

For discussion at Planning Commission meeting on 5/3/07
Changes approved on 4/12/07 are in bold type
and underlined; deletions are struck through

TOWNSHIP OF BLENDON

COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Township of Blendon, Michigan, held at the Township Hall, 7161 – 72nd Avenue, Hudsonville, Michigan, on the _____ day of _____, 2007 at _____ p.m.

PRESENT: Members: _____

ABSENT: Members: _____

The following ordinance was offered by _____ and supported by _____.

ORDINANCE NO. _____

**AN ORDINANCE to amend the Zoning Ordinance
of the Township of Blendon**

[Chapter 17 Amendments]

THE TOWNSHIP OF BLENDON ORDAINS:

Section 1. Zoning Compliance Certificate, Etc. The title of Section 17.03 of the Zoning Ordinance of the Township of Blendon is hereby amended so as to read “Zoning Compliance Certificate.” Section 17.03 is hereby amended so as to read in its entirety as follows:

Section 17.03 Zoning Compliance Certificate

No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged or altered, nor shall any use on any property be changed to another use, until a zoning compliance certificate has been issued by the Zoning Administrator or other authorized Township representative. An application for a zoning compliance certificate shall be submitted by the property owner or the owner’s agent. The application shall state, among other matters, the intended use of the building or structure and of the land. The application shall include a drawing of the land, building

plans and specifications, a site plan where required and such other information as may be required under the terms of this ordinance or other applicable Township ordinances or as may reasonably be requested by the Zoning Administrator or other authorized Township official. A zoning compliance certificate may also be applied for, and may be issued, for the purpose of stating the zone district in which a parcel of land is located, and in such a case, an application for the certificate need not include the other matters listed above, unless they or any of them are necessary in connection with issuance of the certificate.

- 17.03.01 Building plans and other plans shall be drawn to scale and shall show dimensions in figures. All dimensions relevant to applicable zoning ordinance provisions shall be shown. Plans shall be signed by the person preparing them and the owner of the property or building involved. The applicant shall pay any fee established by the Township Board for zoning compliance review.
- 17.03.02 No zoning compliance certificate shall be issued unless the building plans and other plans, and the intended land use, comply in all respects with applicable provisions of this ordinance and other ordinances that apply. A zoning compliance certificate shall apply as of the date stated thereon, and so long thereafter as there is no amendment or other change in the zone district designation or zoning ordinance provisions affecting the determination stated in the certificate. In the event of any such subsequent amendment or other change in the zoning ordinance and/or zoning map, affecting the land described in the certificate, then the certificate shall no longer apply or, in the discretion of the Township, shall be deemed amended to the extent necessary to accurately reflect any such subsequent change in zoning ordinance provisions or the zoning map. A copy of each zoning compliance certificate shall be given to the Township assessor.
- 17.03.03 No zoning compliance certificate shall be issued until the applicant has submitted written proof, or has otherwise verified, to the satisfaction of the Zoning Administrator, that the parcel of land involved has been created in compliance with applicable provisions of this ordinance and, if applicable, the Land Division Act, the Township land division ordinance and the Township subdivision ordinance.
- 17.03.04 A zoning compliance certificate, if issued in connection with proposed building construction, shall be prominently displayed at the building construction site.
- 17.03.05 [deleted]

Section 2. Duties of Zoning Administrator. Section 17.04 of the Zoning Ordinance of the Township of Blendon is hereby amended so as to read in its entirety as follows:

Section 17.04 Duties of the Zoning Administrator

This Ordinance shall be enforced by the Zoning Administrator or by other person designated by the Township Board.

17.04.01 Among other duties, the Zoning Administrator shall be responsible for investigation of alleged violations of the Zoning Ordinance. If a violation is found to exist, the Zoning Administrator shall take such action with respect to enforcement as is deemed appropriate in the circumstances and permitted by law. The Township may otherwise investigate alleged violations, and enforce the provisions of this ordinance, to the extent permitted by law and according to the discretion of the Township Board or the Board’s designee.

If when inspecting a parcel of land in connection with an application for rezoning, special land use, site plan review, variance or other zoning relief, the Zoning Administrator observes a zoning ordinance violation on the property or with respect to a building or structure thereon, the administrator shall in the administrator’s discretion inform the owner or other applicant of the violation and the obligation to take such action as may be necessary to eliminate the violation; provided, however, that failure to so inform the applicant shall not affect subsequent enforcement action with respect to the violation.

17.04.02 [No change.]

17.04.03 [No change.]

Section 3. Penalties. Section 17.09 of the Zoning Ordinance of the Township of Blendon, covering penalties, is hereby amended so as to read in its entirety as follows:

Section 17.09 Penalties.

