

**ARTICLE 40**  
**Administration and Public Notice**

**§ 170-40.1. Intent.**

This article sets forth the responsibility and scope of authority for the Township Board of Trustees, Township Planning Commission, Township Zoning Board of Appeals and zoning enforcement officials, including the building officials, Director of Community Development, ordinance enforcement officer and designees.

**§ 170-40.2. Withholding of approval.**

The Planning Commission, Board of Trustees or Zoning Board of Appeals (ZBA) may withhold approval for any use, site plan, special land use or other approval required by this chapter pending approvals required by state, county or federal agencies/departments.

**§ 170-40.3. Board of Trustees.**

The Township Board of Trustees shall have the following responsibilities and authority pursuant to this chapter.

- A. Pursuant to the authority conferred by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the Township Board of Trustees shall adopt the zoning ordinance and text or map amendments recommended by the Planning Commission or by court decree.
- B. Township board approval is required for all development options in accordance with Article 20, site condominiums in accordance with Article 35 and subdivision plats in accordance with Chapter 152 Subdivision Control Ordinance.
- C. The Township board shall set fees for permits, applications and requests for action pursuant to the regulations set forth in this chapter. In the absence of establishing a fee for a specific permit or application, the Director of Community Development or other appropriate enforcement officer shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
- D. In accordance with Michigan Public Act 110 of 2006, as amended, members of the Planning Commission shall be appointed by the Township supervisor with approval by the Township board.

- E. In accordance with Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed by the Township supervisor with approval by the Township board.

**§ 170-40.4. Township Planning Commission.**

- A. The Planning Commission shall have the powers and duties provided for zoning commissions pursuant to the Michigan Enabling Act, Public Act 110 of 2006.
- B. Members of the Planning Commission shall be nominated by the Township supervisor and approved by the Board of Trustees. The qualifications, terms, filling of vacancies, compensation and operation of the Planning Commission shall be in accordance with Act 110 of 2006, as amended.
  - (1) The Planning Commission shall consist of seven members. All members shall be qualified electors of the Township. No more than one member of the Township Board shall be a member of the Planning Commission.
  - (2) Members shall serve three (3) year terms.
  - (3) The Planning Commission shall annually elect a chairperson and vice chairperson from its membership and create and fill such other offices or committees as it may be deemed advisable.
  - (4) Members may be removed by the Board of Trustees for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.
  - (5) Members shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.
  - (6) The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its transactions, findings and recommendations.
- C. The Planning Commission shall have the following responsibilities and authority pursuant to this ordinance.
  - (1) Formulation of the zoning ordinance, reviewing amendments to the zoning ordinance, holding hearings on a proposed zoning ordinance or amendment and reporting its findings and recommendations to the Board of Trustees.

- (2) Review and approval of special land uses in accordance with Article 30 and site plans in accordance with Article 33.
- (3) Make recommendations to the Township board for all development options in accordance with article 20, site condominiums in accordance with Article 35 and subdivision plats in accordance with Chapter 152 Subdivision Control Ordinance.
- (4) The formulation and adoption of a master plan as a guide for development of the Township.
- (5) Other matters relating to land development referred to it by the Township board.

**§ 170-40.5. Zoning Board of Appeals**

- A. The ZBA is created pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. Members of the ZBA shall be nominated by the Township supervisor and approved by the Board of Trustees. The qualifications, terms, filling of vacancies, compensation and operation of the ZBA shall be in accordance with Public Act 110 of 2006, as amended.
  - (1) The ZBA shall consist of seven (7) members. All members shall be qualified electors of the Township.
  - (2) The first member shall be a member of the Township Planning Commission.
  - (3) The second member may be a member of the Township Board of Trustees.
  - (4) The remaining members shall be representative of the population and various interests in the Township. An employee or contractor of the Board of Trustees may not serve as a member of the ZBA.
  - (5) Members shall serve three (3) year terms, except for members of the Planning Commission and Board of Trustees whose terms shall be limited to the time they are members of those bodies.
  - (6) The ZBA shall annually elect a chairperson and vice chairperson. The board of trustee member shall not serve as the chairperson.
  - (7) Members may be removed by the Board of Trustees for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

- (8) Members shall disqualify themselves from a vote in which the member has a conflict of interest. Failure of a member to disqualify themselves from a vote in which the member has a conflict of interest constitutes malfeasance in office.
  - (9) The ZBA shall adopt rules for the transaction of business and shall keep a record of its transactions, findings and recommendations.
- C. The ZBA shall have the following responsibilities and authority pursuant to this ordinance.
- (1) To act on all questions pertaining to the administration of the zoning ordinance, interpretation of zoning district boundaries and appeals from any decisions made by an administrative official or body charged with enforcement of this chapter.
  - (2) To hear and decide non-use variance requests related to the standards in this ordinance.
  - (3) The ZBA shall not have the authority to overturn a Planning Commission decision to deny a site plan or special land use or to modify any conditions attached to respective approvals.
  - (4) Comply with the provisions of Article 41, Zoning Board of Appeals.
- D. Denial of a decision by the ZBA may be appealed to Wayne County Circuit Court in accordance with court procedures. Any appeal must be filed before 30 days after the signed decision or 21 days after the minutes are approved, whichever comes first.

