

MARTIN TOWNSHIP ORDINANCES (1-29)

- #1. TOWNSHIP JUNKYARD ORDINANCE 4-6-57**
- #2. TOWNSHIP ZONING ORDINANCE 3-14-67**
- #3. UNIFORM TRAFFIC CODE 3-17-71**
- #4. OUTDOOR ASSEMBLY ORDINANCE 4-16-71**
- #5. BUILDING CODE ORDINANCE 12-18-74**
- #6. PLUMBING CODE ORDINANCE 4-16-75**
- #7. ELECTRICAL CODE ORDINANCE 11-16-75 12-22-77 AMENDED 11-14-81**
- NEW TOWNSHIP ZONING ORDINANCE 3-17-76 REPLACES#2**
- #8. RATE & MANDATORY CONNECTION ORDINANCE G.L.A.S.A. 4-18-78**
- #9. AMENDED ORDINANCE #8 9-6-78**
- #10. ESTABLISH FISCAL YEAR ORDINANCE 4-17-79**
- #11. G.L.A.S.A. USE ORDINANCE 4-17-79**
- #12. AMENDMENT TO ORDINANCE #8 4-17-79**
- #13. AMENDMENT NUMBER 2 TO TOWNSHIP ZONING ORDINANCE OF 76
4-17-76**
- #14. SEWER RATE AND CONNECTION ORDINANCE ADOPTED 1-14-81**
- #15. FRANCHISE WITH CONSUMERS POWERS COMPANY 1-21-81**
- #16. ORDINANCE TO GRANT A NON-INCLUSIVE FRANCHISE TO "CHARTER
TELECOMMUNICATIONS CORPORATION OF MICHIGAN" TO ERECT,
MAINTAIN ETC. A CABLE TV SYSTEM FOR A PERIOD OF 15 YEARS
RENEWAL SHALL BE FOR 10 YEARS 2-21-83**
- #17. ADOPTED ORDINANCE PRESENTED BY G.L.A.S.A. TO PROVIDE FOR
OPERATION OF SAME 11-9-83**
- #18. TO PROVIDE FOR OPERATION OF G.L.A.S.A. (ARTICLE 2, SECTION D TO
BE ELIMINATED). THIS ORDINANCE SUPERCEDES #17 EFFECTIVE
IMMEDIATELY**

- #19. RATE AND MANDATORY CONNECTIONS, G.L.A.S.A. 2-22-84
- #20. LIQUOR LICENSE ORDINANCE 3-28-84
- #21. G.L.A.S.A. CONSOLIDATE 3 ORDINANCES INTO 1. CLARIFY RESPONSIBILITIES OF AUTHORITY AND TOWNSHIPS 11-28-84
- #22. AMENDMENT TO G.L.A.S.A. MONTHLY USERS CHARGE 4-1-85
- #23. G.L.A.S.A. DEFINITIONS CLARIFIED AND RESIDENTIAL EQUIVALENCE TABLES
- #24. AMENDMENT G.L.A.S.A. ORDINANCE (RESIDENTIAL EQUIVALENCE TABLES) 4-16-86
- #25. AMENDMENT TO G.L.A.S.A. (PENALTIES DELINQUENT PAYMENTS) 5-16-86
- #26. G.L.A.S.A. NEW RATE FOR MOBIL HOMES 6-1-86
- #27. REZONE LYONS PROPERTY 5-28-86
- #28. PERMISSION O & A ELECTRIC CO. TO OPERATE IN TOWNSHIP FOR 30 YEARS 8-5-86
- #29. AMENDMENT TO G.L.A.S.A. TO RAISE RATES 9-1-86

MARTIN TOWNSHIP ORDINANCES (30)

#30 NEW TOWNSHIP ZONING ORDINANCE 9-24-86

Martin Township Ordinances (31-60)

- #31. AMENDMENTS TO G.L.A.S.A. ORDINANCE 10-8-86
- #32. G.L.A.S.A. CONNECTION CHARGES FOR COMMERCIAL AND INDUSTRIAL 10-8-86
- #33. AMENDMENT TO ZONING ORDINANCE; NURSING HOMES, SENIOR CITIZEN HOUSING, & SIMILAR CONVALESCENT OR GROUP HOUSING, INCLUDING ADULT FOSTER CARE FACILITIES 5-27-87
- #34. G.L.A.S.A. RATE INCREASE 2-10-85
- #35. AMENDMENT TO REZONE @ 38 ACRES IN SEC. 19 FROM R-2 TO R-3 7-13-88
- #36. AMEND SECTION 4.5 20' WIDTH FOR MOBILE HOMES 6-26-89
- #37. ZONING ORDINANCE (TEXT / MAPS AMENDMENTS) 7-12-89
- #38. ZONING ORDINANCE TEXT AMENDMENTS (CHILD DAY CARE) 11-22-90
- #39. ZONING ORDINANCE TEXT AMENDMENTS (SITE PLAN REVIEW) 10-9-91
- #40. ZONING ORDINANCE TEXT AMENDMENTS ("SPECIAL EXCEPTION AGRICULTURAL") 2-12-92
- #41. SKIPPED
- #42. G.L.A.S.A. AMENDMENT (DELETE ARTICLE 3, AMEND ARTICLE 12) 9-12-90
- #43. REZONING OF PROPERTY IN SECTION 1 AGRICULTURE TO C-2 10-12-92
- #44. ZONING ORDINANCE TEXT AMENDMENT (SECTION 12.3 ADD NEW SUBSECTION) 4-14-93
- #45. STATE CONSTRUCTION CODE ORDINANCES (BUILDING & ELECTRICAL) 6-14-93
- #46. MARTIN TOWNSHIP EMERGENCY SERVICES FEE ORDINANCE 8-11-93
- #47. PENSION
- #48. MICHIGAN GAS UTILITIES FRANCHISE ORDINANCE 12-8-93

- #49. STATE CONSTRUCTION CODE ORDINANCE (MECHANICAL) 12-14-93
- #50. STATE CONSTRUCTION CODE ORDINANCE (PLUMBING) 12-14-93
- #51. SKIPPED
- #52. STATE MECHANICAL CODE ORDINANCE (PLUMBING) 4-13-94
- #53. STATE MECHANICAL CODE ORDINANCE (MECHANICAL) 4-13-94
- #54. SPECIAL LOCAL WATERCRAFT CONTROL
- #55. ZONING ORDINANCE TEXT AMENDMENTS (AMEND SECTION 10.3 10.4)
- #56. DEFERRED COMPENSATION PLAN ORDINANCE 6-8-94
- #57. G.L.A.S.A. AMENDEMENT (ARTICLE V. SECTION E) 3-1-95
- #58. ZONING ORDINANCE TEXT AMENDMENT (AMEND SECTION 3.1, ADD SECTION 4.29, AMEND SECTION 9.4, AMEND APPENDIX A)
- #59.
- #60.

Martin Township Ordinances (61 – 81)

#61 Zoning Ordinance Text Amendment (Delete Section 4.11, Amend Section 11.2 and 11.3)

#62 Zoning Ordinance Book Replacement Pages

#63

#64 Zoning Ordinance Text Amendments And Rezonings of Property in Sections 30 and 35 and Corresponding Land Use Plan Amendments

#65 Amendment of State Mechanical And Plumbing Codes Ordinance

#66 Amendment of State Mechanical And Plumbing Codes Ordinance

#67 Consumers Energy Company Gas Franchise Ordinance

#68

#69 Fire Run Charges Ordinance

#70 Public Nudity Ordinance

#71 Amendment to Zoning Ordinance

#72 ?

#73 ?

#74 Designation of Code Enforcer for Martin Township

#75 Rezone of Property in Southeast ¼ of Section 1

#76 Ordinance to rezone property in Section 30

#77 Cemetery Ordinance

#78 Rezone of property in Southeast ½ of Section 1

#79 Rezone of property in Northeast ¼ of Section 30

#80 Increase of user fees for Martin Township Sewage Disposal System

#81 Zoning Ordinance R-R Rural Residential District

MARTIN TOWNSHIP ORDINANCES (82 –

#82 Open Space Planned Unit Development District

#83 Subdivision Ordinance

#84 Site Condominium Amendments

#85 Subdivision Ordinance

#86 Amendments for Compliance with the Michigan Zoning Enabling Act: PA 110 of 2006 and deletion of appendix A: Classification of lands

#87 R-2 Low Density Residential District

#88 Key Hole Regulations

#89 Public Nudity Ordinance

#90 Hazardous Materials Cost Recovery Ordinance

#91 Inoperable and Junked Vehicles Storage and Repair Ordinance

#92 Amendment to Township Zoning Ordinance Adult Businesses and Establishments

#93 Amendment to Township Zoning Ordinance “Zoning Board” to “Zoning Commission”

ORDINANCE #1
TOWNSHIP JUNKYARD ORDINANCE
EFFECTIVE: APRIL 6, 1957

MARTIN TOWNSHIP JUNK YARD ORDINANCE
The Township Board of Martin, Allegan County, Mich.
RESOLVES AND ORDAINS:

SECTION 1 – PURPOSE AND CONTENTS

The fundamental purpose of this ordinance is to best protect the public health, interest and general welfare of the Township insofar as "junk yards" and "places for the dismantling of automobiles" are concerned. In accordance with said purpose, this Ordinance provides for the licensing and regulations of "junk yards" and "places for the dismantling of automobiles," for the prescribing of rules, regulations and conditions for the operation of the same, for penalties for the violation of rules regulations or conditions contained herein, provides for the penalty for the operation of the same without a license and for the enforcement thereof.

SECTION 2 – TITLE

This ordinance shall be known as the Martin Township JunkYard Ordinance

SECTION 3 – DEFINITIONS

A junkyard shall be defined as a place, lot, field, or yard used for the purpose of receiving and or storing, and-or dismantling, wrecking and disposing of the junk and-or refuse material of automobiles.

SECTION 4 – LICENSING BY TOWNSHIP BOARD

The Township Board of Martin is empowered to issue licenses to persons, firms, associates and corporations from the conduct of junk yards within Martin Township, which licenses shall be for one year unless sooner revoked by said Board. The township board may in its discretion, for just cause, refuse to grant the license provided for in this Ordinance. "Just Cause" shall include, but not by way of limitation, failure to possess suitable premises, failure to have proper fencing upon said premises, and previous violation of this Ordinance by said applicant, provided; no application for license shall be refused until a hearing thereon shall be held by the Township Board, of which hearing the applicant shall have [10] days notice and at which hearing the applicant shall be permitted to present evidence in his behalf. After the effective date of this ordinance, no person, firm, association, or corporation shall operate a junkyard in the Township of Martin without a junkyard license issued by the Martin Township Board.

SECTION 5 – LICENSE FEE

The fee for a junk yard license shall be twenty five dollars [\$25.] for an annual license, fifteen dollars [\$15.] for a half year license, which fee shall be transmitted to the Township Board with the license application of any person, firm, association, or corporation desiring a township junk yard license. If said persons', firms', associations', or corporations' application shall be accepted and a license shall be issued, said fee shall be deposited in the general fund of the Township, and if said application for a junk yard shall be refused, said fee shall be returned to the applicant. The fee shall be due the first of January of each year and no half-year license shall be granted until July first of each year.

SECTION 6 – FORM OF APPLICATION

Any person, firm, association, or corporation desiring a Township junkyard license shall submit to the Township Board, an application containing the following information:

- a. The name of the owner or owners of the proposed junkyard.
- b. The mail address or addresses of the owner or owners of the proposed junkyard and the mail address of the proposed junkyard.
- c. The legal description of the premises proposed to be used as a junk yard together with full information as to whether the land is owned in fee or is leased, and if it is leased, the name of the lessor and the terms of the lease.
- d. The arrest record of the owner, in the case of a sole proprietorship, the arrest record of the members of a firm in the case of a firm, and the arrest record of the officers in an association of corporation in the case of an association of corporation proposing to operate the junk yard.
- e. Whether any operations are proposed which will be injurious to public health or result in unpleasant odors or loud noises.

All applications shall contain true statements of fact and if the applicant is a single individual it shall be signed by him, if the applicant is a partnership, it shall be signed by a partner, and if the applicant is an association of corporation it shall be signed by an officer thereof.

SECTION 7 – IDENTITY OF SELLERS OF JUNK AND RECORDS OF PURCHASES

- a. No junk yard operator shall receive and-or buy and-or take delivery from any minor of any property, junk or used automobiles without the written consent of one of the parents of said minor or his legal guardian.
- b. No junkyard operator shall purchase any junk and-or used automobiles from any person without positively determining said seller's identity.
- c. Every junkyard operator shall make record of all purchases of junk and-or used automobiles, which record shall be kept in a bound book maintained especially for said purpose. This record shall contain the name of the seller, his address, the means used by the junk yard operator to determine the seller's identity, the description of the property and-or automobile purchased, the date on which the purchase was made, the price paid for the property and-or used automobile, and the license number of any vehicle used by the seller of the junk in delivering the junk to the junk yard. This book shall be open to inspection by members of the Township Board, Constables and said Township, and all law enforcement officers of the State of Michigan, or any sub-division thereof.

SECTION 8 – LOCATION

No part of any junk yard, other than an access driveway thereof, shall be located closer than two hundred feet from the center of any state highway, and-or county road, and shall not be located closer than two hundred [200] feet to any building used, at the time the annual license for said junk yard shall be applied for, for dwelling purposes

SECTION 9 – FENCING

All junkyards located on or within two hundred [200] yards of the center of a state highway or any township or county road, shall be completely enclosed by a solid fence at least six feet high. It shall be kept in repair and shall be painted. If the fence is constructed of boards, they shall be placed in a vertical position and close enough together so as to make a solid continuous fence. All entrances to said enclosure shall be closed by gates, which gates shall be locked on Sundays and at all other times at which the operator on a junk yard or his employees are not thereon. All gates shall be of a solid

construction, shall be at least six feet high. No advertising of any kind shall be permitted on any portion of the fence, or the gates.

SECTION 10 FIRE REGULATIONS

No fire, whether used for the destruction of inflammable waste or junk material or otherwise, shall be set or allowed to burn within fifty (50) feet of the fence of any junk yard and shall only be set or allowed to burn in a suitable container which will prevent the emission of sparks therefrom. No fire shall be allowed to continue without an attendant being present. No wool, rubber, sulfur or other material tending to cause or causing a strong and-or unpleasant odor and-or tending to cause or causing an injurious smoke or gas shall be burned in any junk yard unless a suitable area and a suitable method, approved by the Township Board before any fires are set, is provided by the owner, or owners of any junk yard. The owner or owners, of any junkyard shall be liable for the costs or fees charged by any fire department for answering a "Fire Call" at said junkyard.

SECTION 11 MISC. PROVISIONS

Any person, firm, association, or corporation operating any "junk yard" at the time of the adoption of this Ordinance, shall have sixty (60) days to comply with the provisions herein. Any person, firm, association, or corporation who shall decide to vacate their place of business, or who shall have their license revoked, shall have thirty (30) days to clean up the premises where such business was established. Failing to comply with this provision the Township Board shall cause such premises to be cleaned up and shall collect the cost of such from such persons, firm association, or corporation or any member thereof.

SECTION 12 - REVOCATION OF JUNK YARD LICENSE

The license of any junk yard operator may be revoked by the Township Board upon a showing that any junk yard operator violated any of these foregoing provisions of this Ordinance, provided: no license shall be revoked until a hearing thereon shall be held by the Township Board, of which ten (10) days notice and at which hearing the licensee shall be permitted to present evidence in his behalf.

SECTION 13 - ENFORCEMENT

The Supervisor of Martin Twp. shall be the enforcement officer of this ordinance.

SECTION 14 - CRIMINAL PENALTIES

Any person, firm, association or corporation which shall operate a junk yard without a license of shall violate any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars [\$100.00] or by imprisonment in the County Jail not to exceed ninety [90] days or by both such fine and imprisonment in the discretion of the court.

SECTION 15 - CIVIL REMEDY

This Ordinance may also be enforced by civil action upon resolution by a majority of the members of the Township Board.

SECTION 16 AMMENDMENTS

This ordinance may be amended from time to time in manner and form provided by the enabling act, Act 12 of Public Acts of 1929, as amended, under which this Ordinance is enacted.

SECTION 17 VALIDITY

This Ordinance and the various parts, sections, sub-sections, sentences and phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrase or clause is adjudged unconstitutional or invalid it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed the Ordinance and each part, section, sub-section, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, sub-sections, phrases, sentences or clauses be declared invalid.

SECTION 18 – EFFECTIVE DATE

Within five [5] days after the adoption of this Ordinance it shall be published by posting the same in three [3] conspicuous places in the Township, and an affidavit of said posting shall be filed in the office of the Township Clerk. This Ordinance shall take effect on April 6, 1957, or on the date that said affidavit of posting shall be filed in the office of the Township Clerk, whichever date shall be the later.

TO WHOM IT MAY CONCERN:

Please take notice, that the foregoing Ordinance was duly adopted by the Township Board of Martin Township, Allegan County, Michigan, at a special meeting of the Board held on Saturday, April 6, 1957, at the Village Hall in Martin Township.

Laverne Young, Clerk

Harold Monteith, Twp. Supervisor

MARTIN TOWNSHIP JUNK YARD ORDINANCE

The Township Board of Martin, Allegan County, Mich.

RESOLVES AND ORDAINS:

SECTION 1—PURPOSE AND CONTENTS

The fundamental purpose of this ordinance is to best protect the public health, interest and general welfare of this Township insofar as "junk yards" and "places for the dismantling of automobiles" are concerned. In accordance with said purpose, this Ordinance provides for the licensing and regulations of "junk yards" and "places for the dismantling of automobiles," for the prescribing of rules, regulations and conditions for the operation of the same, for penalties for the violation of rules, regulations or conditions contained herein, provides for the penalty for the operation of the same without a license and for the enforcement thereof.

SECTION 2—TITLE

This ordinance shall be known as the Martin Township Junk Yard Ordinance.

SECTION 3—DEFINITIONS

A junk yard shall be defined as a place, lot, field, or yard used for the purpose of receiving and/or storing, and/or sorting, and/or packaging, and/or dismantling, wrecking and disposing of the junk and/or refuse material of automobiles.

SECTION 4—LICENSING BY TOWNSHIP BOARD

The Township Board of Martin is empowered to issue licenses to persons, firms, associates and corporations for the conduct of junk yards within Martin Township, which licenses shall be for one year unless sooner revoked by said Board. The Township Board may in its discretion, for just cause, refuse to grant the license provided for in this Ordinance. "Just Cause" shall include, but not by way of limitation, failure to possess suitable premises, failure to have proper fencing upon said premises, and previous violation of this Ordinance by said applicant, provided: no application for license shall be refused until a hearing thereon shall be held by the Township Board, of which hearing the applicant shall have ten (10) days notice and at which hearing the applicant shall be permitted to present evidence in his behalf. After the effective date of this ordinance, no person, firm, association or corporation shall operate a junk yard in the Township of Martin without a junk yard license issued by the Martin Township Board.

SECTION 5—LICENSE FEE

The fee for a junk yard license shall be twenty five dollars (\$25) for an annual license, fifteen dollars (\$15) for a half year license, which fee shall be transmitted to the Township Board with the license application of any person, firm, association or corporation desiring a township junk yard license. If said persons', firms', associations' or corporations' application shall be accepted and a license shall be issued, said fee shall be deposited in the general fund of the Township, and if said application for a junk yard shall be refused, said fee shall be returned to the applicant. The fee shall be due the first of January

of each year and no half year license shall be granted until July first of each year.

SECTION 6—FORM OF APPLICATION

Any person, firm, association or corporation desiring a Township junk yard license shall submit to the Township Board an application containing the following information:

a. The name of the owner or owners of the proposed junk yard.

b. The mail address or addresses of the owner or owners of the proposed junk yard and the mail address of the proposed junk yard.

c. The legal description of the premises proposed to be used as a junk yard together with full information as to whether the land is owned in fee or is leased, and if it is leased, the name and address of the lesser and the terms of the lease.

d. The arrest record of the owner, in the case of a sole proprietorship, the arrest record of the members of a firm in the case of a firm, and the arrest record of the officers of an association or corporation in the case of an association or corporation purposing to operate the junk yard.

e. Whether any operations are proposed which will be injurious to public health or result in unpleasant odors or loud noises.

All applications shall contain true statements of fact and if the applicant is a single individual it shall be signed by him, if the applicant is a partnership, it shall be signed by a partner, and if the applicant is an association or corporation it shall be signed by an officer thereof.

SECTION 7—IDENTITY OF SELLERS OF JUNK AND RECORDS OF PURCHASES.

a. No junk yard operator shall receive and/or buy and/or take delivery from any minor of any property, junk or used automobiles without the written consent of one of the parents of said minor or his legal guardian.

b. No junk yard operator shall purchase any junk and/or used automobiles from any person without positively determining said seller's identity.

c. Every junk yard operator shall make a record of all purchases of junk and/or used automobiles, which record shall be kept in a bound book maintained especially for said purpose. This record shall contain the name of the seller, his address, the means used by the junk yard operator to determine the seller's identity, the description of the property and/or used automobile purchased, the date on which the purchase was made, the price paid for the property and/or used automobile, and the license number of any vehicle used by the seller of the junk in delivering the junk to the junk yard. This book shall be open to inspection by members of the Township Board, Constables of said Township, and all law enforcement officers of the State of Michigan, or any sub-division thereof.

SECTION 8—VIOLATION

No part of any junk yard, other than an access driveway thereto,

shall be located closer than two hundred feet from the center of any state highway, and/or county road, and shall not be located closer than two hundred (200) feet to any building used, at the time the annual license for said junk yard shall be applied for, for dwelling purposes.

SECTION 9—FENCING

All junk yards, located on or within two hundred (200) yards of the center of a state highway, or any township or county road, shall be completely enclosed by a solid fence at least six feet high. It shall be kept in repair and shall be painted. If the fence is constructed of boards, they shall be placed in a vertical position and close together so as to make a solid continuous fence. All entrances to said enclosure shall be closed by gates, which gates shall be locked on Sundays and at all other times at which the operator of a junk yard or his employees are not thereon. All gates shall be of a solid construction, shall be at least six feet high. No advertising of any kind shall be permitted on any portion of the fence, or the gates.

SECTION 10—FIRE REGULATIONS

No fire, whether used for the destruction of inflammable waste or junk material or otherwise, shall be set or allowed to burn within fifty (50) feet of the fence of any junk yard and shall only be set or allowed to burn in a suitable container which will prevent the emission of sparks therefrom. No fire shall be allowed to continue without an attendant being present. No wool, rubber, sulphur or other material tending to cause or causing a strong and/or unpleasant odor and/or tending to cause or causing an injurious smoke or gas shall be burned in any junk yard unless a suitable area and a suitable method, approved by the Township Board before any fires are set, as provided by the owner, or owners of any junk yard. The owner or owners of any junk yard shall be liable for the costs or fees charged by any fire department for answering a "Fire Call" at said junk yard.

SECTION 11—MISC. PROVISIONS

Any person, firm, association or corporation operating any "junk yard" at the time of the adoption of this Ordinance, shall have sixty (60) days to comply with the provisions hereof.

Any person, firm, association or corporation who shall decide to locate their place of business, or who shall have their license revoked, shall have thirty (30) days to clean up the premises where such business was established. Failing to comply with this provision, the Township Board shall cause such premises to be cleaned up and shall collect the cost of such from such persons, firm, association or corporation or any number thereof.

