

ARTICLE 2

ADMINISTRATION AND ENFORCEMENT

201 ADMINISTRATION

The Township Board shall appoint a Zoning Administrator and any necessary assistants to administer this Ordinance, with such terms of employment and rate of compensation as shall be established by the Township Board. For the purpose of this Ordinance, such Zoning Administrator shall have the powers of a police officer.

202 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall:

A. Provide forms for and receive applications for all permits, petitions, and/or appeals authorized or required by this Ordinance, including but not limited to: Special Use Permits, site plan approval, applications for Ordinance amendments to be submitted to the Planning Commission, and appeals, variances, and other matters to be submitted to the Zoning Board of Appeals.

B. Verify that all applications, petitions, and appeals submitted under this Ordinance are properly filled out and that all necessary supporting data is submitted, conduct field inspections; inspect surveys and site plans; conduct investigations; prepare maps, charts, or other pictorial materials when appropriate; and otherwise process all such applications, petitions, and appeals submitted under this Ordinance.

C. Maintain a record of all official actions taken under this Zoning Ordinance.

D. Administer the Zoning Ordinance pursuant to the terms thereof, as well as the determinations and general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

E. Issue, deny, or rescind zoning permits as set forth in this Ordinance.

203 ZONING PERMITS REQUIRED; EXCEPTIONS

Zoning permits are required for and shall be obtained prior to any change in use of

land or the use, construction, enlargement, alteration, conversion, or moving of any sign or structure or any part thereof, except under the following circumstances:

- A. The erection and/or placing of a temporary portable structure incident to any construction operation in any zone, so long as the placement of said structure shall conform to the setback and height requirements of the zone in which it is located.
- B. Repairs of a minor nature such as painting and general maintenance and upkeep which do not change the use, occupancy or area of a structure or sign.

204 REQUIRED COMPLIANCE WITH THIS ORDINANCE

Except as otherwise stated to the contrary in this Ordinance:

- A. No structure or land shall be used or occupied, and no structure or any part thereof shall be erected, moved, or altered unless in conformity with the requirements specified for the zone in which it is located.
- B. No structure shall be erected or altered in violation of the lot area, lot width, lot coverage, minimum floor area, front, side, and rear yard setbacks, height, off-street parking, open space, interior living space, greenbelt buffer, accessory structure, lot-structure relationship, water supply and sanitary sewerage facilities, streets, access, fences, walls, and screens, swimming pools, signs, and other requirements as provided in the Ordinance for the zone in which such structure is located.
- C. No structure shall be erected or altered to accommodate or house a greater number of persons or families than is provided for by the requirements of this Ordinance for such structure for the zone in which such structure is located.
- D. The maintenance, use and occupation of lands and structures in compliance with this Ordinance shall be a continuing obligation upon the owners and occupiers of such lands and structures.

205 PERMITS – VOIDABLE

- A. Any zoning permit, Special Use Permit, variance, or site plan approval issued under this Ordinance, or other provision of law shall be deemed null and void in the event that there has not been undertaken, on a material and substantial basis, commencement of construction on the project within one (1) year of issuance of said permit.

The Zoning Administrator may suspend or revoke any permit or approval issued in error or on the basis of incorrect information supplied by the applicant or its agents, or in the event that the development is or will be in violation of any other ordinance of the Township, County, State, or Federal Government, or if the construction or use of the premises deviates from the plans or information submitted with the application upon which such permit or approval was issued,

B. If a zoning permit or approval issued under this Ordinance is voided or revoked, notice shall be provided to the applicant in person or sent by regular mail to the address on the application.

206 ZONING FEES, CHARGES, AND EXPENSES

Amended 10/27/2014 Effective 11/09/2014

The Township Board shall establish a schedule of fees and a collection procedure for zoning permits, site plan review, appeals, variances, land division and other matters pertaining to this Ordinance. The schedule of fees may be altered or amended by the Township Board only. Provided further that the schedule of fees shall be deemed a minimum or base fee, and in addition the Township may charge its actual costs and expenses incurred in the review of such permits, appeals, or other petitions submitted pursuant to this Ordinance, which costs may include but shall not be limited to: publication fees, professional engineering or site plan review fees by such professionals as the Township may engage, and attorney fees incurred by the Township in reviewing and drafting documents necessary to the review or grant of any petition submitted to the Township under this Ordinance. No permit, certificate, special use approval or variance shall be issued until such costs, charges, fees, or expenses have been paid in full, nor shall any final action be taken by the Board of Appeals or the Planning Commission until preliminary fees have been paid in full. Fees now provided in other existing ordinances of the Township shall remain in effect until amended by the Township Board.

207 VIOLATIONS - NUISANCES PER SE

Any use of land or of any structure, including tents and mobile homes, which are moved, erected, constructed, reconstructed, altered, converted, maintained, used, or changed in violation of this Ordinance, or without obtaining a zoning permit, is prohibited and hereby declared to be a nuisance per se.

208 CRIMINAL PENALTIES AND CIVIL RELIEF

Any legal entity, person or the agent in charge of any structure or land who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforce-

ment of, any provision of this Ordinance or any amendment thereof, shall be fined upon conviction not more than one hundred and 00/100 dollars (\$100,00), together with the actual costs of prosecution, and/or shall be punished by imprisonment for not more than ninety (90) days in the County Jail, or both. Each and every day during which an illegal moving, erection, construction, reconstruction, alteration, maintenance, use or other violation of this Ordinance continues shall be deemed as separate offenses. In addition to criminal sanctions, the Township or any owner or owners of real estate within the zone in which such structure or land is situated may institute any appropriate action or proceeding to prevent, enjoin, abate, remove or terminate any said unlawful structures, construction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

In addition to other sanctions provided herein or elsewhere in this Ordinance, persons determined to be in violation of this Ordinance shall be required to pay and reimburse the Township for its actual costs of prosecution or litigation, including court costs and actual attorney fees.

209 ENFORCEMENT OF ZONING BY CORRECTIVE ACTION AND LIEN

In the event of any violation of any provisions of this Ordinance, and in addition to all other remedies provided herein, the Township Board may undertake to correct the violation and to assess the land and any improvements for the cost thereof, which said assessment shall become a lien upon said land and any improvements and may be collected in the same manner as township taxes in accordance with applicable law.

210 PERFORMANCE GUARANTY

In approving any zoning permit, the Zoning Administrator may require that a temporary or permanent cash deposit, certified check, performance bond, letter of credit, and/or other guaranty acceptable to the Zoning Administrator, in such amount and upon such terms as the Zoning Administrator shall deem appropriate, be furnished by the applicant or property owner or both, to insure continued compliance with the terms of this Ordinance, the terms and conditions of the permit as approved, and with any other requirements related to any construction or improvement of any lot authorized by such approved permit. Any such financial guaranty shall be deposited with the Township Treasurer prior to the issuance of the permit. As work progresses, the Zoning Administrator may authorize a partial rebate in or reduction of the amount of any such financial guaranty.