

STATE OF MICHIGAN
COUNTY OF WAYNE
TOWNSHIP OF GROSSE ILE

ORDINANCE NO. 25-04

An ordinance to amend Chapter 285, the “Zoning Ordinance,” to update various sections related to the posting of performance guarantees by applicants for building and zoning compliance permits to make improvements to property and structures in Grosse Ile Township.

The Township of Grosse Ile ordains:

Section 1 of Ordinance

- I. The Township of Grosse Ile Code of Ordinances, Chapter 285, “Zoning Ordinance,” Article 7, “Macomb Street District,” Section 285-7.2(5), “Permitted Uses,” is hereby amended to read as follows:

285-7.2 Permitted uses.

(1) – (4) [No change.]

(5) Tent sales, provided that the following regulations are complied with:

(a) – (h) [No Change.]

- (i) The site shall be restored to its original condition after the tent is removed, and a performance guarantee ***in the form of a cash escrow and in an amount set by resolution of the Township Board*** shall be provided to ensure such restoration.

- II. The Township of Grosse Ile Code of Ordinances, Chapter 285, “Zoning Ordinance,” Article 12, “Parking and Loading Requirements,” Section 285-12.1, “Off-street Parking,” is hereby amended to read as follows:

285-12.1 Off-street parking.

A. – D. [No change.]

E. Layout and construction. Off-street parking facilities shall be designed, constructed, and maintained in accordance with the following requirements.

(1) Review and approval requirements.

(a) – (b) [No change.]

(c) In the event that required parking cannot be constructed because of cold or inclement weather, a temporary certificate of occupancy may be issued by the Building Official, provided that the applicant first deposits a performance guarantee in accordance with Article 20.

III. The Township of Grosse Ile Code of Ordinances, Chapter 285, “Zoning Ordinance,” Article 19, “General Provisions,” Section 285-19.17, “Temporary structures and uses,” and 19.23, “Alternative Energy Systems,” are hereby amended to read as follows:

285-19.17 Temporary structures and uses.

Unless otherwise specified in this chapter, temporary buildings, structures and uses shall comply with the following requirements. A temporary building or structure shall not be used as an accessory building or structure.

A. – B. [No change.]

C. Performance guarantee. ~~The Township shall require the posting of a~~ A performance guarantee ***in the form of a cash escrow and in an amount set by resolution of the Township Board shall be required*** to ensure proper and complete removal and cleanup of all temporary buildings upon completion of the project.

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285-19.23 Alternative Energy Systems.

(1) – (21) [No Change.]

(22) Performance guarantee. A performance guarantee ***in the form of a cash escrow and in an amount set by resolution of the Township Board*** shall be posted at the time of receiving a special land use permit for the WECS to ensure removal of the facility when it is no longer used or is no longer maintained in compliance with this chapter. The applicant shall provide funds to the Township for removal of the WECS, which reasonably reflects the cost

of removal of the WECS and restoration of the property. Cost estimates for removal of the WECS shall be provided for the Township Engineer's approval. Adequate funds shall also be provided to cover the Township's administrative costs in the event that the applicant or its successor does not remove the WECS in a timely manner. The performance guarantee shall, ~~at the election of the Township Board,~~ be in the form of: a cash *escrow*; ~~security bond; or an irrevocable letter of credit.~~

IV. The Township of Grosse Ile Code of Ordinances, Chapter 285, "Zoning Ordinance," Article 20, "Permits, Performance Guarantee and Enforcement," is hereby amended to read as follows:

285-20.1 Administrative regulations.

A. Scope of regulations. No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the regulations specified herein for the zoning district in which the structure or land is located. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this chapter, or amendments thereof, and provided construction is begun within six months of the effective date and diligently pursued toward completion, said building or structure may be completed in accordance with the approved plans. The applicant ~~may~~ **shall** be required to provide the Township with evidence, visual or otherwise, demonstrating to the satisfaction of the ~~Zoning Administrator~~ **Building Official** that work is being diligently pursued. Failure to diligently work toward completion shall result in the loss of legal nonconforming status unless good cause for the delay is ~~accepted at a hearing before the Zoning Board of Appeals~~ **demonstrated to the Community Development Department**. Furthermore, upon completion of construction said building may be occupied under a certificate of occupancy, as approved by the Building Official, for the use for which the building was originally designated, subject thereafter to the provisions of Article 18 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. – I. [No Change.]

