

2 Administration

2.1 Zoning Administration

2.1.1 The town zoning administrator is designated as the administrative and enforcement officer for the provisions of this ordinance. The duties of the zoning administrator shall be assigned by the town board to one person or shared between more than one person in the township. The town board has ultimate authority to appoint themselves or any other person in the township. The duty of the zoning administrator shall be to interpret all permits required by this ordinance and to issue, after on-site inspections, all permits required by this ordinance. The zoning administrator shall further:

- Review all matters pertaining to applications and enforcement of this zoning ordinance
- Conduct inspections of structures and use of land to determine compliance with the terms of this zoning ordinance.
- Review all subdivisions created in this township.
- Maintain permanent and current records as required by this ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, and applications.
- Receive, file, and forward all applications for appeals, variances, conditional uses, or any and all other matters to the designated official bodies.
- Notify in writing, persons responsible for violations, indicating the nature of the violation and the action necessary to correct it.
- Initiate, with the advice and consent of the township attorney and the township board, any appropriate legal actions or proceedings against a violator as provided for in this zoning ordinance.
- Recommend to the township board appropriate fees for applications, permits, or other matters processed under this zoning ordinance.
- Collect fees, as set by the township board, for all applications, permits, or other matters covered under the provisions of this zoning ordinance.
- Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him or her to ensure compliance with this ordinance.
- Attend all meetings of the town planning commission and zoning board of appeals, and town board meetings, when requested.

2.2 Board of Adjustment

2.2.1 The board shall consist of the Township Board which shall have all the powers and duties of the zoning administrator. The Town Board will appoint 3 member panel consisting of members of the planning commission in an advisory capacity to the Town Board to hear zoning issues and appeals.

2.2.2 Election of officers and rules of proceeding. The board of adjustment shall select a chairperson and vice-chairperson from its members and shall appoint a recording secretary, who need not be a member of the board. Subject to such limitations as

may be imposed by the township board, the board of adjustment may adopt rules for the conduct of proceedings before it. Such rules may include provisions for the giving of oaths to witnesses and the filing of written briefs by the parties. The board shall provide for a record of its proceedings which shall include minutes of its meetings, its findings, and the action taken on each matter heard by it, including the final order.

2.2.3 Meetings and quorum. The meeting of the board of adjustment shall be held at the call of the zoning administrator. A majority of the board shall constitute a quorum and a majority vote of that quorum is sufficient to conduct business and take action. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a regular board member from voting thereon shall be decided by a majority vote of all members, except the member being challenged. In the event that the disqualification of a member due to conflict of interest results in less than a quorum of the board for a meeting, no further action can be taken on that matter before the board.

2.3 Variances

2.3.1 The Town Board shall have the exclusive power to order the issuance of variances from the terms of any official control, including restrictions placed upon nonconformities.

2.3.2 Hearing. Upon receipt of an application that contains all required information, the town board shall establish a time for hearing thereon by the board. From the date the clerk receives the application containing all required information, the Town Board has sixty (60) days to take action on the request or the request shall be deemed approved. The Town Board may extend this time line by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 subd. 3.

2.3.3 Notice. Notice of time, place, and purpose of the public hearing shall be given by publication in the official township newspaper at least ten (10) days before the hearing. Written notice of all public hearings shall be sent to all owners of property of record within One quarter (1/4) mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners. In all cases, written notice shall also be given to the members of the township board prior to the hearing. Defects in the notice shall not invalidate any proceedings provided a bonafide attempt to comply with this section has been made. Where applicable, no less than twenty (20) days prior to the public hearing, the clerk shall send notice and copies of application forms to the following for review and comment: Washington County, Minnesota Department of Natural Resources, and appropriate watershed district or management organization.

