

Chapter 18 Administration

Section 18.01 Ordinance Administrator

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Ordinance Administrator, or such other official or officials as may be designated by the Township Board. The Ordinance Administrator shall have the power to:

- A. Issue Zoning Permits;
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance;
- C. Issue and serve civil infraction notice and, subsequently, a civil citation, on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense; and
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 18.02 Permits

- A. Zoning Permits -
 - 1. No building, structure, or sign shall be erected, altered, or moved unless a Land Use Permit shall have been first issued for such work.
 - 2. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.
 - 3. A record of all Zoning Permits issued shall be kept on file in the office of the Ordinance Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
 - 4. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.
- B. Building Permits and Certificates of Occupancy
 - 1. No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Land Use Permit, or Zoning approval for such work has been issued by the Ordinance Administrator.

2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.
 3. Certificates of Occupancy, as required by the Michigan State BOCA code will be issued by the Houghton Lake Building Agency.
- C. Fees for the inspection and issuance of Land Use Permits, Building Permits, or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Township or appropriate government agency in advance of issuance. The amount of such fees shall be established by resolution of the Township Board or appropriate government agency and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

Section 18.03 Enforcement and Violations

- A. This ordinance shall be enforced by such persons who shall be so designated by the Township Board.
- B. Violation of this ordinance shall be a civil infraction and shall be enforceable under the Markey Township Municipal Violations Bureau Ordinance #34
- C. Continuing violation each day during or on which a violation of this ordinance occurs or continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.
- D. Markey Township may seek enforcement of this ordinance and such other relief as may be obtained by injunctive proceedings in the Circuit Court for the County of Roscommon. This is in addition to and not in derogation of prosecutions for violations of this ordinance as outlined in “B” above.
- E. Complicity: Every person who commits or procures, councils, aids or abets the Commission of any act declared in this ordinance to be an offense, whether individually or in connection with another person, or as principal, agent or accessory, shall be guilty of or responsible for such offense. Each person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance shall likewise be guilty of or responsible for such offense.
- F. Should any section, clause, word or provision of this ordinance be declared by any court to be invalid, the same shall not effect the validity of the remaining portions of such section of this ordinance or any part thereof other than the part so declared to be invalid.

Section 18.04 Performance Guarantees

- A. As a condition of approval of a site plan review, special use, or planned unit development, the Planning Commission may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as “improvements,” may include, but shall not be

limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.

B. Performance guarantees shall be processed in the following manner:

1. Prior to the issuance of a Land Use Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
3. Upon receipt of the required performance guarantee, the Ordinance Administrator shall issue a Land Use Permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
4. The Township Treasurer will refund to the obligor portions of the performance guarantee, only after written notice from the Building Inspector, that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
5. When all of the required improvements have been completed, the obligor shall send written notice to the Building Inspector of completion of said improvements. Thereupon, the Building Inspector shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the Ordinance Administrator.

Section 18.05 Amendments

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Planning Commission or by petition of one (1) or more owners of property in Markey Township

Markey Township Zoning Ordinance #35

affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- A. Each petition shall be submitted to the Ordinance Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk and sent to the Planning Commission to set a hearing date and publish notices.
- B. The Planning Commission shall conduct a public hearing, the notice of which shall be published in a newspaper of general local circulation, and sent not less than 15 days before the Public Hearing date.
- C. The Planning Commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the Township Board and to the Roscommon County Planning Commission for review, as provided in Section 10, of the Township Zoning Act. The County shall, within thirty (30) days of receiving the request make a recommendation to the Township. If a recommendation is not received within such time period, a recommendation of approval shall be presumed.
- D. The Township Board may hold additional hearings if it considers it necessary. Notice of such shall be published in a newspaper or general local circulation, and sent not less than 15 days before the Public Hearing.”
- E. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 18.06 Severability

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 18.07 Enactment and Effective Date

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective seven (7) days following publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Markey Township. The effective date of this Zoning Ordinance is August 23, 2003.

Amendments to this ordinance have taken effect and been made on:

April 12, 2004
May 21, 2004

March 31 2005
August 19, 2005
January 29, 2006
January 26, 2007
August 31, 2007
May 30, 2008
September 4, 2009
December 25, 2009

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performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

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