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285-20.3 Permits and certificates.

A. Scope of requirements.

- (1) Building permit. A building permit shall be required prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure regulated by the Building Code,^[1] and/or the excavation, filling, grubbing, clearing or grading of lots. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Township of Grosse Ile Building Code or this chapter or other applicable ordinances of the Township of Grosse Ile.
- (2) Certificates of occupancy. No building, structure, land, or part thereof shall be used, nor shall any existing use of any building, structure, land, or part thereof be changed, unless a certificate of occupancy is first obtained for the new or different use. Temporary certificates of occupancy can be issued in accordance with Subsection C(5) of this section.
- (3) Site plan and special land use permits. Certain uses require site plan or special land use approval under the provisions of this chapter. No building permit shall be issued under this article for activities requiring site plan or special land use approval until such time as site plan approval is issued by the Planning Commission under Article 21 and a special land use permit is issued by the Township Board under Article 22, as applicable.

B. Building and zoning compliance permits. The following guidelines shall apply to the issuance of permits:

- (1) – (2) [No change.]
- (3) Valid period of permits. A building permit or zoning compliance permit issued pursuant to the provisions of this chapter shall expire one year from the date of issuance. The premises shall be inspected on that date and the applicant notified ***in writing*** of any violations. Failure to correct ***noted*** violations or complete work in the time period specified by the Building Official shall constitute a violation of this chapter, subject to the penalties set forth in § 285-20.6. If construction has not been completed within the one-year time frame, the applicant may apply to the Community Development Department for a ***one-time, one-year extension, so long as such extension is requested prior to the expiration of the original building or zoning compliance permit.*** The application for an extension shall include a construction schedule specifying the time frame for completion of unfinished activities. ***If a building or zoning permit expires without a request for an extension, or the applicant needs additional time to complete the work, the applicant***

must submit an application for a new building or zoning compliance permit.

- (4) Inspection of completed work. **It is the obligation of** the holder of any building **or zoning compliance** permit shall ~~notify~~ **to contact** the Grosse Ile Building Official upon completion of the work authorized by the permit ~~for the necessary~~ **to schedule an** inspection. If the work inspected receives approval, ~~an~~ application shall be made to the Building Department for a certificate of occupancy. All roads, driveways and pathways damaged during construction shall be restored to their original condition **prior to the issuance of a certificate of occupancy.** Examples include cuts in pavement for underground utility needs, crushing damage from equipment and similar damages caused through construction practice.

C. – D. [No change.]

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285-20.5 Performance guarantee.

- A. Intent. **The intent of this section is to establish the authority and procedures for requiring, accepting and enforcing performance guarantees, in order to** ensure compliance with the provisions of this chapter, **township standards, requirements,** and any conditions imposed by the Township Board, Zoning Board of Appeals, Planning Commission or Community Development Department, ~~the Township may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements.~~
- B. General requirements. **All applicants constructing improvements in the Township under and permits and approval granted pursuant to this Chapter shall provide a performance guarantee to guarantee the completion of all required site improvements associated with a project in accordance with this section, in an amount set by resolution of the Township Board.** ~~The performance guarantee shall meet the following requirements:~~
- (1) ~~The performance guarantee may be in the form of a cash deposit, irrevocable letter of credit, certified check, cash escrow, or similar instrument acceptable to the Township. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Attorney attesting to the Township's right to draw~~

~~funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Attorney presents an affidavit to the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right. **Upon issuance of a building or zoning compliance permit, the applicant shall submit to the township a performance guarantee in the form of a cash escrow. The Township may deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.**~~

- ~~(2) The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. The Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.~~
- ~~(3) The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements associated with a project for which site plan approval is sought, or a portion thereof as specified by the Planning Commission. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Building Official~~

The amount of the performance guarantee shall be in accordance with the performance guarantee resolution adopted by the Township Board for the specific improvements associated with an approved building or zoning compliance permit.

