

Chapter 20

ADMINISTRATION AND ENFORCEMENT

SECTION 20.1 ZONING ADMINISTRATOR/ZONING OFFICIAL

Authority – Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator. The term ‘Zoning Administrator’ shall include any official or officials designated by the Township Board. The Zoning Administrator shall carry out the following duties:

1. Review requests for zoning permits necessary to carry out the provisions of this Ordinance.
2. Maintain and safely keep copies of all plans and payments submitted with applications for permits. These shall form a part of the records of his/her office and shall be available to the Township Board.
3. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
4. Work in conjunction with the Montcalm County Sheriff Department for issuance and serving of appearance tickets on any person where there is reasonable cause to believe that the person or his/her place of business has committed a violation of this Ordinance.
5. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.
6. Attend Planning Commission, Township Board, Zoning Board of Appeals and other such meetings as requested by the Township Board to provide necessary information on pertinent zoning and planning issues.
7. Submit a monthly statistical report detailing the number of zoning permits, complaints and burning permits issued.
8. Submit a monthly written report to the Township Supervisor outlining key issues that occurred in the previous month for members of the Township Board to review prior to their monthly meeting.

SECTION 20.2 PERMITS

A. Zoning Permits

1. No building, structure or commercial sign shall be erected, altered, moved or substantially repaired unless a Zoning Permit shall first have been issued for such work.
2. No change in use for any property in Eureka Charter Township shall be made unless a request for a Zoning Site Plan approval is completed and a permit is issued for the change in use. A change in use will require all non-conforming lots to come into conformance with the requirements of this Zoning Ordinance.

3. No Zoning Permit shall be issued for the erection, alteration or use of any building or structure or for the use of any land that is not in accordance with all provisions of this Ordinance.
 4. Fees for the inspection and issuance of Zoning Permits may be collected by the Township in advance of issuance. The amount of such fees shall be established by Resolution of the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.
- B. Building Permits
1. No building, structure or commercial sign shall be erected, altered, moved or substantially repaired unless a Building Permit has been issued by the Montcalm County Building Department for such work.
 2. All construction code permits, inspections and final approvals for such work are completed in Eureka Charter Township by the Montcalm County Building Department.
 3. No construction permits shall be issued by the Montcalm County Building Department unless a Zoning Permit is issued by the Zoning Administrator.
 4. Eureka Charter Township has adopted all current construction codes for building, mechanical, plumbing and electrical work as adopted and enforced by the State of Michigan Department of Labor and Economic Growth.
 5. The holder of every building permit for the construction, erection, alteration, repair or moving of any building or structure shall notify the Building Inspector immediately upon completion of the work authorized by the permit for a final inspection.
 - a. A Certificate of Occupancy shall be issued by the Montcalm County Building Department for major renovations, new construction and changes in use.
 - b. Fees for issuance of building permits and inspections may be collected by the Montcalm County Building Department. The fees shall be established by Resolution of the Montcalm County Board of Commissioners.

SECTION 20.3 ENFORCEMENT

- A. Violations
1. A violation of this Ordinance is a municipal civil infraction. The amount of fines shall be set annually by the Eureka Charter Township Board, at the discretion of the Court, and in addition to all other costs, damages and expenses provide by law. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses

committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses.

2. Each day during which any violation continues shall be deemed a separate offense.
 3. Any building or structure that is erected, altered or converted, or any use of premises or land that is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.
 4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- B. Performance Guarantees
1. As a condition of approval of a site plan review, special land use or planned unit development, the Zoning Administrator, Planning Commission or the Zoning Board of Appeals, whichever is designated as the approving authority, may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements", may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities and similar items.
 2. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a Zoning Permit, the applicant shall submit an itemized estimate of the cost of the required improvements subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be set by the Zoning Administrator and shall reflect a value equal to the improvements proposed.
 - b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township.
 - c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a Zoning Permit for the subject development or activity, provided that it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
 - d. The Zoning Administrator, upon written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the

performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.

- e. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. The Zoning Administrator shall inspect all of the improvements and approve, partially approve or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor may be released from liability pursuant to relevant portions of the performance guarantee except for that portion sufficient to secure completion of the improvements not yet approved.
- f. A record of required performance guarantees shall be maintained by the Zoning Administrator.

SECTION 20.4 ADOPTION AND AMENDMENTS

A. Procedure

- 1. Written applications for the adoption of a zoning change or amendment to this Ordinance may be initiated by:
 - a. Any public agency;
 - b. Any interested person, per Item 2;
 - c. The Planning Commission;
 - d. The Zoning Board of Appeals; or
 - e. The Township Board.
- 2. If said application is for a zoning change, an "interested person" shall either be the owner of the property that is being considered for the zoning change, or if not the owner of the property, the applicant shall submit a written statement from the property owner indicating his or her permission to submit such application.
- 3. An application for a zoning change shall consist of:
 - a. A written statement from the property owner indicating his or her permission to submit such application, if applicable.
 - b. Payment of a fee, as established from time to time by the Township Board.
 - c. A map clearly showing the property to be considered for the zoning change, including all properties within 300 feet of the subject property and the current zoning of all such properties.
 - d. A legal description of the property to be considered for the zoning change.
- 4. The Planning Commission, after a Public Hearing conducted in accordance with the requirements of the Zoning Act, shall forward said

application with a recommendation and report to the Township Board for its consideration.

Upon receipt of the recommendation from the Planning Commission, the Township Board shall either approve or deny the requested rezoning in accordance with the procedures adopted by the Board.

SECTION 20.5 SEVERABILITY CLAUSE

A. This Ordinance and each section, subsection, paragraph, subparagraph, or any provision thereof shall be deemed to be severable. If any section, subsection, paragraph, subparagraph, or any other provision of this Ordinance is adjudged by a court of competent jurisdiction to be invalid or unenforceable or unconstitutional for any reason, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and shall remain in force and effect.