

# **ARTICLE XX**

## **ADMINISTRATION AND ENFORCEMENT**

### **SECTION 20.01 REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance previously adopted by the Township on December 15, 1986, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

### **SECTION 20.02 ZONE DISTRICTS**

The Township of Fruitland is hereby divided into the following zoning districts:

- |    |       |   |
|----|-------|---|
| A. | RR    | Rural Residential District                  |
| B. | LDR   | Low Density Residential District            |
| C. | MDR   | Medium Density Residential District         |
| D. | MHDR  | Medium High Density Residential District    |
| E. | HDR   | High Density Residential District           |
| F. | ILD   | Inland Lakes District                       |
| G. | MHP   | Manufactured Home Park                      |
| H. | WM    | Waterfront Marine District                  |
| I. | NC    | Neighborhood Commercial District            |
| J. | NDLOD | North Duck Lake Overlay District            |
| K. | AG    | Agricultural Overlay District               |
| L. | LMSD  | Lake Michigan Shoreline District            |
| M. | FPR   | Forest Preservation and Recreation District |

### **SECTION 20.03 ZONING MAP**

The location and boundaries of the zoning districts are hereby established as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Fruitland Township, Muskegon County, Michigan," which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

- A. Boundaries indicated as approximately following centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.

- D. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
- E. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

**SECTION 20.04 AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where land has not been included within a district on the zoning map, such land shall be in the R-R District.

**SECTION 20.05 INTERPRETATION**

- A. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the erection or use of land and buildings, or upon the height of buildings and structures, or upon the safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- C. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

**SECTION 20.06 ZONING PERMIT REQUIRED**

- A. No person shall commence construction of any building or structure or make structural changes in any existing structure or use of a parcel of land in the township without first obtaining a zoning permit from the Zoning Administrator. There shall be an application fee established by the Township Board.
- B. The Zoning Administrator shall not issue a zoning permit for the construction, alteration, or remodeling of any structure or use of any property until an application has been submitted showing that the proposed construction or use complies with all of the provisions of this ordinance.

- C. Zoning permits shall be valid for a period of not more than 180 days. The Zoning Administrator may renew permits for one additional successive period of up to 180 days at the same location and for the same purpose.

**SECTION 20.07 ADMINISTRATIVE OFFICIALS**

- A. Except as otherwise provided, the Zoning Administrator shall administer and enforce this Ordinance.
- B. With regard to the National Flood Insurance Program and the regulation of development within the flood hazard area as prescribed in Article XVIII the duties of the Zoning Administrator shall include, but are not limited to:
  - 1. Notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
  - 2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood proofed structures, the elevation to which the structure was flood-proofed; and
  - 3. Recording of all certificates of flood-proofing and written notification to all applicants to whom variances are granted in a flood hazard area indicating the terms of the variance, the increased danger to life and property, and the increased cost of flood insurance commensurate with the increased flood risk which may reach amounts in excess of \$25.00 for \$100.00 of insurance coverage per year. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- C. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Zoning Administrator and shall be open for public inspection.
- D. It shall be the responsibility of the Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Federal Insurance Administration.

**SECTION 20.08 PERMIT APPLICATION**

- A. In addition to the information required with an application for a zoning compliance permit, special use permit or any other type of development permission required under this Ordinance, the following information shall be submitted as a part of an application for permission to commence any type of development within a flood hazard area:
  - 1. The elevation in relation to mean sea level of the floor, including basement, of all structures;
  - 2. Where flood-proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood-proofed;

3. Where flood-proofing will be employed, a certificate from a registered professional engineer or architect that the flood-proofing criteria of this Ordinance will be met;
  4. Where it can be determined that development is proposed within zones A1-A30 on the FIRM a certification as required by this Ordinance;
  5. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
  6. Proof of development permission from the appropriate federal, state and local agencies as required by Section 18.03(1)c, including a floodplain permit, approval, or letter of no authority from the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451;
  7. Base flood elevation data where the proposed development is subject to Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451 or is greater than five acres in size; and
  8. Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.
- B. One copy of plans and specifications shall be retained by the Zoning Administrator. The other copy shall be delivered to the applicant upon issuance of a zoning permit.
- C. The Zoning Administrator may, upon approval of the Planning Commission, waive portions of the foregoing permit requirements which are not necessary under the particular circumstances for compliance with the Ordinance.

