

## **ARTICLE 1**

### **ADMINISTRATION AND ENFORCEMENT**

#### **Section 1.01 Short Title.**

This Ordinance shall be known and may be cited as the Superior Charter Township Zoning Ordinance, and shall be referred to herein as "this Ordinance."

#### **Section 1.02 Enabling Authority.**

This Ordinance has been prepared for and adopted by the Township Board of Superior Charter Township under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by this Act.

#### **Section 1.03 Intent and Purpose.**

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Growth Management Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Protecting the character and stability of agricultural, residential, commercial, and industrial areas of the Township; and promoting the orderly and beneficial development of such areas;
3. Regulating the intensity of land use; and determining lot areas and open spaces necessary to surround buildings to provide adequate light and air;
4. Lessening and minimizing congestion and conflicts on public roads and highways;
5. Providing for the needs of agriculture, recreation, residences, commerce, and industry in future growth;
6. Providing adequate light, air, privacy and convenience of access to property, and promoting healthful surroundings for family life in residential and rural areas;
7. Fixing reasonable standards to which structures and other site improvements shall conform, and prohibiting uses or structures that are incompatible with the character of development or the uses or structures permitted in specific districts;

8. Protecting against fire, explosion, noxious fumes, odors, heat, dust, smoke, light pollution, glare, noise, vibration, radioactivity, and other nuisances and hazards;
9. Preventing the overcrowding of land and undue concentration of buildings so far as is possible and appropriate in each zoning district by regulating the use, height, location, and bulk of buildings in relation to the surrounding land; and
10. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses.

### **Section 1.04 Scope.**

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance.
3. **Unlawful uses, structures, and other site improvements.** A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** 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. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

### **Section 1.05 Compliance Required.**

No structure, site or part thereof shall be constructed, altered or maintained and no use of any structure or land shall be established, maintained, altered or expanded except in conformity with this Ordinance.

## **Section 1.06 Authority, Duties, and Responsibilities.**

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the boards, commissions, and officials charged with administering, implementing, and enforcing the provisions of this Ordinance, as follows:

### **A. Township Board Authority and Responsibilities.**

The Township Board shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the Michigan Zoning Enabling Act, the Township Board shall have the authority to adopt this Ordinance and Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 18.0 (Amendments).
2. **Review and approval of special districts.** Township Board review and approval shall be required for establishment of special districts, in accordance with Article 7.0 (Special District Regulations).
3. **Setting of fees.** The Township Board shall have the authority to set fees for all applications for approvals required under this Ordinance to defray costs and expenses incurred in processing such applications.
4. **Appointment, oversight, and removal of zoning officials.** The Township Board shall appoint a Zoning Inspector and any other ordinance enforcement officials deemed necessary to act as the officer(s) for the proper administration and enforcement of this Ordinance.
  - a. The duties and responsibilities of the Zoning Inspector may be vested in one (1) person, divided among two (2) or more persons or delegated to designated Township consultants as the Township Board may determine.
  - b. The Zoning Inspector and any other zoning enforcement officials shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
  - c. The Township Board may remove the Zoning Inspector and any other zoning enforcement official from office in accordance with such employment terms and conditions as the Board shall determine.

### **B. Planning Commission Authority and Responsibilities.**

The Planning Commission shall have the following responsibilities and duties pursuant to this Ordinance.

1. **Zoning Commission authority.** All powers, duties, and responsibilities for a zoning commission as provided by the Michigan Zoning Enabling Act are hereby transferred to the Superior Charter Township Planning Commission.
2. **Formulation of Zoning Ordinance.** The Planning Commission shall be responsible for formulation of the Zoning Ordinance and Official Zoning Map, review of rezoning petitions or other amendments to the Zoning Ordinance text or Official Zoning Map, holding hearings on a proposed Zoning Ordinance, rezoning petition, or other text or Map amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board.
3. **Site plan and conditional use approval.** The Planning Commission shall be responsible for review and action on applications for site plan approval per Article 10.0 (Site Plan Review); and for holding hearings, review, and action on applications for conditional use approval per Article 11.0 (Conditional Uses).
4. **Special district review and recommendation.** The Planning Commission shall be responsible for holding hearings, review, and making recommendations to the Township Board regarding establishment of special districts per Article 7.0 (Special District Regulations).
5. **Formulation of a Growth Management Plan.** The Planning Commission is hereby designated as the commission specified in the Michigan Planning Enabling Act, and shall perform the planning duties of said commission as provided in the statute, including preparation of the Township's Growth Management Plan.
6. **Report on the operation of the Zoning Ordinance.** The Planning Commission shall periodically oversee the preparation of a report to the Township Board on the Zoning Ordinance, including any recommendations as to the enactment of amendments or supplements to the Ordinance.
7. **Review of other matters referred by The Township Board.** The Planning Commission shall be responsible for review and making recommendations to the Township Board for action on subdivision plats, land division applications, and other matters referred by the Township Board.