**§ 170-40.6. Zoning enforcement officials.**

As specified throughout this chapter, certain actions necessary for the implementation of this chapter shall be administered by the Director of Community Development, Building Official, and other employees, inspectors and officials of the Township. In carrying out their designated duties, all such enforcement officers shall administer this chapter precisely as written and shall not make changes or vary the terms of this chapter. Responsibilities of the Director of Community Development, Chief Building Official, code enforcement and designees shall be as follows.

- A. Provide citizens and public officials with information relative to this chapter and related matters.
- B. Provide applicants with appropriate forms and procedures related to site plan review, rezoning and other zoning matters.

- C. Review and forward to the Planning Commission all applications for site plan review, special land use review, petitions for amendments to this chapter and other applications which must be reviewed by the Planning Commission.
- D. Forward to the ZBA all materials related to applications for appeals, variances or other matters on which the ZBA is required to act.
- E. Forward to the Board of Trustees all recommendations of the Planning Commission concerning matters on which the Township board is required to take final action.
- F. Periodically report to the Planning Commission on the status of the Township’s planning and zoning administration.
- G. Maintain a current zoning map, zoning ordinance text and office records by recording all amendments and filing all official minutes and documents in a timely manner.
- H. Review applications to determine compliance with the provisions of this chapter.
- I. Perform inspections of structures, uses and premises to ensure proposed actions or conditions are, and will remain, in compliance with this chapter.
- J. Investigate alleged violations of this chapter and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of stop work orders and revoking permits.
- K. Issue certificates of occupancy in accordance with Article 42.6 when all applicable provisions have been met.
- L. Perform other related duties required to administer this ordinance.

**§ 170-40.7. Public notice.**

Any action requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and other public notification provisions of this section.

- A. Public hearing notices shall include the following.
  - (1) Describe the nature of the request such as rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

- (2) Include a list of all existing street addresses within the subject property. Street addresses do not need to be listed when 11 or more adjacent properties are proposed for rezoning, text amendments or when the request is for an ordinance interpretation not involving a specific property. If the property does not have an address, another means of identification may be used.
- (3) Indicate the date, time and location of the public hearing.
- (4) Describe when and where written comments will be received concerning the request.

B. The public notice shall be published and mailed in accordance with the following.

- (1) Notice shall be published and mailed a minimum of 15 days prior to the public hearing.
- (2) Notice shall be published in a newspaper of general circulation in the Township.
- (3) Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
- (4) Notice shall be sent to all persons to whom real property is assessed within 300' of the subject property and to one occupant of all structures within 300' of the subject property regardless of whether the property or occupant is located within the Township. If the name of the occupant is not known, the term "occupant" may be used. Notification is not required to more than one occupant of a structure, except if the structure contains more than one (1) 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 the notice. In the case of a single structure containing more than four (4) 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.
- (5) Rezoning requests involving 11 or more adjacent properties, a text amendment, an ordinance interpretation request that does not involve a specific property and appeals of an administrative decision shall only require notice in the newspaper.
- (6) If an ordinance interpretation or appeal of an administrative decision involves a specific property, notice shall also be given to the person bringing the appeal.

- (7) Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States Postal Service or other public or private delivery service.
- C. Any approvals granted pursuant to this article shall be effective seven (7) days after publication, pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

**§ 170-40.8. Fees.**

Any application for action pursuant to the regulations set forth in this ordinance shall be subject to, and accompanied by, a fee as established by the Township Board of Trustees.

- A. Fees shall be collected in advance of any reviews, inspections or issuance of permits or approvals.
- B. Upon notification of deficient fees any applications or permits under review shall be suspended and new applications will not be accepted until the required fees are collected.
- C. Applicants are responsible for covering reasonable costs and expenses which may include, but shall not be limited to, attorney fees, engineering fees, planning fees, meetings, costs and fees for other services or consultants who may be required to assist the township for studies or reports pertaining to the matters in question.
- D. The assessment and payment of application or permit fees shall be in addition to the requirements for a performance guarantee as specified in section 33.11.
- E. Fees shall not be assessed for applications or permits filed in the public interest by a municipal department or Township official.
- F. Unused fees, which are not used by the Township, shall be refunded to the applicant after site plan approval or project closeout, as appropriate.

**§ 170-40.9. Penalties.**

Any person who violates the provisions of this chapter shall be responsible for a municipal civil infraction, per the requirements Chapter 58, Article IX. Each day that a violation continues after notice has been served shall be deemed a separate offense subject to the following penalties.

- A. The following civil fines shall apply, unless a different fine is specified in connection with a particular section.

- (1) The first offense shall be \$300, plus costs and other sanctions.
- (2) Any repeat offense shall be \$500, plus costs and other sanctions for each offense.
- B. In addition to ordering the responsible defendant to pay a civil fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce or enjoin violation of this chapter.
- C. Each act of violation, and on each day upon which any such violation shall occur, shall constitute a separate offense.
- D. In addition to any remedies provided for by the Code of the Charter Township of Northville, any equitable or other remedies available may be sought.
- E. The Judge or Magistrate shall be authorized to impose costs, damages and expenses as provided by law.
- F. A municipal civil infraction shall not be a lesser included offense of a criminal offense or of an ordinance violation which is not a civil infraction.

**§ 170-40.10. Public nuisance per se.**

Any structure that is erected repaired, altered, converted or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof is hereby declared a public nuisance per se and may be abated by order of any court of competent jurisdiction.