17.09.01 Any use of land which is commenced or conducted, or any building or structure which is erected, moved, placed, reconstructed, raised, extended, enlarged, altered, maintained or changed, in violation of any provision of this ordinance is hereby declared to be a nuisance per se. Any person who disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Board, Zoning Board of

Appeals, Building Inspector, Zoning Administrator or any authorized deputy sheriff issued in pursuance of this ordinance shall be in violation of this ordinance. Any such violation is hereby declared to be a nuisance per se.

17.09.02 Municipal Civil Infractions: A violation of this ordinance is a municipal civil infraction, for which the fine shall be as follows:

- (1) From \$100 up to \$250 for the first offense;
- (2) From \$250 up to \$500 for the second offense;
- (3) From \$500 up to \$1,000 for the third or other subsequent offense.

The fines shall be levied in the discretion of the Court, and shall be in addition to all other costs, damages, expenses and attorney fees incurred by the Township in enforcing the ordinance. Each day that a violation occurs shall constitute a separate offense.

17.09.03 Lien to Enforce Fines, Cost and Penalties: The civil fines, costs, assessments, damages and/or expenses imposed against a person found responsible for violating this ordinance shall be paid to the Township immediately upon entry of the court order. ~~If the civil fines, costs, assessments, damages and/or expenses are not paid to the Township within 30 days, the Township may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, assessment, damages and/or expenses with the Ottawa County register of deeds. The lien may be enforced and discharged by the Township in the manner prescribed by the General Property Tax Act.~~

17.09.04 Injunctive Relief: The issuance of a municipal civil infraction citation and the imposition of the foregoing municipal civil infraction penalties against the violator shall not prohibit the Township from also seeking injunctive relief against the violator, in order to abate the violation or to seek such other relief provided by law.

Section 4. Stop Work Orders. Section 17.10 of the Zoning Ordinance of the Township of Blendon, covering stop work orders, is hereby amended so as to read in its entirety as follows:

Section 17.10 Stop Work Orders

- 17.10.01 Notice to Owner: Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this ordinance, such work or use shall be immediately stopped. The stop work order shall be in writing, shall be posted on the property involved and shall be sent by first class U.S. mail to the owner of the property involved, at the owner's last known address or as that address is shown in the current Township property tax assessment roll.
- 17.10.02 Unlawful Continuance of Work: Any person who shall continue to work in or about the structure, land or building or use it after a stop work order has been posted on the land or at the site shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$500 and the cost of prosecution, or shall be imprisoned in the county jail for not more than 90 days, or both such fine and imprisonment, in the discretion of the court.

Section 5. Citations. Section 17.11 of the Zoning Ordinance of the Township of Blendon, covering civil infraction citations, is hereby amended so as to read in its entirety as follows:

Section 17.11 Citations

- 17.11.01 The following Township officials are authorized to issue citations for violation of provisions of this ordinance which are designated to be municipal civil infractions, if they have reasonable cause to believe that an infraction has occurred, based upon personal observation or the written, dated report of a person who allegedly witnessed the infraction:
 - (a) The Township Supervisor.
 - (b) The Township Building Inspector.
 - (c) The Township Zoning Administrator.
 - (d) Any deputy of the Ottawa County Sheriff's Department
- 17.11.02 If a citation is based solely upon the written, dated complaint of a person who allegedly witnessed the violation, and is not based upon the personal observation of the authorized official, then the citation may nevertheless be issued if the official has reasonable cause to believe that the violation has occurred and if the Township attorney approves in writing the issuance of the citation.

- 17.11.03 Citations shall be numbered consecutively and shall be in a form approved by the State Court Administrator's office.
- 17.11.04 The authorized Township official or other authorized official shall personally serve the citation upon the alleged violator; provided, however, that if the municipal civil infraction involves the use or occupancy of land or a building or other structure, a copy of the citation need not be personally served upon the alleged violator but may be served upon an owner or occupant of the land, building or structure by posting a copy of the citation on the land or attaching a copy of the citation to the building or structure. In addition, in such a case, a copy of the citation shall be sent by first class U. S. mail to the owner of the land, building or structure at the owner's last known address.
- 17.11.05 Citations shall require an appearance at the District Court within a reasonable time after the citation has been issued.
- 17.11.06 The procedures for the admission or denial of responsibility, request for informal or formal hearings, and all other matters related to processing of citations for civil infractions shall be as provided by law.

Section 6. Publication/Effective Date. This ordinance shall become effective seven days after publication of the ordinance or a summary thereof in a newspaper of general circulation within the Township.

AYES: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

 Township Clerk
 Township of Blendon

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Blendon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

 Township Clerk
 Township of Blendon