

Chapter 4 – Administration

SECTION 4.01 INTENT

The intent of this section is to outline the general roles and responsibilities of various Township officials and public bodies in administration of the Zoning ordinance*.

SECTION 4.02 ROLES AND RESPONSIBILITIES

A. Zoning Administrator

The Zoning Administrator's responsibilities under this ordinance are:

1. Accepting applications for Zoning Permits, Conditional Use Permits, Zoning Amendment Requests, Variance Requests, Interpretation Requests, and Administrative Appeal Requests. Provide a checklist of required information with each application requested.
2. Approval of Zoning Permits and initiation of process to revoke zoning permits when the applicant has violated the terms of the permit.
3. Respond to written complaints regarding zoning violations by investigating the complaint. Maintain a file on each complaint. Identifying the results of the investigation and provide a written response to the complainant.
4. Prepare a quarterly report to the Planning Commission and Township Board* on zoning activities including zoning permits issued or revoked, status of complaints, and status of any enforcement activities currently under way.
5. Provide other staff support required by the Planning Commission or Township Board related to administration of the zoning ordinance.

B. Planning Commission

The Planning Commission's responsibilities under this ordinance are:

1. Review and approval of Conditional Use Permits.
2. Review of all proposed zoning ordinance amendments, including the holding of a public hearing and preparation of a report to the Township Board.
3. Initiating amendments to the zoning ordinance when they determine it is appropriate.
4. Reviewing and approving site plans*.

Chapter 4 – Administration

5. Conduct review of the Tuscola Township Master Plan at least every five years following the adoption of the Master Plan.
6. Prepare a report for the Township Board* each year on the administration and enforcement of the zoning ordinance* and recommendations for amendments or supplements to this ordinance.

C. Township Board

The Township Board's responsibilities under the ordinance are:

1. Final approval of proposed amendments to the zoning ordinance.
2. Approving appointments to the Zoning Board of Appeals* and the Planning Commission.
3. Hire Zoning Administrator and other staff or consultants.
4. Establish fees for permits and reviews and approve budgets for planning and zoning activities.

D. Township Clerk

The Township Clerk's responsibility under the zoning ordinance* is the mailing and posting of notices required under its provisions. The Planning Commission Chairperson or person* making arrangements for the mailing will notify the Township Clerk of the timing of the public notices and provide copies of the notices, mailing list, and a copy of the newspaper advertisement showing the publication date. The Planning Commission Secretary will provide the Township Clerk with a copy of the public hearing minutes and regular meeting minutes where the proposed ordinance change was discussed and acted upon.

SECTION 4.03 ADMINISTRATIVE PROCEDURES

A. Zoning Permits

Zoning permits ensure compliance with the zoning ordinance.

1. A zoning permit is required in any of the following cases:
 - a. A new structure* is erected* or moved onto a lot* in the township.
 - b. An existing structure is enlarged.
 - c. A structure that was damaged or destroyed is rebuilt.

Chapter 4 – Administration

- d. The use of a structure* or land changes (for example: a church is changed into a day care center, or a single family residence* is changed into two apartments).
- e. Signs, not excluded under the provisions of Chapter 7, are erected*, moved, or structurally modified.
- f. The Zoning Administrator may issue a zoning permit for construction/remodeling work that does not meet the requirements above (for example: the installation of new wiring) if the zoning permit is required by the Tuscola County Building Inspector and the work does not involve a violation of this zoning ordinance*.

2. Zoning Permit Application

The Zoning Administrator shall provide a zoning permit application form to be filled out by an applicant. The applicant shall return the completed zoning permit application signed by the applicant and include a plot plan as indicated on the application form, and the current permit fee as determined by the Tuscola Township Board* to the Zoning Administrator.

Before the application can be processed, all of the information and other requirements listed on the zoning Permit Application must be provided by the applicant.

3. Inspection During Construction

Any improvements* for which a zoning permit is issued that require the construction of a foundation or the installation of pavement must be inspected after the initial excavations or site preparation work has been completed but before the foundation or pavement is installed. This is to ensure that the foundation or paving is located in accordance with the zoning permit. It is the applicant's responsibility to notify the zoning administrator when the project is ready for inspection. If the foundation or paving is in compliance, the Zoning Administrator shall issue a Certificate of Compliance so that the remaining construction can be completed

4. Stop Work Order/Revocation of Permit

If at any time the Zoning Administrator determines that the development or use of the site is in violation of the zoning permit he/she shall issue a stop work order and/or notice of violation to the applicant with a copy sent to the Tuscola County Building Inspector, and notify the Township Planning Commission. The Planning Commission shall hold a hearing to determine if the zoning permit should be revoked, notifying the applicant and Zoning Administrator of the hearing and requesting their attendance

Chapter 4 – Administration

SECTION 4.04 ENFORCEMENT

A. Enforcement

Enforcement of this ordinance is the responsibility of the Township Board of Trustees. The Zoning Administrator assists the Board at the direction of the Township Supervisor.

B. Penalty

1. Violation

Any person, partnership, limited liability company, corporation or association who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under this Ordinance, or any permit or approval issued under this Ordinance, including any conditions imposed thereon, or who causes, allows or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person, partnership, limited liability company, corporation or association responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

2. Municipal Civil Infraction

A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

First Offense \$100.00

Second Offense Within two (2) years of the first offense \$250.00

Third or Subsequent Offense Within two (2) years of the date of the first offense
\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township of Tuscola has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered, excluding Township restitution and cost recovery.

3. Remedial Action

Any violation of this Ordinance shall constitute a basis for injunctive relief of other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

Section 4.04 B Text Amended per Ordinance 2023-1

Chapter 4 – Administration

C. Nuisances

1. Any use of any building* or part thereof used, erected*, altered or occupied contrary to law or the provisions of this ordinance is unlawful and a nuisance per se.
2. Any use of any building that becomes unsafe or which becomes a menace to the health, or safety of the public is unlawful and a nuisance per se.
3. The Zoning Administrator shall upon investigation condemn any of the foregoing nuisances found to exist in the Township by giving notice to the owner of the land upon which the nuisance exists, specifying in what respect a nuisance exists and requiring the owner to alter, repair, tear down, remove or abate the same within thirty days after service of said notice. If at the expiration of the time limit in said notice the owner has not complied with the requirements listed in the notice, the Zoning Administrator shall report the same violation and shall carry out the requirements of said notice, and all costs incurred in such abatement shall be charged against the premises and the owner.
4. No land or building condemned as a nuisance shall be used or occupied until it conforms to the provisions of this ordinance.

D. Parties

The Tuscola Township Board* as provided by statute is responsible for enforcement of this ordinance and may institute appropriate legal proceedings to abate, enjoin, or retain any violation.

E. Remedies Cumulative

The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

SECTION 4.05 PARTY AGGRIEVED BY TOWNSHIP DECISION; CIRCUIT COURT REVIEW

Reference: MZEA 125.3607

Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals*, or the legislative body of Tuscola Township may obtain a review in the Tuscola County Circuit Court. This review shall be in accordance with the provisions of the Michigan Zoning enabling Act (PA 110 of 2006 as amended).

Any person* requested to be given notice of the appeal of any order, determination, or decision of Tuscola Township shall be a party to any action for review under this section.