2.3.4 Board findings. The Town Board shall make written findings in any case of an appeal or application for a variance and shall state therein the reasons for its decision. The order issued shall include the legal description of the land involved. A copy of any such order bearing the notation of the filing date shall be immediately mailed to the appellant or applicant. A certified copy of any order issued by the board upon any

application for a variance shall be filed with the county recorder or registrar of titles for record. Upon granting the variance the applicant must act upon confines of the granted variance within one year or it is rendered invalid. Within the area governed by the master plan for the lower St. Croix River, before any variance decision under this zoning ordinance becomes final, the clerk shall forward the decision to the Commissioner of Natural Resources. The Commissioner of Natural Resources shall certify in writing that the proposed action complies with the intent of the Wild and Scenic Rivers Act in a manner specified by the Department of Natural Resources.

2.3.5 Administrative appeals. An appeal from any decision may be taken by any aggrieved party within thirty (30) days from the date of such decision by filing a written notice of appeal to the Board of Adjustment. The notice shall state: The particular order, requirement, decision or determination from which the appeal is taken; the name and address of the appellant; the grounds for appeal; and the relief requested by the appellant. The Board of Adjustment may recommend to reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and to that extent, shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

2.3.6 Zoning Variances. A variance is the modification or variation of the zoning regulations where it is determined that, the strict enforcement of the zoning ordinance would cause practical difficulties. An application for a variance shall be filed with the clerk. The application shall be accompanied by development plans showing such information as the board may require for purposes of this ordinance. If the application does not contain all required information, the clerk shall send notice within ten (10) days of receipt of the request, telling the applicant what information is missing.

2.3.7 No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. Variances shall only be permitted when they are in harmony with the general purpose and intent of the zoning ordinance in cases when there are practical difficulties in the way of carrying out the strict letter of any official control and when the terms of the variance are consistent with the comprehensive plan. Practical difficulties as used in connection with the granting of a variance means that the property owner proposed to use the property in a reasonable manner not permitted by an official control. The plight of the landowner is due to circumstances unique to the property, not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic conditions alone do not constitute practical difficulties. The Town Board may consider the inability to use solar energy systems as a practical difficulty in the granting of a variance. Variances shall be granted for earth sheltered construction as defined in Minnesota Statute 216c.06, Subd. 2, when in harmony with this zoning ordinance. Where, in the opinion of the board, a variance will result in a material adverse effect on the environment, the applicant will be requested by the board to demonstrate the nature and extent of that effect.

2.3.8 The Town Board may impose conditions in the granting of variances to ensure compliance and to protect adjacent properties and the public interest. A condition must be directly related to and must bear a rough proportionality to the impact

created by the variance. No application for the same variance as ruled upon by the board shall be resubmitted for a period of twelve (12) months from the date of denial of the previous application unless there has been a substantial change in circumstances as it relates to the request. All decisions by the board shall be final, except that anyone aggrieved by decision shall have the right to appeal within thirty (30) days after receipt of notice of the decision to the Washington County District Court on questions of law and fact. In order to preserve their right to appeal, a non-party must notify the board within seven (7) days of the date of the hearing at which the decision was made of their desire to obtain a copy of the decision in order to preserve their right to appeal or it is deemed waived.

2.4 Planning Commission

- 2.4.1 Formation and Purpose.** A Planning Commission for the Township of West Lakeland, Washington County, Minnesota, is hereby established. The purpose of the commission shall be to provide plans and procedures for the orderly development of the Township of West Lakeland. All conclusions reached by the commission shall serve as recommendations and powers of execution shall be vested in the Town Board.
- 2.4.2 Composition.** The Commission shall consist of a minimum of seven (7) regular members, appointed by the town board for 3-year terms. To be eligible for membership on the Commission, an individual must be a registered voter in the Township of West Lakeland. Vacancies shall be filled by appointment for the remainder of unexpired terms. If any member fails to attend two regular meetings during the fiscal year without an approved excuse, his/her appointment shall be automatically terminated. The recording secretary shall then notify the town board so that another appointment may be made. Any or all members may be removed by a majority vote of said town board. The members of the town board shall be non-voting, ex-officio members of the commission. All members shall serve without compensation except the chairman, who shall receive compensation as determined from time to time by majority vote of the Town Board.
- 2.4.3 Organization.** Officers of the Planning Commission shall be the Chairman, Vice-Chairman and Recording Secretary. These officers shall be elected annually by the members of the commission at the organizational meeting to be held at the first meeting in March. The Planning Commission may elect what other officers may be necessary and may give the Chairman the authority to appoint committees if such appointments might become necessary.
- 2.4.4 Meetings and records.** The Commission shall hold at least one regular meeting open to the public each month, unless no business is before the commission. It shall adopt rules pertaining to order of business and program of work and shall keep a public record of its recommendations, transactions and findings. Additional meetings may be called by the Chairman of the Commission. For any meeting, a simple majority of the membership shall constitute a quorum. A two-thirds vote of the members present shall be required to decide a question. Special public hearings, with notification in the official township newspaper, may be called by the commission.

