

**BERRIEN TOWNSHIP  
BERRIEN COUNTY, MICHIGAN  
FEE RESOLUTION  
Resolution adopted 6/11/13**

**WHEREAS**, The Township of Berrien has adopted and is enforcing the International Building Code, and provides that said building permit fees and all other Township fees under the Michigan Building Code and the Township Zoning Ordinance are to be in the amount as set forth by the Township Board and posted in the office of the Township Clerk.

**AND WHEREAS**, The Berrien Township Board of Trustees has determined that a fee schedule for building and zoning permits should hereby be established and posted in the office of the Township Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Board of Berrien Township, Berrien County, Michigan that the following are the effective Building and Zoning Permit Fees in Berrien Township, Berrien County, Michigan and that a true copy of the following Building and Zoning Permit Fee schedule shall be posted in the office of the Township Clerk at all times:

**\*\*\* BERRIEN TOWNSHIP FEES \*\*\***

The following fees shall be charged and collected by the Berrien Township Clerk:

**Board of Appeals:**

Fee of \$175.00 for each appeal.  
(Updated by Berrien Township Board October 1, 2009)

**Planning Commission:**

All Special Use applications include a pre-application conference and a required public hearing.

Fee of \$175.00 for a Special Use application on a regularly scheduled Planning Commission meeting date.

Fee of \$350.00 when a **SPECIAL MEETING** has been requested by the applicant.

Fee of \$350.00 when a **SPECIAL HEARING** has been requested by the applicant. Plus incidental associated costs.

Fee of \$50.00, plus all associated costs (including publishing, mailings, special meetings) for an application of rezoning.

Fee of \$350 for an application for a commercial and or any tower over fifty (50) feet, including wind turbines, plus associated costs for notification beyond the current required 300 feet, up to one-quarter (1/4) mile, at the discretion of the Planning Commission.

**Cemetery:**

Fee of \$5.00 for transferring burial certificate.

**\*\*\* SCHEDULE OF FEES FOR P.U.D. \*\*\***

Fee of \$100.00 for a pre-application conference.

15.03D Fee of \$50.00 per acre for 1st 10 acres and \$3.00 per acre over 10 shall be charged for an application for preliminary plan.

**ZONING APPLICATION FEES, DEVELOPMENT REVIEW FEES, AND ESTABLISHING AN ESCROW FUND REQUIREMENT FOR CERTAIN ZONING APPLICATIONS AND DEVELOPMENT**

See page 5 of Fee Schedule

**\*\*\* SCHEDULE OF FEES FOR SUBDIVISION ORDINANCE \*\*\***

The schedule of fees for review of plats shall be as follows:

**PRE-PRELIMINARY PLAT (SKETCH PLAN)**

- No charge for review.

**PRELIMINARY PLAT**

- Review for tentative approval:

<u>Number of Lots</u>	<u>Fee</u>
1 to 25	\$30.00
26 to 50	\$30.00 plus \$0.50 for each lot in excess of 25
51 to 100	\$42.50 plus \$0.40 for each lot in excess of 50
101 to 200	\$62.50 plus \$0.25 for each lot in excess of 100
Over 200	\$87.50 plus \$0.15 for each lot in excess of 200

- Review for final approval:

<u>Number of Lots</u>	<u>Fee</u>
1 to 25	\$15.00
26 to 50	\$15.00 plus \$0.25 for each lot in excess of 25
51 to 100	\$21.45 plus \$0.20 for each lot in excess of 50
101 to 200	\$31.25 plus \$0.15 for each lot in excess of 100
Over 200	\$43.75 plus \$0.10 for each lot in excess of 200

**\*\*\* SCHEDULE OF FEES FOR BUILDING PERMITS \*\*\***

The following shall be the fees charged by the Berrien Township Building Official for all building and zoning permits issued by the building official or his authorized agent.

**CERTIFICATE OF OCCUPANCY**

- \$10.00 will be charged where no building permit is required.

