

## Article 3 ADMINISTRATION, ENFORCEMENT, and PENALTIES

### **Section 3.01 Purpose**

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of one permit which shall be the land use permit. Issuance of such a permit, pursuant to this Article, shall indicate that the uses and plans for which the land use permit is requested comply with this Ordinance. Upon the issuance of a land use permit, the applicant may establish a use for which the land use permit has been issued, including the erection of a building or structure, only after receiving a Building Permit from the Building Inspector unless exempted by the Michigan Construction Code.

### **Section 3.02 Land Use Permit Required**

**A. Permit Required/Conformance to Ordinance:** Except as provided in subsection (B) below, no excavation shall be initiated, no structure or building shall be erected, altered, or moved, and no land or building shall be used or undergo a change in the class of use until a land use permit has been issued by the Zoning Administrator and, where required by the Building Inspector, a Building Permit has been issued by the Building Inspector. No land use permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 3.04 regarding application for permits.

**B. Permit Exemption:** A land use permit shall not be required for the following unless part of a project for which site plan approval is required according to Section 4.02, but such exemptions shall conform with all requirements and standards of this Ordinance:

1. The alteration of an interior structural wall, or the alteration of an exterior wall provided no change is made to the location of such exterior wall
2. A fence or wall of no greater than six (6) feet in height in association with a single family or two-family dwelling.

### **Section 3.03 Responsibility for Administration**

**A. General Administration:** The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, the Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

**B. Duties of the Zoning Administrator:** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the Zoning Administrator to administer and enforce the provisions of this Ordinance and in doing so shall perform the duties specified in this Ordinance including, at a minimum, the following:

1. Review Applications: Undertake and/or assist in the review of permit applications and other applications made under this Ordinance, including applications for plot plans, site plans, special land use approvals, and variances.
2. Issue Permits: Issue permits and other approvals when all provisions of this Ordinance have been met and the necessary permit or approval has been granted by the proper body or official.
3. File of Applications: Maintain files of all land use permit applications, action on such applications and land use permits issued; and any performance guarantees associated with such permits. These files shall be open for public inspection.
4. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections of buildings or premises to investigate and monitor conformance with this Ordinance, serve civil infraction and appearance tickets and issue civil infraction citations, and issue correction of violations notices, stop-work orders and revocation of permits.
5. Record of Complaints: The Zoning Administrator shall keep a record of every complaint of

violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint. Such records shall be open for public inspection.6. Reports: The Zoning Administrator shall report to and attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board periodically, as requested by such bodies, on activities pertaining to the issuance of land use permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise.

(Ord. #4 of 2006, 11-14-06)

### **Section 3.04 General Land Use Permit Application and Review Procedures**

**A. General Permit Application and Review:** An application for a land use permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, a plot plan or site plan, a land use permit shall be issued. Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate land use permit after being directed to do so by the designated approving body or official.

1. Plot Plan / Site Plan: An application for a land use permit shall include the submittal of a site plan for those uses identified in Section 4.02. An application for a land use permit for all other uses, including a single family and two-family dwelling, shall include the submittal of a plot plan according to subsection (B) below. Upon approval of the plot plan or final site plan, a land use permit shall be issued except as may be provided otherwise in this Ordinance.
2. Special Land Uses: In addition to meeting the site plan requirements of Article 4, a land use permit application for a use classified as a "special land use" within the subject zoning district (See Article 10) shall be processed according to the provisions of Article 5.
3. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 6 is necessary for the approval of a proposed plot plan or site plan, no plot plan or site plan shall be approved nor shall such project be issued a land use permit until action on such variance request has been taken by the Zoning Board of Appeals.
4. Incomplete Applications: If application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of any land use permit in order to ensure conformance with the requirements of this Ordinance (see Section 3.06).
6. Permit Refusal in Writing: In any case where a permit or other approval requested under this Ordinance is refused, the reasons shall be stated in writing to the applicant.

### **B. Single Family and Two-Family Dwellings/Plot Plan Approval**

1. Application Required: Application for a land use permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose and available from the Zoning Administrator. See Section 3.02(B) for exceptions. Five (5) copies of all application materials shall be submitted and shall consist of:
  - a. The completed application form.
  - b. An accurate, readable, drawing, constituting a plot plan, identifying the following:
    - 1) Name, address and telephone number of the applicant (and owner if different).
    - 2) A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
    - 3) The location, dimensions, and height of the existing and/or proposed structures to be erected, altered, or moved on the lot.
    - 4) Distances of buildings and structures from lot lines.
    - 5) A description of proposed use(s) of the building(s), land and structures.
    - 6) Configuration of the driveway and parking areas.
    - 7) Existing public right-of-ways or easements.
    - 8) Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance.

