

Article 30: Administration

Amendments:

ARTICLE XXX

ADMINISTRATION

SEC. 30.1 ENFORCEMENT

The standards and requirements found in this Ordinance reflect obligations to the community at large. The provisions of this Ordinance shall be administered and enforced by the authorized officials, agents and employees of the Department of Building and Code Enforcement, except where otherwise specified in this Ordinance.

1. Authorized officials, agents and employees of the Department of Building and Code Enforcement shall have the authority to issue building permits, and certificates of occupancy, inspect buildings, premises, and sites for compliance with approved final site plans and any conditions of approval, and to perform such other functions necessarily incidental to the enforcement and administration of this Ordinance.
2. Officials, agents and employees of the Department of Building and Code Enforcement authorized to enforce this Ordinance 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.
3. Officials, agents and employees of the Department of Building and Code Enforcement authorized to enforce this Ordinance shall have the authority to order the discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; and discontinuance of any illegal work being done.
4. Officials, agents and employees of the Department of Building and Code Enforcement authorized to enforce this Ordinance 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.

SEC. 30.2 ENFORCEMENT OF SUBDIVISION OR DEED RESTRICTIONS

Subdivisions and other developments may subject individual property owners within the development to private covenants, restrictions, limitations or standards commonly referred to as deed or subdivision restrictions, these are separate obligations of parties to a private contract, of which the Township is not a party.

The Township shall not be responsible for the enforcement of private contracts, such as subdivision or deed restrictions. If all conditions established by Township Ordinances are met, the Township, through its Building and Code Enforcement Department, shall issue appropriate permits for construction and other permitted activities. The Township shall not be responsible for review and enforcement of subdivision or deed restrictions as part of this process.

SEC. 30.1 ENFORCEMENT

**SEC. 30.2 ENFORCEMENT OF SUBDIVISION
OR DEED RESTRICTIONS**

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SEC. 30.3 DEVELOPMENT AND MAINTENANCE IN ACCORDANCE WITH AN APPROVED FINAL SITE PLAN

It shall be the responsibility of the owner of the property for which final site plan approval has been granted to obtain required permits and to develop, improve and maintain the site, including the use, buildings and all site elements in accordance with the approved final site plan and all conditions of approval until the property is razed, or until a new site plan is approved. Failure to comply with the provisions of this Article shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation. Noncompliance with the requirements and conditions of the approved final site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

SEC. 30.4 CERTIFICATES OF OCCUPANCY

No land, building or part thereof, shall be occupied by any use until a certificate of occupancy has been issued for such use by the Department of Building and Code Enforcement.

1. No certificate of occupancy shall be issued for any land, building or part thereof, which is not in accordance with the provisions of this Ordinance.
2. It shall be unlawful to change, expand or extend the use or occupancy of any land, building or part thereof, until a certificate of occupancy has been issued for such intended use or occupancy.
3. It shall be unlawful to begin mass grading, excavation, construction, or the moving, alteration, or repair (except ordinary and minor repairs) of any building or part thereof (including accessory structures) valued at more than five hundred dollars (\$500.00) or exceeding two hundred (200) square feet in area until a building permit has been issued.
4. A certificate of occupancy shall be required in addition to any other permit, certificate or license required under the provisions of this or any other Ordinance. The certificate of occupancy required by the State Construction Code enforced by the Township for new buildings, changes of use, or alterations to existing buildings shall also constitute a certificate of occupancy as required by this Ordinance.
5. A certificate of occupancy shall be issued for existing lands, buildings or parts thereof if, after inspection, the authorized official, agent or employee of the Department of Building and Code Enforcement determines that the land, building or parts thereof, and the occupation or use thereof, are in conformity with all Township Ordinances.
6. An accessory building, shown on the same application and erected at the same time as the principal building, shall not require a separate certificate of occupancy.

SEC. 30.3	DEVELOPMENT AND MAINTENANCE IN ACCORDANCE WITH AN APPROVED FINAL SITE PLAN
SEC. 30.4	CERTIFICATES OF OCCUPANCY

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SEC. 30.5 TEMPORARY CERTIFICATES OF OCCUPANCY

A temporary certificate of occupancy may be issued for lands, buildings or parts thereof, provided that the intended use or occupancy of the land, building or part thereof, is in conformity with the provisions of this Ordinance. Whenever the plans for the land, building, or part thereof, as set forth on the application, are in conformity with the provisions of this Ordinance, it shall be the duty of the Department of Building and Code Enforcement, and its officials, agents and employees, to issue a temporary certificate of occupancy within ten (10) days after the receipt of an application. An official of the Department of Building and Code Enforcement shall place his stamp or approval on the plans submitted to the Department, with the date of approval indicated thereon. One copy of such plans shall be returned to the applicant and the second copy shall be placed on file in the office of the Department of Building and Code Enforcement.

A temporary certificate of occupancy shall not remain in force for a period in excess of one hundred eighty (180) days after the date set forth on the face thereof, and five (5) days after the building or part thereof is fully completed and ready for occupancy. No temporary certificate of occupancy shall vest any rights in the holder, successors, heirs or assigns. The temporary certificate of occupancy shall immediately expire upon determination by the Department of Building and Code Enforcement that the intended use or occupancy has ceased to be in conformity with the provisions of this Ordinance.