**C. Zoning Board of Appeals Authority and Responsibilities.**

The Zoning Board of Appeals shall have the authority and responsibilities as specified in Article 13.0 (Zoning Board of Appeals).

**D. Township Clerk Authority and Responsibilities.**

The Township Clerk or duly authorized agent(s) shall have the following responsibilities under this Ordinance:

1. Ensure that all notices required by these regulations are published and distributed in accordance with this Ordinance and the Michigan Zoning Enabling Act, and ensure that a record is kept of such notices.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

**E. Zoning Inspector Duties and Responsibilities.**

The provisions of this Ordinance shall be administered and enforced by the Zoning Inspector, and any other ordinance enforcement officials as designated and authorized by the Township Board. The Township Board shall appoint the Zoning Inspector, who shall have the following duties and responsibilities:

1. The Zoning Inspector shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.
  - a. It shall be unlawful for the Zoning Inspector to approve any plans or issue any permits, certificates of zoning compliance or other approvals under this Ordinance unless such plans have been determined to conform to all applicable provisions of this Ordinance.
  - b. The Zoning Inspector shall not refuse to approve a zoning permit or certificate of zoning compliance upon determination that the applicant has complied with all conditions imposed by this Ordinance, despite any violations of private contracts, covenants or agreements that may result from work performed or improvements made under the approved permit or certificate.
2. The Zoning Inspector shall interpret all provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purposes of this Ordinance and the Township's Growth Management Plan.
3. The Zoning Inspector shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with these provisions.
4. The Zoning Inspector shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following zoning approval procedures.
5. The Zoning Inspector shall receive applications for and issue Certificates of Zoning Compliance in accordance with this Ordinance and shall sign Certificates of Occupancy as required herein.

6. The Zoning Inspector shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the Township Fire Chief, Building Inspector, Township Planner, and Township Engineer as deemed necessary in making such inspections. The Zoning Inspector may engage other expert opinion subject to the approval of the Township Board.
7. The Zoning Inspector shall identify and process violations of this Ordinance. The Zoning Inspector shall be responsible for making periodic inspection of Superior Township for the purpose of identifying violations of this Ordinance.
8. The Zoning Inspector shall keep official records of applications received, Certificates issued, fees collected, reports of inspections, and notices and orders issued.
9. The Zoning Inspector shall submit to the Township Board an annual report, or at other such times as designated by the Township Board, in which a summary of the activities of the office is presented.

**F. Township Planner Responsibilities.**

The Township may employ a Township Planner, who may be a member of Township staff; or a person, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Township Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of applicable Township ordinances and state statutes.
2. Advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.
3. Provide citizens and public officials with information relative to these regulations and related matters.
4. Review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
5. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township
6. Prepare and facilitate regular training workshops and/or educational materials for Township officials, boards, and commissions on planning and zoning topics.
7. Perform other related duties, as authorized, to administer these regulations.

## **Section 1.07 Certificates of Zoning Compliance.**

No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a certificate of zoning compliance (or zoning permit) from the Township. No certificate of zoning compliance shall be issued to erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance.

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises or part thereof created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the Zoning Inspector. Failure to obtain a certificate of zoning permit shall be a violation of this Ordinance subject to the provisions of Section 1.13 (Violations and Penalties). Review and approval of certificates of zoning compliance shall be subject to the following:

### **A. Application.**

Applications for Certificates of Zoning Compliance shall be made to the Zoning Inspector. Each application shall include a site plan as required in Section 1.07J (Site Plan), and all information necessary to determine zoning compliance.

1. Application for a Certificate of Zoning Compliance may be made either by the owner or the lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation.
2. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

### **B. Where Building Permit is Required.**

All plans to be submitted to the Building Inspector for a building permit under the State Construction Code shall first be submitted for review and approval by the Zoning Inspector with respect to the requirements of this Ordinance. No building permit shall be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Inspector for the same development and is in effect.