SECTION 12—REVOCATION OF JUNK YARD LICENSE

The license of any junk yard operator may be revoked by the Township Board upon a showing

that any junk yard operator has violated any of these foregoing provisions of this Ordinance, provided: no license shall be revoked until a hearing thereon shall be held by the Township Board, of which hearing the licensee shall have ten (10) days notice and at which hearing the licensee shall be permitted to present evidence in his behalf.

SECTION 13—ENFORCEMENT

The Supervisor of Martin Twp. shall be the enforcement officer of this ordinance.

SECTION 14—CRIMINAL PENALTIES

Any person, firm, association or corporation which shall operate a junk yard without a license or shall violate any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the County Jail not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the court.

SECTION 15—CIVIL REMEDY

This Ordinance may also be enforced by civil action upon resolution by a majority of the members of the Township Board.

SECTION 16—AMENDMENTS

This ordinance may be amended from time to time in manner and form provided by the enabling act, Act 12 of Public Acts of 1929, as amended, under which this Ordinance is enacted.

SECTION 17—VALIDITY

This Ordinance and the various parts, sections, sub-sections, sentences and phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrase or clause is adjudged unconstitutional or invalid it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed the Ordinance and each part, section, sub-section, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, sub-sections, phrases, sentences or clauses be declared invalid.

SECTION 18—EFFECTIVE DATE

Within five (5) days after the adoption of this Ordinance it shall be published by posting the same in three (3) conspicuous places in the Township, and an affidavit of said posting shall be filed in the office of the Township Clerk. This Ordinance shall take effect on April 8, 1957, or on the date that said affidavit of posting shall be filed in the office of the Township Clerk, whichever date shall be the later.

TO WHOM IT MAY CONCERN:

Please take notice, that the foregoing Ordinance was duly adopted by the Township Board of Martin Township, Allegan County, Michigan, at a special meeting of the Board held on Saturday, April 6, 1957, at the Village Hall in Martin Township.

Laverne Young, Clerk
Harold Monteth,
Twp. Supervisor

ORDINANCE #2
TOWNSHIP ZONING ORDINANCE
EFFECTIVE: MARCH 14, 1967

Martin Township Zoning Ordinance

The following ordinance was passed by the Martin Township board and at meeting Tuesday, March 14, 1967

On Ordinance to establish zoning districts and provisions governing the unincorporated portions of the Township of Martin, State of Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943 as amended; to provide for the administration, including penalties for the violation thereof, and to provide for the Board of appeals.

THE TOWNSHIP BOARD OF MARTIN TOWNSHIP ORDAINS:

Article I Preamble

Section 1.01 NAME

This ordinance shall be known as the "Martin Township Zoning Ordinance."

Section 1.02 PURPOSES

The fundamental purpose of this Ordinance is to promote the public health, safety, morals and general welfare. Its provisions are intended to provide for the orderly development of the township; to encourage the use of lands and natural resources in the township in accordance with their character and adaptability; to limit the improper use of land; to reduce hazards of life and property, to avoid overcrowding of population; to provide for adequate health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion of the public roads and streets; to protect and conserve natural recreation areas, agricultural areas, residential areas and other areas naturally suited to particular uses; to facilitate the establishment if an adequate and economic system for transportation, sewage disposal, safe water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public improvements and services; to conform with the most advantageous uses of land and resources of the township by both the community and the individual inhabitant.

Section 1.03 GENERAL PROCEDURE

To achieve the purpose of this Ordinance, the unincorporated portions of the township have been divided into zoning districts of varied shape, kind and area, and regulations have been adopted for each such district, with due consideration for the character of each district, its peculiar suitability for particular purposes, the conservation of property values and natural resources, and the general trend and character of land, buildings, and population development.

Section 1.04 SCOPE

Beginning with the effective date of this ordinance, and except as otherwise provided in this Ordinance, no new building or structure or part thereof, shall be erected, and no existing building or structure shall be enlarged, rebuilt or altered, and no building, structure, land or part thereof shall be used for purposes other than conformity with the provisions of this Ordinance pertaining thereto

Article II Districts

Section 2.01 ZONING DISTRICTS

For the purpose of this Ordinance all of the unincorporated areas of the Martin Township are hereby divided into five (5) kinds of zoning Districts to be known as Districts R1 (Residential), Districts R2 (Residential-Resort), Districts A (Agricultural), Districts C (Commercial), and Districts I (Industrial), the location of which are shown on

accompanying map entitled ZONING MAP OF MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN.

Section 2.02 ZONING MAP OF MARTIN TOWNSHIP

The Zoning Map of Martin Township, Allegan County, Michigan and all information and proper notations shown thereon are hereby made a part of this Ordinance. Unless otherwise provided in the text of the Ordinance, the boundary lines of all zoning districts shall be interpreted as following along with section lines or the customary divisions of the section such as quarter and eighth lines; or the customary divisions of section such as quarter and eighth lines, or the centerline of highways, streets and waterways; or the shorelines of water bodies, or the boundaries of incorporated areas, recorded plats or subdivisions, or property lines of record on the date of enactment of this Ordinance, or any Amendment thereto, or any extension of said lines.

Section 2.03 LOCATION OF ZONING DISTRICTS IN MARTIN TOWNSHIP

The description of unincorporated areas of Martin Township as divided by sections and set forth in Appendix A of this Ordinance shall constitute the areas included in each Zoning district

Article III District R1 (Residential)

The following provisions shall apply to District R1:

Section 3.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principle uses permitted.
 - a. One family dwellings
 - b. Multi-family dwellings
2. Permitted Accessory uses
 - a. One garage per dwelling unit provided storage for a maximum of three cars or a combination of trucks and automobiles of three cars or a combination of trucks and automobiles not exceeding three in number.
 - b. Home occupations, including handicrafts such as dressmaking, millinery, watch repairing and professional occupations such as the office of a physician, dentist, lawyer; provided however, that there shall be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area, and further that the use of occupation shall not require or effect any change in the external character of the dwelling
3. Uses by Special Permit. The following uses allowed when determined to be in conformity with the provisions of Section 8.21
 - a. Churches, Schools, libraries and public owned buildings.
 - b. Hospitals, clinics, sanatoriums, convalescent homes and similar structures designed for human care
 - c. Public utility buildings
 - d. Community country clubs, fraternal lodges, and similar civic and social organizations when not operated for profit.
 - e. Parks, playgrounds, public and private swimming pools and similar facilities for outdoor exercise and recreation when not operated for profit.

- f. Accessory buildings, structures and uses customarily incidental to any of the above permitted uses. Such uses shall include temporary signs.

Section 3.02 SIZE OF PREMISES

1. Dwellings Every parcel of land upon which a dwelling is hereafter erected or moved shall conform with the following
 - a. In the case of unplatted lands, no lot shall contain less than fourteen thousand (14,000) square feet exclusive of public highway right of ways nor shall be less than eighty (80) feet in width at the building line.
 - b. In the case of lots contained in plats hereafter recorded, the area shall be not less than ten thousand (10,000) square feet and the width of the lot shall be not less than seventy five (75) feet at the building line. Provided however, where lots are served by connections to municipal water supply or sewage systems, lot width requirements may be reduced to sixty (60) feet at the building line when in conformity with Section 8.12, Paragraph two (2) of this Ordinance.
 - c. Every parcel of land shall provide a minimum width of twenty-five (25) feet at the site of the access to the premises
2. Other buildings: The minimum size of a parcel of land required for special permit uses shall be as follows:
 - a. Side Yards: At least ten (10) feet in width on each side, provided, however, where lots abut upon two or more streets or highways, only yards abutting upon lots adjacent to the longest dimension of the property shall be considered side yards. Side yard requirement for special permit shall be twenty (20) feet.
 - b. Rear Yards: At least thirty (30) feet in depth.
 - c. Front Yards: In conformity with Section 8.16 of this Ordinance.

Section 3.04 FLOOR AREA OF BUILDING

1. Every dwelling hereafter erected or moved upon a premises and intended for year around occupancy shall contain not less than seven hundred twenty (720) square feet of floor area for each family unit; Provided, that no such area shall include space in an attached garage, open porch or other attached structure of similar nature
2. In cases of single family dwellings erected or moved upon premises for recreational purposes and intended for seasonal or temporary occupancy, the floor area required shall be not less than five hundred twenty (520) square feet.

Section 3.05 BUILDING HEIGHT

No building structure or part thereof shall be erected or altered to a height exceeding two and one half stories, but not to exceed thirty-five (35) feet; Provided, that the height of a specific building may be increased if approved by the Board of Appeals as may be reasonable for the use thereof.

ARTICLE IV DISTRICT R2 (Residential Resort)

The following provisions shall apply to all Districts "R 2"

Section 4.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in this Ordinance.

1. Principal permitted uses
 - a. One family dwelling
 - b. Multi family dwelling
2. Permitted Accessory Uses:
 - a. One garage per dwelling unit providing storage for a maximum of three cars or combination of three cars and trucks
 - b. Home occupation, including handicrafts such as dressmaking, millinery, watch repairing, and professional occupations such as the office of physician, dentist, lawyer; Providing, however, that there shall be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area, and further that the use or occupation shall not require or effect any change in the external character of the building.
3. Used by Special Permit:

The following uses shall be allowed when determined to be in conformity with the Provisions of Section 8 20:

- a. Cabin camps, mot-J, resort hotels, trailer parks, boat liveries, bait shops, marinas and similar recreational enterprises
- b. Community country clubs, fraternal lodges and similar civic or social organizations.
- c. Parks, playgrounds, public and private swimming pools and similar facilities for outdoor exercise and recreation.
- d. Public utilities buildings
- e. Churches, schools, libraries, and public owned buildings
- f. Hospitals, clinics, sanatoriums, convalescent homes and similar structures designed for human care.
- g. Accessory buildings, structures, and uses - customarily incidental to any of the above permitted uses.

Section 4.02 SIZE OF PREMISES

1 Dwellings: Every parcel of land upon which a dwelling is hereafter erected Or moved shall conform with the following:

- a. Lots shall contain a minimum of 6,000 square feet and shall be sixty (60) feet wide at the building line.
2. Other Buildings: Buildings erected for special permit use shall not occupy more than 40 per cent of the parcel.

Section 4.03 YARDS

1. Dwellings:
 - a. Set back lines for front yard shall conform to Section 8.16.
 - b. Side Yards: At least five (5) feet in width on each side, provided however, where lots abut upon two or more streets or highways, only yards abutting upon lots adjacent to the longest dimension of the property shall be

considered side yards. Side yard requirements for special permit uses shall be ten (10) feet in width.

Section 4.04 FLOOR AREA OF DWELLING

Every dwelling hereafter erected or moved upon a premises shall contain not less than five hundred twenty (520) square feet of floor area for each family unit, provided that no such area shall include space in an attached garage, open porch or other attached structure.

Section 4.05 BUILDING HEIGHT

Building height shall conform to the limits established for Residential properties, Section 3.05

ARTICLE V DISTRICT A (Agricultural)

The following regulations apply to all Districts "A".

Section 5.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance

1. **Principal Permitted Uses**
 - a. One family dwellings
 - b. Multi-family dwellings
 - c. Farms.
2. **Permitted Accessory Uses**
 - a. All uses permitted in paragraph two (2) of section 4.01
 - b. Buildings and structures customarily incidental to farming
 - c. Dwelling structures for migrant workers
 - d. Roadside stands and buildings for the packaging, storage and sale of agricultural products; Provided, that no less than fifty-one (51) per cent of the products packaged, stored or sold shall have been produced on the premises or upon common holdings of the owner or owners
3. **Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.20**
 - a. All uses permitted in Paragraph three (3) Section 4.01.
 - b. Food processing and packaging industries; farm equipment sales and services.
 - c. Neighborhood retail groceries, gasoline stations and shopping centers.
 - d. Fire control structures; airfields and airports, gravel and sand pits; public waste disposal areas
 - e. Guide signs of a non-advertising nature.
 - e. Accessory buildings and structures and uses customarily incidental to all of the above uses

Section 5.02 SIZE OF PREMISES

1. **Dwellings: Every parcel of land upon which a dwelling is here after erected or moved shall conform to the provisions of paragraph one (1), Section 3.02**
2. **The minimum size parcel of land required for special permit use shall conform to the provisions of paragraph two (2), Section 3.02.**

Section 5.03 YARDS

The yard requirements of all dwellings and other main buildings shall conform to the provisions of Section 3.03 except in the case of the side yards, which shall be increased to fifteen (15) feet

Section 5.04 FLOOR AREA OF DWELLINGS

Every dwelling hereafter erected or moved upon a premise shall contain not less than seven hundred twenty (720) square feet of floor space per family unit, Provided, that no such area shall include space in an attached garage, open porch or other attached structure.

Section 5.05 BUILDING HEIGHT

Dwellings may be thirty-five (35) feet or two and one-half (2 1/2) stories in height. No restrictions on other main building heights

ARTICLE VI DISTRICT C (Commercial)

Section 6.01 USES PERMITTED

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than one or more of the following uses, except as otherwise provided in the Ordinance.

1. Principal Permitted Uses:
 - a. Those uses permitted under Paragraphs one (1), two (2) and three (c) (3c) of Section 5.01 of the Ordinance
 - b. Stores; showrooms, and shops for the conduct of generally recognized retail business when conducted within buildings having a roof and four side walls.
 - c. Personal service shops, such as professional offices, barber shops, beauty parlors, shoe repair shops, laundry and dry cleaning pick-up shops.
 - d. Banks, dressmaking, millinery, photographic studios, undertaking establishments, public utility buildings and publicly owned buildings.
 - e. Community clubs, fraternal organizations and similar civic and social organizations.
 - f. Gasoline and oil service stations, garages, used car lots, but not the storage, processing, or sale of used auto parts or other items commonly referred to as junk.
 - g. Outdoor advertising signs not exceeding thirty-two (32) square feet in area.
3. Uses by Special Permit: The following uses shall be allowed when determined to be in conformance with the provisions of Section 5.02:
 - a. All uses permitted under Paragraph three (3) of Section 5.01 of the Ordinance, except as noted in above Principal Permitted Uses.
 - b. Outdoor theaters, dance halls, recreational halls, and other enterprises of recreation and amusement.
 - c. Sale and servicing of agricultural machinery, lumber and coal yards, warehouses, and buildings contractors.
 - d. Establishments, located within buildings for the repair, alteration, finishing, assembling, fabrication or storage of goods primarily for local or retail sale; Provided, how-ever, that no such establishment employ the use of machinery in excess of three hundred (300) horsepower.

- e. Outdoor advertising signs exceeding thirty-two (32) square feet in area.
- f. Accessory buildings, structures and uses customarily incidental to all of the above permitted uses.

Section 6.02 YARDS

Every building hereafter erected or moved upon any premises shall be provided with yards having 1" less than the following sizes:

- 1. **Front Yards:** Shall comply with provisions of Section & 16.
- 2. **Side Yards:** At least fifteen (15) feet on each side, exclusive of driveway
- 3. **Rear Yards.** Every building hereafter erected or moved upon any premises shall provide a rear yard no less than twenty (20) feet in depth, where commercial properties abut on residential properties the rear yard depth required shall be thirty (30) feet Rear yards are to be kept open and unobstructed for access of fire-fighting equipment.

Section 6.03 BUILDING HEIGHT

Any building hereafter erected or moved upon any premises shall comply with the provisions of Section 3.05

ARTICLE VII DISTRICT I (Industrial)

The following regulations shall apply to all Districts "I". **Section 7.01 USES PERMITTED**

No land shall be used hereafter, and no building or structure erected or moved upon any premises and used for other than on or more of the following uses, except as otherwise provided in the Ordinance.

- 1. **Principal Permitted Uses:**
 - a. Any uses permitted in Section 6.01 of the Ordinance
 - b. Terminal facilities, blacksmith shops, oil storages, and auto wrecking establishments.
 - c. Dairy plants, canneries, wineries, agricultural storage and packaging, and similar food processing operations not requiring a special permit under this section.
 - d. Manufacture or assembly of electrical appliances, motors, and instruments; manufacture or assembly of signs, billboards and advertising structures, other manufacturing or assembly operations of similar nature not attended by excessive noise, smoke, odors, vibrations or dust, sheet metal; machine shops; monument works.
- 2. **Uses by Special Permit:** The following uses shall be allowed when determined to be in conformance with the provisions of Section 8.20:
 - a. Slaughterhouses, tanneries, glue factories, rendering works, soap factories.
 - b. Oil refineries, chemical manufacturing or processing, asphalt manufacturing or refining; similar related manufacturing or processing.
 - c. Manufacturing or storage of explosives
 - d. Manufacturing or processing operations involving odors, fumes, smoke, dust, water, noise or vibration to such a degree as to be considered obnoxious offensive, unhealthful, or harmful to surrounding property.
 - e. Junk yards and privately operated waste disposal sites of a commercial nature.

Section 7.02 YARDS

Every building hereafter erected or moved upon any premises shall be provided with yards complying with the provisions as set forth in Section 3.03 with the following exceptions:

1. Side Yards: Every building hereafter erected or moved upon any premises shall provide a side yard of fifteen (15) feet except where adjacent to a residential lot then a side yard of twenty-five (25) feet shall be provided. This side yard area shall not be used as a drive or external storage areas.
2. Rear yards: Every building hereafter erected or moved upon any premises shall provide a rear yard of twenty (20) feet. Where rear yards abut on residential properties the rear yard depth required shall be thirty (30) feet.

Section 7.03 BUILDING HEIGHT

Any building hereafter erected or moved upon any premises shall comply with the provisions of Section 3.05.

ARTICLE VIII GENERAL PROVISIONS

Section 8.01 CONFLICTING LAWS, ORDINANCES, REGULATIONS AND RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing provisions of the law, ordinance, rules, regulations, or permits previously adopted or issued pursuant to laws relating to the erection or use of buildings or land; nor is it intended by this Ordinance to interfere with or abrogate or annul any existing easements, covenants, or other agreements between parties; Provided, however, that where any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations, upon the erection or use of land or 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 said rules, regulations, permits or easements, then the provisions of this Ordinance shall govern. The requirements of this Ordinance are to be construed as minimum requirements, and shall in no way Impair or affect any covenant or restriction running with the land except where such covenant Imposes lesser requirements.

Section 8.02 USE OF NON CONFORMING LAND, BUILDING AND STRUCTURE

1. At the discretion of the owner, the lawful use of any building, structure or premises existing prior to the effective date of this Ordinance may be continued, although the use does not conform with the provisions of this Ordinance, and such use of any building may be extended through said building; Provided, no structural changes be made therein except those required for safety
2. Wherever the non-conforming use of any building, structure, land or premises or part is changed in whole or in part to a conforming use, such use shall not hereafter be reverted to any non-conforming use.
3. If the non-conforming use of any building, structure, land or premises or part thereof is discontinued through vacancy, lack of operation or otherwise for a continuous period of twelve (12) months, then any future use of said building, structure, land or premises shall conform, in its entirety, to the provisions of this Ordinance; Provided, however, that the

Board of Appeals may upon application within twelve (12) months of the termination of said period, permit the resumption of such non-conforming use

Section 8.03 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, exploding, acts of God, or acts of the public enemy, subsequent to the effective date of this Ordinance if such reconstruction or restoration is undertaken within two years and diligently prosecuted to completion: Provided however, that said use be identical with non-conforming use permitted in effect at the time of said damage, and Provided: Further, that such reconstruction shall conform with highway setback and yard requirements of the district where ever physically practical.

Section 8.04 REPAIR, ALTERATION AND COMPLETION OF NONCONFORMING BUILDINGS

1. Nothing in this Ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of a non-conforming building, structure or part thereof existing at the effective date of this Ordinance, that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; Provided, however, that such repair, reinforcement, improvement, or rehabilitation proposes no change other than to a conforming use, in the use of said building or part thereof
2. No basement, cellar, garage or an incompletely constructed structure in use as a dwelling on the effective date of this Ordinance shall be used as a dwelling for more than twenty-four (24) months following said date, unless such structure has been brought to a state of completion in conformity with the regulations of this Ordinance relative to dwellings in the district in which such structure is located.

Section 8.05 YARD AND AREA REQUIREMENTS: GENERAL

1. Every part of any required yard shall be open and unobstructed by chimneys, pilasters, sills, belt courses, cornices, eaves or gutters. Provided, however, that such chimneys, pilasters, sills, belt courses, cornices, eaves or gutters may project not more than fourteen (14) inches into any required yard.
2. No part of any required yard except a rear yard shall be used for any accessory building or use, or for the storage of vehicles and any accessory building erected in a required rear yard shall not exceed one story or fifteen (15) feet in height.
3. In determining lot and yard requirements, no areas shall be ascribed to more than one principal building or use, and no area necessary for compliance with this space requirement for one main building or use shall be included or counted in the calculation of the space requirements for any other building or use
4. Where a lot abuts upon an alley, one-half (1/2) of the width of said alley may be considered a part of such lot for the purpose of computing the area

of such lot and for the purpose of computing the depth of any rear yard required under this Ordinance.

5. Where a lot abuts upon the shore line of a lake, river, stream, or other surface body of water not having a legally established water level and subject to fluctuating water levels, the computation of the required lot area and yard measurements shall exclude any portions of the land existing below the highest prior water level.

Section 8.06 LIMITATIONS OF DWELLING PER LOT

Only one dwelling shall be erected or moved on a lot

Section 8.07 VEHICULAR PARKING SPACE, ACCESS THERETO, AND LIGHTING THEREOF

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishments hereafter erected or altered, and located on a public highway, road or street in the unincorporated portions of the county, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the right of way for the parking or loading of vehicles in proportions shown in Appendix B of this Ordinance, and such space shall be provided with safe exit to and safe entrance from the public thoroughfare. Approval for the location of such exit and entrance shall be obtained from the Michigan State Highway Department for all highways under their jurisdiction, and from the County Road Commission for all other roads and highways in the county, which approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements. A minimum of 200 square feet, exclusive of drive, entrances and exits shall comprise one automobile parking space. All parking space shall be provided with adequate artificial lighting between the time extending from one-half hour after sunset to one-half hour before sunrise, when the use of such space is open to the public.

Section 8.08 TEMPORARY DWELLING STRUCTURES

1. No building, trailer coach, garage, cellar basement or other structure which does not conform to the provisions of this Ordinance relative to dwellings shall be erected, altered or moved upon premises and used for dwelling purposes except under the following applicable limitations:
 - a. Use of any building, trailer coach, garage, basement or other structure shall not be inimical to health, safety or to the public welfare.
 - b. The location of each building, trailer coach, garage, cellar, basement or other structure shall conform to the regulations governing the yard requirements for dwelling or similar conforming structures for the district in which it is situated.
 - c. Such use of any building, trailer coach, garage, cellar, basement, or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection and completion; Provided however, that such a period shall not exceed twelve (12) months beginning with the date of

issuance of the permit unless otherwise extended by the action of the Board of Appeals

- d. Any other such use of any trailer coach shall be prohibited except under the following applicable limitations:
 1. In the case of trailer coaches providing temporary housing to guests or visitors on the premises, such use shall be limited for an individual trailer to a period of thirty (30) days in any calendar year; Provided, that the occupants of said trailer coach shall have unrestricted use of sewage disposal and water facilities of the comfortable dwelling or commercial or industrial building
 2. The use of a trailer coach as a dwelling for the owner of the premises upon which the trailer is located or as a dwelling of any employee of the owner of such premises shall be permitted; Provided that such approval shall be limited to premises located within Districts R1, R2, A, C, and I, unless otherwise restricted by the Board of Appeals.
 - A. Permits issued under this provision shall be limited to one (1) year and shall not be renewable except as provided above
 - B. Provisions of this section shall not relieve trailer coach owners from Compliance with Provisions of Act. number 172, of P. A. 1958
2. Application for the erection, movement, alteration, and use of a building, trailer coach, garage, basement or other structure shall be made to the Zoning Administrator as provided by Section 9.03 of this Ordinance. The Zoning Administrator shall approve or disapprove the application giving due consideration to the purposes of this Ordinance and to the best interests and welfare of all parties Appeals to decisions of the Administrator shall be considered by the Board of Appeals at their next regular meeting
3. The conditions of this section shall not apply to any trailer coach when located in a trailer coach park, nor any cabin located in a cabin camp as defined by this Ordinance.