2.4.5 Duties of the Commission. It shall be the duty of the Planning Commission to prepare and recommend a comprehensive land use plan for the physical development of the township, including the use of property, the density of population, proposed public buildings, street arrangements, public utility services, parks, playgrounds and other similar developments. Such plan may be prepared in sections and shall be maintained and amended from time to time as development progresses. The commission shall make recommendations and take advisory action on matters as required by other township ordinances, such as: application for the rezoning of land, subdivisions and applications for special permits. The commission shall also make studies, investigations, and recommendations on matters of which the town board requests an opinion from the commission. The commission shall conduct such public hearings and make recommendations as requested by the town board. Said recommendations shall then be acted upon within a reasonable length of time by the town board. The township planning commission shall have the duties of making reports and recommendations related to the planning and development of the township to public officials, agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The commission and its members, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the planning commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

2.5 Reimbursement of Expenses

Reimbursement for supplies will be submitted to the Town Board for approval.

2.6 Conditional Uses

2.6.1 Application

- 2.6.1.1** Whenever this Ordinance requires a Conditional Use Permit, an application in writing shall be filed with the Township Board.
- 2.6.1.2** The application shall be accompanied by development plans of the proposed use showing such information as may be deemed necessary by the Township Board.
- 2.6.1.3** The scale of maps submitted shall be at least 1 inch to 200 feet. Maps for sites less than fifty (50) acres shall be at least 1 inch to 100 feet. The number of maps and reports to be submitted shall be specified by the Planning Commission, but shall not exceed twenty-five (25). All maps shall be reduced and included in the applicable reports. One (1) transparent Mylar copy of the final general development plans, should they be approved, shall be filed with the Zoning Administrator within sixty (60) days of such approval.
- 2.6.1.4** Certificate of Survey shall include site plan drawn to scale showing the following information:
 - Existing Conditions. Property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well.

- Proposed Conditions. Property lines and dimensions, building location and setbacks, building dimensions, curb cuts, driveways, access roads, parking, off-street loading areas, and any other proposed improvements.

2.6.1.5 Submittal shall include, if appropriate, Landscape Plan with the following information: Existing vegetation, proposed plantings, plant schedule including information about the plant size, quantity, type and root condition, and ground cover; Grading and Drainage Plan; Soil Conditions; Building Floor Plan; Building Elevations; General Location Map; Principal land uses within 200 feet of the property; Proof of ownership in the form of Abstract of Title, Certificate of Title, Attorney’s Title Opinion, unrecorded documents where petitioner will acquire legal or equitable ownership; Type of business or activity and proposed number of employees; Sanitary sewer, septic, and water plan (areas without public sewer or water).

2.6.2 Notice and Hearing Procedure

2.6.2.1 Upon receipt of an application that contains all required information, the Township Board shall refer the matter to the Township Planning Commission and establish a time for hearing on the application. From the date the Township Board receives the application containing all required information, the Township Board has sixty (60) days to take action on the request or the request shall be deemed approved, provided however that the Town Board may extend this time by providing written notice of the extension to the applicant before the end of the initial sixty (60) day period. This notification must state the reasons for the extension and its anticipated length, which may not exceed sixty (60) days. The deadline may also be extended as indicated in Minnesota Statute 15.99 Subd. 3.