### **C. Where Building Permit is Not Required.**

In all cases in which a certificate of occupancy is required, but a building permit is not required, the certificate of occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Inspector and is in effect.

**D. Nonconformities.**

A Certificate of Zoning Compliance shall not be issued for any use or structure unless said use or structure and the lot on which it is situated meet all requirements of this Ordinance.

1. If one (1) or more nonconformities exist, all of which are legal nonconformities, a Certificate of Zoning Compliance shall be issued for the use or structure and the lot on which such use or structure is situated. In such a case, the Certificate of Zoning Compliance shall clearly list each verified legal nonconformity.
2. If one (1) or more unlawful uses, structures or other site improvements are determined to exist, a Certificate of Zoning Compliance shall not be issued for any use or structure or the lot on which such unlawful uses, structures or other site improvements are situated.

**E. Amendments.**

Subject to the limitations of Section 1.07G (Abandonment of Application), amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the Certificate of Zoning Compliance was approved, and before a Certificate of Occupancy is issued. Such amendments shall be deemed a part of the original application and shall be filed therewith. Amendments to any plan reviewed and approved by the Planning Commission may only be considered by the Commission as provided in Article 7.0 (Special District Regulations) or Article 10.0 (Site Plan Review).

**F. Approval or Denial.**

The Zoning Inspector shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto.

1. If the application or plans do not conform to all of the requirements of this Ordinance, the Zoning Inspector shall reject the application in writing, stating the reasons therefore, within 15 calendar days of filing.
2. If the application or plans do so conform, the Zoning Inspector shall issue a Certificate of Zoning Compliance within 15 calendar days of filing. The Zoning Inspector shall attach his or her signature to every Certificate, or may authorize a subordinate to affix such signature. The Zoning Inspector shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

**G. Abandonment of Application.**

An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned 180 calendar days after the date of filing, unless such application shall have been diligently pursued, or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit.

1. The Zoning Inspector may, for reasonable cause, grant one (1) or more extensions of time for additional periods not exceeding 90 calendar days each.
2. Any Certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of 180 calendar days after time of commencing work.

**H. Revocation of Certificate.**

If any false statement or misrepresentation of fact is made in the application or on the plans on which the Certificate was based, the Zoning Inspector may revoke the Certificate of Zoning Compliance.

**I. Conditions.**

Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

1. No Certificate shall be issued until the required fees have been paid;
2. All work or use(s) shall conform to the approved application and plans for which the Certificate has been issued, and any approved amendments thereto; and
3. All work or use(s) shall conform to the approved final site plan, if a final site plan is required.

**J. Site Plan or Plot Plan.**

An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required under Article 7.0 (Special District Regulations) or Article 10.0 (Site Plan Review). If a site plan is not required under Article 7.0 or Article 10.0, two (2) copies of a plot plan, drawn to scale and containing the following information, shall be submitted:

1. Scale, date, and north point.
2. Location, shape, and dimension of the lot.
3. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
4. A clear and complete description of existing and intended uses of all structures, existing or proposed.
5. Additional information as required by the Zoning Inspector for purposes of determining compliance with this Ordinance.

**Section 1.08 Building Permits.**

No building permit shall be issued for the erection, alteration, moving, or repair of any structure or part thereof that does not comply with all provisions of this Ordinance and all other Township

ordinances, nor shall such a permit be issued unless a Certificate of Zoning Compliance has been issued therefore by the Zoning Inspector and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued by the Building Inspector per the State Construction Code.

## **Section 1.09 Certificates of Occupancy.**

It shall be unlawful to use or occupy or permit the use or occupancy of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Building Inspector.

### **A. General Requirements**

A certificate of occupancy shall not be issued until the Zoning Inspector shall have signed it, signifying compliance with all provisions of this Ordinance. A certificate of occupancy shall not be issued for any structure or part thereof, or for use of land, which does not comply with all provisions of this Ordinance.

1. The certificate of occupancy shall state that the building, structure, and lot and use thereof conform to the requirements of this Ordinance, and shall list each verified legal nonconformity existing on the premises.
2. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and shall be punishable in accordance with Section 1.13 (Violations and Penalties).

### **B. Application**

Application for certificate of occupancy shall be made in writing to the Building Inspector on forms furnished by the Township.

