

ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

SECTION 8.01: ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board (who shall have the right to delegate said responsibility to appropriate Township officers or employees) The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

SECTION 8.02: ADMINISTRATIVE STANDARDS AND PROCEDURES

- A. In the course of administration and enforcement of this Ordinance, when it is necessary or desirable to make administrative decisions, unless other standards are provided in this Ordinance, such decisions shall not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission
1. Shall base their decision upon facts presented at a public hearing.
 2. For Conditional Uses, Class A Nonconforming Uses or Structures, Mineral Extraction Permits, and for the Zoning Board of Appeals hearings, the Zoning Administrator shall publish notice of the public hearing in a newspaper of general distribution. Such notice is to be given not less than five (5) nor more than fifteen (15) days prior to the public hearing. Also, notification by mail or personal service shall be given to all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's tax assessment role shall be used as prima fascia evidence of record ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 3. For amendments, the Zoning Administrator shall publish two notices in a newspaper of general circulation in the County, one at least twenty (20) but not more than thirty (30) days before the hearing and the second not less than eight (8) days before the hearing. Said notice shall also go to utilities and railroads registered to receive the notice, and if the amendment is a re-zoning, also notification by mail or personal service shall be given to all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and the all occupants of structures within three hundred (300) feet. The current year's assessment role shall be used as prima fascia evidence of record ownership. The re-zoning notices shall be sent at least twenty (20) days before the hearing.

4. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the zoning ordinance and proposals or applications may be examined.
5. All interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
6. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action.
7. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision.
8. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section.
9. Shall comply with all other requirements under the law, and
10. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are

1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
4. The conditions imposed with respect to the approval of a land use or activity and shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed

condition shall also be maintained

- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection

SECTION 8.03: ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Township Board and shall possess the necessary qualifications as outlined in a detailed job description on file with the Township Clerk, and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of the Township. The Zoning Administrator, or the designated agent, shall administer the provisions of the Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. The Zoning Administrator, Township officer, employee or designated agent shall have no power to vary or waive the requirements of this Ordinance.

SECTION 8.04: DUTIES OF ZONING ADMINISTRATOR

- A. The Zoning Administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall immediately order discontinuance of any illegal work and shall take such action as authorized to prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals.
- E. It shall be unlawful for the Zoning Administrator to issue a Certificate of Zoning Compliance or other such permits, for any construction or use until the Zoning Administrator has inspected the site and reviewed all pertinent information and found them to conform with the requirements of this Ordinance.

SECTION 8.05: CERTIFICATE OF ZONING COMPLIANCE

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building 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

Zoning Compliance has been issued by the Zoning Administrator. The Certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

- B. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection. Failure to obtain a Certificate of Zoning Compliance shall be a violation of the Ordinance.

SECTION 8.06: ENFORCEMENT AND VIOLATION

Notice of Violation.

- A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, a written notice of violation shall be issued.
- B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- C. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Attorney who may initiate prosecution procedures.

SECTION 8.07: SPECIAL ZONING ORDERS MAP AND RECORDS

The Zoning Administrator shall maintain records, to be known as the Special Zoning Orders book, which shall list with a brief description, all variances, conditional use permits, authorizations for planned unit developments, designations of Class A nonconformance, and any terminations thereof. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers of the Special Zoning Orders indicating the locations affected by the items in the records. The Special Zoning Orders Map and book shall be open to public inspection.

SECTION 8.08: FEES

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be available at the Township office and may be revised only by the Township Board. Administrative procedures shall not commence and no permit nor certificate shall be issued unless all required fees have been paid in full.