2.6.2.2 Notice of the time, place, and purpose of all public hearings shall be given by publication in a newspaper of general circulation in the Township at least 10 days before the hearing.

2.6.2.3 Notice shall also be mailed to each of the owners of all property located within one quarter mile of the affected property or to the ten properties nearest to the affected property whichever would provide notice to the greater number of owners.

2.6.2.4 Where required, no less than twenty (20) days prior to the public hearing, the Zoning Administrator shall send notice and copies of the applicant information to the Minnesota Department of Natural Resources for review and comment. This shall apply if subject property lies within the jurisdiction of the master plan for the Lower St. Croix River.

2.6.2.5 Defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the provisions of this Section has been made. A copy of the notice and a list of property owners and addresses to which the notice was sent shall be made a part of the record.

2.6.3 Criteria for Granting Conditional Use Permit

2.6.3.1 The Township Board may grant a Conditional Use Permit in any District, provided the proposed use is listed as a conditional use for the District and upon a showing that the standards and criteria stated in this Zoning Ordinance

will be satisfied and that the use is in harmony with the general purposes and intent of this Zoning Ordinance and the Comprehensive Plan. In determining whether the proposed use is in harmony with the general purpose and intent of this Zoning Ordinance and the Comprehensive Plan, the Township Board shall consider:

- The impact of the proposed use on the health, safety, and general welfare of the occupants of the surrounding lands.
- Existing and anticipated traffic conditions, including parking facilities on adjacent streets and lands.
- The effect of the proposed use on utility and school capacities.
- The effect of the proposed use on property values and scenic views in the surrounding area.
- The effect of the proposed use on the Comprehensive Plan.
- The ability of the proposed use to meet the standards of the Zoning Ordinance.
- The results of a market feasibility study, if requested by the Zoning Administrator, when the purpose for which the conditional use is being requested relies on a business market for its success.
- The effects of the proposed use on groundwater, surface water, and air quality.
- That the proposed use is allowed with a Conditional Use Permit in the designated Zoning District in which it is proposed.

2.6.3.2 In connection with the issuance of Conditional Use Permits to nonconforming situations, the Township Board may require nonconformities to conform to the regulations contained in the Zoning Ordinance and may impose such additional restrictions or conditions as it deems necessary to protect the public interest. When appropriate, restrictive covenants may be entered into regarding such matters.

2.6.3.3 The Board may impose and the applicant shall pay costs incurred by the Zoning Administrator for monitoring compliance with the conditions of the Conditional Use Permit.

2.6.4 The Town Board may place reasonable conditions on the issuance of any permit or conditional use permit authorized by the preceding sections in order to protect the public health safety and welfare.

2.6.5 Compliance

2.6.5.1 The use shall conform to the applicable sections of this zoning ordinance.

2.6.5.2 In the event a complaint has been received by town officials, a report thereof shall be made to the Town Board by the Town Clerk, and the Town Board may direct the applicant to appear at a public hearing preceded by 10 days mailed notice to show cause why the permit should not be revoked. A permit may be revoked for a violation of this ordinance or any condition imposed at the time of issuance.

2.6.6 Length of Conditional Use. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity to the terms of such

permit and of any conditions designated in connection therewith. Conditional Use Permits shall be renewed annually. The town board retains the authority to review and evaluate the continuation of the permit based on citizen response or concerns, Renewal notices will be provided fifteen (15) days prior to the review. The conditional use permit will be renewed for so long as the conditions agreed upon are observed, provided that nothing in this Section shall prevent the Township Board from acting or amending the Zoning Ordinance to change the status of conditional uses.

2.6.7 Expiration of Conditional Use Permit

- 2.6.7.1** A conditional use permit shall expire and be considered null and void one (1) year after it has been issued if no construction has begun or if use has not been established.
- 2.6.7.2** Any permit issued pursuant to the provisions of section 17 of this ordinance (animal control) shall be renewed annually unless the Board finds that the conditions of the permit have been violated. No permit shall be transferable.