### **C. Certificates of Occupancy Required Under Building Code**

Certificates of occupancy as required by the State Construction Code for new buildings or structures or parts thereof, or for alterations or repairs to existing buildings or structures, shall also constitute certificate of occupancy as required by this Ordinance, provided such certificates are signed by the Zoning Inspector.

### **D. Temporary Certificates**

Where permitted under the State Construction Code, a temporary certificate of occupancy may be issued provided that the temporary certificate is signed by the Zoning Inspector.

**E. Change in Use**

A structure, or part thereof, shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.

**F. New or Altered Structure**

Any structure, or part thereof, which is erected or altered after the effective date of this Ordinance, shall not be occupied or used until a certificate of occupancy is issued for such structure.

**G. Existing Structure and Use**

A Certificate of Occupancy shall not be issued for an existing structure or part thereof, or for an existing use of land, unless said use or structure and the lot on which it is situated meets all requirements of this Ordinance.

1. If one (1) or more nonconformities exist, all of which are legal nonconformities, a certificate of occupancy shall be issued for the use or structure. In such a case, the certificate of occupancy shall list each verified legal nonconformity.
2. If one (1) or more unlawful uses, structures or other site improvements are determined to exist, a certificate of occupancy shall not be issued for any use or structure.

**H. Accessory Structures**

An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal building, when such accessory structure is completed under the same building permit as the principal building.

**I. Inspection; Approval or Denial**

The applicant for a certificate of occupancy shall notify the Zoning Inspector and the Building Inspector when inspection is desired.

1. If, after inspection, the Zoning Inspector finds that the building or structure, or part thereof, or the use of land, complies with the provisions of this Ordinance and with any approved site plan, the Zoning Inspector shall sign the certificate of occupancy within 15 calendar days after receipt of such application.
2. If, after inspection, the Zoning Inspector refuses to issue such certificate, he or she shall notify the applicant and the Building Inspector in writing of such refusal, stating the reasons therefore, within 15 calendar days after receipt of such application.

## **Section 1.10 Compliance with Plans and Applications.**

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector and the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and shall be punishable as provided for in Section 1.13 (Violations and Penalties).

## **Section 1.11 Records.**

The Zoning Inspector and Building Inspector shall maintain records of all certificates and permits issued under this Ordinance. Such records shall be open for public inspection.

## **Section 1.12 Fees and Performance Guarantees.**

The Township Board shall establish a fee schedule by resolution to defray fixed costs and expenses incurred by the Township to perform functions required under this Ordinance. The Township Board, Zoning Board of Appeals, Planning Commission, and Zoning Inspector may also require an applicant to deposit funds with the Township to defray anticipated variable costs and expenses incurred by the Township. No action shall be taken on any application or appeal until all applicable fees and escrow deposits have been accepted by the Township Treasurer.

### **A. Application Fees for Fixed Costs and Expenses.**

Fixed costs and expenses for the processing of permits and applications for zoning, use, development or other approvals may be assessed as application fees, either as a nominal charge or based on a cost analysis. If based on cost analysis, the sums charged shall be periodically reviewed to ensure that cumulative charges reasonably reflect actual expenses and costs incurred by the Township.

1. Application fees are non-refundable, but may be waived by the Township Board for good cause.
2. The amount of the application fee shall be established by resolution of the Township Board. The fee schedule shall be available for public viewing in the Township offices.

### **B. Escrow Deposits for Variable Costs and Expenses.**

The applicant may be required to deposit funds to defray anticipated variable costs and expenses incurred by the Township where professional input, study or review is desired before a final decision is made. Such escrow deposits may be used to pay professional expenses of community planners, engineers, attorneys, and other professionals whose expertise the Township values to provide guidance on the proposed application.

1. The funds shall be managed by the Township Treasurer, and shall be deposited before the cost or expense is incurred.

- a. The funds will not be deposited in an interest bearing account.
  - b. The applicant shall be regularly invoiced. The invoice shall show the date, sums credited and debited, and the manner in which the debit was computed, where appropriate.
  - c. Costs incurred to manage the account may be debited to the account.
2. Upon request by the applicant, the Township shall provide copies of any written reports and statements of expenses for the professional services rendered.
  3. The Township shall provide written notice and a request for an additional escrow deposit to the applicant if at any time the sums on deposit appear insufficient to cover anticipated costs and expenses.
    - a. The applicant shall promptly deposit additional funds in accordance with the written request from the Township.
    - b. If additional funds are not promptly deposited, the Township may issue a stop work order, cease review or table action on the application, deny zoning permits or certificates of zoning compliance associated with the application, or take no further action to process the project.
  4. Where the Township determines that sums deposited appear likely to exceed anticipated costs and expenses, those excess funds shall be promptly returned to the applicant.
  5. Sums remaining in the account when the project is completed shall be promptly returned to the applicant.

