

CHAPTER 19 ADMINISTRATION AND ENFORCEMENT

SECTION 19.01 REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance previously adopted by the Township on (date), and all amendments thereto, are hereby repealed. The repeal of such prior 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 19.02 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, safety, comfort, convenience, or general welfare.
- B. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement.
- C. 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 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 other rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern.
- D. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning classification or permissible activities; 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.
- E. The Zoning Administrator shall have the power to interpret this Ordinance. Any interpretation or determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals, in compliance with Chapter 18.

SECTION 19.03 ZONING ADMINISTRATOR DUTIES AND ZONING COMPLIANCE PERMITS

- A. Zoning Compliance Permits. The Zoning Administrator shall have the authority to issue zoning compliance permits in accordance with the requirements of this Ordinance.
 - 1. It shall be unlawful to commence a use, build a building or structure, or change the type of use of land, or change the type of use or type of occupancy of any building, or extend any use on any lot on which there is a non-conforming use, until the Zoning Administrator has determined the change, use, building or structure to be in compliance with applicable provisions of this Ordinance and has issued a zoning compliance permit.

2. It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building or parking area, or to commence the moving or alteration of any structure, including accessory buildings, exceeding two hundred (200) square feet in gross ground floor area, until the Zoning Administrator has given documented approval of his/her opinion that the plans, specifications and intended use of such structure, building or land does in all respects conform to the provisions of this Ordinance and has issued a zoning compliance permit. A structure, building or use that does not require a zoning compliance permit shall still comply with the requirements of this Ordinance.
 - a. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation or construction or use until the Zoning Administrator has inspected the plans in detail and found them in compliance with this Ordinance.
 - b. Issuance of a zoning compliance permit shall in no case be construed as waiving any provision of this Ordinance.
 - c. The Zoning Administrator shall not refuse to issue a permit when the applicant complies with all of the requirements imposed by this Ordinance and all other applicable Township, County, and State ordinances, laws and regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of the permit, are not cause for refusal to issue a permit.
 - d. The Zoning Administrator may refuse to issue a zoning compliance permit regarding a property where there are unresolved or outstanding violations to the Township Code of Ordinances, including this Zoning Ordinance. Upon resolution of prior unresolved or outstanding violations, the Zoning Administrator shall issue the permit so long as all other ordinance and legal requirements are met.
 - e. When the Zoning Administrator receives an application for a zoning compliance permit that requires Planning Commission, Township Board, or Zoning Board of Appeals approval(s), the Zoning Administrator shall so inform the applicant.
 - f. A zoning compliance permit shall not be issued until all applicable fees, charges and expenses have been paid in full.
 3. A zoning compliance permit shall not be required for ordinary repairs or maintenance to one- or two-family residential dwellings or any structure accessory thereto, including but not limited to roofing, siding, and interior work, provided that such construction does not increase the gross ground floor area of the building by more than two hundred (200) square feet and/or does not change the use of the structure.
- B. The Zoning Administrator is not, under any circumstance, permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to

any person making application to excavate, construct, move, alter or use either buildings, structures or land.

- C. The Zoning Administrator shall have the authority to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of the Ordinance.
- D. The Zoning Administrator may not make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.
- E. The Zoning Administrator shall require every application for a zoning compliance permit for excavation, construction, moving, alteration or change in type of use or type of occupancy to be accompanied by a site plan prepared in accordance with specifications of Chapter 13.
- F. If the Zoning Administrator does not approve an application for the permit, the reasons for the rejection shall be stated in writing on an appropriate form.
- G. The Zoning Administrator may attach reasonable conditions to the issuance of a zoning compliance permit.
- H. Zoning compliance permits shall be valid for one (1) year, and shall expire if the use has not been commenced or substantial construction has not begun within such time period. The Zoning Administrator may approve extensions subject to conditions attached by the Zoning Administrator.