Section 8.09 CABINS, CABIN CAMPS AND MOTELS

No parcel of land or premises shall be used for cabin camps or motels, and no cabin or motel shall be erected, altered, or moved upon any land or premises without compliance with the following regulations; except as noted in Section 8.14

1. Wide location and operation of such a camp or motel shall not tend to produce noise or otherwise prove injurious to the surrounding neighborhood, nor be inimical to the public health, safety or general welfare of the community, nor be contrary to the purpose of this Ordinance.
2. Each cabin or motel dwelling unit shall provide no less than sixty (60) square feet of floor area for each occupant, but no cabin or motel dwelling unit shall contain less than one hundred twenty (120) square feet of floor

area for sleeping quarters, exclusive of any space provided for toilet, shower or other facilities

3. Each cabin or motel shall abut or face a driveway or unoccupied space of no less than twenty-five (25) feet in width, which space shall have unobstructed access to a public highway.

Section 8.10 COMBINATION BUSINESS AND DWELLING BUILDINGS AND STRUCTURES

Each building or structure used for combined dwellings and business purposes shall provide an area of not less than five hundred twenty (520) square feet for that part used for dwelling purposes.

Section 8.11 WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

1. Every building or structure hereafter erected or moved upon any premises for permanent or temporary human habitation shall be provided with a safe and adequate system of water supply and sewage disposal. No such building or structure shall be utilized for human habitation until the owner of the premises has obtained a written approval of the water supply and sewage disposal from the Allegan County Health Department.
2. Connection shall be made to a public water supply and public sewer system when available to the premises.
3. When a private water supply or private sewage disposal system is required, the type, location and construction shall comply with the Sanitation Regulations for Allegan County. No building or structure requiring the facilities, shall be erected or moved upon any premises which does not provide adequate size or soil conditions for safe and adequate water supply and sewage disposal facilities.

Section 8.12 FARM BUILDINGS AND STRUCTURES

All buildings and structures hereafter erected and used in connection with farming operations in the Township, but not including dwellings other than noted in Section 8.13, shall be exempt from the provisions of this Ordinance. Provided, however, that yard requirements, highway setback limits, and sanitary requirements of this Ordinance shall be observed where applicable.

Section 8.13 DWELLING FOR USE OF SEASONAL FARM LABOR

Any building or structure located in District "A" and available for occupancy from April first to November fifteenth for the use of seasonal farm labor shall not be subject to the provisions of this Ordinance; Provided, however, it is maintained in a safe and sanitary condition, and is furnished with a safe and sanitary water supply and with sewage disposal facilities which do not adversely affect the public health; and Provided, further, that such buildings or structures shall be located at least fifty (50) feet from the side or rear property line of the premise upon which they are located and otherwise observe the applicable highway setback limits provided in this Ordinance.

Section 8.14 ESSENTIAL SERVICES

Essential services, as defined in this Ordinance, shall be permitted as authorized and regulated by law and other Ordinances in effect in Allegan County, it being the intention hereof to exempt such services from the application of this Ordinance.

Section 8.15 HIGHWAY SETBACK LINES

Setback lines on all highways, roads and streets, other than highways under the jurisdiction of the Michigan State Highway Department and highways situated in subdivision of plats of record of the effective date of this Ordinance, shall be parallel with and eighty-three (83) feet from the centerline of the highway outside the limits of incorporated villages and cities; Provided, that no construction shall be within fifty (50) feet of the highway right-of-way lines

Setback lines for roads and streets contained within sub-division of plats of record shall be parallel with and fifty-eight (58) feet back from the centerline of the roads or streets contained within the plat, provided no construction be within twenty-five (25) feet of the road right-of-way line

Setback lines for highways under the jurisdiction of the Michigan State Highway Department shall be parallel with and one hundred ten (110) feet from the centerline of said Highway, provided that, no construction be within fifty (50) feet of the highway right-of-way line

Section 8.16 HIGHWAY INTERSECTIONS SETBACK LINES

At intersection of all highways where grades are not separated, setback lines are hereby established across each sector between the intersecting highways. Such setback lines shall be straight lines connecting points on the intersecting highways, connecting points shall be located at a distance of three hundred (300) feet along the centerline of state highways and one hundred fifty (150) feet along the centerline of county highways not contained within a subdivision of plats of record. Connecting points in the case of highways contained within a subdivision of plats of record shall be located a distance of one hundred fifteen (115) feet along highway centerline. Said distance shall be measured from the intersections of the centerlines of the respective highways.

Section 8.17 RAILROAD-HIGHWAY SETBACK LINES

At intersections of highways and railroads where the grades are not separated, setback lines are hereby established across each sector between intersecting highways and railroads. Such setback shall be defined by straight lines connecting points located at a distance of two hundred (200) feet along the centerline of the highway and railroad, such distance to be measured from the intersection of the respective centerlines

Section 8.18 BUILDINGS AND STRUCTURES RELATIVE TO SETBACK LINES

No buildings or structures of any kind, except necessary highway and traffic signs and open fences through which there shall be clear visions, shall be hereinafter constructed, erected or moved into the space within such setback lines, except as herein provided. No building or structure except necessary highway and traffic signs, presently existing within such setback lines, shall be renewed or replaced hereafter in any way, except outside the setback lines.

Section 8.19 BUILDING AND STRUCTURES RELATIVE TO INTERSECTION SETBACK AREAS

No building or structure of any kind except highway and traffic signs, open fences, trees, shrubs, through which there shall be clear vision, shall be hereinafter constructed, erected or moved into the space within such setback lines, shall be renewed or replaced here-after in any way except outside the set-back lines.

Section 8.20 SPECIAL, PERMIT USES

Special permit uses shall be subjected to the following special requirements in addition to the requirements and standards of the zoning district in order to prevent conflict with or impairment of the principal permitted uses of the zoning district. Such uses shall be deemed to possess characteristics of such unique form to the district that each shall be considered as an individual case.

1. **Relation to adjacent land and building**
The location and size of use, the nature and intensity of operations, the size of site in relation to operations, and the location of the site -with respect to existing or future roads and highways providing access thereto shall be in harmony with the orderly development of the district; and the location, nature and height of buildings, walls and fences shall not discourage the appropriate development and use of adjacent land and buildings or impair their value.
2. **Character of Operations:**
Operations shall not be more objectionable to nearby properties by reason of noise, vibration, dust, fumes, smoke or flashing lights than the operation of any permitted use.

ARTICLE IX ADMINISTRATION

Section 9.01 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board for such term and subject to such conditions as said Township Board shall determine.

Section 9.02 ZONING BOARD

Martin Township -Zoning Board shall consist of five members appointed in accordance with Act 146, of the Public Acts of 1960.

Section 9.03 CERTIFICATES OF APPROVAL

No building or structure subject to the provisions of this Ordinance shall hereafter be erected or moved and used upon any premises until application for a certificate of approval has been filed with the Township Zoning Administrator, and the Administrator has issued such Certificate. Such Certificate shall be non-transferable, and must be granted before any work of excavation, construction or movement is begun.

1. The application shall be signed by the owner of the premises or his qualified agent, and shall certify that all provisions of this Ordinance and other applicable law and requirements are to be complied with
2. The application shall be made in triplicate on forms provided by the Township which forms shall provide space for declaring such information and intent required to determine compliance with the Ordinance.
3. The Zoning Administrator shall determine whether the building or structure and the land and use thereof, as set forth on the application, are in conformity with the provisions of this Ordinance, and if he so finds, he shall issue a Certificate of Approval, and when such certificate is refused, he shall state the cause in writing. One copy of the application with proper notations thereon, or attached thereto, including approval or disapproval and date, shall be placed on file with the Zoning Board as a record, one copy shall be filed with the Township clerk and one copy shall be returned

to the Applicant Accessory building when erected at the same time as the principal buildings and -shown on the application shall not require a separate certificate.

4. Certificates of Approval under which no work has been done above the foundation walls within six (6) months from the date of Issue shall expire by limitation, but may be renewed for an additional six (6) months from the date of expiration upon reapplication and payment of 50% of the total of the original fee to the Zoning Administrator for deposit with the Township Treasurer, subject, however to the provisions of the Zoning Ordinance when in force.
5. The Zoning Administrator shall have the power to revoke or cancel any Certificate of Approval in case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner of the premises shall be notified of such revocation in writing
6. It shall be the duty of all architects, contractors, and other persons having charge of erection, alteration, or movement of a building or structure, subject to the provisions of this Ordinance, to determine that proper certificate has been granted therefore before undertaking any such work; and all such persons performing any work in violation of the provisions of this Ordinance shall be deemed guilty of violation in the same manner as the owner of the premises.
7. For each certificate of Approval to be issued, the following fees shall be paid to the Zoning Administrator for the deposit with the Township Treasurer to the credit of the General Fund of the township. No certificate shall be valid until the following required fee has been paid:

Additions	One (1) Dollar
Accessory Building or Structures	One (1) Dollar
Dwellings	Three (3) Dollars
Other	Five (5) Dollars
Governmental	No fee required

Section 9.04 SPECIAL PERMITS

1. Application for a special permit shall be made in writing and shall accompany the application for a Certificate of Approval required under the provisions of Section 9.03 of the Ordinance
2. Application for a special permit shall be accompanied by a plan for the proposed use which plan, where applicable, shall show the location of all buildings, structures, parking areas, open spaces, traffic access and circulation landscaping including screening, and any other information necessary to determine the conformance of the proposed use with the provisions of Section 1.02 of the Ordinance.
3. The Zoning Administrator shall make such investigation as may be necessary to determine whether the proposed special use complies with the requirements of Section 8.21 of the Ordinance. A report of the Administrator's findings and action shall be filed with the Zoning Board. If the Zoning Administrator finds that the proposed use is in compliance with the requirements of Section 8.21, he shall proceed with the processing of the Application for Certificate of Approval as set forth in Section 9.03. In the event

that the Zoning Administrator denies the application for a special use permit, the Zoning Board of Appeals shall be notified and the application shall be referred to the Board, together with all reports relevant thereto, for consideration at the next regular meeting of the Board of Appeals. In no case, however, shall a period exceeding thirty-one (31) days elapse between the time of notice to the Board of Appeals and the date of initial Board action on the application.

Section 9.05 CERTIFICATE OF COMPLIANCE

No building or structure or part thereof for which a Certificate of Approval has been issued shall be occupied or used until a Certificate of Compliance has been issued by the Zoning Administrator stating that the building or structure or proposed use complies with the requirements of this Ordinance. Within ten (10) days after written notifications that the building or structure is complete, the Zoning Administrator shall make inspection thereof, and if it is found to be in conformity with the provisions, he shall issue the owner a Certificate of Compliance and record his action, including date, on the copy of the application for a Certificate of Approval deposited, as heretofore provided, with the Zoning Board. No fee shall be charged for a Certificate of Compliance when applied for coincidental with the application for Certificate of Approval.

ARTICLE X BOARD OF APPEALS

Section 10.01 CREATION

There is hereby created a Board of Appeals which shall perform its duties and exercise its powers as provided by Act 184 of the Public Acts of 1943, as amended, and by the provisions of this Ordinance, to the end that the objectives of this Ordinance are observed and public safety, health, morals and general welfare secured and substantial justice done.

Section 10.02 MEMBERSHIP

The membership of the Board of Appeals shall conform with Section 18 of Act 184 of the Public Acts of 1943, as amended.

Section 10.03 MEETINGS OF

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public, the Board shall maintain a record of its proceedings which shall be filed in the office of the Township Zoning Commission and shall be a public record.

Section 10.04 DUTIES OF

1. The Board of Appeals shall act upon all questions, as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps, and may fix rules and regulations to govern its procedure sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement of any provisions of this Ordinance. It shall also hear and decide all matters referred to it upon which it is required to act under any amendment adopted pursuant to this ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such Ordinance or to effect any

variation in such Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township. The grounds of every such determination shall be stated.

2. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

3. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of Appeals shall have been filed with him that by reason of fact stated in the certificate, a stay would in his opinion cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

4. The Board of Appeals shall fix a reasonable time for the hearing of appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken, and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such Ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of the provisions of the Ordinance so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice be done. The decision of such board shall not be final, and person having an interest affected by such Ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

ARTICLE XI PENALTIES

1. Any building or structure which is erected, altered, maintained or used or any use of land which is begun, maintained, or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se. Any person, firm, corporation or other organization which violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision shall be fined upon conviction not less than ten (10) dollars nor more than one hundred (100) dollars together with the costs of prosecution, or shall be punished by imprisonment in the county jail for no less than ten (10) days nor more than ninety (90) days for each offense, or may be at the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance or use continues, shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

2. The Township Board, Zoning Board, the Board of Appeals, the prosecuting Attorney of the County, or any owner or owners of real estate may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove said unlawful erection, alteration, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE XII AMENDMENTS

Section 12.01 INITIATION OF AMENDMENTS

Amendments to this Ordinance may originate with the Township Board or the Zoning Board by resolution of the majority of this respective membership, or by written petition signed by no less than fifteen (15) of the owners of property located in the unincorporated portion of the township and filed with the Township Clerk. Such petition shall include the address of each signer and the location of his property in the township.

Section 12.02 PROCEDURES

1. Each proposed amendment not originating with the Zoning Board shall be referred to said Board for its consideration and recommendations.

2. The Zoning Board shall hold a public hearing on its recommendation. When any amendment proposes the rezoning of any premises, a public hearing shall be held and the Zoning Board shall cause the premises to be posted for twenty (20) days prior to the date of hearing with at least one sign stating the premises are under consideration for rezoning, and the time and place of the hearing.

3. Adoption and enactment of amendments shall be in accord with Section 14 of Act 184 of the Public Acts of 1943, as amended.

Section 12.03 SPOT ZONING

In case any petition requests rezoning of individual parcels of land, the petition shall state the specific use or purpose for which rezoning is sought

ARTICLE XIII VALIDITY

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause, is adjudged unconstitutional or invalid it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Martin Township Board hereby declares that it would have passed this Ordinance and each part, section, phrase, sentence and clause thereof, irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, clauses be declared invalid.

ARTICLE XIV DEFINITIONS

For the purpose of this Ordinance, certain terms used are herewith defined. When not inconsistent with the context, words used in the present tense include the future; words in the singular include the plural number, and conversely. The word "shall" is always mandatory and not merely directory.

Section 14.01 ACCESSORY BUILDING OR STRUCTURE

A supplementary building or structure on the same premises as the main building or structure and occupied by or devoted exclusively to an accessory use but such use shall not include the use for dwellings or lodging purposes, or sleeping quarters for human beings.

Section 14.02 BUILDING

Any structure either temporary or permanent, having a roof or used or built for the shelter or enclosure of persons, animals, or property of any kind. This shall include tents, awnings, vehicles whether mounted on wheels or not and used for purposes of a building.

Section 14.03 BUILDING SET-BACK LINE

A line extending the full width of the lot from side lot line to side lot line parallel to and at a distance of one hundred ten (110) feet from the centerline of highways under

the jurisdiction of the Michigan State Highway Department or eighty-three (83) feet from the centerline of roads under the jurisdiction of the Allegan County Road Commission, except when such highways are located within subdivisions of plats of record, in which case a distance of fifty-eight (58) feet from the highway centerline shall be observed.

Section 14.04 CABIN CAMP

Any parcel of land on which two or more buildings, tents, or similar structures are maintained, offered or used for dwelling or sleeping quarters for transients, but shall not include what are commonly designated as lodging houses or tourist homes.

Section 14.05 DWELLING

Any building or part thereof occupied as the home, residence and sleeping place of one or more persons, except for trailer coaches, motels, cabins and similar facilities offered to transients

Section 14.06 ERECTED

Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

Section 14.07 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of public utilities or municipal departments or commissions, of underground or overhead, gas, electrical, steam or water transmission or distribution systems, collections, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, electric sub-stations, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare

Section 14.08 FAMILY

A collective body of persons consisting of parents or children, or other relatives, domestics or servants, residing together in one house or dwelling and under one head or one domestic government.

Section 14.09 FARMS

All of the non-platted, contiguous, neighboring or associated land operated as a single unit, containing not less than ten (10) acres in area, on which bona-fide farming is carried on. Orchards, hatcheries, and similar specialized agricultural enterprises may be considered as farms, but establishments keeping fur-bearing animals, game, or operated, as fish hatcheries, dog kennels, stock yards, slaughterhouses, stone quarries, gravel or sand pits, or the removal and sale of top soil, fertilizer works, bone yards, piggeries or for the reduction of animal matter or for the disposal of garbage, sewage, rubbish, junk or offal, shall not constitute a farm hereunder.

Section 14.10 HIGHWAY, ROAD OR STREET

Any public vehicular thoroughfare, except alleys, including county, federal and state roads and highways.

Section 14.11 HOME OCCUPATIONS

A gainful occupation conducted by members of the family within its place of residence; Provided that the space used is incidental to residential use and that there be at least five hundred twenty (520) square feet of dwelling area not used in the said

occupation area; and that not more than one paid non-family member assistant is employed.

Section 14.12 LOT

The parcel of land on which one (1) principal building and its accessories are placed, together with the open spaces required by this Ordinance. A lot need not be a lot of existing record.

Section 14.13 ROADSIDE STAND

A farm structure or piece of work artificially built up or composed of parts joined together in some definite manner; for the packaging, storage and sale of agricultural products including any dwelling, garages, buildings, signs and signboards included thereto.

Section 14.14 TRAILER COACH

Any vehicle used or so constructed as to permit its being used as a conveyance upon public streets or highways and shall include self-propelled and non-self-propelled vehicles so designated, constructed, reconstructed, or added so as to provide an enclosed room or area in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, whether mounted on wheels or dismantled or located on a foundation or other support

Section 14.15 TRAILER COACH PARK

Any site, lot, field, tract, or parcel of land upon which three (3) or more occupied house trailers are harbored either free of charge, or for revenue purposes, and shall include any building, structure, tent, vehicle Or enclosure used or intended for use as part of the equipment of such trailer park.

Section 14.16 YARD

A space open to the sky and unoccupied Or unobstructed by buildings or structures on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances

A. YARD, FRONT

A yard extending the full width of the lot or parcel of land between the front, or thoroughfare right-of-way line, and the nearest line of the main building

B. YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

C. YARD, SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of any accessory building.

Section 14.17 PARKING SPACE

An area, enclosed or unenclosed, two hundred (200) square feet in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Section 14.18 WORDS REQUIRING SPECIAL INTERPRETATION

Any word requiring special interpretation and not listed above shall be used as defined in the Housing Law of Michigan, Act 167 of the Public Acts of 1917, as amended.

APPENDIX A
ZONING DISTRICTS OF MARTIN TOWNSHIP

All of the unincorporated area of Martin Township shall be zoned District A (Agricultural) with the exception of the following described areas.

Section 1-District R2 (Residential-Resort)

 Northeast quarter section of said section including Lapham's lakeview plat.

Section 2 - Industrial

 Southwest ¼ of the southeast ¼ of the said section

Section 5-District R1 (Residential)

 The north half of the northwest quarter of said section.

Section 6-District C (Commercial)

 That land lying 500 feet east, 500 feet west and 500 feet south of the intersection of Tenth street and 124th Avenue. Also the northwest one-half of said section.

Section 9-R2 (Residential-Resort)

 The south one-half of the southeast ¼ of the southwest 1/4 of said section (land borders Lake Sixteen).

Section 15-District C (Commercial)

 The northeast corner of the intersection of 118th Avenue and Fifth street for a distance of 300 feet North and 300 feet East

 District R2 (Residential-Resort)

 Land 200 feet in depth bordering

 Fenner and Pratt lakes.

Section 16-District R2 (Residential-Resort)

 Land 200 feet in depth bordering

 Lake Sixteen.

Section 17-District I (Industrial)

 The southwest quarter of the southwest quarter of said section.

Section 23-District C (Commercial)

 South one-half of the north half of the northeast ¼ of the southeast quarter of said section

Section 26-District C (Commercial)

 The northwest ¼ of the northwest ¼ of the said section bordering on 118th street

Section 29-District C (Commercial)

 That land running 93 rods east of the Martin Village limits and along the center line of 116th street to a depth of 500 feet

Section 31-District C (Commercial)

 All that part of the said section lying west of the U. S. 131 expressway.

Section 35-District C (Commercial)

 Southeast ¼ of the southeast ¼ of said section

Section 36-District C (Commercial)

 The southwest ¼ of the southwest ¼ of said section. The southwest ¼ of the southeast quarter of said section.

