township Board 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.

C. Planning Commission.

1. The Planning Commission shall function as the zoning commission for the Township with all of the powers and duties of a zoning commission pursuant to the MZEA, MCL 125.3101 et seq., as amended, and MPEA, MCL 125.3801 et seq., as amended.
2. The Planning Commission shall have such other authority, power, and duties otherwise assigned to it by the Township Board.

Section 3.03 Land Use Permits

A. Permit Required.

1. The following actions shall not commence until a land use permit has been issued by the Township Zoning Administrator;

- a. The excavation, alteration or filling of land, except for the conduct of agricultural activity.
 - b. The new use or change in use of land, except for the conduct of agricultural activity.
 - c. The new use or change in use of an existing building or structure.
 - d. Construction or expansion of a structure, including parking lots.
2. Except upon a written order of the ZBA, no land use permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance.
 3. No building permit shall be issued until the Zoning Administrator has determined that the building, structure or use of land, if constructed or used as planned and proposed, will conform to the provisions of this ordinance, as evidenced by issuance of a land use permit.

B. Applications for Permits.

1. Land Use Permits. Applications for land use permits shall be filed with the Zoning Administrator upon forms furnished and approved by the Township Board. The application shall be printed in ink or typewritten, and shall be submitted with information required. Applications shall be accompanied by bankable funds as herein required payable to the Conway Township.
2. Special Land Use Permits. Applications for special land use permits shall be filed with the Zoning Administrator upon forms furnished and approved by the Township Board. The form shall be completed and submitted, along with other materials, to the Planning Commission. The Planning Commission reviews the application and related documents in accordance with Article 13. If the request for a special land use is approved, the Planning Commission shall instruct the Zoning Administrator to issue a special land use permit once all conditions have been satisfied.

C. Application Requirements.

1. All applications for land use permits under the provisions of this ordinance shall be accompanied by the signature of the

owner(s) of all property affected by the coverage of the permit.

2. Applications for land use permits must be accompanied by the following items, as applicable:
 - a. Attached scale drawing (scale not smaller than 1" to 100') showing the following; dimensions of property, all roads adjacent to property (indicate private or county); easements; lakes and streams; all structures; existing or proposed septic tank and field; existing or proposed well; dimensions from buildings to property line; dimensions of proposed building.
 - b. Include two (2) set of blueprints. One (1) copy for the Township and one (1) for the Building Department. Blueprints must be stamped by the Zoning Administrator prior to submitting to the Livingston County Building Department. This stamp is to state the Township has received a copy of the blueprint, not an approval.
 - c. For signs, attach a drawing showing the dimensions of the sign, and for a wall sign, show the facade to which it will be attached.
 - d. Attach proof of ownership of property.
3. Five (5) copies of a plot plan shall be submitted. The plot plan shall be drawn to scale and shall contain the following:
 - 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, with the number of dwelling units the building is intended to accommodate.
 - d. The signature of the owner of the premises concerned.
 - e. A scale of not less than one (1) inch equal to fifty (50) feet if the subject property is less than three (3) acres in size; and one (1) inch equal to one hundred (100) feet if three (3) acres or more.

- f. Location of proposed septic fields and wells.
- g. The location of all existing and proposed parking areas and driveways, with evidence that proper site distance requirements can be met per requirements of the Livingston County Road Commission.
- h. The location and right-of-way widths of all intersecting and abutting roads and public easements.
- i. Dimensions of all lot and property lines showing relationship of subject property to abutting properties
- j. Date prepared, scale and north point.
- k. Name, address and professional title (if any) of person responsible for the preparation of the plot plan.

D. Voiding of Permit.

Any land use permit granted under this Section shall become null and void unless the permitted use has been constructively undertaken within six (6) months of the granting of the permit. A six (6) month extension may be granted when requested by the applicant in writing prior to the expiration date and when in the opinion of the Township Board a finding that conditions or circumstances so warrant.

E. Application Fee.

The Township Board shall, by resolution, determine and set the application fee to be charged for a land use permit. This fee shall be paid at the time of filing the application. The purpose of the fee is to cover any necessary administrative and inspection costs incurred in connection with the application.

F. Inspections.

It shall be the duty of the Zoning Administrator to inspect all properties with land use permits to assure conformance with the intent of the permits.

G. Certificate of Occupancy.

A Certificate of Occupancy issued by the Livingston County Building Department may be accepted by the Zoning Administrator as proof of compliance with all structural requirements of the use permit.

H. Records.

A complete record and copy of each application for a 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. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment of a fee as determined by the Township Board.

Section 3.04 Enforcement

- A.** For interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this ordinance to repeal, invalidate, annul or in any way to impair or interfere with any action taken, offense committed or right to interfere with any action taken, offense committed or right accruing under any existing provision of law or ordinance, other than the above described zoning ordinance or with any rule, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.
- B.** Where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control.
- C.** Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Uses, districts, zoning classifications and permissible activities are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 3.05 Violations

- A. Violation a Nuisance.** A use of land or a dwelling, building, or structure, including a tent or recreational vehicle, used, erected, altered or converted in violation of this ordinance or any other ordinance is a nuisance per se, and may be abated by order of any court of competent jurisdiction. The owner or person in charge of the dwelling, building, structure, tent, recreational vehicle, or land is liable for maintaining a nuisance per se.

- B. Communications.** Any and all buildings or land use activities considered possible violations of this ordinance shall be reported to the Zoning Administrator.
- C. Separate Offense.** 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 any condition in violation of this ordinance, shall be liable for a civil infraction as herein provided. Each day during which a violation continues shall be deemed to be a separate offense. The imposition of any fine or other penalty shall not exempt the violator from compliance with the provisions of this ordinance.
- D. Civil Infraction.** The Township has enacted The Conway Township Municipal Ordinance Violations Bureau Ordinance which establishes the Bureau for the purposes of accepting admissions of responsibility for ordinance violations designated as municipal civil infractions, and to collect and retain civil fines and costs for such violations. The Zoning Administrator shall handle any violation of this ordinance according to the policies and procedures of the Township and the Bureau then in effect.
- E. Civil Fines and Costs.** A schedule of civil fines and costs has been established by the Conway Township Ordinance Violations Bureau Ordinance for those persons served with a municipal ordinance violations notice and who admit responsibility. The Township may be entitled to other fines, costs, and attorney fees otherwise provided by law or by this ordinance.
- F. Remedies.** The Township Board 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, cumulative, and in addition to any other legal remedy.

Section 3.06 Performances Guarantee; Refund

- A.** 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 deposit, in an amount established by the Township Board, be placed with the Township to ensure faithful compliance.
- B.** The amount of the deposit determined by the Board shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval is sought, to ensure

compliance, or as otherwise determined by the Board to be necessary to further the health, safety, and welfare of the community, including but not limited to the costs of completing or removing the improvement, administrative expenses, legal fees, and court costs. If applicable, the applicant shall provide an itemized schedule of estimated costs to complete all improvements or otherwise ensure compliance.

- C.** The deposit 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.
- D.** The applicant shall sign an affidavit holding the Township harmless against any claim for damages should the actions or inactions of the applicant cause the Township to subsequently use the performance guarantee to remove any structure or discontinue any use pursuant to the provisions of this ordinance or any permit issued.
- E.** The Township shall refund any deposit held under this section upon the determination by the Zoning Administrator, or such other official designated by the Board, that the permittee or petitioner is in compliance.