SECTION 19.04 REMEDIES AND ENFORCEMENT

- A. Any use of land and any building or structure which is erected, moved, placed reconstructed, razed, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance is hereby declared to be a nuisance *per se*.
- B. A violation of this Ordinance constitutes a municipal civil infraction. The zoning administrator or township designee shall have the authority to issue civil infraction tickets/citations for any violation of this Ordinance.
- C. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued hereunder, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a municipal civil infraction.
- D. The civil fine for a municipal civil infraction shall be not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the Court, in addition to all other costs, damages, expenses and remedies provided by law. The person violating the Ordinance shall be responsible to reimburse the Township for its reasonable attorney fees for obtaining the remedies permitted by this Section.
- E. 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 or similar provision of this Ordinance for which the same person admitted responsibility or was adjudged to be responsible.

- F. Each day during which any violation continues shall be deemed a separate offense.
- G. In addition to pursuing a municipal civil infraction proceeding, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of this Ordinance.
- H. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

SECTION 19.05 ZONE CHANGES AND AMENDMENTS

The Township Board may, from time to time, on recommendation from the Planning Commission, or on its own motion, or on petition, amend, supplement, modify or change this Ordinance in accordance with the authority of the Zoning Act, as amended.

SECTION 19.06 PETITIONS

- A. The Township Board, the Planning Commission, or any person desiring an amendment or change in the map or in any other provision of this Ordinance may present to the Planning Commission, through the Township Clerk, a petition for an amendment or change, together with a fee in the amount specified in a Resolution adopted by the Township Board and in effect at the time of application. The fee is waived for a petition initiated by the Township Board or Planning Commission
- B. At its discretion, the Planning Commission may process the petition and hold a public hearing after notice and make a report to the Township Board in accordance with the requirements of the Zoning Act.

SECTION 19.07 PERFORMANCE GUARANTEES

As a condition of approval of a site plan review, special land use, variance, zoning compliance permit or other zoning approval, the Township Board, Planning Commission, Zoning Administrator, or the Zoning Board of Appeals may require a performance guarantee to ensure compliance with any zoning approval. The performance guarantee shall be in an amount, form, and type with language which is approved by the Township body or official involved. The Township shall have the discretion to require a bond, irrevocable letter of credit, or monetary deposit with the Township.

With regard to required improvements, the Township can require a performance guarantee of a sufficient amount and form to assure the installation of required improvements or components of the approved use, activity, or construction which are considered reasonably necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.

The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.

Performance guarantees shall be processed in the following manner:

- A. Prior to the issuance of a Certificate of Occupancy, the applicant or their agent shall submit an itemized estimate of the cost of the required improvements that are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one hundred percent (100%) of the cost of purchasing of materials and installation of the required improvements, plus the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
- B. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
- C. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a building 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.
- D. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination 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.
- E. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
- F. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor 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.
- G. The Zoning Administrator shall maintain a record of required performance guarantees.
- H. In lieu of providing performance guarantees, the Township and the applicant for a development proposal may agree to enter into a development agreement that would be recorded with the Register of Deeds.

SECTION 19.08 FEES & ESCROWS

- A. The Township Board shall, by resolution, establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during regular Township office hours at the Township Hall. Fees may be changed from time to time by resolution of the Township Board.
- B. The applicant shall pay all applicable fees upon the filing of any application or other request or application under this Ordinance for which a fee is required.

- C. In addition to regularly established fees, the Township Board in its discretion may also require an applicant to submit to the Township an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. The estimated fees and costs shall be submitted prior to any Township review of an application or request.
- D. The Township shall not charge fees or assess costs to the applicant for the time expended by Township employees (except as authorized under appropriate provisions of the Freedom of Information Act, Public Act 442 of 1976) or for incidental costs and expenses, but may charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.
- E. The costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, engineering fees, professional planning reviews costs and fees for services or outside consultants, fees and expenses of other professionals who may assist the Township, costs and fees for studies and reports pertaining to the matters in question, special meeting costs, and other reasonable costs and expenses.
- F. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant. If, for some reason, the applicant does not pay, or the Township does not collect, zoning escrow fees during the zoning review process, the Township can still bill such costs and expenses to the applicant after the zoning review process has been completed and the applicant or landowner shall promptly pay/reimburse the Township for the same.