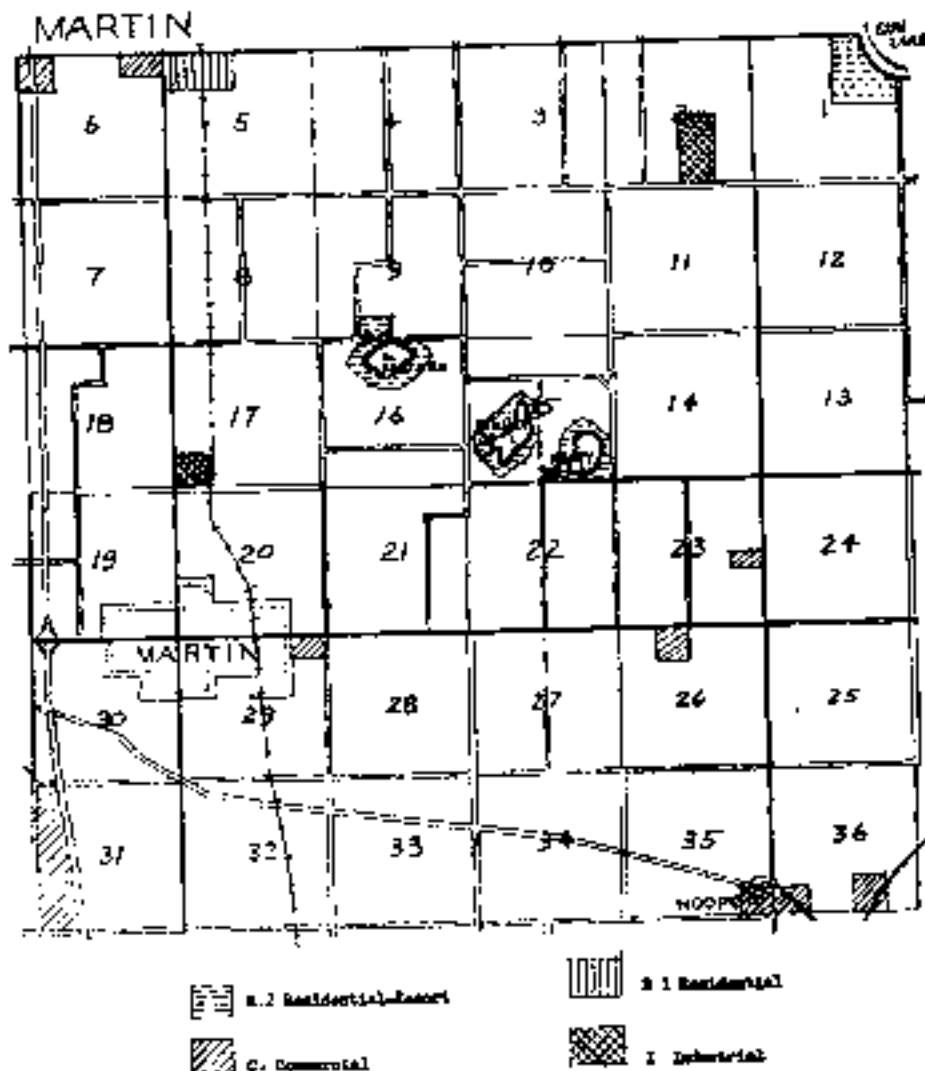
APPENDIX B
OFF STREET PARKING

Land Use

Parking Required

Dwelling-Single	1 space per dwelling unit
Multiple-Family	1 space per dwelling unit
Hotels and Motels	1 space per room
Hospitals	1 space per bed
Mortuaries	1 space per 50 sq. ft. in floor area
Restaurants	1 space per 4 seats
Theaters	1 space per 4 seats
Auditorium and Church	1 space per 4 seats
Schools, Grade and High	1 space per 8 seats
Schools, College	1 space per 4 seats
Offices	1 space per 200 sq. ft. floor area
Industry	1 space per 3 employees.
Retail Stores	1 space per 200 sq. ft. of floor area
Tavern	1 space per 3 seats
ONE SPACE -200 sq. ft.	

LaVerne Young
Township Clerk



...shall be in accordance with the provisions of this Ordinance...

Section 1.01 VARIOUS AND OTHER PROVISIONS GENERAL

- 1. Every part of any proposed plan shall be open and intelligible...
2. No part of any proposed plan shall be subject to any...
3. Where a lot shown upon a plat...
4. Where a lot shown upon a plat...

Section 1.02 IMPROVEMENTS OF EXISTING HIGHWAYS

The work on existing highways, streets, roads, and bridges... shall be in accordance with the provisions of this Ordinance...

Section 1.03 TEMPORARY DIVERSION STRUCTURES

- 1. The location of such temporary diversion structures... shall be in accordance with the provisions of this Ordinance...

Section 1.04 EXISTING HIGHWAYS AND STRUCTURES RELATIVE TO IMPROVEMENTS THEREON

No improvement of any highway or structure... shall be made until the existing highway or structure has been improved...

Section 1.05 SPECIAL PROVISIONS

- 1. The Board of Appeals shall be authorized to...
2. The Board of Appeals shall be authorized to...

Section 1.06 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.07 COMMUNICATIONS BETWEEN THE BOARD OF APPEALS AND THE BOARD OF SUPERVISORS

Each meeting of the Board of Appeals... shall be in accordance with the provisions of this Ordinance...

Section 1.08 FARE INCREASES AND STRUCTURES

All increases in fares... shall be in accordance with the provisions of this Ordinance...

Section 1.09 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.10 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.11 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.12 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.13 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.14 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.15 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

...shall be in accordance with the provisions of this Ordinance...

Table with 2 columns: Position, Name. Includes Chairman, Secretary, Treasurer, etc.

Section 1.16 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.17 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.18 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.19 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.20 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.21 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.22 SPECIAL PROVISIONS

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

Section 1.23 GENERAL CASES AND RULES

The Board of Appeals shall be authorized to... shall be in accordance with the provisions of this Ordinance...

ORDINANCE #3
UNIFORM TRAFFIC CODE
EFFECTIVE: MARCH 17, 1971

ORDINANCE #4
OUTDOOR ASSEMBLY ORDINANCE
EFFECTIVE: APRIL 16, 1971
AMENDED: FEBRUARY 15, 1978

TOWNSHIP NOTICE

At a regular meeting of the Town Board of Martin Township held at the Township Hall on the 15th day of February, 1973, Section Two and Section Four of Martin Township Ordinance, Number Four, Enacted March 17, 1971 and Effective April 16, 1971, known as the Public Gathering Ordinance, was unanimously amended as follows:

Section 2. Definitions.

- a) "Outdoor Assembly", hereinafter referred to as "Assembly" means any event attended by more than 2,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:
 1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property;
 2. an event held entirely within the confines of a permanently enclosed and covered structure.
- b) "Person" means any natural person, partnership, corporation, association or organization.
- c) "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.
- d) "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- e) "Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 4. Application for License. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 90 days prior to date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of \$750.00 and shall include at least the following:

- a) The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided for all shareholders having financial interest greater than \$500.00.

- b) A statement of the kind, character, and type of proposed assembly
- c) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted.

Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly

- d) The date or dates and hours during which the proposed assembly is to be conducted.
- e) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

This Amendment shall take effect 30 days following the date of this publication.
Certified to be a true copy-

LaVERNE B. YOUNG
Township Clerk

Feb. 23, 1978

Martin Township Notice

An regular meeting of the Town Board of Martin Township held at the Township Hall on the 15th day of February, 1978. Section Two and Section Four of Martin Township Ordinance Number Four, Enacted March 27, 1971 and Effective April 16, 1971, known as the Public Gathering Ordinance, was lawfully amended as follows:

Section 2. Definitions

a. "Outdoor Assembly", hereinafter referred to as "Assembly" means an event attended by more than 2,000 persons, at least part of which includes a program of exhibition, public show, display, entertainment, amusement or other exhibition, including but not limited to musical, athletic, rock festivals, prize tournaments or similar gatherings but does not mean:

1. an event which is conducted or sponsored by a governmental unit or agency or public owned land or property, or

2. an event which is conducted or sponsored by any person qualifying for any exempt status under Section 206-207-208 of the Internal Revenue Code of 1954, being 26-26b-26c-26d-26e-26f-26g-26h-26i-26j-26k-26l-26m-26n-26o-26p-26q-26r-26s-26t-26u-26v-26w-26x-26y-26z of the Internal Revenue Code of 1954, being Section 206-207-208 of the Internal Revenue Code of 1954.

2. An event held solely with the purpose of a permanently retained and covered structure

b. "Person" means any natural person, partnership, corporation, association or organization.

c. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

d. "Attendance" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

e. "Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 4. Application for License. Application for a license to conduct an outdoor assembly shall be made in writing on each form and submitted to the clerk of the township and shall be filed at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of \$750.00 and that include at least the following:

a. The date, age, residence and mailing address of the person making the application (where the person making the application is a partnership, partnership or other association, the information shall be provided for all partners, officers and directors, or members. After the person is a corporation, a copy of the annual report of incorporation shall be filed, and the names and addresses shall be provided for all shareholders having financial interest greater than \$500.00.

b. A statement of the land, distance, and type of proposed assembly.

c. The official, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.

d. The date, dates and hours during which the proposed assembly is to be conducted.

e. An estimate of the maximum number of attendees expected at the assembly for each day it is conducted and a detailed explanation of the method of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

This Amendment shall take effect 30 days following the date of this publication.

Laverne B. Young, Township Clerk

Publisher's Affidavit

Office of
THE UNION ENTERPRISE
Pittsford, Michigan

State of Michigan

County of Allegan

George W. Gunnerson

being duly sworn, says I am the publisher of

THE UNION ENTERPRISE

a weekly newspaper, printed and circulated in said county, that the annexed is a printed copy of a notice published in said paper, that the insertion was made on the

23rd day of February A.D. 1978

George W. Gunnerson
Publisher

Subscribed and sworn to before me this

17th day of April A.D. 1978

Wesley A. Gunnerson
Notary Public in and for Allegan County.

My Commission expires _____

TOWNSHIP OF MARTIN

An ordinance to license, regulate and control in the interest of the public health, safety and welfare outdoor gatherings of persons in excess of 2,000 in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent therewith.

Section 1. Preamble. The township of Martin ordains that the interests of the public health, safety and welfare of the citizens of Martin township require the regulation, licensing and control of assemblies of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this township.

Section 2. Definitions.

- a. "Outdoor Assembly", hereinafter referred to as "assembly" means any event, attended by more than 2,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:
1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
 2. an event held entirely within the confines of a permanently enclosed and covered structure.
- b. "Person" means any natural person, partnership, corporation, association or organization.
- c. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.
- d. "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- e. "Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 3. A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Martin township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

Section 4. Application for License. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 90 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$750.00 and shall include at least the following:

- a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00.)
- b. A statement of the kind, character, and type of proposed assembly.
- c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- d. The date or dates and hours during which the proposed assembly is to be conducted.
- e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

Section 5. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. Medical facilities and services including emergency vehicles and equipment.
- e. Vehicle access and parking facilities.
- f. Camping and trailer facilities.
- g. Illumination facilities.
- h. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

Section 6. On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the township, the state fire marshal, and to such other appropriate public officials as the clerk deems

necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the board.

Section 7. Within 30 days of the filing of the application, the board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

Section 8. A license may be denied if:

1. The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document. **Section 9.** A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

Section 10. In processing an application the board shall, at a minimum, require the following:

- a. **Security Personnel.** The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the township in cooperation with the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.
- b. **Water Facilities.** The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable

state or local law, or from a source and delivered and stored in a manner approved by the county health officer.

- c. Restroom Facilities. The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the county health officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Taps or Faucets		1:500

Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the county health officer.

- d. Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

- e. **Medical Facilities.** If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the county health officer.
- f. **Liquid Waste Disposal.** The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the county health officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste detention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.
- g. **Solid Waste Disposal.** The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the county health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

- h. **Public Bathing Beaches.** The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218,

Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

- i. **Public Swimming Pools.** The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- j. **Access and Traffic Control.** The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State highways must approve the licensee's plan for access and traffic control.
- k. **Parking.** The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants.
- l. **Camping and Trailer Parking.** A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. While Act 171 does not become effective until January 1, 1971, for purposes of this ordinance, its provisions shall be effective and applicable upon the adoption of said ordinance.
- m. **Illumination.** The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the _____ (applicable official).
- n. **Insurance.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than (\$100,000/\$300,000 -select appropriate figure) and property damage insurance with a limit of not less than (\$25,000 - select appropriate figure) from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure

liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of Martin township in writing at least 10 days before the expiration or cancellation of said insurance.

- o. **Bonding.** Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of (\$10,000, \$50,000, \$100,000, or select appropriate figure) in a form to be approved by the township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the township, its agents, officers, and employees and the board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash) or other waste resultant from the assembly.
- p. **Fire Protection.** The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal) to insure fire protection.
- q. **Sound producing equipment, including but not limited to, public address systems, radios, phono-raphs, musical instruments and other recording devises shall not be operated on the premises of the assembly so as to be unreasonably loud raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of Martin Township**
- q. **Fencing.** The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.
- r. **Communications.** The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.
- s. **Miscellaneous.** Prior to the issuance of a license, the board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

Section 11. Revocation. The board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

Section 12. Violations. It shall be unlawful for a licensee, his employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the circuit courts, and, is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or by both such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

Section 13. Severability. If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

Section 14. Effective Date. This ordinance shall be effective from and after April 16, 2003. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

TOWNSHIP NOTICE

At a regular meeting of the Town Board of Martin Township held at the Township Hall on the 15th day of February, 1978, Section Two and Section Four of Martin Township Ordinance, Number Four, Enacted March 17, 1971 and Effective April 16, 1971, known as the Public Gathering Ordinance, was unanimously amended as follows:

Section 2. Definitions.

a) "Outdoor Assembly", hereinafter referred to as "Assembly" means any event attended by more than 2,000 attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or

~~2. an event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26-U.S.C. § 501(c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Act 281 of the Public Acts of 1967, being Section 206.201 of the Compiled Laws of 1948; or~~

2. ~~3.~~ an event held entirely within the confines of a permanently enclosed and covered structure.

- b) "Person" means any natural person, partnership, corporation, association or organization.
- c) "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.
- d) "Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- e) "Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 4. Application for License. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 90 days prior to date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of \$750.00 and shall include at least the following:

- a) The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided for all shareholders having financial interest greater than \$500.00.
- b) A statement of the kind, character, and type of proposed assembly.
- c) The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted.

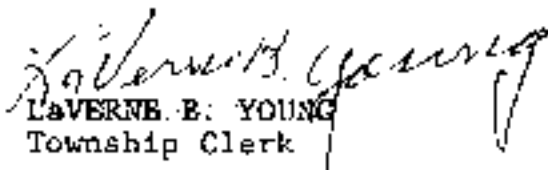
Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.

d) The date or dates and hours during which the proposed assembly is to be conducted.

e) An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

This Amendment shall take effect 30 days following the date of this publication.

Certified to be a true copy.


LAVERNE E. YOUNG
Township Clerk

FEB. 23, 1978

Martin Township Notice

At a regular meeting of the Town Board of Martin Township held at the Township Hall on the 15th day of February, 1978, Section Two and Section Four of Martin Township Ordinance Number Four Enacted March 17, 1971 and Effective April 30, 1971, known as the Public Gathering Ordinance, was unanimously amended as follows:

Section 2. Definitions.

a. "Outdoor Assembly", hereinafter referred to as "Assembly" means any event attended by more than 2,000 attendees, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property, or

2. an event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501 (c) (3) of the Internal Revenue Code of 1954, being 26 U.S.C. 513 (c) (3) as amended by reference in Section 302 of the Internal Revenue Act of 1954, Act 281 of the Public Laws of 1957, being Section 306, 261 of the Compiled Laws of 1964, or

3. an event held entirely within the confines of a permanently enclosed and covered structure.

b. "Person" means any natural person, partnership, corporation, association or organization.

c. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

d. "Attendee" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

e. "Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 4. Application for License. Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the township and shall be made at least 90 days prior to date of the proposed assembly. Each application shall be accompanied by a non-refundable fee of \$750.00 and shall include at least the following:

a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided for 17 shareholders having financial interest greater than \$500.00.)

b. A statement of the kind, character, and type of proposed assembly.

c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.

d. The date or dates and hours during which the proposed assembly is to be conducted.

e. An estimate of the maximum number of attendees expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

This Amendment shall take effect 30 days following the date of this publication.

Lawrence B. Young, Township Clerk

Publisher's Affidavit

Office of
THE UNION ENTERPRISE
Plainwell, Michigan

State of Michigan

ss

County of Allegan

Bruce W. Gunnerson

being duly sworn, says I am the publisher of
THE UNION ENTERPRISE

a weekly newspaper, printed and circulated in said county, that the annexed is a printed copy of a notice published in said paper, that the insertion was made on the

23rd day of February A.D. 1978

Bruce W. Gunnerson
Publisher

Subscribed and sworn to before me this

17th day of April A.D. 1978

Thelma A. Gunnerson
Notary Public in and for Allegan County.

My Commission expires _____

Amended on resolution
March 30, 1978

Dep't of
2/27/78
DR #4

CITY, TOWNSHIP OR VILLAGE OF MARTIN

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of ~~2,000~~^{2,000} in number.

Section 1. Preamble. The TWP (~~council, board or commission - select appropriate designation~~) of MARTIN (~~city, village or township - select appropriate designation~~) finds and declares that the interests of the public health, safety and welfare of the citizens of MARTIN (~~city, village or township - select appropriate designation~~) require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this TWP (~~city, village or township - select appropriate designation~~).

Section 2. Definitions.

a. "Outdoor Assembly", hereinafter referred to as "assembly" means any event, attended by more than ~~2,000~~^{2,000} attendants, all or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals or similar gatherings, but does not mean:

1. an event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
2. an event which is conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 U.S.C. § 501(c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967,

~~deleted~~

Act 281 of the Public Acts of 1967, being Section 206.201
of the Compiled Laws of 1948; or

3. an event held entirely within the confines of a permanently enclosed
and covered structure.

b. "Person" means any natural person, partnership, corporation, association
or organization,

c. "Sponsor" means any person who organizes, promotes, conducts, or causes
to be conducted an outdoor assembly.

d. "Attendant" means any person who obtains admission to an outdoor assembly
by the payment of money or by the rendering of services in lieu of the pay-
ment of money for admission.

e. "Licensee" means any person to whom a license is issued pursuant to this
ordinance.

Section 3. A person shall not sponsor, operate, maintain, conduct or promote
an outdoor assembly in MARTIN (~~city~~ village or township - select
appropriate designation) unless he shall have first made application for,
and obtained, as hereinafter prescribed, a license for each such assembly.

Section 4. Application for license. Application for a license to conduct
an outdoor assembly must be made in writing on such forms and in such manner
as prescribed by the clerk of the TWP (~~city~~, village or township -
select appropriate designation) and shall be made at least ~~60~~⁹⁰ days prior to
date of the proposed assembly. Each application shall be accompanied by a
nonrefundable fee of ~~\$100.00~~^{x 750.} and shall include at least the following:

a. The name, age, residence and mailing address of the person making the
application. (Where the person making the application is a partnership,

x amended on 11/28/78
Mon. 30, 1978

corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00.).

- b. A statement of the kind, character, and type of proposed assembly.
- c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- d. The date or dates and hours during which the proposed assembly is to be conducted.
- e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

Section 5. Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. Medical facilities and services including emergency vehicles and equipment.
- e. Vehicle access and parking facilities.
- f. Camping and trailer facilities.
- g. Illumination facilities.

- h. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

Section 6. On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the TWP, (city, village, township, county - select appropriate designation), the state fire marshall, and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the BOARD (council, board or commission - select appropriate designation).

Section 7. Within 30 days of the filing of the application, the BOARD (board, council, commission - select appropriate designation) shall issue, set conditions prerequisite to the issuance of, or deny, a license. The BOARD (council, board, commission - select appropriate designation) may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

Section 8. A license may be denied if:

- 1. The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,

2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 9. A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

Section 10. In processing an application the BOARD (council, board, commission - select appropriate designation) shall, at a minimum, require the following:

a. Security Personnel. The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the chief law enforcement officer for the TOWNSHIP (city, village, township, or county - select appropriate designation) in cooperation with the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

b. Water Facilities. The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto,

and in accordance with any other applicable state or local law, or from a source and delivered and stored in a manner approved by the COUNTY (City, village, township or county - select appropriate designation) health officer.

c. Restroom Facilities. The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the COUNTY (city, village, township or county - select appropriate designation) health officer may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains	1:500	
Taps or Faucets	1:500	

Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the COUNTY (city, village, township or county - select appropriate designation) health officer.

d. Food Service. If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

e. Medical Facilities. If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as proscribed by the COUNTY (city, village, township, county - select appropriate designation) health officer.

f. Liquid Waste Disposal. The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the COUNTY (city, village, township, county - select appropriate designation) health officer. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste

retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the COUNTY (city, village, township, county - select appropriate designation) health officer with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

g. Solid Waste Disposal. The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the COUNTY (city, village, township, county - select appropriate designation) health officer with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

- h. Public Bathing Beaches. The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- i. Public Swimming Pools. The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- j. Access and Traffic Control. The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.
- k. Parking. The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants.
- l. Camping and Trailer Parking. A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law. While

Act 171 does not become effective until January 1, 1971, for purposes of this ordinance, its provisions shall be effective and applicable upon the adoption of said ordinance.

m. Illumination. The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the _____ (applicable official).

n. Insurance. Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than (\$100,000/\$300,000 - select appropriate figure) and property damage insurance with a limit of not less than (\$25,000 - select appropriate figure) from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of MARTIN (~~city, village, township, etc.~~ - select appropriate designation) in writing at least 10 days before the expiration or cancellation of said insurance.

o. Bonding. Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of (\$10,000, \$50,000, \$100,000, or select appropriate figure) in a form to be approved by the TOWNSHIP (City, village, township, county - select appropriate designation) attorney, conditioned upon the licensee's faithful compliance with all of the terms and

provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the TOWNSHIP (city, village, township - select appropriate designation), its agents, officers, and employees and the BOARD (council, board, or commission - select appropriate designation) against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

p. Fire Protection. The licensee shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.

q. Fencing. The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

r. Communications. The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

s. Miscellaneous. Prior to the issuance of a license, the BOARD (council, board, or commission - select appropriate designation) may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the TOWNSHIP (city, village, township - select appropriate designation).

Section 11. Revocation. The BOARD (council, board or commission - select appropriate designation) may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all

provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

Section 12. Violations. It shall be unlawful for a licensee, his employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoicable in the circuit courts, and, is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or by both such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

Section 13. Severability. If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court,

such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

Section 14. Effective Date. This ordinance shall be effective from and after APRIL 14 . 1971 .

Insert on Page 1 at top of page:

An ordinance to license, regulate and control, in the interest of the public health, safety and welfare, outdoor gatherings of persons in excess of ~~5,000~~ ^{3,000} in number, to provide penalties for violations thereof and to repeal all ordinances or parts of ordinances inconsistent therewith.

The ~~city~~, township or ~~village~~ of MARTIN ordains:

Insert on Page 11, as "q", and then reletter successive sections:

Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of MARTIN ILL

Insert on Page 13, after "effective date", the following:

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

20.300

OUTDOOR ASSEMBLY ORDINANCE
SCHOOLCRAFT TOWNSHIP, MICHIGAN
ord. no. 25(1) eff. Oct. 12, 1970

An Ordinance to require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the Township.

THE TOWNSHIP OF SCHOOLCRAFT, KALAMAZOO COUNTY, MICHIGAN, ORDAINS:

20.301

Sec. 1.1 TITLE.

This Ordinance shall be known as the Township Outdoor Assembly Ordinance.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.302

Sec. 1.2 PURPOSE.

The purpose of this Ordinance is to require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the Township.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.303

Sec. 1.3 AUTHORITY.

This Ordinance is enacted pursuant to the authority of Act 246 of Public Acts of 1945 as amended, which authorizes the township board to adopt ordinances, to secure the public health, safety and general welfare.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.304

Sec. 2. DEFINITIONS.

- a. "Outdoor Assembly", hereinafter referred to as "assembly", means any event attended by more than 1,000 attendees, all

or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals, kite flites, or similar gatherings, but does not mean:

1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
 2. An event held entirely within the confines of a permanently enclosed and covered structure.
- b. "Person" means any natural person, partnership, corporation, association or organization.
- c. "Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.
- d. "Attendee" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
- e. "Licensee" means any person to whom a license is issued pursuant to this Ordinance.
(ord. no. 25(1) eff. Oct. 12, 1970; amend. by ord. no. 81 eff. July 19, 1981)

20.305 Sec. 3. LICENSE REQUIRED.

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

(ord. no. 25(1) eff. Oct. 12, 1970)

20.306 Sec. 4. APPLICATION FOR LICENSE; REQUIRED INFORMATION; FEE.

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the Township and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$100.00 and shall include at least the following:

- a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00).
- b. A statement of the kind, character, and type of proposed assembly.
- c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- d. The date or dates and hours during which the proposed assembly is to be conducted.
- e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.307 Sec. 5. APPLICATION FOR LICENSE; ACCOMPANYING MATERIAL.

Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. Medical facilities and services including emergency vehicles and equipment.
- e. Vehicle access and parking facilities.
- f. Camping and trailer facilities.
- g. Illumination facilities.
- h. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.308 Sec. 6. APPLICATION; REVIEW.

On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the Township and the state fire marshal, and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the township board.

(ord. no. 25(1) eff. Oct. 12, 1970)

20.309 Sec. 7. TIME LIMIT FOR ACTING ON APPLICATION.

Within 30 days of filing of the application, the township board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The township board may require that adequate security or

insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.310 Sec. 8. DENIAL OF LICENSE.

A license may be denied if:

1. The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.311 Sec. 9. LICENSE TO BE POSTED; INFORMATION THEREON.

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.312 Sec. 10. MINIMUM CONDITIONS TO BE MET BY LICENSEE.

In processing an application the township board shall, as a minimum, require the following:

- a. **SECURITY PERSONNEL.** The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for

the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the township board in cooperation with the county sheriff and the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

- b. **WATER FACILITIES.** The licensee shall provide potable water, sufficient in quantity and pressure to ensure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto, and in a manner approved by the Kalamazoo County Health Department.
- c. **RESTROOM FACILITIES.** The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the township board may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1979, and the rules and regulations adopted pursuant thereto, and in a manner approved by the Kalamazoo County Health Department.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Taps or Faucets		1:500

Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the Kalamazoo County Health Department.

- d. **FOOD SERVICE.** If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.

- e. **MEDICAL FACILITIES.** If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the township board.

- f. **LIQUID WASTE DISPOSAL.** The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Kalamazoo County Health Department. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the township board with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

- g. **SOLID WASTE DISPOSAL.** The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the township board with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

- h. **PUBLIC BATHING BEACHES.** The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- i. **PUBLIC SWIMMING POOLS.** The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- j. **ACCESS AND TRAFFIC CONTROL.** The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

- k. **PARKING.** The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants.
- l. **CAMPING AND TRAILER PARKING.** A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.
- m. **ILLUMINATION.** The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township board.
- n. **INSURANCE.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of the Township in writing at least 10 days before the expiration or cancellation of said insurance.
- o. **BONDING.** Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$50,000 in a form to be approved by the township board which shall indemnify the Township, its agents, officers, and employees and the township board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

- p. **FIRE PROTECTION.** The licensee shall, at his own expense, take adequate steps as determined by the state fire marshall, to insure fire protection.
- q. **NOISE CONTROL.** Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township.
- r. **FENCING.** The licensee shall erect a fence completely enclosing the site, of sufficient height and strength so will preclude persons in excess of the maximum permissible attendants from gaining access and which all have sufficient gates properly located so as to provide ready and safe ingress and egress.
- s. **COMMUNICATIONS.** The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.
- t. **MISCELLANEOUS.** Prior to the issuance of a license, the township board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.313 Sec. 11. REVOCATION OF LICENSE.

The township board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.
(ord. no. 25(1) eff. Oct. 12, 1970)

20.314 Sec. 12. VIOLATIONS.

It shall be unlawful for a licensee, his employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the circuit courts, and, is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or by both such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

(ord. no. 25(1) eff. Oct. 12, 1970)

28.315 Sec. 13. SEVERABILITY.

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be unoperable, and to this end this Ordinance is declared to be severable.

(ord. no. 25(1) eff. Oct. 12, 1970)

10.316 Sec. 14. EFFECTIVE DATE; REPEAL.

This Ordinance shall be effective from and after October 12, 1970.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Adopted: September 8, 1970

Published: September 10, 1970

ORDINANCE #5
BUILDING CODE ORDINANCE
EFFECTIVE: DECEMBER 18, 1974

AN ORDINANCE TO ADOPT THE MICHIGAN MECHANICAL CODE AND TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF MARTIN UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT 230 OF P.A. 1972.

THE TOWNSHIP OF MARTIN ORDAINS

Section 1. Responsibility assumed

The Township of Martin hereby assumes responsibility for the administration of the State of Michigan Mechanical Code in accordance with Act 230 of 1972 as amended.

Section 2. Enforcing agency

Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Township of Martin hereby assumes responsibility for the administration and enforcement of said act throughout its Township boundaries.

Section 3. Construction Code.

The Township of Martin hereby adopts by reference the current year Mechanical Code.

The following chapter and section numbers refer to like numbers of the Mechanical Code

- A. Section 114.2 and 114.3 are hereby deleted in their entirety and the following Section submitted therefore:

M-114.2 FEES. The fee structure for charges under these codes is set by resolution of Martin Township Board.

- B. Section M-117.3 is hereby amended to read in its entirety as follows.

M-117.3 Prosecution: If the notice of violation is not complied with promptly, the Director of inspections shall request the legal Council of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

- C. Section M-117.4 is hereby amended to read in its entirety:

Section M-117.4 PENALTIES. Any person who shall violate a provision

of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair any Mechanical Appliance or system in violation of any approved plan or directive of the Director of Inspections, or of a permit or certificate issued under provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment. Each day that a violation continues shall be deemed a separate offense

Section 4. REPEAL

All other ordinances and portions of other ordinances of the Township of Martin inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. EFFECTIVE DATE

Pursuant to Section S (1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this ordinance shall take effect in ninety (90) days after adoption of this Ordinance and ninety (90) days after a certified copy of this ordinance is filed with the State Construction Code Commission

Section 6. SEVERABILITY

Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

AN ORDINANCE TO ADOPT THE MICHIGAN MECHANICAL CODE AND TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF MARTIN UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT 230 OF P.A. 197 1972.

THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Responsibility assumed.

The Township of Martin hereby assumes responsibility for the administration of the State of Michigan Mechanical Code in accordance with Act 230 of 1972 as amended.

Section 2. Enforcing agency.

Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Township of Martin hereby assumes responsibility for the administration and enforcement of said act throughout it's Township boundaries.

Section 3. Construction Code.

The Township of Martin hereby adopts by reference the current year Mechanical Code.

The following chapter and section numbers refer to like numbers of the Mechanical Code.

A. Section 114.2 and 114.3 are hereby deleted in their entirety and the following Section submitted therefore:

M-114.2 FEES The fee structure for charges under these codes is set by resolution of Martin Township Board.

B. Section M-117.3 is hereby amended to read in its entirety as follows:

M-117.3 Prosecution: If the notice of violation is not complied with promptly, the Director of inspections shall request the legal Council of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

C. Section M-117.4 is hereby amended to read in it's entirety:

Section M-117.4 PENALTIES: Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair any Mechanical Appliance or system in violation of any approved plan or directive of the Director

of Inspections, or of a permit or certificate issued under provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 4. REPEAL .

All other ordinances and portions of other ordinances of the Township of Martin inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. EFFECTIVE DATE .

Pursuant to Section 8 (1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this ordinance shall take effect in ninety (90) days after adoption of this Ordinance and ninety (90) days after a certified copy of this ordinance is filed with the State Construction Code Commission.

Section 6. SEVERABILITY.

Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ORDINANCE #6
PLUMBING CODE ORDINANCE
EFFECTIVE: APRIL 16, 1975

AN ORDINANCE TO ADOPT THE MICHIGAN PLUMBING CODE AND TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE Township of Martin under the provisions of the state construction code act 230 OF P. A. 1972.

THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Responsibility assumed.

The Township of Martin hereby assumes responsibility for the administration of the State of Michigan Plumbing Code in accordance with Act 230 of 1972 as amended.

Section 2. Enforcing Agency.

Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 or the Public Acts of 1972, as amended, State of Michigan. The Township of Martin hereby assumes responsibility for the administration and enforcement of said act throughout it's boundaries.

Section 3. Construction Code.

The Township of Martin here adopts by reference the current year State Plumbing Code.

A. Section 114.2 and 114.3 are hereby deleted in their entirety and the following Section substituted therefore.

P114.2 FEES: The fee structure for charges under these codes is set by The Township of Martin by resolution

B. Section P-117.3 PROSECUTION: If the notice of a violation is not complied with promptly, the Director of Inspections shall request the legal Council of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto

C. Section P-117.3 is hereby amended to read in its entirety:

Section P-117.4 PENALTIES. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair any Plumbing Appliance or system in violation of any approved plan or directive of the Director of Inspections, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 4. REPEAL.

All other ordinances and portions of other ordinances of the Township of Martin inconsistent with the provisions of this ordinance are hereby repealed

Section 5 EFFECTIVE DATE.

Pursuant to Section 8 (1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this ordinance shall take effect ninety (90) days after adoption of this Ordinance and ninety (90) days after a certified copy of this ordinance is filed with the State Construction Code Commission

Section 6. Severability.

Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

AN ORDINANCE TO ADOPT THE MICHIGAN PLUMBING CODE AND TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE Township of Martin under the provisions of the state construction code act 230 OF P.A. 1972.

THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Responsibility assumed.

The Township of Martin hereby assumes responsibility for the administration of the State of Michigan Plumbing Code in accordance with Act 230 of 1972 as amended.

Section 2. Enforcing Agency.

Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 or the Public Acts of 1972, as amended, State of Michigan. The Township of Martin hereby assumes responsibility for the administration and enforcement of said act throughout it's boundaries.

Section 3. Construction Code.

The Township of Martin here adopts by reference the current year State Plumbing Code.

A. Section 114.2 and 114.3 are hereby deleted in their entirety and the following Section substituted therefore:

P114.2 FEES: The fee structure for charges under these codes is set by The Township of Martin by resolution.

B. Section P-117.3 PROSECUTION: If the notice of a violation is not complied with promptly, the Director of Inspections shall request the legal Council of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of athis Code or of the order or direction made pursuant therto.

C. Section P-117.3 is hereby amended to read in its entirety:

Section P-117.4 PENALTIES: Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair any Plumbing Appliance or system in violation of any approved plan or directive of the Director of Inspections, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 4. REPEAL.

All other ordinances and portions of other ordinances of the Township of Martin inconsistent with the provisions of this ordinance are hereby repealed.

Section 5 EFFECTIVE DATE.

Pursuant to Section 8 (1) of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, this ordinance shall take effect ninety (90) days after adoption of this Ordinance and ninety (90) days after a certified copy of this ordinance is filed with the State Construction Code Commission.

Section 6. Severability.

Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ORDINANCE #7
ELECTRICAL CODE ORDINANCE
EFFECTIVE: NOVEMBER 16, 1975
DECEMBER 22, 1977
AMENDED: NOVEMBER 14, 1981

AN ORDINANCE TO ADOPT THE MICHIGAN ELECTRICAL CODE AND TO DESIGNATE
AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF
MARTIN UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT 230 OF P A
1972

MARTIN TOWNSHIP ORDAINS:

Section 1 Responsibility assumed

The Township of Martin hereby assumes responsibility for the administration of the State of Michigan
Electrical Code in accordance with Act 230 of 1972, as amended

Section 2 Enforcing Agency

Pursuant to the provisions of the Michigan Electrical Code, in accordance with Act 230 of the Public Acts of
1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing
agency to discharge the responsibilities of the Township of Martin under Act 230 of the Public Acts of 1972,
as amended, State of Michigan. The Township of Martin hereby assumes responsibility for the administra-
tion and enforcement of said act throughout it's limits.

Section 3. Construction Code:

The Township of Martin hereby adopts by reference the current year State Electrical Code.

The following chapter, sections and subsections are added as indicated

A. FEES: The fee structure for charges under these codes is set by the Township of Martin by resolution.

PROSECUTION: If the notice of violation is not complied with promptly, the Director of

Inspections shall request the Legal Counsel of the jurisdiction to institute the appropriate proceedings
at law or in equity to restrain, correct or abate such violation or to require the removal or termination
of the unlawful use of the building or structure in violation of the provisions of this Code or of the
order of direction made pursuant thereto.

PENAL TIES: Any person who shall violate a provision of this Code or shall fail to comply
with any of the requirements thereof or who erect, construct, alter or repair any Electrical Appliances
or system in violation of any approved plan or directive of the Director of Inspections, or of a permit
or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable
by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment. Each day that a
violation continues shall be deemed a separate offense.

Section 4 Repeal:

All other ordinances and portions of other ordinances of the Township of Martin inconsistent with the
provisions of this ordinance are hereby repealed.

Section 5. Effective Date:

Pursuant to Section 8 (1) of the State Construction Code Act, Act No.230 of the Public Acts of 1972, as
amended, this ordinance shall take effect ninety (90) days after adoption of this Ordinance and ninety (90)
days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

Section 5 Severability:

Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of the
Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or
any part thereof other than the part so declared to be invalid.

**Martin Township Clerk
Martin, Michigan 49070**

October 16, 1981

James A. Forrest
Building Ins. , Mi. Dep't. Labor
P.O. Box 89
Macatawa, Mi. 49344

Dear Sir

The following is a true and exact copy of a motion made at our regular Township Board Meeting of Oct. 14, 1981.

"Motion made by Sipple, supported by Feuner, to amend ordinance #7 of Martin Township adopted November 16, 1977 as follows:

"Martin Township will comply with 1981 Edition of National Electrical Code."

Motion Carried

LaVerne Young
Clerk

**Martin Township Clerk
Martin, Michigan 49070**

October 16, 1981

Wayland Globe:

Dear sirs:

Please publish one time the following

Residents of Martin Township

On October 14, 1981 Martin Township Board amended Ordinance #7, adopted Nov. 16, 1977 as follows "Martin Township will comply with 1981 Edition of National Electrical Code."

Laverne Young
Martin Twp Clerk

Please make it as small as possible and still be legible, would send me a tear sheet? Thank you

Martin Township Clerk
Martin, Michigan 49070

February 19, 1979

Allegan County Health Dept.
2333 33rd Street
Allegan, Michigan

Dear sirs

The following is a motion made at a regular Martin Township Board Meeting held January 10th, 1979:

Motion by Kraai, supported by Sipple, to give the County authority to do plumbing inspection under State Plumbing Code. Motion Carried

LaVerne Young
Martin Twp. Clerk

STATE OF MICHIGAN

BUREAU OF CONSTRUCTION CODES
STATE SECONDARY COMPLEX
7150 HARRIS DR., P.O. BOX 30015
LANSING, MICHIGAN 48909
517022-1701

WILLIAM G. MILLIKEN, Governor
DEPARTMENT OF LABOR
William Long, Acting Director

March 17, 1981

TO: The Clerks of Governmental Subdivisions

FROM: Bill B. Moyer, Executive Director 4-28 - Bureau of Construction Codes

SUBJECT: REGISTERED NOTICE OF INTENT TO CONTINUE CONSTRUCTION
CODE OPERATIONS

IMPORTANT

On January 9, 1981, a "Notice of Intent to Continue Construction Code Operations" was sent to the chief elected official of your governmental subdivision. To date, no response has been received.

The attached Registered Notice of Intent Form is transmitted in accordance with the requirements of Section 8(2) and 9(4) of Act No 230, of the Public Acts of 1972, as amended by Act No 371 of 1980. These sections require that this Second Notice of Intent Form be submitted to the clerks of all governmental subdivisions administering and enforcing either a nationally recognized model code or the State Construction Code that did not submit a Notice of Intent to Continue Construction Code Operations. The purpose of this Second Notice of Intent is to allow those governmental subdivisions 15 additional days to indicate their intent.

The clerk of each governmental subdivision receiving this Registered Notice of Intent is to submit this Registered Notice to the chief elected official of that governmental subdivision. The chief elected official is to indicate on this Second Notice the intention of the governmental subdivision as to whether or not it shall continue to administer and enforce its code or codes and transmit this Second Notice to the executive director of the Bureau of Construction Codes not later than April 6, 1981.

If the governmental subdivision does not respond to this Second Notice by the end of the 15 additional days, it will be conclusively presumed that the governmental subdivision does not intend to continue to administer and enforce its code or codes. The executive director of the Bureau of Construction Codes will then assume the responsibility for administering and enforcing the act and the code within the governmental subdivision, unless the county within which the unit of government is located has submitted a Notice of Intent to continue to administer the act and the code. In that case, the county will be responsible for code enforcement.

INSTRUCTIONS FOR COMPLETION OF FORM

It is requested that the form either be typed or printed.

1. If there has been a change of clerks we would request that the individual receiving this Registered Notice transmit it to the clerk.
2. The NAME of the unit of government and the COUNTY in which it is located should be inserted on the spaces provided.

3. The name of the person who administers the construction code program should be provided as the Contact Person. The name inserted here will be the person the bureau would contact when questions or problems arise.
4. The answers to the remainder of the form will indicate if you intend to continue to administer and enforce the specific code listed. For example, if it is your intent to continue to enforce any of the codes, this would be indicated by answering "yes" to the appropriate question.

Your intent should be indicated for each code category. If your answer is "yes", provide the other information requested under the question.

(The information requested on ordinances will not apply to county government. If there is a resolution on file, or other official notice of county action regarding code enforcement, this may be inserted.)

5. The completed form must bear the signature of the chief elected official of the unit of government. The chief elected official, as defined by the act, means the chairperson of the county commissioners, the mayor of a city, the president of a village, or the supervisor of a township.

Units of government are encouraged to maintain enforcement services at the local level. The amended construction code act has expanded the options available to local government in regard to code adoption, joint enforcement, and the transfer of enforcement responsibilities. The decisions you make at this time does not preclude you from electing other options in the future.

The intent of the original construction code act was to provide uniform code administration, and enforcement throughout the state at the local level. Under PA 230, counties ~ the primary responsibility for code enforcement (governmental units within the county could assume enforcement responsibility for their locality). Many counties and their subdivisions were unable to provide code administration and enforcement. Therefore, in many areas of the state, the public was not receiving the protection provided by construction codes and their effective enforcement.

On December 30, 1980, Governor Milliken signed Act No. 171. This act amends the construction code act by placing the ultimate responsibility for code enforcement on the state but still insures that local governmental units wishing to conduct code enforcement can continue that practice. This means that the state can provide enforcement services where localities are unable to do so.

Please do not hesitate to contact the bureau if you have any questions or need any assistance. (517/322-1701). Copies of the amendatory legislation will be sent upon request.

BBM sl

Attachment: Registered Notice of Intent Form

AN ORDINANCE TO ADOPT THE MICHIGAN ELECTRICAL CODE AND TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE TOWNSHIP OF MARTIN UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT 230 of P.A. 1972.

MARTIN TOWNSHIP ORDAINS:

Section 1. Responsibility assumed.

The Township of Martin hereby assumes responsibility for the administration of the State of Michigan Electrical Code in accordance with Act 230 of 1972, as amended.

Section 2. Enforcing Agency.

Pursuant to the provisions of the Michigan Electrical Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Township of Martin hereby assumes responsibility for the administration and enforcement of said act throughout it's limits.

Section 3. Construction Code.

The Township of Martin hereby adopts by reference the current year State Electrical Code.

The following chapter, sections and subsections are added as indicated.

A. FEES: The fee structure for charges under these codes is set by the Township of Martin by resolution.

PROSECUTION: If the notice of violation is not complied with promptly, the Director of Inspections shall request the legal Council of the jurisdiction to institute the appropriate proceedings at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or of the order of direction made pursuant thereto.

PENALTIES: Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who erect, construct, alter or repair any Electrical Appliance or system in violation of any approved plan or directive of the Director of Inspections, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 4. Repeal.

All other ordinances and portions of other ordinances of the Township of Martin inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date.

Pursuant to Section 8 (1) of the State Construction Code Act, Act No.

Section 5, Conc.

230 of the Public Acts of 1972, as amended, this ordinance shall take effect ninety (90) days after adoption of this Ordinance and ninety (90) days after a certified copy of this Ordinance is filed with the State Construction Code Commission.

Section 5 Severability.

Sections of this Ordinance shall be deemed severable and should any Section, clause or provision of the Ordinance be declared to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.



MICHIGAN DEPARTMENT OF LABOR
BUREAU OF CONSTRUCTION CODES

JAMES A. FORREST
BUILDING INSPECTOR
P. O. BOX 89
NATAWAWA, MI 49408



STATE SECONDARY COMPLEX
2100 HARRIS DRIVE, BOX 30014
LANSING, MICHIGAN 48909
PHONE (313) 377-1703

Martin Township Clerk
Martin, Michigan 49070

October 16, 1981

James A. Forrest
Building Ins. , Mi. Dep't. Labor
P.O. Box 89
Macatawa, Mi. 49434

Dear Sirs

The following is a true and exact copy of a motion made
at our regular Township Board Meeting of Oct. 14, 1981.

"Motion by Sipple, supported by Penner, to amend ordinance
7 of Martin Township adopted November 16, 1977 as
follows: Township
"Martin will comply with 1981 Edition of National
Electrical Code."

Motion carried

Laverne Young
Laverne Young
Clerk

*x sent original not
on 10/17/81.
Returned Nov 13, 81
as unclaimed
Mailed same
copy to [initials]
on 11-14-81*

Martin Township Clerk
Martin, Michigan 49070

October 16, 1981

Wayland Globe:

Dear Sirs:

Please publish one time the followings:

RESIDENTS OF MARTIN TOWNSHIP

On October 14, 1981 Martin Township Board
amended Ordinance # 7, adopted Nov. 16, 1977
as follows " Martin Township will comply with
1981 Edition of National Electrical Code."

Laverne Young
Martin Twp. Clerk

Please make it as small as possible and still be legible,
would send me a tear sheet? Thank you

Martin Township Clerk

Martin, Michigan 49070

March 24, 1980

Dear Mr. [Name]:

Re: [Subject]

At the regular Board Meeting of March 12, 1980

the following motion was adopted:

Motion by [Name], supported by [Name], that
Martin Township will administer and enforce the Michigan Mechanical Code (under
Construction Code Act 30 of Public Act
of 1978 as amended)

Sincerely,
[Signature]
Lorraine Young
Martin Twp. Clerk

MICHIGAN MECHANICAL CODE

The Michigan Mechanical Code is one of the major components of the rules promulgated under the Construction Code Act, Act 230, PA 1972, as amended.

Under Act 230, Section 9(1), counties are responsible for the administration and enforcement of this act and code throughout the county. A city, village or township may by ordinance assume responsibility for administration and enforcement. The specific options for a city, village or township are explained further under the heading of "Options".

The Mechanical Code Rules are of prime concern to the construction official or to the county or municipal officer charged with the responsibility for arranging for appropriate enforcement. Design firms and contractors also have a responsibility for code compliance.

The rules for the Michigan Mechanical Code were filed with the Secretary of State on October 5, 1979. The Michigan Mechanical Code was developed under the authority granted to the Construction Code Commission under Act 230 of the Public Acts of 1972, as amended, and was promulgated in accordance with the Michigan Administrative Procedures Act of 1969, as amended. The rules become effective on April 5, 1980.