**NEW CONSTRUCTION, ALL LIVING AREA and GARAGE**

- \$30.00 base fee plus .45¢ per square foot

**SYSTEM BUILT HOMES**

- \$30.00 base fee plus 25¢ per square foot

**MOBILE HOMES and POLE BUILDINGS (except for Ag use):**

- \$30.00 base fee plus .15¢ per square foot

**RESIDENTIAL IMPROVEMENTS & ALTERATIONS, SWIMMING POOLS, DETACHED GARAGES, UTILITY BUILDINGS, DECKS, COMMERCIAL and INDUSTRIAL: including commercial and/or any tower over fifty (50') feet in height, including wind turbines.**

- \$1.00 to \$500 value            \$30.00 permit fee.
- \$500 to \$2,000                \$30 for first \$500 plus \$2.75 each additional \$100 up to \$2,000
- \$2,001 to \$50,000            \$63 for first \$2,000 plus \$8.00 each additional \$1,000 to \$50,000
- \$50,001 to \$100,000        \$447 first \$50,000 plus \$6.25 each additional \$1,000 to \$100,000
- \$100,001 to \$500,000       \$759.50 first \$100,000 plus \$5.00 each additional \$1,000 to \$500,000
- \$500,001 to \$1,000,000    \$2,759.50 first \$500,000 plus \$4.25 each additional \$1,000 to \$1,000,000
- \$1,000,000 and up            \$4,884.50 first \$1,000,000 plus \$2.75 each additional \$1,000

Inspections outside normal business hours, re-inspection fees assessed under Section 108.8, additional plan review required by changes, additions or revisions to plans, will be assessed at \$42.00/hour. For use of an outside consultant for plan checking and inspections will have actual costs applied.

Plan Review charge 65% of permit fee for residential (over 3,500 square feet) and on all commercial and industrial.

AGRICULTURAL BUILDING/ZONING PERMIT:

- \$35.00 charge as an administrative fee for each agricultural building; based on Township Assessor definition “101” classification, and more than half the parcel’s acreage must be devoted to an agricultural use, as defined by law. (A single subject REVIEW PANEL will provide an appeal process, if requested, which will be comprised of the Township Supervisor, two (2) Township Board members (one of which shall be the Township Board Representative to the Planning Commission), and the Township Assessor; and informational input allowed from Zoning Administrator, Chairman of Planning Commission, and MSU Extension Agriculture Department Director, should the panel request.)

RE-ROOF PERMIT:

- All roofs \$30.00 permit fee.

SIGN PERMIT:

- All signs \$10.00 permit fee.

FENCE PERMIT:

- \$10.00, **excluding** farm related & live stock fencing & yard pens for domestic pet up to 200 square feet.

MINING PERMIT: (Ord. of Feb 12, 1991)

- \$500.00 permit fee

LAND DIVISION FEE: (Ord. No. 28 adopted Nov. 11, 1997)

- \$50.00 for every split

EXTENDED BUILDING PERMITS:

- 1<sup>ST</sup> Renewal \$50.00
- 2<sup>nd</sup> Renewal ½ of originally paid fee with a cap not to exceed \$100.00
- 3<sup>rd</sup> Renewal would go to the Building Board of Appeals at the discretion of the Building Inspector.

NON PROFIT ORGANIZATION FEES: (Updated by Berrien Township Board June 22, 2010)

- Non Profit Organization will pay fees as scheduled in Fee Resolution.

**BERRIEN TOWNSHIP BOARD OF TRUSTEES  
BERRIEN COUNTY, MICHIGAN  
RESOLUTION # 07-07**

**RESOLUTION REGARDING ZONING APPLICATION FEES, DEVELOPMENT REVIEW FEES, AND ESTABLISHING AN ESCROW FUND REQUIREMENT FOR CERTAIN ZONING APPLICATIONS AND DEVELOPMENTS**

**WHEREAS**, the Berrien Township Board ("Township Board") has established certain fixed application fees for zoning and development reviews and approvals pursuant to the Berrien Township Ordinances ("Zoning Ordinance") and state law, and

**WHEREAS**, there are certain developments, zoning applications, and development projects which require Berrien Township ("Township") to incur additional and at times extraordinary out-of-pocket expenses above and beyond what is associated with typical or average zoning review for minor projects, and

**WHEREAS**, the Township Board believes that it is reasonable and appropriate to place the cost of processing zoning and development applications for medium and large scale developments (or applications involving unusual costs to the Township) on the applicants involved rather than on the taxpayers of the Township, and

**WHEREAS**, the Township intends that the zoning and development review and escrow fees reasonably related and proportionate to the costs incurred by the Township for the particular application or zoning process involved, and that such fees and reimbursements be used to defray the costs of administering and enforcing the Zoning Ordinance and the Michigan Zoning Enabling Act of 2006 (PA 110 of 2006), and