2. Application Review: The Zoning Administrator shall review the land use permit application and plot plan and determine their conformity with the provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks, building height, and permitted uses.
3. Action on Application: After conducting a review, the Zoning Administrator shall reject, approve, or conditionally approve the plot plan as it pertains to requirements and standards contained in the Zoning Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of a complete plot plan. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
4. Approved Plot Plans: At least two (2) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.
5. Plot Plan Changes: The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and acted upon.

**C. Permit Withholding, Expiration, and Revocation.**

1. Withholding Permit: Approval of an application or the issuance of a land use permit may be withheld pending verification that an applicant has received required county, state or federal permits including but not limited to septic and water well permits; soil erosion and sedimentation control permits; wetlands permits; flood plain and culvert permits; driveway permits; or building permits. Similarly, a designated approving body may condition final approval of the requested development activity upon the receipt of any of the above mentioned county, state or federal approvals and/or direct the Zoning Administrator not to issue a land use permit until said permits from other agencies have been obtained.
2. Expiration of Permit: A land use permit shall become null and void after one (1) year from the date of its issuance unless the development or activity authorized passed its first building inspection by the Building Inspector. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice to the applicant at the address indicated on the permit application at least thirty (30) days before such voidance is effective, provided however, that the body which approved such permit may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction. Upon expiration, the permit shall be renewable only upon reapplication and payment of application fees.
3. Revocation: The Zoning Administrator may revoke or cancel any land use permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application, when authorized to do so by the body that authorized the issuance of the land use permit.
  - a. Prior to the revocation of a land use permit, the body that approved the issuance of the land use permit shall hold a public hearing on such revocation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit. At the hearing, the approving body shall state the basis for the revocation and the land use permit holder shall be given the opportunity to present evidence and testimony against such revocation. Procedures for the notification of such hearing shall comply with the notification procedures of subsection 5.02(B)(2)(b). The owner shall be notified of such revocation in writing.
  - b. Following the hearing, the body holding the hearing may revoke the land use permit, delay such revocation for a specified time period to permit the land use permit holder time to correct specified violations, or find there is no basis for such revocation.
  - c. Upon revocation of the land use permit, or in the case where revocation is delayed to correct violations, all further construction activities and usage shall cease upon the site other than for

the purpose of correcting violations. Failure to terminate the use for which the land use permit was revoked, other than for the purpose of correcting the violation, is declared to be a nuisance per se and a violation of this Ordinance.

### **Section 3.05 Building Permit / Certificate of Occupancy Required**

**A. Building Permit:** Upon issuance of a land use permit, no construction shall be initiated prior to the acquisition of all necessary Building Permits from the Building Inspector.

**B. Occupancy Permit:** No structure or use shall be occupied, in whole or in part, without first receiving a certificate of occupancy from the Building Inspector. Failure to obtain a certificate of occupancy when required shall be punished as a municipal civil infraction.

### **Section 3.06 Performance Guarantee for Compliance**

**A. Purpose:** In authorizing any land use permit, the body or official which approves the land use permit application, as designated by this Ordinance, may require that a performance guarantee be furnished to:

1. ensure compliance with the requirements, specifications and conditions imposed with the granting of such land use permit; and
2. provide sufficient resources for the Township to complete required improvements or conditions in the event the land use permit holder does not.

**B. Requirements of Guarantee:** The performance guarantee shall meet the following requirements:

1. Improvements Covered: Improvements that shall be covered by the performance guarantee include those features and actions associated with a project which are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future uses or inhabitants of the proposed project area, including roadways, lighting, utilities, sidewalks, screening and drainage.
2. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Clerk, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. Amount and Time Required: The amount of the performance guarantee should be sufficient to cover the estimated cost of improvements for which the performance guarantee or bond is to cover, according to a detailed cost estimate submitted by the applicant and approved by the Planning Commission. After approval of the detailed cost estimate by the Planning Commission, the performance guarantee shall be submitted at the time of issuance of the land use permit authorizing the approved use or construction.

**C. Return of Performance Guarantee or Bond:** The following procedure shall be followed in the return of performance guarantees:

1. Request for Payment: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit a recommendation to the Planning Commission indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejection. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. Approval of Payment: The Planning Commission shall either approve, partially approve or reject the return of the performance guarantee for the improvements or conditions, after consideration of the recommendation of the Zoning Administrator's written statement, and shall notify the obligor in writing of the action of the Planning Commission within forty-five (45) days after receipt of the notice from the obligor of the completion of improvements. Where approval or partial approval is granted, the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be returned shall be the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
3. Lack of Full Completion: Should installation of improvements fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only

partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee. Any balance remaining shall be returned to the applicant.