The Michigan Mechanical Code consists of the BOCA Basic Mechanical Code, 1978 edition, except sections M-109.3, M-110.6.1, M-114.2, M-114.3, M-121.0, M-122.0, M-122.1, M-122.2, M-122.2.1, M-122.2.2, M-122.2.3, M-122.2.4, M-122.2.5, M-122.3, M-122.4, M-122.4.1, M-122.4.2, M-122.4.3, M-122.5, M-122.5.1, M-122.5.2, M-122.5.3, M-122.5.4, and M-122.6; the definition of fire department in section M-201.0; M-300.12, M-301.3.3, M-301.3.4, table M-301.4, M-301.5.1, M-302.7.3, table M-303, M-303 to M-303.2, M-307.5.1, M-311.2.1, M-311.3.1, M-312.2.1, M-312.2.2, M-316.6.2, M-316.6.3, M-317.11, M-317.11.1, M-317.11.2, M-317.11.2.1, M-317.11.2.2, table M-317.11, M-317.11.3, M-317.11.4, M-318.1, M-320.1 to M-320.2.2, M-321.2 to M-322.1, M-323.4.4, M-324.2.2, M-324.3.1 to M-324.3.5, M-326.1.4, M-327.3, M-400.10, M-405.1.1, M-405.1.2, M-405.5, M-405.5.1, M-405.5.2, M-406.2, M-406.3, M-407.2 to M-407.2.3, M-409.8, M-409.12.5, M-409.12.6, M-410.4.3, M-419.0 to M-419.5, M-420.6.2 to M-422.1, M-423.1 to M-423.3, M-500.2 to M-503.1, M-601.1.3, M-601.1.7, figure M-602.7, M-603.1.1 to M-603.1.7, tables M-603.1 and M-603.1.1, M-605.2, M-609.4, M-609.9, M-613.2, M-623.2, M-624.14, M-624.15.2, M-624.17, M-624.18, M-624.21, M-624.23, M-624.23.1, M-624.24.2, M-624.24.3, M-624.27, M-625.4, M-625.7.1, M-702.10, M-902.3.1, M-1101.0 to M-1122.1 which have been deleted and which includes amendments to M-100.1 to M-100.3, M-101.4, M-103.1, M-108.4.1, M-110.6, M-111.1, M-111.1.1, M-114.1, M-115.1, M-117.1, M-117.4, M-118.1, M-118.2, M-201.0, M-300.1, M-300.4, M-300.8, M-300.9, M-300.13.1, M-300.13.5, M-300.14, M-301.3.1, M-301.4 to M-301.4.2, M-301.10.2, M-301.11, M-301.12.1, M-301.12.4, M-301.12.6, M-301.13.2, M-301.14, M-302.2.3 to M-302.2.5, M-302.3, M-302.5, M-302.7.1, M-302.7.4, M-304.0, M-305.0, M-305.1, M-305.2.2, M-305.3.3, M-306.1, M-306.2.3, M-307.0 to M-307.3, M-307.5.2, M-308.1, M-310.2 to M-310.4, M-311.0 to M-311.1.2, M-311.2.2, M-311.3.4, M-312.0 to M-312.2, M-312.3 to M-312.3.3, M-313.2, M-313.7.1, M-314.3, M-315.1, M-315.1.1, M-315.4, M-316.1 to M-316.6.1, M-316.7, M-317.1 to M-317.10.7, and tables M-317.2 to M-317.4, M-317.6 to M-317.10, M-319.1, M-320.0, M-321.1, M-323.1, M-323.2.1, M-323.2.3, M-323.3.1, M-323.3.4, M-323.4.1, M-323.4.3, M-324.2.3, M-324.2.6, M-324.3, M-324.4, M-326.1.2, M-326.2, M-327.1.1, M-327.2,

M-327.5, M-400.1 to M-400.3, M-400.13, M-401.1, M-403.1, M-405.2, M-405.7, M-407.1, M-408.1, M-408.1.1, M-409.5, M-409.9, M-409.12.2, M-410.2, M-412.1, M-413.3, M-415.3, M-423.4, M-500.1, M-601.0, M-601.2.4, M-601.2.6, M-601.2.7, M-602.1, M-602.5, M-602.7.1, M-603.1, M-603.2, M-603.2.4, M-604.1, M-604.2, M-605.1, M-605.3, M-608.0 to M-608.7, M-609.2, M-609.5, M-609.5.1, M-609.7, M-609.8, M-610.5, M-612.5, M-613.0, M-613.1, M-613.3, M-613.3.1, M-614.1, M-615.1, M-622.0 to M-622.2, M-624.4, M-624.5, M-624.7.1, M-624.9.3, M-624.10.1 to M-624.10.4, M-624.11.1 to M-624.11.4, M-624.12.1, M-624.12.4, M-624.12.6 to M-624.12.9, M-624.13.2, M-624.15.1, M-624.15.3, M-624.24.1, M-624.25.1.1, M-624.25.2, M-624.26.1, M-624.26.2, M-624.28, M-625.1, M-625.3, M-625.3.1, M-625.3.3, M-625.7, M-625.8 to M-625.10, M-700.4.2, M-700.9, M-706.0, M-706.1, M-716.1.3, M-717.2.3, M-810.3.1, M-812.3.2, M-900.3, M-902.1.8, M-902.3.3, M-902.3.4, M-905.14, M-1000.1, M-1015.1, M-1100.1 and further includes additions being: R 408.30909 (M-108.4.4) and (M-108.4.5), R 408.30911 (M-111.4.1), R 408.30913 (M-115.1.1.1), R 408.30916 (M-201.0), R 408.30917 (M-300.5.1), (M-300.13.10), and (M-300.16), R 408.30918 (M-301.1.1), R 408.30919 (M-302.2.8.1), R 408.30923 (M-307.3.1), R 408.30924 (M-308.1.1), R 408.30927 (M-312.1.1), (M-312.3.4) and (M-312.4), R 408.30932 table (M-317.5), R 408.30939 (M-327.6), R 408.30940 (M-400.1.1), R 408.30942 (M-403.3), R 408.30946 (M-409.5.1), R 408.30954 (M-601.2.6.1) and (M-601.2.6.2), R 408.30955 (M-602.8), R 408.30956 tables (M-603.2.1 to M-603.2.8), R 408.30959 (M-608.1.1), (M-608.2.1), (M-608.2.2), (M-608.2.3), (M-608.2.4), (M-608.2.5), (M-608.2.5.1), (M-608.2.6), (M-608.2.7), (M-608.4.1), (M-608.4.2), (M-608.4.3), (M-608.4.4), (M-608.6.1), (M-608.6.2), (M-608.7.1 to M-608.7.4.4), tables (M-608.2.1), (M-608.2.2), R 408.30962 (M-608.8 to M-608.8.17), tables (M-608.8.3) and (M-608.8.6), and figures (M-608.8.4) and (M-608.8.5), R 408.30964 (M-609.2.1), (M-609.2.2), table (M-609.2.2), R 408.30966 (M-612.5.1 to M-612.5.3), tables (M-612.5.1) and (M-612.5.2), R 408.30971 (M-621.5 to M-621.7), table (M-621.7), R 408.30974 (M-624.4.1 to M-624.4.1.2), (M-624.6.3), (M-624.13.4), (M-624.13.5), table (M-624.10.3), R 408.30986 (M-717.2.3.1), R 408.30988 (M-810.12.6), R 408.30993 (M-905.16), R 408.30997 (Appendix A), and R 408.30998 (Appendix B).

Options

During this six-month period before April 5, 1980, a city, village or township has the following options:

Option 1: A municipality may pass a local ordinance to administer and enforce the Michigan Mechanical Code in its area.

Option 2: A municipality may elect not to administer and enforce the Michigan Mechanical Code. The county would then be responsible for the administration and enforcement of the Michigan Mechanical Code in that municipality.

Option 3: A municipality may pass a local ordinance to administer and enforce another nationally recognized model mechanical code without amendment.

However, a city, village or township adopting nationally recognized model codes may approve amendments to those codes by ordinance. ANY LOCAL AMENDMENT SHOULD BE INCORPORATED IN A SEPARATE ORDINANCE AND MUST BE SENT TO THE CONSTRUCTION CODE COMMISSION BY CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED. Such amendments are subject to review by the Construction Code Commission within 120 days after delivery to the Commission. [See Act 230, Public Acts of 1972, as amended, Section 8(3).]

To enable the Bureau of Construction Codes to provide information and assistance to counties and to those governmental units electing to administer and enforce a

mechanical code locality, the following information must be furnished to the Bureau of Construction Codes:

- Names, addresses and qualifications of the members of the Board of Appeals.
- Name, address and telephone number of person designated as the Mechanical Inspector.

Copies of local ordinances to administer and enforce the State Mechanical Code, or another nationally recognized model mechanical code without amendments, should be forwarded to the Bureau of Construction Codes, Mechanical Division. As noted above, any local amendment to a nationally recognized model mechanical code should be incorporated in a separate ordinance and must be sent to the Construction Code Commission by certified mail with return receipt requested.

For additional information or copies of the rules or the act, please call the Bureau of Construction Codes, Mechanical Division at 517/322-1798 or the Bureau Director's Office at 517/322-1701. Or you may address written requests to the Michigan Department of Labor, Bureau of Construction Codes, 7150 Harris Drive, P.O. Box 30015, Lansing, Michigan 48909.

Martin Township Clerk

Martin, Michigan 49070

February 19, 1979

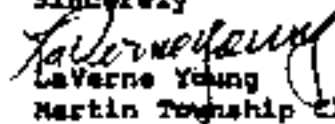
Allegan County Health Dep't.
2233-33rd Street
Allegan, Michigan

Dear Sirs:

The following is a motion made at a regular Martin Township Board meeting held January 10, 1979:

Motion by Kraai, supported by Sipple, to give County authority to do plumbing inspection under State Plumbing Code. motion carried

Sincerely


Laverne Young
Martin Township Clerk

INSTRUCTIONS FOR COMPLETION OF FORM

It is requested that the form either be typed or printed.

1. If there has been a change of clerks we would request that the individual receiving this Registered Notice transmit it to the clerk.
2. The NAME of the unit of government and the COUNTY in which it is located should be inserted on the spaces provided.
3. The name of the person who administers the construction code program should be provided as the Contact Person. The name inserted here will be the person the bureau would contact when questions or problems arise.
4. The answers to the remainder of the form will indicate if you intend to continue to administer and enforce the specific code listed. For example, if it is your intent to continue to enforce any of the codes, this would be indicated by answering "yes" to the appropriate question.

Your intent should be indicated for each code category. If your answer is "yes", provide the other information requested under the question.

(The information requested on ordinances will not apply to county government. If there is a resolution on file, or other official notice of county action regarding code enforcement, this may be inserted.)

5. The completed form must bear the signature of the chief elected official of the unit of government. The chief elected official, as defined by the act, means the chairperson of the county commissioners, the mayor of a city, the president of a village, or the supervisor of a township.

Units of government are encouraged to maintain enforcement services at the local level. The amended construction code act has expanded the options available to local government in regard to code adoption, joint enforcement, and the transfer of enforcement responsibilities. The decision you make at this time does not preclude you from electing other options in the future.

The intent of the original construction code act was to provide uniform code administration and enforcement throughout the state at the local level. Under PA 230, counties had the primary responsibility for code enforcement (governmental units within the county could assume enforcement responsibility for their locality). Many counties and their subdivisions were unable to provide code administration and enforcement. Therefore, in many areas of the state, the public was not receiving the protection provided by construction codes and their effective enforcement.

On December 30, 1980, Governor Milliken signed Act No. 371. This act amends the construction code act by placing the ultimate responsibility for code enforcement on the state but still insures that local governmental units wishing to conduct code enforcement can continue that practice. This means that the state can provide enforcement services where localities are unable to do so.

Please do not hesitate to contact the bureau if you have any questions or need any assistance. (517/322-1781). Copies of the amendatory legislation will be sent upon request.

BBM:sl

Attachment: Registered Notice of Intent Form

Handwritten initials

BUREAU OF CONSTRUCTION CODES
STATE SECONDARY COMMISSION
7150 HARRIS DR., P.O. BOX 900
LANSING, MICHIGAN 482
482772-57

WILLIAM G. MILLER, Governor

DEPARTMENT OF LABOR

WILLIAM LORAN, Director

September 1, 1981

*Edwin Northrup
Mayor*

Mr. Richard Cravenstuck
Building Official
Martin Township
305 116th Street
Martin, MI 49070

Handwritten notes:
Sept 8, 1981
at [unclear]
amend [unclear] to comply
w/1991 edition of
electrical code

Dear Mr. Cravenstuck:

As you will recall, at the beginning of this year the Bureau transmitted a "Notice of Intent to Continue Construction Code Operations" to each governmental unit in the state. On that notice, certain information was requested regarding codes and services being provided.

In reviewing the returned notices, minor deficiencies and some questions were noted. At that time, staff was unable to address these matters and it was decided that during the year, units of government would be contacted to bring problems to their attention. In reviewing the notice from Martin Township, the following items were noted.

It was indicated on your form that you are administering and enforcing the National Electrical Code, 1975 edition, by Ordinance Number 7, adopted November 16, 1977. A unit of government which has by ordinance elected to administer and enforce a nationally recognized code, rather than the state code, is required to review and update its codes by amending its ordinance at least every 3 years by adopting all changes to those codes, and submitting a certified copy of the amended ordinance to the Construction Code Commission.

If you have not already done so, steps should be taken to update your ordinance and provide this Bureau with a certified copy.

You also indicated that you did not issue Certificates of Occupancy. Section 13 of the Construction Code Act (Act 200, PA 1972, as amended) states, "A building or structure hereafter constructed shall not be used, or occupied in whole or in part until a certificate of use and occupancy has been issued by the appropriate enforcing agency." Steps should be taken immediately to correct this matter.

Handwritten notes at bottom:
Sept 30 - [unclear] by no one here - [unclear]
of [unclear] - if any [unclear] [unclear]
the order is [unclear] [unclear] [unclear]
a copy -



WILLIAM G. MILLER, GOVERNOR

DEPARTMENT OF LABOR

WILLIAM LONG, DIRECTOR

NEW
BUREAU OF CONSTRUCTION CODES
STATE SECONDARY COMPLEX
7150 HARRIS DR., P.O. BOX 1008
LANSING, MICHIGAN 48906
417-322-1200

September 4, 1981

Mr. Richard Cravenstuck
Building Official
Martin Township
305 16th Street
Martin, MI 49070

Dear Mr. Cravenstuck:

As you will recall, at the beginning of this year the Bureau transmitted a "Notice of Intent to Continue Construction Code Operations" to each governmental unit in the state. On that notice, certain information was requested regarding codes and services being provided.

In reviewing the returned notices, minor deficiencies and some questions were noted. At that time, staff was unable to address these matters and it was decided that during the year, units of government would be contacted to bring problems to their attention. In reviewing the notice from Martin Township, the following items were noted.

It was indicated on your form that you are administering and enforcing the National Electrical Code, 1975 edition, by Ordinance Number 7, adopted November 16, 1977. A unit of government which has by ordinance elected to administer and enforce a nationally recognized code, rather than the State Code, is required to review and update its codes by amending its ordinance at least every 3 years by adopting all changes to those codes, and submitting a certified copy of the amended ordinance to the Construction Code Commission.

If you have not already done so, steps should be taken to update your ordinance and provide this Bureau with a certified copy.

You also indicated that you did not issue Certificate of Occupancy. Section 13 of the Construction Code Act (Act 230, PA 1972, as amended) states, "A building or structure hereafter constructed shall not be used or occupied in whole or in part until a certificate of use and occupancy has been issued by the appropriate enforcing agency." Steps should be taken immediately to correct this matter.

*Edwin Nordmark
Mayor*
*Sept 8, 1981
Sept 10, 1981*
*amend Ord. 7 to comply
w/1981 edition of
electrical code*

*Sept 30 - came by no more
of request - if you
the order is updated
a copy*

Vertical text on the right edge of the page.

Mr. Richard Cravenatuck

Page 2

September 1, 1981

Your cooperation and assistance in the matter is appreciated. Please contact me if you have any questions.

Sincerely,



Bill B. Moyer
Executive Director
Bureau of Construction Codes

BBM:ab

cc: Andrew Laep, Township Supervisor

Mr. Richard Cravenatuck

Page 2

September 1, 1981

Your cooperation and assistance in the matter is appreciated. Please contact me if you have any questions.

Sincerely,



Bill B. Moyer
Executive Director
Bureau of Construction Codes

BBM:ab

cc: Andrew Laep, Township Supervisor

RESIDENTS OF
Martin Township

On October 14, 1981 Martin Township Board amended Ordinance #7, adopted Nov. 16, 1977 as follows "Martin Township will comply with 1981 Edition of National Electrical Code."

**LaVerne Young
Martin Twp. Clerk**

ORDINANCE #8
RATE & MANDATORY CONNECTION
ORDINANCE (G.L.A.S.A.)
EFFECTIVE: APRIL 18, 1978

**ORDINANCE #9
AMENDMENT TO ORDINANCE 8
EFFECTIVE: SEPTEMBER 6, 1978**

**ORDINANCE #10
FISCAL YEAR ORDINANCE
EFFECTIVE: FEBRUARY 22, 1979**

ORDINANCE NO. 10
FISCAL YEAR ORDINANCE

ADOPTED 2-22-79
EFFECTIVE: 2-22-79

An ordinance to establish the fiscal year of the Township of Martin, Allegan County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF MARTIN ALLEGAN
COUNTY, MICHIGAN HEREBY ORDAINS.

SECTION I

Commencing in 1979, the fiscal year of the Township shall extend from July 1st of each year until June 30th of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III

The annual meeting of the electors of the Township where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Township Clerk

NOTICE

ORDINANCE NO.10

Fiscal Year Ordinance

Adopted: February 22, 1919

Effective: February 22, 1919

An Ordinance to establish the fiscal year of the Township of Martin, Allegan County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

HEREBY ORDAINS:

SECTION I: Commencing in 1979, the fiscal year of the Township shall extend from July 1 of each year until June 30 of the following year. Any preexisting Township budget lawfully adopted by the township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II: The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III: The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV: This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LA VERNE YOUNG
Township Clerk

ORDINANCE NO. 10
FISCAL YEAR ORDINANCE

ADOPTED: 2-22-79
EFFECTIVE: 2-22-79

An Ordinance to establish the fiscal year of the Township of Martins Allegan County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THIS TOWNSHIP OF Martins
Allegan COUNTY, MICHIGAN
HEREBY ORDAINS:

SECTION I

Commencing in 1979, the fiscal year of the Township shall extend from July 1 of each year until June 30 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Township Clerk

ORDINANCE NO. 10
FISCAL YEAR ORDINANCE

ADOPTED: 2-22-79
EFFECTIVE: 2-22-79

An Ordinance to establish the fiscal year of the Township of Martin Allegan County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 586 of 1978.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN
HEREBY ORDAINS:

SECTION I

Commencing in 1979, the fiscal year of the Township shall extend from July 1 of each year until June 30 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Township Clerk

adopted July 22-1979.

ORDINANCE NO. 10
FISCAL YEAR ORDINANCE

ADOPTED: July
EFFECTIVE: July 22-1979.

An Ordinance to establish the fiscal year of the Township of Marlette Michigan County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF Marlette
Michigan COUNTY, MICHIGAN
HEREBY ORDAINS:

SECTION I

Commencing in 1979, the fiscal year of the Township shall extend from July 1 of each year until June 30 of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Township Clerk

NOTICE

ORDINANCE NO. 10

Fiscal Year Ordinance

Adopted: February 22, 1979
Effective: February 22, 1979

As Ordinance to establish the fiscal year of the Township of Martin, Allegan County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN
HEREBY ORDAINS:

SECTION I: Commencing in 1978, the fiscal year of the Township shall extend from July 1 of each year until June 30 of the following year. Any preexisting Township budget lawfully adopted by the township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II: The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III: The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV: This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LA VERNE YOUNG
Township Clerk

ORDINANCE NO. _____
FISCAL YEAR ORDINANCE

ADOPTED: _____
EFFECTIVE: _____

An Ordinance to establish the fiscal year of the Township of _____ County, Michigan and the annual settlement day for such Township pursuant to Michigan Public Act 596 of 1978.

THE TOWNSHIP OF _____
_____ COUNTY, MICHIGAN
HEREBY ORDAINS:

SECTION I

Commencing in 1979, the fiscal year of the Township shall extend from _____ of each year until _____ of the following year. Any preexisting Township budget lawfully adopted by the Township Board shall be proportionately extended to coincide with the foregoing new fiscal year periods.

SECTION II

The annual settlement day meeting of the Township Board shall hereafter be held on the 15th day of the last month of the fiscal year of the Township unless said day falls on a Saturday, Sunday or legal holiday whereupon said meeting shall be held on the following Monday which is not a legal holiday.

SECTION III

The annual meeting of the electors of the Township, where the same has not been abolished, shall be held on the last Saturday in the last month of the aforesaid fiscal year at such time and place as is determined by the Township Board.

SECTION IV

This Ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Township Clerk

**ORDINANCE #11
G.L.A.S.A. USE ORDINANCE
EFFECTIVE: APRIL 17, 1979**

**ORDINANCE #12
AMENDMENT TO ORINANCE 8
EFFECTIVE: APRIL 17, 1979**

**ORDINANCE #13
AMENDMENT NUMBER 2 TO
TOWNSHIP ZONING ORDINANCE
EFFECTIVE: APRIL 17, 1976**

ORDINANCE #14
SEWER RATE AND CONNECTION
ORDINANCE
EFFECTIVE: JANUARY 14, 1981

SEWER RATE AND CONNECTION ORDINANCE
Ordinance No. 14 Amendment to Martin Township
Ordinance No. 8 Ordinance No. 1-80 Amendment to
Wayland Township Ordinance No. 2-78

AN ORDINANCE establishing and providing for the collection of rates and charges for sewage disposal service and providing penalties for violation of sections thereof, in the Townships of Martin and Wayland, Allegan County, Michigan.

BE IT ORDAINED and enacted by the Township Boards of Martin Township and Wayland Township, Allegan County, Michigan, to amend the following subheadings of Section 4 of respective ordinance to read as follows:

ARTICLE I
DEFINITIONS

—~~as the context specifically indicates otherwise, the meanings of terms used in this Ordinance shall be as defined in the Townships of Martin and Wayland Sewer Use Ordinance, or as defined below.~~

SECTION 1. "Authority" shall mean the Gun Lake Area Sewer Authority

SECTION 2. "Connection Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the Township which requires a new connection to the sanitary sewer. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.

SECTION 3. "Debt Retirement Charge" shall mean the charge levied to all users for retirement of bonded indebtedness for the Sewage Works.

SECTION 4. "Industrial Cost Recovery" shall mean the recovery from each eligible industrial user that portion of U.S. Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from said users.

SECTION 5. "Lateral" shall mean all of the building service line from the house to the system main, including service stub where one is not available.

SECTION 6. "Manager" shall mean Gun Lake Area Authority Manager or his authorized operator, agent or representatives.

SECTION 7. "O,M,&R Charge" shall mean the charge levied to all users for operation, maintenance and replacement costs associated with the System.

SECTION 8. "Operation and Maintenance Costs" shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the Sewage Works. Operation and Maintenance Costs shall include replacement costs.

SECTION 9. "Replacement Costs" shall mean expenditures made during the service life of the Sewage Works to replace equipment and appurtenances necessary to maintain the intended performance of the Sewage Works.

SECTION 10. "Residential Equivalent Unit," as reflected in Exhibit A, shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and the benefit derived therefrom, and shall be defined or determined from time to time by the Township.

SECTION 11. "Revenues" and "Net Revenues" shall have the meanings as defined in Section 1, Act 94, Public Acts of Michigan, 1933, as amended.