SECTION 19.09 STOP WORK ORDERS

- I. Notice to Owner: Upon notice from the Zoning Administrator, or his designee, that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, that work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to the owner's agent, or to the person doing the work and shall state the conditions, if any, under which work or the use will be permitted to resume.
- J. Unlawful Continuance: Any person who shall continue to work in or about the structure, land or building, or use after having been served with a Stop Work Order, except the work as that person is directed to perform to remove a violation or correct an unsafe condition, shall be in violation of this Ordinance.

SECTION 19.10 PROPERTY SURVEYS

If the Zoning Administrator in the performance of his duties under this Ordinance (or the Planning Commission, Zoning Board of Appeals, and Township Board pursuant to their zoning review and approval powers under this Ordinance) shall deem it necessary that a survey be done by a professional surveyor or engineer for property at issue (including a written drawing and stakes set on the property boundaries or corners) in order to ensure that all requirements of this Ordinance will be met, the survey and related information may be required by the Township

and shall be paid for and provided by the property owner or applicant and no building permit or other Township permit(s) shall be issued or approved until and unless the survey and related information has been provided to the Township.

SECTION 19.11 EXPIRATION OF A ZONING APPROVAL

If a zoning approval under this Ordinance has been granted with a specific time limit and the use has not commenced or substantial construction has not begun pursuant to that approval within the time limit specified, the zoning approval shall automatically expire (and be void) at the end of that time limit. No extension to that time limit shall be granted except by the Township body, commission, or official which granted the initial zoning approval. If a zoning approval is silent with regard to a time limitation, the time limitation shall be deemed to be one (1) year, and the zoning approval shall expire (and be void) after one (1) year if the use has not been commenced or substantial construction has not begun within said one (1) year time limitation. Unless expressly prohibited by this Ordinance, a time extension may be granted by the body, commission, or official which granted the initial zoning approval.

SECTION 19.12 PUBLIC NOTICES - PUBLICATION, MAILING, AND DELIVERY

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Zoning Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten (10) or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; for all planned unit development and special land use applications and for any other matters requiring a public hearing under this Ordinance, a notice of public hearing shall be mailed by way of U.S. first class mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
 - 1. The applicant (and the owner of the property if different);
 - 2. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application; and
 - 3. The occupants of all structures within 300 feet of the property that is the subject of the application.

If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.

- C. The notice of public hearing shall include the following information:
 - 1. A description of the nature of the application or request.

2. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
3. A statement of where and when the application or request will be considered.
4. Indicate where and when written comments will be received concerning the application or request.

SECTION 19.13 PROOF OF OWNERSHIP

The Zoning Administrator or Building Inspector may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before issuance of a zoning compliance permit or a building permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a building permit, variances, special use requests, site plan review, zoning compliance permits, and any other zoning or building code action.

SECTION 19.14 CONDITIONAL REZONING

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by a property owner as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of the Zoning Act by which a landowner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and Offer of Conditions.
 1. An owner of land may voluntarily offer in writing one or more conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 3. The landowner's offer of conditions may not purport to authorize uses, activities, structures, items, or developments not allowed in the requested new zoning district or otherwise by this Ordinance.
 4. Any use or development proposed as part of an offer of conditions for a rezoning that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or

development is ultimately also approved by the Township in accordance with the provisions of this Ordinance.