**C. Performance Guarantees.**

To ensure compliance with this Ordinance and faithful completion of required improvements, the Township Board, Planning Commission or Zoning Inspector may require that the applicant deposit with the Township Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any zoning permits or certificates of zoning compliance, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant and as approved by the designated Township consultants.
2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the Township and future users of the project including, but not limited to roadways, parking, lighting, utilities, sidewalks, landscaping and screening, and drainage.

3. The form of the deposit shall be cash, certified check, bond, irrevocable bank letter of credit from a bank with offices in southeastern Michigan, or other surety acceptable to the Township Board.
4. Performance guarantees shall continue until the Zoning Inspector has determined that the conditions for release of the guarantee have been met.
5. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. A minimum of ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Inspector of all required improvements.

### **Section 1.13 Violations and Penalties.**

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

#### **A. Notice of Violation.**

The Zoning Inspector shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use, or occupancy of a structure or lot in violation of the provisions of this Ordinance, or in violation of a certificate issued provisions of this Ordinance. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

#### **B. Prosecution of Violation.**

If the notice of violation is not complied with promptly, the Zoning Inspector shall request the Township Attorney to institute the appropriate proceedings at law or in equity. Such action shall be to restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the lot or structure that is in violation of the provisions of this Ordinance or of the order or direction made pursuant thereto.

#### **C. Violation Penalties.**

Any person who shall violate a provision of this Ordinance, fail to comply with any Ordinance requirement or erect, construct, alter, or repair a structure in violation of an approved plan or certificate issued under the provisions of this Ordinance, is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act (P.A. 236 of 1961, as amended). Each day that a violation continues is a separate offense and subject to a separate penalty as provided for herein.

The Zoning Inspector is hereby authorized to issue and process municipal civil infractions in accordance with the Superior Charter Township Municipal Civil Infractions Ordinance (Ord. No. 137, as amended) and as otherwise permitted by law. Except as otherwise provided for in Section 1.13E (Stop-Work Order), if a person admits responsibility at the Township Municipal Civil Infraction Violations Bureau, or is found responsible for a municipal civil infraction violation citation under this Ordinance, a civil fine shall be assessed as follows:

1. **First offense.** Minimum fine of one hundred dollars (\$100.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;
2. **Second offense.** Minimum fine of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees;
3. **Third and subsequent repeat offenses.** Minimum fine of three hundred dollars (\$300.00) and maximum of five hundred dollars (\$500.00) plus costs and attorney fees.

For the purpose of this Section, a "repeat offense" means a second or subsequent violation of the same requirement or provision of this Ordinance. Nothing in this subsection shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in the Washtenaw County Circuit Court to enjoin and /or abate any violation of the terms of this Ordinance.

**D. Abatement of Violation.**

The imposition of the penalties herein prescribed shall not preclude the Township from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct, business, or use of a structure or premises.

**E. Stop-Work Order.**

Upon notice from the Zoning Inspector or his or her designated representative that work on any structure or premises is being pursued contrary to the provisions of this Ordinance, or contrary to the provisions of any other Township ordinance, all work shall be immediately stopped.

1. The stop-work order shall be in writing and shall be posted on the property. It shall state the conditions under which the work may be resumed, and shall state the date issued and posted.
2. The stop-work order shall be given or mailed to the owner of the property involved, or to the owner's agent, or to the person doing the work, or may be posted upon the property.
3. Any person who shall continue any work in or about the structure or premises after the property has been posted with a stop-work order, except such work as such person is directed by the Zoning Inspector to perform to remove violations

or unsafe conditions, shall be liable for a fine of not more than seven hundred fifty dollars (\$750). Each day a violation occurs shall be deemed a separate offense.

**F. Public Nuisance Per Se.**

Any structure that is erected, altered, or converted, or any use of any structure or lot that is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**Section 1.14 Public Hearing Procedures.**

A reasonable time and place shall be established for any public hearing required by or held under provisions of this Ordinance. A public hearing date, time, and location may be set by the Township Clerk or designated Township staff, or by the body charged with conducting the hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

**A. Public Notice.**

Notice of the public hearing shall be required in accordance with the following:

1. **Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
2. **Address of the property.** The notice shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
  - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used.
  - b. For any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Notification of the applicant and property owner.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered.

