

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

Section 1.01 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 buildings, and for all other purposes described in Section 201 of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). Also, this Ordinance is based on the Billings Township Master Plan, and is intended to carry out the objectives of that Plan.

Section 1.02 Scope.

The standards and regulations contained in this Ordinance shall apply to all land, buildings, structures, land uses, and land development projects that are 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 or commenced, nor any building or structure constructed, altered, or extended, except in a manner that complies with the provisions of this Ordinance.

This Ordinance does not repeal other laws and ordinances except as may be noted in the provisions that follow this Section. This Ordinance has no effect on the applicability of private deed restrictions or restrictive covenants.

Section 1.03 Short Title.

This Ordinance shall be known and may be cited as the Billings Township Zoning Ordinance.

Section 1.04 Enabling Authority.

This Zoning Ordinance has been prepared and adopted under the authority of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). This Ordinance was adopted by the Billings Township Board of Trustees, following compliance with all procedures required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

Section 1.05 Conflicting Provisions Repealed.

All previous zoning ordinances adopted by the Billings Township Board of Trustees, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired. Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within one (1) year after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed

previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

Section 1.06 Validity and Severability.

This Ordinance and the various sections, subsections, clauses, sentences, and provisions are severable. If any section, subsection, clause, sentence or provision is declared to be unconstitutional or invalid, the balance of the Ordinance shall not be affected by the declaration.

Section 1.07 Authority and Responsibilities.

Billings Township shall appoint a Zoning Administrator to act as its officer for the proper administration and enforcement of this Ordinance. The Zoning Administrator shall be appointed by the Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine.

The Zoning Administrator shall enforce the provisions of this Ordinance, and shall have the authority to perform such other functions necessary or incidental to the enforcement and administration of this Ordinance. In carrying out designated duties, the Zoning Administrator shall have the authority to order the discontinuance of illegal uses of land or structures, removal of illegal structures or alterations, and discontinuance of any illegal work being done.

The Zoning Administrator shall administer the Zoning Ordinance precisely as written, and shall not modify or vary the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance.

Section 1.08 Zoning Permits.

The Zoning Administrator shall have the authority to grant zoning permits, and to make inspections of structures or sites necessary to carry out and enforce this Ordinance. No structure or site shall be used erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit. No permit 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. Zoning permits shall be subject to the following:

A. Application.

Zoning permit applications shall be filed with the Zoning Administrator, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform with the provisions of this Ordinance. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:

1. The location, shape, area, and dimensions of the lot involved.

2. The locations of water and septic systems proposed and existing in the general area.
3. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the parcel.
4. The existing and proposed use of the parcel and all structures upon it.
5. The location and dimensions of any existing and proposed yard, open space, and parking areas.
6. Proposed setbacks of structures from property lines, roads, lakes, and streams.
7. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.

B. Permit Issuance.

Issuance of permits under this Ordinance shall be subject to the following:

1. No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special use or other necessary approval from the Planning Commission, including any conditions of approval.
2. It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that does not or has not been determined to conform with all applicable provisions of this Ordinance. The Zoning Administrator shall issue a zoning permit within ten (10) business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.
3. In all cases where the Zoning Administrator shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
4. Proof of zoning permit approval shall be conspicuously posted upon the premises.

C. Revocation.

The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator shall notify the owner of such revocation in writing.

D. Duration.

If construction is not started within one year of the date a permit is issued, the zoning permit shall become void and a new permit application must be filed with the Zoning Administrator.

E. Zoning Inspections.

It shall be the duty of the holder of every permit to notify the Zoning Administrator of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Zoning Administrator to inspect work performed under an approved permit to verify compliance with the provisions of this Ordinance.

F. Other Permits and Approvals Required.

The following permits or approvals, where required, shall be secured before a zoning permit may be issued:

1. Wastewater disposal system or water well permits, obtained from the Central Michigan District Health Department.
2. Driveway permit, obtained from the Gladwin County Road Commission.
3. Any other required permits or outside agency approvals.

G. Zoning Permit Required to Obtain Building Permit

Approval of a zoning permit by the Zoning Administrator shall be required to secure building permits for work performed under the State Construction Code enforced by Gladwin County.

Section 1.09 Fees and Performance Guarantees.

The Township Board shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance. No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full.

A. Fees in Escrow for Professional Reviews.

An escrow fee may be required by the Zoning Administrator with any application for approval under this Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Township values to review the proposed application.

1. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within 60 days of final Township action on the applicant's request, or within 60 days of withdraw of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the Township.
2. The professional review will result in a written report indicating the extent of conformance or nonconformance with this Ordinance, and identifying any

problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any written reports and statement of expenses for the professional services rendered, upon request.

B. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Zoning Administrator 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 permits, and shall be subject to the following:

1. "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, lighting, utilities, sidewalks, landscaping and screening, and drainage.
2. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the Township Board. The Zoning Administrator shall determine the guarantee amount, which shall cover the full cost of uncompleted site improvements.
3. Performance guarantees shall continue until such time as the Township notifies the surety that the conditions imposed upon the development have been met. The surety shall not release the performance guarantee until the Zoning Administrator is satisfied that the conditions for such action have been met.
4. As work progresses, the Township may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. Ten percent (10%) of the guarantee shall be retained by the Township pending a successful final inspection by the Zoning Administrator of all required improvements.

Section 1.10 Compliance Required.

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

Section 1.11 Enforcement.

The standards and requirements of this Ordinance reflect obligations to the community at large, and violations of this Ordinance shall be considered a nuisance per se. The Zoning Administrator shall, upon determining that any provision of this Ordinance has been violated, take any actions authorized by this Ordinance necessary to ensure compliance with the provisions of this Ordinance.

A. Inspection of Violation.

The Zoning Administrator shall inspect each alleged violation and shall order a correction in writing for all conditions found to be in violation of this Ordinance.

B. Correction Period.

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator. The Zoning Administrator may grant an extension of up to 180 days upon determining that the additional time is necessary for correction. The Zoning Administrator may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

Section 1.12 Violation and Penalties.

The violation of any provision of this Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, plus costs and other sanctions ordered by the court.

1. The Zoning Administrator and enforcement officers serving Billings Township shall be authorized to issue civil infractions for violations of this Ordinance. The Township Board may authorize additional persons as necessary to issue civil infractions for violations of this Ordinance.
2. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
3. Any violation of this Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.
4. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Ordinance committed by the same person within one (1) calendar year of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
5. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses.
6. 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.