5. Any use or development proposed as part of an offer of conditions for a rezoning that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately also approved by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 6. Any use or development proposed as part of an offer of conditions for a rezoning that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately also approved in accordance with the provisions of this Ordinance.
 7. The offer of conditions may be changed during the process of rezoning consideration provided that any changed or additional conditions are entered or agreed to voluntarily by the landowner. A landowner may withdraw all or part of its offer of conditions at any time prior to final rezoning action by the Township Board, provided that if such withdrawal or change occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation by the Planning Commission.
- C. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Chapter, may recommend to the Township Board approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the landowner.
- D. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Chapter. Should the Township Board consider changes to the proposed conditional rezoning advisable and if such contemplated changes to the offer of conditions are acceptable to and thereafter offered by the landowner, then the Township Board may refer such changes back to the Planning Commission for a report thereon by the Planning Commission within a time specified by the Township Board and the Township Board may proceed thereafter in accordance with the Zoning Act to deny or approve the conditional rezoning with or without changes.
- E. **Approval.**
1. If the Township Board approves the rezoning request with conditions from the offer of conditions, the offered conditions shall be incorporated into a formal written Statement of Conditions (or equivalent document) acceptable to the landowner and the Township and which document also conforms in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance/ordinance

amendment adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Newaygo County Register of Deeds or, in the alternative (and if acceptable to the Township), be accompanied by a recordable Affidavit or Memorandum prepared and signed by the landowner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon both the current landowner and all successor owners, creditors, etc., of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Newaygo County Register of Deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions and have full authority to so bind the land.
3. Upon the rezoning taking effect, the Township's Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions (or an Affidavit or Memorandum giving notice thereof if such alternative is approved by the Township) shall be filed by the Township with the Newaygo County Register of Deeds. The Township Board shall have the authority to waive this requirement at its discretion if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent purchaser or owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use, structures, and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

- F. Compliance with Conditions.
1. Any person who establishes a development or commences or continues a use upon land that has been rezoned with conditions shall continuously operate and maintain the development, land, structures, and use in full compliance with all of the conditions set forth in the Statement of Conditions as well as this Ordinance. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 2. No permit or approval shall be granted under this Ordinance (or any other ordinance of the Township) for any use, structure, or development that is contrary to an applicable Statement of Conditions.
- G. Time Period for Establishing Development or Use. Unless another time period is specified in the ordinance/ordinance amendment rezoning the subject land, the approved development and/or use of the land must be substantially commenced upon the land within one year after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and, (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with its Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.
- H. Reversion of Zoning. If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405, as amended. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land back to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests. Such reversion shall also occur if any condition or requirement in the Statement of Conditions is violated.
- I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect, unless the Township Board deems certain conditions still relevant and binding, in which case any such conditions shall remain effective. Upon the landowner's written request, the Township Clerk shall record with the Newaygo County Register of Deeds a notice that the prior Statement of Conditions (or portions thereof) is no longer in effect if, in fact, that is the case.

- J. Amendment of Conditions.
 - 1. During the time period for commencement of an approved development or use specified pursuant to subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 - 2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
- K. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed or construed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification at any time. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act.
- L. Failure to Offer Conditions. The Township shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a landowner's rights under this Ordinance.

SECTION 19.15 RIGHTS AND REMEDIES

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

SECTION 19.16 SEVERABILITY

The Ordinance and various Chapters, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any Chapter, 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 19.17 GENERAL RESPONSIBILITY

The Township Board or its duly authorized representative(s) are hereby charged with the duty of enforcing this Ordinance and the Township Board (or its designee) is hereby empowered, in the name of Big Prairie Township, to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Newaygo 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 the non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by the non-compliance or violation may institute suit and/or join the Township Board in a suit to abate the violation to the extent allowed by Michigan law.

SECTION 19.18 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 Big Prairie Township. The effective date of this Zoning Ordinance is (date).

SECTION 19.19 REPEAL

When this Ordinance (and the accompanying Zoning Map) become effective, the prior zoning ordinance and applicable zoning map shall be deemed repealed and replaced by this Ordinance (and the accompanying Zoning Map).