2.6.8 Revocation

- 2.6.8.1** A violation of any condition set forth in a Conditional Use Permit shall be a violation of this Zoning Ordinance, and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the permit.
- 2.6.8.2** Revocation shall not occur earlier than ten (10) working days from the time written notice of revocation is served upon the permittee or if a hearing is requested, until written notice of the Town Board action has been served on the permittee.
- 2.6.8.3** Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred and a statement that if the permittee desires to appeal, he must, within ten (10) working days, exclusive of the day of service, file a request for a hearing.
- 2.6.8.4** The hearing request shall be in writing, stating the grounds for appeal, and served personally or by registered or certified mail to the clerk or the Township Zoning Administrator by midnight of the tenth working day following service.
- 2.6.8.5** Following the receipt of a request for hearing, the Township Zoning Administrator shall set a time and place for the hearing, which hearing shall be conducted in accordance with the procedures set forth in this Zoning Ordinance.

2.6.9 Records of Conditional Uses

- 2.6.9.1** A certified copy of any conditional use shall be filed with the County Recorder or Registrar of Titles.
- 2.6.9.2** The Zoning Administrator shall maintain a record of all Conditional Use Permits issued including information on the use, location, conditions imposed by the Township, Board time limits, review dates, and such other information as may be appropriate.

2.6.9.3 A copy of the filed permit, bearing a notation of the filing date shall be mailed to the applicant.

2.6.10 Amended Conditional Use Permits. Amended conditional use permits shall be requests for changes in conditions of the existing permit. An amended conditional use permit application shall be administered in a manner similar to that required for a new conditional use permit.

2.6.11 Reapplication. No application for a conditional use permit for a particular use on a particular parcel of land shall be resubmitted for a period of twelve (12) months from the date of the denial of the previous application.

2.6.12 Phased developments. In order to preserve an appropriate flexibility in the development plans for a large project which is to be developed over a number of years, a preliminary plan may be approved after a public hearing. The developer would then seek approval of the final plan in stages as he progresses with development. No additional public hearings need be held unless the developer proposes to make a substantial change from the plans or conditions included in the conditional use permit when it was granted approving the preliminary plan. Enlargement, intensification of use, or similar changes not specifically permitted by the conditional use permit issued, shall be considered substantial changes.

2.6.13 Existing uses. All uses existing at the time of adoption of this zoning ordinance that now require a conditional use permit may continue in the same manner of operation as the use did upon the effective date of this zoning ordinance. The zoning administrator may require a conditional use permit for the use. Any enlargement, structural alteration, or intensification of use shall require a conditional use permit as provided for above. The township board may impose additional, reasonable conditions for the continuation of such use in accordance with the hearing provisions as set forth in Section 2.

2.7 Certificate of Compliance

2.7.1 Issuance. The zoning administrator shall issue a certificate of compliance in any district for the proposed use listed in chapter two, if the proposed use will not be contrary to the provisions of this zoning ordinance. The certificate shall be granted for a particular use and not for a particular person or firm.

2.7.2 Application. Whenever this Zoning Ordinance requires a Certificate of Compliance, a written application shall be filed with the Zoning Administrator. The application shall be accompanied by development plans of the proposed use showing such information as may be reasonably required by the Zoning Administrator. These plans shall contain adequate information upon which the Zoning Administrator can determine the proposed development will meet all development standards if the project proceeds in accordance with such plans.

2.7.3 Compliance. The use shall conform to the regulations specified in this Zoning Ordinance.

2.7.4 Issuance and conditions. If the zoning administrator determines that the use is in compliance with the conditions contained in this zoning ordinance, then the zoning administrator shall issue the certificate. Conditions required by this zoning ordinance

shall be applied to the issuance of the certificate of compliance and a periodic review of the certificate and proposed use may be required.