5. **Delivery of public notices.** The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
  - a. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - b. Delivery of public such notices shall not be required for amendments to or interpretations of the text of this Ordinance, appeals of administrative decisions, and any group of eleven (11) or more adjacent lots or parcels proposed for rezoning, subject to the provisions of Section 1.14B (Discretionary Notice).
  - c. Such notices need not be given to more than one (1) occupant of a building, except as follows:
    - (1) If a building contains more than one (1) dwelling unit owned or leased by different persons, one (1) occupant of each unit shall be given notice.
    - (2) If a building contains more than four (4) dwelling units owned or leased by different persons, notice may be given to the building owner or manager with a request to post the notice at the primary building entrance.
  - d. For any proposed amendment to the zoning map within 300 feet of the boundary of any adjacent municipality, written notice of the public hearing shall be sent by regular U.S. mail to the Clerk or the zoning or planning agency of said municipality.
  - e. If the notice is delivered by mail, an affidavit of mailing shall be filed with the body charged with conducting the hearing.
6. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

**B. Discretionary Notice.**

In accordance with Section 202(1) of the Michigan Zoning Enabling Act, it shall be the policy of the Township to send notice of a public hearing by mail or personal delivery to the applicant and owner(s) of any lots or parcels in the Township proposed for rezoning, and to all persons to whom real property is assessed within 300 feet of the boundary of the subject property not less than 15 days before the hearing date when the proposed rezoning will be considered.

1. The Township may, at its discretion, also post notice of a public hearing at other public-accessible locations, such as community bulletin boards or the Internet.
2. The Township Board may also establish a policy to consistently send notice of a public hearing by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

**C. Posting of Signage.**

For any proposed conditional use permit application per Article 11.0 (Conditional Uses), any variance request per Article 13.0 (Zoning Board of Appeals) or any rezoning application per Article 18.0 (Amendments) submitted by a property owner or persons acting on behalf of a property owner of the Township, the applicant(s) or owner(s) of the property subject to the application shall post public notice signage in accordance with the following:

1. The applicant(s) or owner(s) shall place a four (4) by eight (8) foot sign on each side of the property that abuts a street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
  - a. If the subject property does not abut a street, the sign shall be placed on each side of any contiguous land owned by the applicant(s) or owner(s) of such parcel that does abut a street.
  - b. If no such contiguous property abutting a street is owned by the applicant(s) or owner(s) of the subject property, the sign(s) shall be placed in such location(s) on the property that the Zoning Inspector deems will best inform the public of the application. If the Zoning Inspector determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Inspector may waive the requirement of posting.
2. Each sign shall be erected at least 15 calendar days, but not more than 30 calendar days, before the Planning Commission's public hearing date. [amended 4/20/2009, Ord. 174-02]
3. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date thereof, whichever is later. The applicant shall post a bond in an amount not to exceed one hundred dollars (\$100.00) per sign to ensure the removal of the sign.
4. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR (CONDITIONAL USE) (REZONING) (APPEAL) or (VARIANCE)," give the street address or tax code parcel number(s), acreage and diagram of the subject property, state the zoning of the property, state the proposed conditional use, zoning district or purpose of the appeal or variance that is being requested, and the date, time, and place of the initial public hearing on the application.

5. The Zoning Inspector shall inspect the subject property to see that it complies with the requirements of this Section, and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) calendar days prior to the public hearing on the application.
6. Signs erected under this Section are exempt from other provisions of this Ordinance regulating signs. Rezoning requests initiated by the Township shall be exempt from the requirements of this subsection, but shall otherwise comply with the public notice requirements of this Section.
7. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of an application, but shall require adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the period within which the Planning Commission must otherwise hold the public hearing under this Section.

**D. Pre-Hearing Examination.**

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

**E. Right to Submit Written Statements.**

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

**F. Timeframe for Hearings.**

The public hearing shall be scheduled for a date not more than 180 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a shorter time period is required by a provision of this Ordinance or a further time is agreed upon by the parties concerned.

**G. Rights of All Persons.**

Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

**H. Adjournment.**

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and

place for the purpose of accumulating further evidence or information, or for such other reasons that the body finds to be sufficient. No additional public notice is required beyond that already given for the original hearing.

**I. Governance.**

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.