SECTION 12. "System" shall mean all facilities of the Township and all subsequent additions, including all sewers, pumps, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

ARTICLE II
OPERATION

SECTION 1. The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Gun Lake Sewer Authority. The Authority may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

ARTICLE III
SEWER USER CHARGE SYSTEM

SECTION 1: All premises connected directly or indirectly to the sanitary sewers of the Township, except as hereinafter provided, shall be charged and shall make quarterly or monthly payments as desired, to the Township in amounts computed on the basis of Exhibit A and this Article.

SECTION 2: Rates to be charged for service furnished by the system shall be as follows:

(a) Debt Retirement Charge: The debt retirement charge to each single-family residential user premise within the Township shall be in the flat amount of \$9.25 per quarter (\$2.75 per month). Each user other than a single-family residence shall pay a quarterly charge of \$8.25 (\$2.75 per month) multiplied by the number of Residential Equivalent Units assigned to said user's premise and as reflected in Exhibit A to this Ordinance, but not less than \$8.25 (\$2.75 per month).

h) O.M.&R Charge: The O.M.&R Charge to each single-family residential premise shall be in the flat amount of \$27.75 per quarter (\$9.25 per month). Each user premise other than a single-family residence shall pay a quarterly charge of \$27.75 (\$9.25 per month) multiplied by the Residential Equivalent Unit assigned to said user's premise and as reflected in Exhibit A to this Ordinance, but not less than \$27.75 per quarter (\$9.25 per month).

C. Surcharges: For wastewater strengths exceeding normal strength sewage, as defined, the following surcharges shall be added as applicable:

- 1) BOD (in excess of 200 mg/l), \$0.1324 per excess pound.
- 2) Total suspended solids (in excess of 250 mg/l), \$0.1060 per excess pound.
- 3) Total phosphorus (in excess of 8 mg/l), \$2.2084 per excess pound.

SECTION 3: For miscellaneous services or where a premise receives sewer service for which a special rate shall be established, such rates shall be fixed by the Township by resolution under the same regulations as for the passing of ordinances.

SECTION 4: The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on August 1st of each year, to the tax-assessing officer of the Township, the facts of such delinquency whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$75.00 shall have been made as security for payment of such charges and service.

SECTION 5: The Township shall have the right to adjust the user charge rates based on an annual audit review of the Sewage Works Operation and Maintenance costs. Such an review shall be conducted annually by the Authority.

SECTION 6: All customers of the Sewage Works will be included in a user class and each user class will pay for its proportionate use of the Sewage Works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement and depreciation), and debt retirement of the Sewage Works. The classes of users of the Sewage Works, for the purpose of determining the user charges, shall be as defined in the Sewer Use Ordinance.

SECTION 7: Each industrial user, shall pay the proportionate share of the operation, maintenance and replacement depreciation costs of the Sewage Works that are allocable to the treatment of said user's industrial wastes.

SECTION 8: Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Township in amounts based on the actual waste volume and strength from such premises.

SECTION 9: Each user that proposes to discharge wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either: (a) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage", or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage."

ARTICLE IV

INDUSTRIAL COST RECOVERY SYSTEM

SECTION 1: Industrial users which are liable for Industrial Cost Recovery, as defined, shall include the following:

a. Any non-governmental, nonresidential user of a publicly owned treatment works which discharges process wastes which are more than the equivalent of 25,000 gallons per day (gpd) of normal strength sewage wastes, as defined, and which is identified in the Standard Industrial Classification manual, 1972, Office of Management and Budget, as amended, and supplemented, under one of the following divisions:

- Division A. Agriculture, Forestry, and Fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, Communications, Electric, Gas, and Sanitary Services
- Division I. Services

b. Any non-governmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure, or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in, or has an adverse effect on, the waters receiving any discharge from the treatment works.

SECTION 2: For purposes of industrial cost recovery charge calculations, computations of amounts of industrial wastes shall exclude amounts of domestic wastes and/or wastes from human sanitary conveniences, normally a part of a given industrial waste stream.

SECTION 3: Each industrial user which is subject to Industrial Cost Recovery, will be assessed an industrial cost recovery charge for use of Township Sewage Works which were funded in part by U. S. EPA Construction Grants received after March 1, 1973. The charge will be levied in accordance with Federal Regulations in force after July 1, 1980 and will be based on waste volume, delivery flow rate, and pollutant loadings as they may affect the capacity of eligible Sewage Works. The Township shall reserve the right to adjust said industrial cost recovery charges to any sewer user that significantly alters its waste volume or delivery flow rate. Affected users shall only be required to pay charges for those years that they use the system and only at an annual rate in proportion to the length of the entire recovery period. The industrial cost recovery period is the time period that is

provided to allow industrial users to pay their total industrial cost recovery charge and shall be equal to thirty (30) years

SECTION 4: The industrial cost recovery charge for each affected industrial user shall be a portion of the Federal construction grant amount equal in proportion to said user's proportionate share of the total capacity of the System in terms of strength, volume and delivery flow rate. Specifically, the total industrial cost recovery charge shall be determined by the sum of the three following calculations:

- | | | |
|--|---|--|
| a. <u>Industrial Volume Contribution per unit of time</u>
Plant design volume per unit of time | x | (EPA grant portion allocable to volume handling) |
| b. <u>Industrial BOD contribution per unit of time</u>
Plant BOD design capacity per unit of time | x | (EPA grant portion allocable to volume handling) |
| c. <u>Industrial Suspended Solids contribution per unit of time</u>
Plant Suspended Solids design capacity per unit of time | x | (EPA grant portion allocable to suspended solids handling) |

Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industrial user divided by thirty (30) years.

SECTION 5: For purposes of industrial cost recovery calculations, the affected industrial user shall monitor its industrial waste stream(s), as directed by the Manager, and no less than quarterly and at the user's expense. The Manager shall reserve the right to request split samples from the user and analyze the wastes independently, the costs of which shall be borne by the user.

SECTION 6: Costs recovered from industrial users shall be deposited by the Village in a separate account identified as the "Industrial Cost Recovery Account". Funds shall be distributed from the "Industrial Cost Recovery Account" in accordance with U.S. Environmental Protection Agency rules and in the following manner:

- The Township shall retain fifty percent of the total recovered amount. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.
- Eighty percent of the retained amount, together with interest earned thereon, shall be used solely for the eligible costs of expansion or reconstruction of the treatment works and only upon written approval of the EPA Administrator, Region V. The remainder of the retained amount may be used as the Village so desires.
- Pending use, the Township shall invest the retained amounts for expansion and reconstruction in: (1) obligations of the U.S. government, (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit said amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

ARTICLE V

SEWER CONNECTION CHARGES

SECTION 1: Each person desiring to connect to the System shall pay a charge for the privilege of using the facilities and receiving the service of the system in the amounts given below:

- Connections: For each user connecting to the lines of the System, within the Township limits and for which a sewer service lateral was provided at the Township's expense, there shall be charged a connection fee of \$1,120, plus a service fee of \$1,580 per equivalence user, as reflected in Exhibit A of this Ordinance.

Users connecting with no laterals furnished shall pay all costs for lateral installation, a connection fee of \$1,120, plus a service fee of \$1,400 per equivalence user, as reflected in Exhibit A of this Ordinance.

ARTICLE VI

PAYMENTS AND COLLECTIONS

SECTION 1: Bills for sewage disposal service are due and payable at the business office of the Authority or to any designated agent on their date of issue and, if not paid by the 30th day thereafter, shall be deemed delinquent and shall be subject to a penalty of 5 percent thereof. Bills shall be dated and mailed quarterly and shall cover three months' service. If a bill is not paid within thirty (30) days after its date of issuance, the Authority shall serve upon the customer a written notice of delinquency, and if it is not paid within sixty days (60) after date of issuance, the Authority may discontinue sewer service to the premises and take such other measures as are permitted by state law.

SECTION 2: All bills and notices relating to the conduct of the business of the Authority and of the Sewage Works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the Authority, it shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

SECTION 3: Applications for connection permits may be cancelled and/or sewer service disconnected by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the Sewage Works.
- Nonpayment of bills.
- Improper or imperfect and/or failure to keep building sewers in a suitable state of repair.

SECTION 4: Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the

Authority reserves the right to request a nominal sum be placed on deposit with the Authority for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-charge to be specified by the Authority have been paid. Further, such charges and penalties may be recovered by the Township by court action.

SECTION 5: The Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

SECTION 6: Any customer has the right to appeal the basis for any charges developed in accordance with this Ordinance. Appeals shall be directed to the Township Supervisor along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township Supervisor, shall be obtained by the customer at his expense. Resolution of appeals shall be made within 30 days by the Manager in accordance with best available data and the formulations presented in this Ordinance. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force by this Ordinance. All bills for sewage service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the Authority shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters' billings only.

ARTICLE VII VALIDITY

SECTION 1: This Ordinance supersedes all previous ordinances and amendments pertaining to sewer rates and connections. Previous ordinances and amendments thereto are hereby repealed.

SECTION 2: If any section, clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE VIII ORDINANCE IN FORCE

SECTION 1: This ordinance is to be in full force and effect from and after its passage, approval and publication according to the law of the State of Michigan.

SECTION 2: This ordinance shall be published once, in full, in the Wayland Globe, a newspaper of general circulation within the boundaries of the Township under State law to publish legal notices, within two (2) weeks after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Officers so required.

SECTION 3: This ordinance shall become effective immediately upon its adoption.
ORDINANCE DECLARED ADOPTED

CERTIFICATE

I hereby certify that the attached constitutes a true and complete copy of Ordinance No. 14 duly adopted by the Township of Marim, Allegan County, Michigan, at a regular meeting held on April 9, 1980, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1968, including, in the case of a special or rescheduled meeting, notice by publication or posting at least twelve hours prior to the time set for the meeting.

I further certify that the following Members were present at said meeting:

G. Kraai
John VanDerMeulen
Jack Sipple
Jerry Farmer
LaVerne Young

I further certify that Member Farmer moved adoption of said ordinance and that said motion was supported by Trustee Sipple.

I further certify that the following Members voted for adoption of said ordinance: Young, Kraai, Sipple, Farmer, and that the following Trustees voted against adoption of said ordinance: none

I further certify that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Township Supervisor and Clerk.

John VanDerMeulen, Supervisor
LaVerne Young, clerk

CERTIFICATE

I hereby certify that the attached constitutes a true and complete copy of Ordinance No. 1-80 duly adopted by the township of Wayland, Allegan County, Michigan at a regular meeting held on April 7, 1980, and that the public notice of said meeting was pursuant to Act No 261, Public Acts of Michigan, 1968, including, in the case of a special or rescheduled meeting, notice by publication or posting at least twelve hours prior to the time set for the meeting.

I further certify that the following Members were present at said meeting: Robert Schrier, John Buskirk, Virginia Holbrook, Mary Marcott, Phil Hines

I further certify that Member Holbrook moved adoption of said ordinance and that said motion was supported by Trustee Schrier.

I further certify that the following Members voted for adoption of said ordinance: Schrier, Buskirk, Holbrook, Marcott, and that

the following Trustees voted against adoption of said ordinance: none.

I further certify that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Township Supervisor and Clerk.

Roy Phillip Hines, supervisor Mary L. Marotti, clerk

EXHIBIT A	RESIDENTIAL EQUIVALENCE TABLE	Adopted 10/04/79
Types of Premises		Residential Equivalent
Barber Shops		0.01 per chair
Bars		0.05 per seat
Beauty Shops		0.2 per booth
Boarding Houses		0.2 per person
Bowling Alleys (no bars, lunch facilities)		0.5 per alley
Car Wash (small - 20 pop. equiv.)		5.0
Churches		0.01 per seat
Dry Cleaners		1.25 per press
Convalescent Homes		0.2 per bed
Country Clubs		0.1 per member
Drug Stores		0.1 per employee
Factories - (exclusive of industrial wastes)		0.1 per person
(minimum of 1.0 customer equiv.)	0.1 per person	per shift
Grocery Stores and Supermarkets		0.1 per employee
Gift Shop (up to 4 employees-1.75 employee		0.1 per employee
arriving at 3.5 total)		
Hospitals		1.1 per bed
Hotels, Motels (private baths, 2 persons per room)		0.2 per bed
Laundry (self-service -1.75 PE/washer)		0.35 per washer
Multiple Family Residence		0.5 per unit
Office Building		0.05 per employee
Picnic Park (10 gpad - 3.5 persons/car one car/space)		0.35 seat
Restaurants		0.1 per seat
Rooming Houses (no meals)		0.1 per person
Schools (without showers and/or pools)		0.01 per student
Schools (showers and/or pool)		0.05 per student
Service Station (with 3 pumps -1.75 PE per pump)		0.25 per pump
Snack Bars - drive-ins, etc.		0.1 per seat and /
		or staff
Party Stores		0.35 per employee
Permanent Trailer Courts (1.75 PE/unit)		0.35 per unit
Tourist Courts (individual bath units 50 gpad x 3.5 persons)		0.5 per cubical
Trailer Parks		0.35 per trailer
(central bathhouses - 1.225 PE/trailer)		
(35 gpad x 3.5 - short-term 100% occupancy)		
Camper Site (central bathhouse-1.225 PE/site)		0.15 per camper
Hair Shop (3.5 PE/shop)		1.0 per shop
Travel Trailer Parks and Campgrounds		
(with individual sewer connections)		0.20 per site
(without individual sewer connections)		0.15 per site

SEWER RATE AND CONNECTION ORDINANCE

Ordinance No. 14 Amendment to Martin Township Ordinance No. 8 Ordinance No. 1-80 Amendment to Wayland Township Ordinance No. 2-78

AN ORDINANCE establishing and providing for the collection of rates and charges for sewage disposal service and providing penalties for violation of sections thereof, in the Townships of Martin and Wayland, Allegan County, Michigan.

BE IT ORDAINED and enacted by the Township Boards of Martin Township and Wayland Township, Allegan County, Michigan, to amend the following subheadings of Section 4 of respective ordinance to read as follows:

ARTICLE I DEFINITIONS

Unless the context specifically indicates otherwise, the meanings of terms used in this Ordinance shall be as defined in the Townships of Martin and Wayland Sewer Use Ordinance, or as defined below.

- SECTION 1. "Authority" shall mean the Gun Lake Area Sewer Authority.
- SECTION 2. "Connection Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each premise in the Township which requires a new connection to the sanitary sewer. The charge is based upon the proportionate cost allocable to such premises of the trunkage and availability costs associated with providing sanitary sewers and sewage treatment.
- SECTION 3. "Debt Retirement Charge" shall mean the charge levied to all users for retirement of bonded indebtedness for the Sewage Works.
- SECTION 4. "Industrial Cost Recovery" shall mean the recovery from each eligible industrial user that portion of U.S. Environmental Protection Agency grants which are allocable to the collection and treatment of industrial wastes from said users.
- SECTION 5. "Lateral" shall mean all of the building service line from the house to the system main, including service stub where one is not available.
- SECTION 6. "Manager" shall mean Gun Lake Area Authority Manager or his authorized operator, agent or representatives.
- SECTION 7. "O,M,&R Charge" shall mean the charge levied to all users for operation, maintenance and replacement costs associated with the System.
- SECTION 8. "Operation and Maintenance Costs" shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state and local wastewater management requirements, and to assure optimum long-term management of the Sewage Works. Operation and Maintenance Costs shall include replacement costs.
- SECTION 9. "Replacement Costs" shall mean expenditures made during the service life of the Sewage Works to replace equipment and appurtenances necessary to maintain the intended performance of the Sewage Works.
- SECTION 10. "Residential Equivalent Unit," as reflected in Exhibit A, shall be related to the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and the benefit derived therefrom, and shall be defined or determined from time to time by the Township.
- SECTION 11. "Revenues" and "Net Revenues" shall have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.
- SECTION 12. "System" shall mean all facilities of the Township and all subsequent additions, including all sewers, pumps, lift stations, and all other facilities used or useful in the collection, treatment and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

ARTICLE II OPERATION

SECTION 1. The operation, maintenance, alteration, repair and management of the System shall be under the supervision and control of the Gun Lake Sewer Authority. The Authority may employ such person or persons in such capacity or capacities as it deems advisable to carry out the efficient management and operations of the System and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient management and operation of the System.

ARTICLE III SEWER USER CHARGE SYSTEM

- SECTION 1: All premises connected directly or indirectly to the sanitary sewers of the Township, except as hereinafter provided, shall be charged and shall make quarterly or monthly payments as desired, to the Township in amounts computed on the basis of Exhibit A and this Article.
- SECTION 2: Rates to be charged for service furnished by the system shall be as follows:
 - (a) Debt Retirement Charge: The debt retirement charge to each single-family residential user premise within the Township shall be in the flat amount of \$8.25 per quarter (\$2.75 per month). Each user other than a single-family residence shall pay a quarterly charge of \$8.25 (\$2.75 per month) multiplied by the number of Residential Equivalent Units assigned to said user's premise and as reflected in Exhibit A to this Ordinance, but not less than \$8.25 (\$2.75 per month).
 - (b) O,M,&R Charge: The O,M,&R Charge to each single-family residential premise shall be in the flat amount of \$27.75 per quarter (\$9.25 per month). Each user premise other than a single-family residence shall pay a quarterly charge of \$27.75 (\$9.25 per month) multiplied by the Residential Equivalent Unit assigned to said user's premise and as reflected in Exhibit A to this Ordinance, but not less than \$27.75 per quarter (\$9.25 per month).
 - (c) Surcharges: For wastewater strengths exceeding normal strength sewage, as defined, the following surcharges shall be added as applicable:
 - (1) BOD (in excess of 300 mg/l), \$0.1324 per excess pound.
 - (2) Total suspended solids (in excess of 250 mg/l), \$0.1080 per excess pound.
 - (3) Total phosphorus (in excess of 8 mg/l), \$2.2064 per excess pound.
- SECTION 3: For miscellaneous services or where a premises receives sewer service for which a special rate shall be established, such rates shall be fixed by the Township by resolution under the same regulations as for the passing of ordinances.
- SECTION 4: The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all premises served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Township official or officials in charge of the collection thereof shall certify annually, on August 1st of each year, to the tax-assessing officer of the Township, the facts of such delinquency whereupon such charge shall be by him entered upon the next tax roll as a charge against such premises and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such premises are collected and the lien thereof enforced; provided, however, where notice is given that a tenant is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such premises until a cash deposit in the amount of \$75.00 shall have been made as security for payment of such charges and service.
- SECTION 5: The Township shall have the right to adjust the user charge rates based on an

annual audit review of the Sewage Works Operation and Maintenance costs. Such an audit review shall be conducted annually by the Authority.

SECTION 6: All customers of the Sewage Works will be included in a user class and each user class will pay for its proportionate use of the Sewage Works in terms of volume and pollutant loading. Sewer user charges are levied to defray the cost of operation, maintenance (including replacement and depreciation), and debt retirement of the Sewage Works. The classes of users of the Sewage Works, for the purpose of determining the user charges, shall be as defined in the Sewer Use Ordinance.

SECTION 7: Each industrial user, shall pay the proportionate share of the operation, maintenance and replacement depreciation costs of the Sewage Works that are allocable to the treatment of said user's industrial wastes.

SECTION 8: Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Township in amounts based on the actual waste volume and strength from such premises.

SECTION 9: Each user that proposes to discharge wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either: (a) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage"; or (b) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage."

ARTICLE IV

INDUSTRIAL COST RECOVERY SYSTEM

SECTION 1: Industrial users which are liable for Industrial Cost Recovery, as defined, shall include the following:

- a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges process wastes which are more than the equivalent of 25,000 gallons per day (gpd) of normal strength sewage wastes, as defined, and which is identified in the Standard Industrial Classification manual, 1972, Office of Management and Budget, as amended, and supplemented, under one of the following divisions:
 - Division A. Agriculture, Forestry, and Fishing
 - Division B. Mining
 - Division D. Manufacturing
 - Division E. Transportation, Communications, Electric, Gas, and Sanitary Services
 - Division I. Services
- b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure, or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in, or has an adverse effect on, the waters receiving any discharge from the treatment works.

SECTION 2: For purposes of industrial cost recovery charge calculations, computations of amounts of industrial wastes shall exclude amounts of domestic wastes and/or wastes from human sanitary conveniences, normally a part of a given industrial waste stream.

SECTION 3: Each industrial user which is subject to Industrial Cost Recovery, will be assessed an industrial cost recovery charge for use of Township Sewage Works which were funded in part by U.S. EPA Construction Grants received after March 1, 1973. The charge will be levied in accordance with Federal Regulations in force after July 1, 1980 and will be based on waste volume, delivery flow rate, and pollutant loadings as they may affect the capacity of eligible Sewage Works. The Township shall reserve the right to adjust said industrial cost recovery charges to any sewer user that significantly alters its waste volume or delivery flow rate. Affected users shall only be required to pay charges for those years that they use the system and only at an annual rate in proportion to the length of the entire recovery period. The industrial cost recovery period is the time period that is provided to allow industrial users to pay their total industrial cost recovery charge and shall be equal to thirty (30) years.

SECTION 4: The industrial cost recovery charge for each affected industrial user shall be a portion of the Federal construction grant amount equal in proportion to said user's proportionate share of the total capacity of the System in terms of strength, volume and delivery flow rate. Specifically, the total industrial cost recovery charge shall be determined by the sum of the three following calculations:

a. Industrial Volume Contribution		
per unit of time	x	(EPA grant portion allocable to volume handling)
Plant design volume per unit of time		
b. Industrial BOD contribution		
per unit of time	x	(EPA grant portion allocable to BOD handling)
Plant BOD design capacity per unit of time		
c. Industrial Suspended Solids contribution per unit of time	x	(EPA grant portion allocable to suspended solids handling)
Plant Suspended Solids design capacity per unit of time		

Industrial cost recovery charges shall be calculated and paid annually in an amount equal to the total industrial cost recovery charge for any industrial user divided by thirty (30) years.

SECTION 5: For purposes of industrial cost recovery calculations, the affected industrial user shall monitor its industrial waste stream(s), as directed by the Manager, and no less than quarterly and at the user's expense. The Manager shall reserve the right to request split samples from the user and analyze the wastes independently, the costs of which shall be borne by the user.

SECTION 6: Costs recovered from industrial users shall be deposited by the Village in a separate account identified as the "Industrial Cost Recovery Account". Funds shall be distributed from the "Industrial Cost Recovery Account" in accordance with U.S. Environmental Protection Agency rules and in the following manner:

- a. The Township shall retain fifty percent of the total recovered amount. The remainder, together with any interest earned thereon, shall be returned to the U.S. Treasury on an annual basis.
- b. Eighty percent of the retained amount, together with interest earned thereon, shall be used solely for the eligible costs of expansion or reconstruction of the treatment works and only upon written approval of the EPA Administrator, Region V. The remainder of the retained amount may be used as the Village so desires.
- c. Pending use, the Township shall invest the retained amounts for expansion and reconstruction in: (1) obligations of the U.S. government; (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit said amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

ARTICLE V

SEWER CONNECTION CHARGES

SECTION 1. Each person desiring to connect to the System shall pay a charge for the privilege of using the facilities and receiving the service of the system in the amounts given below:

- a. Connections: For each user connecting to the lines of the System, within the Township limits and for which a sewer service lateral was provided at the Township's expense, there shall be charged a connection fee of \$1,120, plus a service fee of \$1,500 per

SEWER RATE AND CONNECTION ORDINANCE

Ordinance No. 14 Amendment to Martin Township Ordinance No. 8 Ordinance No. 1-80 Amendment to Wayland Township Ordinance No. 2-78

Continued from Page 12

equivalence user, as reflected in Exhibit A of this Ordinance. Users connecting with no laterals furnished shall pay all costs for lateral installation, a connection fee of \$1,120, plus a service fee of \$1,500 per equivalence user, as reflected in Exhibit A of this Ordinance.

