

ARTICLE 34.00

ADMINISTRATIVE ORGANIZATION

Section 34.01 Overview

The Township Board of Trustees or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:

- A. Township Board of Trustees**
- B. Township Planning Commission**
- C. Zoning Board of Appeals**
- D. Zoning Administrator and Other Enforcement Officials**

The purpose of this part of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

Section 34.02 Township Board of Trustees

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

A. Adoption of Zoning Ordinance and Amendments

In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.

B. Review and Approval of Plans

Township Board review and approval shall be required for all Site Plans, pursuant to Section 33.02.

Township Board review and approval shall be required for all Special Land Uses, in accordance with Section 33.03.

Township Board review and approval shall be required for all Planned Development projects, in accordance with Article 29.0.

C. Setting of Fees

In accordance with Section 33.08 of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits,

applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

D. Approval of Planning Commission Members

In accordance with Michigan Public Act 168 of 1959, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

Section 34.03 Township Planning Commission

The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

A. Creation

The Township Planning Commission is created pursuant to Michigan Public Act 168 of 1959, as amended, the Township Planning Act, and Township Ordinance 15. In accordance with Section 11 of Act 168, the Planning Commission shall have all the powers and duties provided for zoning boards created pursuant to Michigan Public Act 110 of 2006, as amended.

B. Membership and Operation

Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Act 168 of 1959, as amended.

In accordance with Section 5 of Act 168, the Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

C. Jurisdiction

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. Formulation of Zoning Ordinance and Amendments

The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.

2. Site Plan Review

The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Section 33.02. As provided for in Section 33.02, the Planning

- Commission shall be responsible for making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of site plan approval.
- 3. Special Land Use Review**
The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Section 33.03, and making a recommendation to the Township Board to grant approval, approval subject to revisions, or denial of approval.
 - 4. Planned Development Review**
The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Article 29.0. The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Development proposal.
 - 5. Formulation of a Basic Plan**
The Planning Commission shall be responsible for formulation and adoption of a basic plan (ie., the Hartland Township Comprehensive Plan) as a guide for the development of the Township, in accordance with Michigan Public Act 168 of 1959, as amended.
 - 6. Review of Matters Referred by the Township Board**
The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.
 - 7. Report on Operation of the Zoning Ordinance**
In accordance with Section 308 (2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall at least once per year prepare for the Township Board of Trustees a report on the administration and enforcement of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

Section 34.04 Zoning Board of Appeals

The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act.

A. Membership and Operation

The ZBA shall consist of five (5) members who shall be appointed in accordance with Section 601 of Michigan Public Act 110 of 2006, as amended, as follows:

1. The first member shall be a member of the Planning Commission.
2. The remaining members shall be selected from the electors of the Township residing in the unincorporated area of the township, and shall be representative of the population distribution and of the various interests present in the Township.
3. Of the remaining members, one may be a member of the Township Board but may not serve

- as chairperson of the Zoning Board of Appeals. No employee or contractor of the Township may be a member or employee of the ZBA. No elected officer of the Township may serve as chairperson of the ZBA.
4. The term of office of each member shall be for three (3) years, except for members serving because of their membership of the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or Township Board respectively, and the period stated in the resolution appointing them. Terms shall be staggered so that not more than two (2) of the members terms in office shall expire in the same year. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
 5. The Township Board may appoint not more than two (2) alternate members for three (3) year terms. The alternate members may be called on a rotating basis, or as specified in the rules of procedure of the Zoning Board of Appeals, to sit as regular members of the Zoning Board of Appeals if regular members are unable to attend one (1) or more meetings. An alternate member may also be called on to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest as allowed by State Law. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
 6. Members of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
 7. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Act 110. The ZBA shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.

B. Meetings

Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairman, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.

Meetings shall be open to the public and shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses.

C. Rules of Procedure

The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings properly, including the scheduling of hearings. The Zoning Board of Appeals shall adopt as part of its rules of procedure a checklist for evaluating applications requesting zoning variances, including those for practical difficulties and unnecessary hardships.

D. Records

Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with votes of the members and the final disposition of each case. The grounds of every determination shall be stated and such determination shall supersede any order or determination from which the appeal is taken. Such minutes shall be filed in the office of the Township Clerk and shall be public record.

A copy of the decision shall also be sent promptly to the applicant or appellant, the Zoning Administrator, Township Clerk and Planning Commission.

E. Secretary and Counsel

The Township Clerk shall be responsible for acting as secretary, or of providing secretarial services for the Zoning Board of Appeals. The Township Attorney shall act as legal counsel for the Board and shall be present at meetings upon request by the Board.

F. Duties of Zoning Administrator

The Zoning Administrator shall transmit to the Board, the Planning Commission and Township Attorney copies of all documents constituting the record or provision of the Zoning Ordinance upon which the appeal is based.

G. Jurisdiction

The ZBA shall have the authority outlined in Section 33.05.

Section 34.05 Zoning Administrator and Other Enforcement Officials

A. Overview

As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Zoning Administrator and other Township administrative officials, or their duly authorized assistants or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance.

B. Responsibilities of the Zoning Administrator

In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator or his/her duly authorized assistants shall have the following responsibilities:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.
2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.

3. Review and investigate land use permit applications to determine compliance with the provisions of the Zoning Ordinance.
4. Issue Land Use, and other appropriate permits when all provisions of this Ordinance and other applicable ordinances have been complied with.
5. Perform inspections of buildings, structures, and premises to insure proposed land use changes or improvements are and will remain in compliance with this Ordinance.
6. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.

Section 34.06 Protection from Personal Liability

The Township Board of Trustee members, Planning Commission members, Zoning Board of Appeals members, Zoning Administrator and any other Township Official or employee charged with administrative and enforcement duties and responsibilities under provisions of this Zoning Ordinance are hereby protected from all personal liability for damages to persons or property resulting from the carrying out of their duties and responsibilities. In accordance with Public Act 55 of 1970 (MCL 69.1408) any civil or criminal charges brought against any of the aforementioned Township officials and employees in the conduct of their duties and responsibilities shall be defended by a legal representative of the Township until final adjudication of the charges has been concluded and decided upon.

If a judgment for damages is awarded against any of the aforementioned Township Officials and employees as a result of a civil or criminal charge for personal injuries or property damages, caused while carrying out their duties and responsibilities under the provisions of this Zoning Ordinance, the Township shall pay, negotiate or do whatever is necessary to arrive at a settlement in order to abate the charges and satisfy the judgment.