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### **Section 3.07 Timely Action on Applications**

A. All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved. The following time provisions shall apply unless specifically provided otherwise by this Ordinance:

1. If an application has not been received by the Zoning Administrator at least fifteen (15) days prior to the next regularly scheduled meeting when the designated body would normally begin deliberation on such application, the designated body shall delay initiating deliberations until the next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.
2. A recommendation or decision by the designated recommending or approving body on an application shall be made within ninety (90) days of receipt of the application by the Zoning Administrator unless, in the opinion of the designated recommending or approving body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
3. Where action on an application requires a recommending body to report to an approving body, as in the case of the Planning Commission recommending action on a rezoning request to the Township Board, the approving body shall take action on the application within ninety (90) days of such recommendation unless, in the opinion of the designated approving body, an extension of time is necessary to adequately collect and review information pertinent to a decision.
4. Where action on an application requires a public hearing, such hearing shall be held within ninety (90) days of receipt of the application by the Zoning Administrator except where an extension of time is necessary to establish a complete application or in the case where a meeting agenda prohibits such hearing due to work load.

### **Section 3.08 Application Fees**

**A. Application Fees Required:** Fees for review of development proposals, rezoning requests, actions before the Zoning Board of Appeals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Zoning Administrator in advance of processing any application. The amount of such fees shall be established by the Township Board by resolution, shall cover the cost of administration and inspection resulting from the enforcement of this Ordinance, and may be amended from time to time. Such fees may include but are not limited to costs associated with conducting meetings and inspections, newspaper notices, postage, photocopying, staff time, mileage, and any costs associated with reviews by qualified professionals including planners, engineers, and/or attorneys.

**B. Professional Review and Fee:** For any application for a land use permit or variance, a reviewing body may require the payment of a professional review fee when professional input is desired before a decision is made, due to the character or complexity of the proposal or concern over the potential impacts of the project. The applicant is entitled to a refund of any unused professional review fee. If actual professional review costs exceed the amount of the fee, the applicant shall pay the balance due prior to receipt of any land use permit. A professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and matters which may create a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted for by the Township and a copy of the statement of expenses for the professional services rendered.

### **Section 3.09 Site Inspections**

The Zoning Administrator shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. No person shall molest the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant any time a property owner refuses access to a property

in order to make an inspection.

### **Section 3.10 Violations, Penalties, and Fines**

**A. Violation Is A Nuisance Per Se:** Any use of land, dwellings, buildings, or structures, including tents and trailer coaches, in violation of this Article is a nuisance per se. Any court having jurisdiction over the violation shall order the nuisance abated and the owner and/or agent in charge of the dwelling, building, structure, tent, trailer coach, or land is guilty of maintaining a nuisance per se.

#### **B. Misdemeanor Violations**

1. Violations Designated as Misdemeanor: A person or corporation, including an officer, director, or employee of a corporation, who knowingly makes a false or misleading written or oral statement, or knowingly omits, with intent to mislead, any required information or statement in connection with an inspection report, application, petition, request for approval, or appeal to the Zoning Administrator, Planning Commission, Board of Appeals or the Township Board, shall be guilty of a misdemeanor.
2. Penalties for Misdemeanors: A person or corporation, including an officer, director, or employee of a corporation, who is found guilty of a misdemeanor shall be fined not less than \$100.00 nor more than \$500.00 (plus costs and expenses of prosecution as provided in subsection (B)(3) below or imprisoned for not more than 90 days, or both.
3. Costs and Expenses of Prosecution for Misdemeanor Offenses: If a defendant is convicted of a misdemeanor, or placed in any diversion, deferred sentence, youthful offender or other rehabilitation program that requires a finding or admission of guilt, the judge or district court magistrate shall determine all lawful costs and expenses incurred by the Township as a result of the defendant's violation, including, to the maximum extent permitted by law, all expenses, direct and indirect, incurred by the Township in connection with the investigation, prosecution and appeal, if any, of the conviction and, to the maximum extent permitted by law, shall order the reimbursement of such costs and expenses by the defendant to the Township. Except as otherwise provided by law, costs, restitution and reimbursement shall be payable to the general fund of Locke Township.