SEC. 30.6 APPLICATIONS FOR CERTIFICATES OF OCCUPANCY

An application for a certificate of occupancy shall be made to the Department of Building and Code Enforcement. The Chief Building Official may require applications for a certificate of occupancy to be accompanied by a written statement and scaled plans or plats showing the following in sufficient detail to enable the Department of Building and Code Enforcement to determine whether the proposed or existing use or occupancy is in conformance with the provisions of this Ordinance:

1. The shape, location and dimensions of the land; and sufficient survey data to locate the land on the ground.
2. The area, size, height, shape, and location of all buildings, structures or parts thereof existing, erected or altered on the land, or to be moved to the land.
3. The property lines of all lots or parcels constituting the land to which the certificate of occupancy is to apply.
4. The right-of-way and pavement width and alignment of all abutting streets, alleys, sidewalks, access easements and public places.
6. Scaled plans for any proposed structures not already on the land.

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- 7. The existing and intended use of the land and of all buildings, structures and parts thereof.
- 8. Other information deemed necessary by an authorized official, agent or employee of the Department of Building and Code Enforcement for the proper enforcement of this Ordinance.

SEC. 30.7 SCHEDULE OF FEES FOR CERTIFICATES OF OCCUPANCY

Before any certificate of occupancy shall be issued, an inspection fee shall be paid by the applicant in an amount fixed by resolution of the Township Board of Trustees. Before reissuing a second permit, the Department of Building and Code Enforcement may require the payment of a second fee for inspection.

SEC. 30.8 INSPECTION OF BUILDING OR LAND USE

It shall be the duty of the applicant for any certificate of occupancy to notify the Department of Building and Code Enforcement in writing of the time when the land, building, structure or part thereof will be ready for inspection. Two (2) inspections shall be required on all buildings, structures or parts thereof that are proposed for or under construction, or are altered, repaired or to be moved to the land. The first of such inspections shall coincide with the first inspection required under the State Construction Code enforced by the Township. Upon completion of construction, moving, alteration or repair, or a change in the use of lands, buildings, structures or parts thereof, an inspection shall be required when such land use or building has been completed. Failure to notify the Department of Building and Code Enforcement of the time for such inspections may result in the revocation of any permits or certificates of occupancy.

SEC. 30.9 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been entered into pursuant to a building permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications on which said building permit was granted.

SEC. 30.10 BUILDING TO BE MOVED

Any building or structure, which has been wholly or partially erected on any premises, located either within or outside of the Township, shall not be moved to and be placed upon any other premises in this Township until a permit to use such building or structure, after being moved, shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

SEC. 30.7	SCHEDULE OF FEES FOR CERTIFICATES OF OCCUPANCY
SEC. 30.8	INSPECTION OF BUILDING OR LAND USE
SEC. 30.9	BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE
SEC. 30.10	BUILDING TO BE MOVED

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Before a permit may be issued for moving a building or structure, a building official of the Department of Building and Code Enforcement shall inspect same and shall determine if it is in a safe condition to be moved, whether it may be reconditioned to comply with the State Construction Code and other Township requirements for the use and occupancy for which it is to be used, and whether it will be of similar character with the buildings in the area where it is to be moved. Providing these conditions can be complied with and suitable bond posted, a permit may be issued for the moving of said building or structure.

SEC. 30.11 GENERAL**Section 30.11.1 Intent and scope of requirements.**

To ensure compliance with the provisions of the Zoning Ordinance and an approved site plan, the site plan applicant shall post a performance guarantee with the Township to guarantee faithful completion of the approved improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Section 30.11.2. General requirements.

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an irrevocable letter of credit, performance bond, or cash bond. If the applicant posts an irrevocable letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Attorney attesting to the Township's right to draw funds under the credit. If the applicant posts a performance bond and the improvements are not complete by the time a certificate of occupancy is requested in the case of a building project, or by the time a building permit is requested on a lot in a new subdivision or condominium, then the performance bond shall be replaced by a cash escrow prior to the issuance of the certificate of occupancy.
2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the township shall deposit the funds in a financial institution with which the township regularly conducts business.
3. The amount of the performance guarantee shall be no less than 100 percent of the estimated cost for which the guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the building official.
4. The entire performance guarantee shall be returned to the applicant following inspection and approval by the Building Official, Planner, and/or any other Township official that the improvements set forth in the approved site plan have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent shall be held back on each element until satisfactory completion of the entire project.

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5. An amount not less than ten percent of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the building official that all landscape materials are being maintained in good condition.

Section 30.11.3. Unsatisfactory completion of improvements: performance bond or irrevocable letter of credit.

Whenever required improvements are not installed or maintained within the time stipulated and/or in accordance with the standards set forth in the approved site plan, and the performance guarantee is in the form of a performance bond or irrevocable letter of credit, the township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance bond or irrevocable letter of credit. Prior to completing said improvements, the township shall notify the site plan review applicant via first class mail of the deficiency and of the Township's intent to file a claim on the bond or the irrevocable letter of credit.

Section 31.11.4. Unsatisfactory completion of improvements: cash bond.

Whenever required improvements are not installed or maintained within the time stipulated and/or in accordance with the standards set forth in the approved site plan, and the performance guarantee is in the form of a cash bond, the Township shall notify the site plan review applicant via first class mail of the deficiency, and the Township shall forfeit the cash bond to the general fund of the Township. Such forfeiture of a cash bond does not relieve the site plan applicant of its obligation to comply with the approved site plan, and the Township may require that the cash bond be replaced by an irrevocable letter of credit to ensure compliance with the approved site plan.