**WHEREAS**, the Township Board intends to establish this Escrow Policy to accomplish the above goals.

**NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The fixed and basic zoning and development application fees (as set by the Township Board by resolution from time to time) shall hereafter cover costs associated with the following:
  - a. Applicant's appearance at regular Planning Commission, Zoning Board of Appeals, and/or Township Board meetings.
  - b. Mailing and legal notice requirements for public hearings.
  - c. Involvement by Township officials, staff, and employees (excluding outside contractors or professionals such as township planner, engineering, legal counsel, and other services).
2. In addition to the fixed zoning and development fees, all other expenses and costs incurred by the Township which are directly associated with reviewing and processing a zoning application for uses specified in section three (3) hereof shall be paid (or reimbursed to the Township) from the funds in an Escrow Account established by the applicant as provided herein. The Township may draw funds from an applicant's Escrow Account to reimburse the Township for out-of-pocket expenses incurred by the Township relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:
  - a. Mailing, legal notices, compensation for special Planning Commission meetings, and Planning Commission subcommittee meetings.
  - b. Mailing, legal notices, and Zoning Board of Appeals member compensation for special Zoning Board of Appeals meetings.

- c. Services of the Township Attorney, Engineer and/or Planner, Zoning Administrator, or Assessor directly related to the application.
  - d. Services of other professionals including specialized consultants working for the Township which are directly related to the application.
  - e. Any additional public hearings, required mailings, and legal notice requirements necessitated by the application.
  - f. Cost to prepare extra ordinance, resolutions, or preparing orders and publishing orders and ordinances.
3. Applications involving the following shall be subject to this Escrow Fund requirement:
  - a. Site Plan Reviews
  - b. Planned Unit Developments (PUD) and PUD amendments
  - c. Special Use Permits
  - d. Zoning ordinance amendments including rezoning and text amendment
  - e. Subdivision Plat Review
  - f. Site Condominium Reviews
  - g. Comprehensive Plan – Amendment
  - h. Variance or interpretation proceedings before the Zoning Board of Appeals where Township officials determine that the scope of the project or application may require the assistance of the Township professionals or additional costs referred to in section two (2) hereof.
  - i. Land Divisions
  - j. Private Road Approval

Supervisor, Clerk, and Zoning Administrator has the authority to decide when to apply escrow.
4. The escrow fees for each application for uses specified in section two (2) hereof are established at five hundred dollar (\$500) increments commencing with a minimum one thousand five hundred dollar (\$1,500) deposit by the applicant with the Township. The minimum one thousand five hundred dollar (\$1,500) escrow fee shall be provided by the applicant to the Township at the time of application. No application shall be processed prior to the required escrow fee having been deposited with the Township. Any excess funds remaining in the Escrow Account after the application has been fully processed, reviewed, and the final Township decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. At no time prior to the Township's final decision on an application shall the balance in the Escrow Account drop below five hundred dollars (\$500), an additional deposit of five hundred dollars (\$500) by the applicant into the Escrow Account shall occur before the application review process will be continued. Additional amounts may be required at the discretion of the township.
5. No Certificate of Occupancy shall be granted for a zoning and development application until all outstanding out-of-pocket costs and expenses incurred by the Township as specified have been reimbursed to the Township from the Escrow Account.

6. The Township Clerk and Treasurer shall maintain specific records regarding An Escrow Account and shall authorize the disbursement of escrow funds in writing with approval of the township board. Such escrow accounts (from one or more applicants) shall be maintained in a Township bank account or sub account properly identified.

The Township has the right to collect any remaining unpaid incurred costs or fees.

7. If an applicant objects to the amount of escrow funds it must deposit with the Township or how the escrow funds have been applied, it can appeal the Township's determination regarding these matters to the Township Board. All such appeals shall be in writing and shall be made not later than thirty (30) days after final Township action regarding the application.

This resolution was offered by Board member Paul Sprung and seconded by Board member Julius Grau with the roll call count being as follows:

YEAS: Paul Sprung; Julius Grau; Julie Burke; Ross Rogien; Lois Foster; Paul Bixby; Mary Jane Dean.

NAYS: None

ABSTAIN: None

ABSENT: None

RESOLUTION DECLARED ADOPTED this 13<sup>th</sup> day of November, 2007.

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Mary Jane Dean, Clerk

### **CERTIFICATION**

I, Mary Jane Dean, duly elected and acting Clerk of Berrien Township, hereby certify that the foregoing is a true and complete resolution adopted by the Berrien Township Board of Trustees at a regular meeting of said board held on November 13, 2007, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan, 1976, as amended, including in case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

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**Mary Jane Dean, Berrien Township Clerk**

**CERTIFICATION**

**I hereby certify that the foregoing is a true copy of a Resolution adopted by Berrien Township, Berrien County, Michigan, at a regular meeting held on June 11, 2013.**

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**Mary Jane Dean, Berrien Township Clerk**