#### **C. Municipal Civil Infraction Violations**

1. Violations Designated as Civil Infractions: A person or corporation, including an officer, director, or employee of a corporation, who commits any of the following acts shall be responsible for a municipal civil infraction:
  - a. Using any land or structure in violation of any regulation or standard of this Ordinance or any condition of any land use permit including, but not limited to a special land use permit or variance.
  - b. Failing to timely apply for or obtain any permit required under this Article.
2. Fines for Municipal Civil Infractions: Unless a more specific provision of this Article provides otherwise, the fine for any municipal civil infraction under this Article shall be determined as follows:
  - a. First offenses. For any municipal civil infraction that is not a repeat offense, the fine shall be not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).
  - b. Repeat offenses. Increased fines shall be imposed for repeated violations by any person of any requirement or provision of this Ordinance, or prior Locke Township Zoning Ordinance, as follows:
    - 1) Second offense. For any municipal civil infraction committed by any person who has been convicted of or found responsible for a prior offense within the preceding three years, measured from the date of conviction/judgment for the prior offense to the date of offense of the later offense, the fine shall be not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
    - 2) Third and subsequent offenses. For any municipal civil infraction committed by any person who has been convicted of or found responsible for two or more prior offenses within the preceding seven years, measured from the date of conviction/judgment for the earliest prior offense to the date of offense of the latest offense, the fine shall be not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00).
    - 3) Offenses included. For purposes of this section, prior offenses include any violations of

this Ordinance or a prior Locke Township Zoning Ordinance, whether designated as misdemeanor violations or as municipal civil infractions.

3. Costs and Expenses of Prosecution for Civil Infractions: If a defendant is ordered to pay a civil fine under subsection (C)(2) above, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and shall include all expenses, direct and indirect, incurred by the Township in connection with the municipal civil infraction, up to the entry of judgment. Costs of not less than \$25.00 or more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of the Township.
4. Not Lesser Included Offenses: Municipal civil infraction violations are not lesser included offenses of misdemeanor violations under this Article.

**D. Continuing Violations as Multiple Offenses:** With respect to violations of a continuing or recurring nature, a person is guilty of a separate offense for each day that a violation occurs or continues. This includes, but is not limited to, violations for failure to obey an order or obtain a permit or certificate of occupancy.

**E. Cumulative Rights and Remedies:** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. These rights and remedies include, without limitation, the right of the Township to proceed in any court of competent jurisdiction for the purpose of obtaining a preliminary injunction, injunction, restraining order or other appropriate remedy to compel compliance with or to enjoin any violation of this article. The Township may also engage in any lawful action, including the filing of liens against property, to recover damages or costs, including the expenses of enforcement.

**F. Correction of Violations**

1. Notice of Violation: Whenever the Zoning Administrator determines that a violation of this Ordinance or a permit or other approval issued under this Ordinance has occurred or is occurring and if the violation does not constitute an immediate danger to public safety or the property of others if not corrected, the Zoning Administrator shall give written notice to the owner or occupant of the property or the person doing the construction or using the land or structures, notifying him/her of the violation and requesting that the violation be corrected within a specified period not exceeding thirty (30) days. This notice of violation is not a "municipal ordinance violation notice" as defined in MCL 600.8707 and does not direct a person to appear at a municipal ordinance violations bureau in the Township or to pay fines and costs, if any, prescribed by this Article for the violation of this Ordinance. This notice of violation is authorized by this Article and intended to secure compliance with this article, if possible, without imposition of fines or municipal infraction violation costs.
  - a. Such notice of violation shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.
  - b. The Zoning Administrator may grant one or more written extensions of the correction period, provided that each request for extension is in writing and supported by good cause shown and further provided that the total period allowed for correction shall not exceed six months from the date of the initial request to correct. Such an extension may be authorized only where the Zoning Administrator determines that satisfactory progress has been made in attempting to correct the violation and that the violation does not constitute an immediate danger to public safety or the property of others if not corrected.
2. Municipal Civil Infraction: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the violation constitutes an immediate danger to public safety or the property of others if not corrected, a citation for a municipal civil infraction shall be issued in accordance with Public Act 12 of 1994, as amended. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law.
3. Misdemeanor: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, or where the Zoning Administrator determines that the

violation constitutes an immediate danger to public safety or the property of others if not corrected, and such violation is punishable as a misdemeanor, the Zoning Administrator shall forward a complete report regarding the violation to the Township Attorney and prosecution proceedings may be initiated. Prosecution of misdemeanor violations of this Ordinance may be initiated in any manner authorized by law including appearance ticket, summons and complaint or complaint and warrant. An appearance ticket, citation, complaint summons and/or warrant for a misdemeanor violation shall be served as required by law.

### **Section 3.11 Public Hearing Notices**

- A. Hearing Notice Content:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:
1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
  2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
  3. Indicate the date, time and place of the hearing(s).
  4. Indicate when and where written comments will be received concerning the request.
- B. Recipients and Means of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.
1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
  2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
  3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Locke Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
    - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
  4. in the case of a text amendment or zoning map amendment., to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail.
- C. Timing of Notice:** Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered for approval, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations.
- D. Confirmation of Notices Made by Mail or Personal Delivery:** Notice shall be deemed mailed by its deposit in the United States first class mail, properly addressed and postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

*(Ord. #4 of 2006, 11-14-06)*

**End of Article 3**