The Zoning Administrator shall provide a copy of the zoning permit to the Township Clerk, the Township building inspector, and the secretary of the Planning Commission.

## **SECTION 20.09 REMEDIES AND ENFORCEMENT**

Any person, firm or corporation, including an agent, in charge of any structure or land who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be responsible for a civil infraction and subject to fines as published by the Township from time to time. Each day a violation continues shall be deemed to be a separate offense. In addition to other sanctions, the Township may institute an appropriate court proceeding to prevent, enjoin, abate or remove any violation of this Ordinance, compel compliance with this Ordinance, or seek other equitable or injunctive relief. Persons determined to be in violation of this Ordinance shall be required to reimburse the Township for its actual costs of prosecution, including court costs and reasonable attorney fees.

## **SECTION 20.10 PUBLIC NUISANCE, PER SE**

Any building or structure which is moved, erected, repaired, 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 in violation of any of the provisions thereof is hereby declared to be a public nuisance, per se, and may be abated by order of any court of competent jurisdiction.

**SECTION 20.11 FINANCIAL GUARANTEES OF PERFORMANCE**

- A. When a financial guarantee of performance may be required under the terms of this Ordinance, the Township may require a cash deposit, certified check, letter of credit, bond, or other similar type of financial guarantee acceptable to the Township to insure compliance with applicable provisions of the Ordinance. The financial guarantee shall be deposited with the Township Clerk at the time any permits or other approval authorizing the project or activity which requires the financial guarantee are issued. As work progresses, the Township may authorize a proportional rebate of the financial guarantee upon completion of significant phases of the project.
- B. The Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board are empowered to require a financial guarantee of performance in the form of a bond, cashier's check, cash or other suitable negotiable security, in an amount equal to the estimated cost of improvements associated with the project which is the subject of such guarantee.
- C. Such financial guarantee of performance shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan. If said improvements are not completed such security shall be forfeited, either in whole or in part.
- D. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- E. In cases where the improvements indicated with the approved site plan have not been completed in accordance with the approval granted, the amount of the aforementioned financial guarantee of performance may be used by the Township to complete the required improvements. The balance if any shall be returned to the depositor.

**SECTION 20.12 RIGHTS AND REMEDIES**

The rights and remedies provided herein are cumulative and in addition to other remedies provided by law.

**SECTION 20.13 SEVERABILITY**

The Ordinance and various Articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any Article, section, paragraph, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**SECTION 20.14 GENERAL RESPONSIBILITY**

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of Fruitland Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Muskegon County, Michigan, or any other court having

jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

**SECTION 20.15 ENACTMENT**

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 Fruitland Township. The effective date of this Zoning Ordinance is March 23, 2003.

Adoption Date: February 24, 2003  
Published Date: March 16, 2003  
Effective Date: March 23, 2003

I, Janell Beard, Clerk of Fruitland Township, do hereby acknowledge that Public Hearings were held regarding the foregoing zoning ordinances by the Fruitland Township Planning Commission and properly noticed according to statutory requirements, and verify that the Fruitland Township Planning Commission record of findings that substantiate the recommendation of adoption has been received and reviewed by the Fruitland Township Board; and do hereby certify that the foregoing is a true and complete copy of the zoning ordinances recommended for adoption by the Fruitland Township Planning Commission, and that the Fruitland Township Board did formally adopt the zoning ordinances at a properly noticed rescheduled regular meeting of the Fruitland Township Board held on the twenty-fourth day of February, in the year 2003.

Amended: May 18, 2015  
Published: June 28, 2015  
Effective: July 6, 2015