



BACKUS TOWNSHIP ZONING ORDINANCE

ARTICLE XVI ADMINISTRATION

Sec. 16.01 Zoning Administrator

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

Sec. 16.02 Permits

A. Zoning Permits

- 1. No building, structure, or sign shall be erected, altered, or moved unless a Zoning 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 Land Use 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 Zoning Permit, or Zoning approval for such work has been issued by the Land Use 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 currently adopted Building Code for Backus Township, shall also constitute certification of compliance with the Zoning Ordinance.



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4. A record of all Certificates of Occupancy issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
- C. Fees for the inspection and issuance of Zoning Permits, Building Permits, or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

Sec. 16.03 Enforcement and Violations

- A. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition is in violation of this Ordinance exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than one hundred (100) dollars nor more than five hundred (500) dollars for the first offense and not less than five hundred (500) dollars nor more than one thousand (1,000) dollars for subsequent offenses, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility, or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
- B. Any building which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance, and is in violation of any of the provisions herein, is hereby declared to be a public nuisance per se.
- C. Each day the violation occurs or continues shall be deemed a separate offense.
- D. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Sec. 16.04 Performance Guarantees

- A. As a condition of approval of a site plan review, special use, or planned development, the Township Board 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 Zoning Permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which



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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, but shall not exceed one hundred twenty-five (125%) percent of the estimated cost of materials and labor.

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 Land Use Administrator shall issue a Zoning 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 obliger 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 obliger 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 Zoning Administrator.

Section 16.05 Amendments

The Township Board is authorized and empowered to cause this Ordinance and the official zoning map to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Zoning Board or by petition of one (1) or more owners of property in Backus Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

A. Amendment Procedure

1. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk to set a hearing date and publish notices.
2. The Zoning Board shall conduct a public hearing, the notice of which shall be given by at least two (2) publication notices in a newspaper of general local circulation, the first not less than twenty (20) nor more than thirty (30) days prior to the date of said hearing and the



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second not more than eight (8) days prior.

3. The Zoning Board 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.
4. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be given by at least one (1) notice in a newspaper of general circulation not more than fifteen (15) or less than five (5) days prior to such hearing.
5. 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.

B. Criteria for Amendment of the Official Zoning Map

In considering any petition for an amendment to the Official Zoning Map, the Zoning Board and Township Board shall consider the following criteria in making its findings, recommendations and decision:

1. Consistency with the goals, policies and future land use map of the Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered;
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning;
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values;
5. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;
6. The apparent demand in the Township for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned to accommodate the demand;
7. Where a rezoning is reasonable given the above criteria, a determination should be made that the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within the existing district.
8. The request has not previously been submitted within the past one (1) year, unless conditions



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have changed or new information has been provided.

Section 16.06 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 16.07 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 Backus Township. The effective date of this Zoning Ordinance is May 24, 2001.