- ~~(4) The entire performance guarantee, including interest accrued, shall be returned to the applicant upon **inspection by the building official or their designee and a determination that** satisfactory and timely completion of the required improvements **has been made**. The applicant may request that the performance guarantee be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements, provided that a minimum of 10% shall be held back on each element until satisfactory completion of the entire project.~~
- ~~(5) An amount not less than 10% of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to ensure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Community Development Department that all landscape materials are being maintained in good condition.~~

C. Unsatisfactory completion of improvements. Whenever required improvements are not installed or maintained in accordance with the standards set forth in this chapter, the Township may complete the necessary improvements itself or by contract to an independent developer and assess all costs of completing said improvements against the performance ~~bond or other surety~~ **guarantee**, including any interest accrued on said ~~bond or surety~~ **guarantee**. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant and/or other firm or individual responsible for completion of the required improvements.

285-20.6 Violations and penalties.

A. Nuisance per se. Buildings erected, altered, razed or converted or uses carried on in violation of any provision of this chapter are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.

B. Violation. Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of the same, who or which fails to comply with any of the provisions of this chapter or any of the regulations adopted in pursuance thereof, or who or which impedes or interferes with the enforcement of this chapter by the Building Official or other enforcement official, shall be deemed in violation of this chapter.

C. Inspection of violation. The ~~Zoning Administrator~~ **Community Development Director or their designee** shall inspect each alleged violation and shall order correction, in writing, of all conditions found to be in violation of this chapter. The order to correct a violation shall be issued by serving personally or by sending, by registered mail, return receipt requested, such order to the last known address of the owner of the property upon which the violation occurs or, when applicable, the violator. A party who has failed to accept such registered mail shall be deemed to have been served.

D. Penalties. **A person found in** ~~for~~ violation of this chapter shall be **responsible for a municipal civil infraction**, punishable as provided in Chapter ~~1~~, General Provisions, ~~§ 1-3~~. The provisions of **and shall be liable for the penalty set forth in** Chapter ~~1~~, Article ~~II~~, Municipal Civil Infractions, also apply to violations of this ~~article~~. **of this Code**. Each ~~act~~ of violation and each day during which such violation continues shall constitute a separate offense. The imposition of any sentence shall not exempt the offense from compliance with the requirements of this chapter.

E. – G. [No change.]

285-20.7 Records.

- A. The Grosse Ile Township Community Development Department ~~or office of the Zoning Administrator~~ shall maintain all permanent and current records of this chapter, including, but not necessarily limited to, all maps, amendments, variances, appeals, special land uses, certificates of occupancy and related applications.
- B. Every rule or regulation, decision, finding of fact, condition of approval, resolution, or other transaction of business of the Planning Commission or Zoning Board of Appeals shall be duly recorded and filed in the public records of the office of the Township Clerk. A copy of any application, permit, certificate, transcript of a public meeting, or other item of the public record may be obtained from the appropriate Township office upon payment of copying costs.
- V. The Township of Grosse Ile Code of Ordinances, Chapter 285, "Zoning Ordinance," Article 24, "Administrative Organization," Section 285-24.2, "Township Board of Trustees," is hereby amended to read as follows:

285- 24.2 Township Board of Trustees.

The Township Board of Trustees shall have the following responsibilities and authority pursuant to this chapter:

- A. – B. [No change.]
- C. Setting of fees. In accordance with Article 20, Permits, Performance Guarantee and Enforcement, 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 chapter. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the ~~Zoning Administrator~~ ***Community Development Director*** or other appropriate enforcement officer shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

Section 2 of Ordinance. – Savings Clause

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced. This ordinance shall not be construed to affect any prosecution pending or initiated before the effective date of this ordinance, or initiated after the effective date of the ordinance for an offense committed before that effective date.

Section 3 of Ordinance. – Severability

If any word, clause, sentence, paragraph or part of this ordinance shall be found invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

Section 4 of Ordinance. – Effective Date; Publication

The provisions of this Ordinance shall take effect as prescribed by law following publication.

CERTIFICATION

The foregoing is a true copy of Ordinance No. 25-04 which was enacted by the Township of Grosse Ile Board of Trustees at a (regular/special) meeting held on October 13, 2025.

Jamison Yager
Clerk

Planning Commission Public Hearing date: September 29, 2025

Planning Commission recommendation date: September 29, 2025

Township Board Adoption date: October 13, 2025

Publication date: October 26, 2025

Effective Date: November 25, 2025