- 2.7.5 Record of certificates of compliance.** A certified copy of any certificate of compliance shall be filed with the county recorder or registrar of titles. The zoning administrator shall maintain a record of all certificates of compliance issued including information on the use, location, and conditions imposed as part of the permit such as time limits, review dates, and such other information as may be appropriate.
- 2.7.6 Appeals to denial of certificates of compliance.** If the request for a certificate of compliance is denied, if conditions are imposed, or if revoked, the applicant may appeal the decision to the board of appeals. The procedures to be followed in this case shall be the same as those followed for an appeal of any administrative decision made by the zoning administrator.
- 2.7.7 Expiration of Certificates of Compliance.** A Certificate of Compliance shall expire and be considered null and void one (1) year after it has been issued if the use has not been established.
- 2.7.8 Revocation.** A violation of any condition set forth in a Certificate of Compliance shall be a violation of this Zoning Ordinance and failure to correct said violation within thirty (30) days of written notice from the Zoning Administrator shall terminate the Certificate of Compliance. The hearing procedure for said revocation shall be the same procedure as that set forth under Section 2 of this Ordinance.
- 2.7.9 Existing uses.** All uses existing at the time of adoption of this zoning ordinance that now require a certificate of compliance may continue in the same manner of operation as the use did upon the effective date of this zoning ordinance. The zoning administrator may require a certificate of compliance for the use. Any enlargement, structural alteration, or intensification of use shall require a certificate of compliance as provided for above. The zoning administrator may impose additional, reasonable conditions for the continuation of such use in accordance with the regulations as set forth in the zoning ordinance.

2.8 Environmental Assessment or Impact Statements

- 2.8.1** No use shall be approved prior to Township review to determine compliance with Minnesota Statute Chapter 116c and 116d. And the regulation promulgated hereunder. The following are common projects which would require a mandatory Environmental Assessment Worksheet (EAW). This list is intended as informational only and is not all inclusive: Development of facility for the extraction or mining of sand, gravel, stone, or other non-metallic minerals which will excavate more than 40 acres of land to a mean depth of 10 feet or more during its excavation.
- 2.8.2** Residential development consisting of 50 or more unattached units in an unsewered area or 100 unattached units in a sewerred unincorporated area; and construction of a new or expansion of an existing industrial, commercial, or institutional facility of 100,000 square feet in an unincorporated area.

2.9 Changes and amendments

- 2.9.1 Initiation.** An amendment to this ordinance may be initiated by the Township Board, the Township Planning Commission, or by petition of the affected property owners.

2.9.2 Changes to Zoning Ordinances. An amendment to the Zoning provisions of this ordinance not initiated by the Township Planning Commission shall be referred to the Township Planning Commission for their study, report, and recommendation, and may not be acted upon by the Township Board until it has received the recommendation of the Township Planning Commission or sixty (60) days have elapsed from the date of the first meeting of the Township Planning Commission following reference of the amendment without a report by the Township Planning Commission.

2.9.3 Hearings. In connection with the adoption by ordinance of any amendment of this ordinance, or any other official control, in addition to any notice required by this ordinance notice of the time, place and purpose of the hearing shall be given in the manner provided by Minnesota Statutes §394.26 and §375.51. No application for an amendment to the Township ordinance or amendment of any other official controls shall be resubmitted for a period of twelve (12) months from the date of denial of a previous application, unless conditions have substantially changed.

2.10 Enforcement

2.10.1 The violation of any provision of this ordinance or the violation of the conditions or provisions of any permit issued pursuant to this ordinance shall be a misdemeanor, and upon conviction thereof, the violator shall be subject to the fine, imprisonment, or both; plus in either case, the cost of prosecution. In the event of a violation or the threatened violation of any provision of this ordinance or any provision or condition of a permit issued pursuant to this zoning ordinance, the township, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violation or threatened violation.

2.10.2 Penalties. Any person, firm, or corporation that fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.

2.10.3 Application to Township's Personnel. The failures of any officer or employee of the township to perform any official duty imposed by this ordinance shall not subject the officer or employee to a penalty imposed for violation unless a penalty is specifically provided for such failure.