ARTICLE VI PAYMENTS AND COLLECTIONS

SECTION 1: Bills for sewage disposal service are due and payable at the business office of the Authority or to any designated agent on their date of issue and, if not paid by the 30th day thereafter, shall be deemed delinquent and shall be subject to a penalty of 5 percent thereof. Bills shall be dated and mailed quarterly and shall cover three month's service. If a bill is not paid within thirty (30) days after its date of issuance, the Authority shall serve upon the customer a written notice of delinquency; and if it is not paid within sixty days (60) after date of issuance, the Authority may discontinue sewer service to the premises and take such other measures as are permitted by state law.

SECTION 2: All bills and notices relating to the conduct of the business of the Authority and of the Sewage Works will be mailed to the customer at the address listed on the application for the connection permit, unless a change of address has been filed in writing at the business office of the Authority; it shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from nonpayment of a bill or from any performance required in said notice.

SECTION 3: Applications for connection permits may be cancelled and/or sewer service disconnected by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- Misrepresentation in the permit application as to the property or residential equivalents to be serviced by the Sewage Works.
- Nonpayment of bills.
- Improper or imperfect and/or failure to keep building sewers in a suitable state of repair.

SECTION 4: Where the sewer service supplied to a customer has been discontinued for nonpayment of delinquent bill, the Authority reserves the right to request a nominal sum be placed on deposit with the Authority for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-charge to be specified by the Authority have been paid. Further, such charges and penalties may be recovered by the Township by court action.

SECTION 5: The Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the Sewage Works, all customers affected by such interruption will be notified in advance whenever it is possible to do so.

SECTION 6: Any customer has the right to appeal the basis for any charges developed in accordance with this Ordinance. Appeals shall be directed to the Township Supervisor along with any supporting documentation for amendment of the charges in question. Any additional information that may be required to resolve the appeal, as directed by the Township Supervisor, shall be obtained by the customer at his expense. Resolution of appeals shall be made within 30 days by the Manager in accordance with best available data and the formulations presented in this Ordinance. In no event shall appeals be accepted which would require a variance in the methods of charge calculations established and in force by this Ordinance. All bills for sewage service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the Authority shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters' billings only.

ARTICLE VII VALIDITY

SECTION 1: This Ordinance supersedes all previous ordinances and amendments pertaining to sewer rates and connections. Previous ordinances and amendments thereto are hereby repealed.

SECTION 2: If any section, clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE VIII ORDINANCE IN FORCE

SECTION 1: This ordinance is to be in full force and effect from and after its passage, approval and publication according to the law of the State of Michigan.

SECTION 2: This ordinance shall be published once, in full, in the Wayland Globe, a newspaper of general circulation within the boundaries of the Township under State law to publish legal notices, within two (2) weeks after its adoption, and the same shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Officers so required.

SECTION 3: This ordinance shall become effective immediately upon its adoption.

ORDINANCE DECLARED ADOPTED

CERTIFICATE

I hereby certify that the attached constitutes a true and complete copy of Ordinance No. 14 duly adopted by the Township of Martin, Allegan County, Michigan, at a regular meeting held on April 9, 1980, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1966, including, in the case of a special or rescheduled meeting, notice by publication or posting at least twelve hours prior to the time set for the meeting.

I further certify that the following Members were present at said meeting:

G. Kraai
John VanDerMeulen
Jack Sipple
Jerry Fenner
LaVerne Young

I further certify that Member Fenner moved adoption of said ordinance and that said motion was supported by Trustee Sipple.

I further certify that the following Members voted for adoption of said ordinance: Young, Kraai, Sipple, Fenner, and that the following Trustees voted against adoption of said ordinance: none.

I further certify that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Township Supervisor and Clerk.

John VanDerMeulen, Supervisor
LaVerne Young, clerk

CERTIFICATE

I hereby certify that the attached constitutes a true and complete copy of Ordinance No. 1-80 duly adopted by the Township of Wayland, Allegan County, Michigan, at a regular

meeting held on April 7, 1980, and that public notice of said meeting was given pursuant to Act No. 261, Public Acts of Michigan, 1966, including, in the case of a special or rescheduled meeting, notice by publication or posting at least twelve hours prior to the time set for the meeting.

I further certify that the following Members were present at said meeting: Robert Schrier, John Buskirk, Virginia Holbrook, Mary Marcott, Phil Hines.

I further certify that Member Holbrook moved adoption of said ordinance and that said motion was supported by Trustee Schrier.

I further certify that the following Members voted for adoption of said ordinance: Schrier, Buskirk, Holbrook, Marcott, and that the following Trustees voted against adoption of said ordinance: none.

I further certify that said ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Township Supervisor and Clerk.

Roy Phillip Hines, supervisor
Mary L. Marcott, clerk

EXHIBIT A	RESIDENTIAL EQUIVALENCE TABLE	Adopted 10/4/79
Types of Premises		Residential Equivalent
Barber Shops		0.01 per chair
Bars		0.05 per seat
Beauty Shops		0.2 per booth
Boarding Houses		0.2 per person
Bowling Alleys (no bars, lunch facilities)		0.5 per alley
Car Wash (small - 20 pop. equiv.)		5.0
Churches		0.01 per seat
Dry Cleaners		1.25 per press
Convalescent Homes		0.2 per bed
Country Clubs		0.1 per member
Drug Stores		0.1 per employee
Factories - (exclusive of industrial wastes) (minimum of 1.0 customer equiv.)		0.1 per person per shift
Grocery Stores and Supermarkets		0.1 per employee
Gift Shop (up to 4 employees-1.75 employee arriving at 3.5 total)		0.1 per employee
Hospitals		1.1 per bed
Hotels, Motels (private baths, 2 persons per room)		0.2 per bed
Laundry (self-service - 1.75 PE/washer)		0.35 per washer
Multiple Family Residence		0.5 per unit
Office Building		0.05 per employee
Picnic Park (10 good - 3.5 persons/car one car/space)		0.35 seat
Restaurants		0.1 per seat
Rooming Houses (no meals)		0.1 per person
Schools (without showers and/or pools)		0.01 per student
Schools (showers and/or pool)		0.05 per student
Service Station (with 3 pumps - 1.75 PE per pump)		0.25 per pump
Snack Bars - drive-ins, etc.		0.1 per seat and/ or stall
Party Stores		0.1 per employee
Permanent Trailer Courts (1.75 PE/unit)		0.35 per unit
Tourist Courts (individual bath units - 50 good x 3.5 persons)		0.5 per cubical
Trailer Parks		0.35 per trailer
(central bathhouses - 1.25 PE/trailer) (35 good x 3.5 - short-term 100% occupancy)		
Camper Site (central bathhouse-1.25 PE/site)		0.15 per camper
Bait Shop (\$3 PE/shop)		1.0 per shop
Travel Trailer Parks and Campgrounds (with individual sewer connections) (without individual sewer connections)		0.50 per site 0.15 per site

**ORDINANCE #15
FRANCHISE WITH CONSUMERS
ENERGY ORDINANCE
EFFECTIVE: SEPTEMBER 28, 1967
AMENDED: JANUARY 21, 1981**

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, cross-arms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF Martin Allegan COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF Martin ORDAINS:

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, cross-arms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other Public places, and to do a local electric business in the Township of Martin Allegan County, Michigan, for a period of thirty years.

SECTION 2. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. All towers, masts, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Supervisor of the Township.

SECTION 4. The Grantee shall at all times keep and save the Township free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

SECTION 5. The Grantee shall be entitled to charge the inhabitants of said Township for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee of the Township, acting by the Township Board, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Township of Martin, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. The rights, power and authority herein granted, are not exclusive.

SECTION 7. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 8. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Township voting thereon at a regular or special Township election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Township Clerk its written acceptance, subject to the ratification by the electors of the Township. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Township and the Grantee for the full term of thirty (30) years from and after the

date of such ratification by the electors.

We hereby certify that the foregoing ordinance was duly enacted by the Township Board of the Township of Martin, Allegan County, Michigan, on the 14th day of January, 1981

Andrew Leep
Township Supervisor

Township Clerk

COUNTY OF ALLEGAN—MI

MARTIN TOWNSHIP

Ordinance No. 15

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its managers and assigns, the right, power and authority to construct, maintain and continuously use electric lines consisting of towers, poles, wires, crossarms, guys, braces, insulators, transformers and distribution wires, transformers and other electrical apparatus on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MARTIN ORDINANCE

SECTION 1. That whenever the word "franchise" appears in this ordinance, it is hereby intended to designate and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested said franchise to construct, maintain and control electric lines, consisting of towers, poles, guys, braces, insulators, transformers, crossarms and distribution wires, transformers and other electrical apparatus on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Martin, Allegan County, Michigan, for a period of thirty years.

SECTION 2. In consideration of the rights, power and authority hereby granted and shall stand in the franchise for a period of thirty (30) years as aforesaid said franchise shall include all things required by the laws of the State of Michigan.

SECTION 3. All bridges, streets, alleys, bridges or other public places used by said franchise shall be maintained in good repair and condition in accordance with the laws of the State of Michigan, and the franchise shall be subject to all laws and ordinances of the State of Michigan relating to the construction, maintenance and use of electric lines and other apparatus. The franchise shall have the right to take down if necessary in the construction of such franchise, subject to notice to the appropriate authorities of the Township.

SECTION 4. The franchise shall include the right to use any public property and other facilities owned by the Township for the purpose of the construction, maintenance and use of electric lines and other apparatus, and the franchise shall have the right to use any public property owned by the Township for the purpose of the construction, maintenance and use of electric lines and other apparatus, and the franchise shall have the right to use any public property owned by the Township for the purpose of the construction, maintenance and use of electric lines and other apparatus.

SECTION 5. The franchise shall be subject to change by the authority of said Township in electric service for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change or modification by the Michigan Public Service Commission or the necessary appeal proper application by either said Township or the franchisee, as provided by the Michigan Public Service Commission and the regulatory filed rates as approved by the Michigan Public Service Commission or its successors, as applicable to said Township of Martin, shall be set below the rate of rates.

All bills for electric service shall be payable monthly. The franchise shall collect the amounts thereof as specified in said ordinance. It shall also collect and apply the same to all electric service in accordance with the laws of the State of Michigan. The franchise shall at all times be subject to the provisions of all ordinances, laws and regulations relating to electric service and compliance with sections.

SECTION 6. The rights, power and authority herein granted shall be subject to all laws and ordinances of the State of Michigan.

SECTION 7. The franchise shall, at least, other conditions and the length of service and terms hereof, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, as applicable to electric service in said Township.

SECTION 8. The franchise granted by this ordinance is not subject to termination and shall be held in force until such time as it shall be modified by the appropriate authority of said Township. If the franchise is modified by the appropriate authority of said Township then the franchise shall be subject to all laws and regulations of the State of Michigan. The franchise shall not be subject to termination by the franchisee or its successors, and shall be held in force until such time as it shall be modified by the appropriate authority of said Township. The franchise shall be subject to all laws and regulations of the State of Michigan. The franchise shall not be subject to termination by the franchisee or its successors, and shall be held in force until such time as it shall be modified by the appropriate authority of said Township.

We hereby certify that the foregoing ordinance was duly enacted by the Township Board of the Township of Martin, Allegan County, Michigan, on the 14th day of Jan, 1981

Andrew Leep
Township Supervisor

TOWNSHIP FRANCHISE

At a special meeting of the Township Board of the Township of Martin, Allegan County, Michigan, duly called and held on the 28th day of September, 1967, there were present:

Nick A. Loop , Supervisor,
Laverne Young , Township Clerk,
Goldie Wicks , Township Treasurer,
William Hedges , Township Trustee,
Raymond Banner, Township Trustee

The following ordinance was offered by Mr. William Hedges and supported by Mrs. Goldie Wicks

The adoption of said ordinance being put to a vote, the same was carried by the following vote:

Ayes: Messrs. Nick A. Loop, Laverne Young, Goldie Wicks, William Hedges, Raymond Banner
Nays: None

The foregoing ordinance was thereupon declared duly adopted by the board.

Thereupon there was presented to the board, a communication in the following form, from Consumers Power Company, accepting said franchise:

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by the township board of Martin Township, Allegan County, Michigan, on the 28th day of September, 1967, by the following vote:

Hank A. Loop (supervisor)	Yes
Laverne Young (township clerk)	Yes
Goldie Wicks (township treasurer)	Yes
William Hedges (township trustee)	Yes
Raymond Banner (township trustee)	Yes

I further certify that the foregoing ordinance was published in The Plainwell Enterprise, a newspaper of general circulation in the above township, on the 5th day of October, 1967.

Laverne Young
Township Clerk

ACCEPTANCE

To the township of Martin, Allegan county, Michigan:

The Consumers Power Company hereby accepts the franchise granted to it by your board, on the 28th day of September, 1967, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the Township of Martin, Allegan county, Michigan.

CONSUMERS POWER COMPANY
By B. G. Campbell /s/

Dated, September 28, 1967.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 28th day of September, 1967.

Laverne Young
Township Clerk

Dated: September 28th, 1967.

STATE OF MICHIGAN)
) SS
COUNTY OF ALLEGAN)

I, Laverne Young, Township Clerk of the township of Marin, Allegan County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.

Laverne Young
Township Clerk

Dated: October 5, 1967.

COUNTY OF ALLEGAN — STATE OF MICHIGAN
AFFIDAVIT OF PUBLICATION

RE: Ordinance - Marin Township
Authority for Gas Lines
to Consumers Power Co.

Charles S. Barrett, Jr.

I being duly sworn, depose that the chief clerk of the PLAINFIELD-ENTRAIDOCK, a weekly newspaper printed and circulated in said county. The enclosed is a printed copy of a notice which was published in said paper on the following dates, to wit:

October 5, A.D. 1967

October 12, A.D. 1967

October 19, A.D. 1967

October 26, A.D. 1967

Charles S. Barrett, Jr.

Subscribed and sworn to before me this 9th day of October, A.D. 1967.

James J. Barrett
Notary Public, Allegan County, Michigan

The Commission expires March 1, 1970

The Plainfield Enterprise
90 East Bridge Street — Plainfield, Michigan

Marin Township Ordinance
The following ordinance was duly adopted and passed by the Township Board of Marin Township, Allegan County, Michigan, on the 28th day of September, 1967.

AN ORDINANCE entitled to CONSUMER POWER COMPANY, its successors and assigns, the right, power and authority to lay, install, use, and operate gas mains, pipes and service lines, across and along the highways, streets, alleys, bridges, and other public places, and to do a kind of business in the territory of MARIN, ALLEGAN COUNTY, MICHIGAN.

SECTION 1. The Township of Marin, Allegan County, Michigan, hereby grants to the Consumers Power Company, its successors and assigns, the company and its assigns, hereinafter called the "Company", the right, power and authority to lay, install, use and operate gas mains, pipes, and service lines, across and along the highways, streets, alleys, bridges, and other public places, and to do a kind of business in the Territory of Marin, Allegan County, Michigan.

SECTION 2. The installation of gas mains, pipes and authority herein granted, said Company shall faithfully perform all things required by the laws herein.

SECTION 3. No highway, street, alley, bridge or other public place owned by said Township shall be ob-

structed longer than necessary for the work of construction or repair, and shall be returned to the owner under and condition as when said work was commenced. All of Company's pipes and mains shall be so placed in the highway and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. Said Company shall at all times keep and serve the Township free and harmless from all loss, costs and expense by which it may be injured by reason of the negligent construction and maintenance of the systems and equipment hereby authorized. It shall pay notice in accordance with the provisions herein given, and Company shall, upon notice, defend the Township and give it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. The right, power and authority herein granted, are not exclusive. Other gas mains or natural gas may be installed hereafter.

SECTION 6. Said Company shall from time to time extend its gas distribution system to and within said Township, and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of installing such mains and providing such ser-

vice.
SECTION 7. Said Company shall be obliged to charge the lowest rate of said Township for gas for which service, the rates to charge by the Company shall be those in effect at the Township Clerk, on and after the Michigan Public Service Commission or its success-ors, in which Commission the authority and jurisdiction in the regulation of gas rates and rates therefor shall be vested and shall be vested for the term of this year. Said the said authority, as herein set forth, shall be vested in said Township or by said Company.

SECTION 8. This ordinance shall take effect immediately after the date of publication thereof, provided however, it shall come into effect on and after thirty days from its adoption, unless within said period the Company shall accept the same in writing filed with the Township Clerk. Upon the acceptance and publication hereof, the ordinance shall constitute a contract between said Township and said Company.

CLIPPING SHEET

CLIPPED FROM The Plainwell Enterprise
CLIPPED BY D. Sherburn
DATE OF ISSUE October 5, 1967 CITY Plainwell



CONSUMERS
POWER
COMPANY

Thursday, October 5, 1967 THE PLAINWELL ENTERPRISE

Marion Township Ordinance

The following ordinance was duly adopted and passed by the Township Board of Marion Township, Allegan County, Michigan, on the 29th day of September, 1967.

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MARION, ALLEGAN COUNTY, MICHIGAN.

SECTION 1. The Township of Marion, Michigan, hereby grants to the Consumers Power Company, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the Township of Marion, Allegan County, Michigan.

SECTION 2. In consideration of the rights, power and authority hereby granted, said Grants shall indemnify, defend and hold harmless the Township of Marion, Michigan, from and against all claims, damages, losses and expenses, including reasonable attorneys' fees, which may be asserted against or incurred by said Township of Marion, Michigan, in connection with the performance of the duties and obligations herein provided.

SECTION 3. No highway, street, alley, bridge or other public place owned by said Grants shall be ob-

structed longer than necessary during the width of said highway, or repair, and shall be returned to the same order and condition as when said work was discontinued. All of Grants' pipes and mains shall be so placed as to be above, and other public places or use to be unobstructed.

SECTION 4. Said Grants shall be responsible for the expense of all work done and expense to which it is subjected in connection with the laying, maintaining and operating of its gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and shall be liable for the cost of making such repairs and providing such maintenance.

SECTION 5. Said Grants shall indemnify, defend and hold harmless the Township of Marion, Michigan, from and against all claims, damages, losses and expenses, including reasonable attorneys' fees, which may be asserted against or incurred by said Township of Marion, Michigan, in connection with the performance of the duties and obligations herein provided.

SECTION 6. Said Grants shall from time to time erect and maintain the distribution system to and from its said Township and shall be liable for the expense of making such repairs and providing such maintenance.

SECTION 7. Said Grants shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates to be shown by the schedule filed in the office of the Township Clerk, and until the Michigan Public Service Commission or its successor, to which jurisdiction the said utility and jurisdiction is first and regularly gas rates and rates regulating such service. Said Township, by having granted and consented to the laying, maintaining and operating of gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, shall be deemed to have accepted the jurisdiction of the Michigan Public Service Commission or its successor, to which jurisdiction the said utility and jurisdiction is first and regularly gas rates and rates regulating such service.

SECTION 8. This Ordinance shall take effect immediately after the date of publication thereof, provided, however, it shall remain in effect until the date of its publication in the Township Clerk's Office. The Township Clerk shall file the Ordinance and publication thereof in the Township Clerk's Office and publication thereof shall constitute a binding contract between said Township and said Grants.

WITNESSED my hand and the seal of said Township on the 29th day of September, 1967.

Ord #15

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF Martin, Allegan COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF Martin ORDAINS:

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Martin, Allegan County, Michigan, for a period of thirty years.

SECTION 2. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. All towers, masts, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Supervisor of the Township.

SECTION 4. The Grantee shall at all times keep and save the Township free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

SECTION 5. The Grantee shall be entitled to charge the inhabitants of said Township for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee

Pal #15

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF Martin, Allegan COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF Martin ORDAINS:

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and vested in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Martin, Allegan County, Michigan, for a period of thirty years.

SECTION 2. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. All towers, masts, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Supervisor of the Township.

SECTION 4. The Grantee shall at all times keep and save the Township free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

SECTION 5. The Grantee shall be entitled to charge the inhabitants of said Township for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee

of the Township, acting by the Township Board, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Township of Martin, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. The rights, power and authority herein granted, are not exclusive.

SECTION 7. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 8. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Township voting thereon at a regular or special Township election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Township Clerk its written acceptance, subject to the ratification by the electors of the Township. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Township and the Grantee for the full term of thirty (30) years from and after the date of such ratification by the electors.

We hereby certify that the foregoing ordinance was duly enacted by the Township Board of the Township of Martin, Allegan County, Michigan, on the 14th day of JANUARY, 1981

Andrew L. Lepp
Township Supervisor

Attest:

Lawrence Young
Township Clerk

of the Township, acting by the Township Board, being made thereto, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Township of Martin, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. The rights, power and authority herein granted, are not exclusive.

SECTION 7. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 8. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Township voting thereon at a regular or special Township election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Township Clerk its written acceptance, subject to the ratification by the electors of the Township. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Township and the Grantee for the full term of thirty (30) years from and after the date of such ratification by the electors.

We hereby certify that the foregoing ordinance was duly enacted by the Township Board of the Township of Martin, Allegan County, Michigan, on the 14th day of JANUARY, 1981

Andrew Lee
Township Supervisor

Attest:

Salvatore Young
Township Clerk

In the Matter of Ordinance # 15

COUNTY OF ALLEGAN

MARTIN TOWNSHIP

Ordinance No. 15

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1. That wherever the word "Grantee" appears in this ordinance, it is hereby intended to designate, and shall be held to refer to the Consumers Power Company, a Michigan corporation, its successors and assigns. The right, power and authority is hereby granted and veiled in said Grantee to construct, maintain and commercially use electric lines, consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the Township of Martin, Allegan County, Michigan, for a period of thirty years.

SECTION 2. In consideration of the rights, power and authority hereby granted, all of which shall vest in the Grantee for a period of thirty (30) years as aforesaid, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair and shall be restored to the same good order and condition as when said work was commenced. All towers, masts, poles and other supports shall be set and all wires shall be suspended or buried in a careful and proper manner so as not to injure persons or property. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the Street Commissioner of the Township.

SECTION 4. The Grantee shall at all times keep and save the Township free and harmless from all loss, costs and damage to which it may be subject by reason of the negligent construction and maintenance of the towers, masts, poles, wires and other structures and appliances, the erection, burial and maintenance of which are hereby authorized.

SECTION 5. The Grantee shall be entitled to charge the inhabitants of said Township for electric energy for light, heat and power, the rates as approved by the Michigan Public Service Commission. Said rates shall be subject to review and change at any time by the Michigan Public Service Commission or its successors, upon proper application by either said Grantee or the Township, acting by the Township Board, being made thereon, and the regularly filed rates as approved by said Michigan Public Service Commission or its successors, as applicable to said Township of Martin, shall at all times be the lawful rates.

All bills for electric energy shall be payable monthly. The Grantee may collect the minimum charge as specified in said schedule. It shall also furnish and maintain commercially accurate meters to measure the energy furnished. Said Grantee shall at all reasonable times have access to the premises of its customers, for the purpose of reading, inspecting, removing and replacing such meters.

SECTION 6. The rights, power and authority herein granted, are not exclusive.

SECTION 7. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 8. The franchise granted by this ordinance is not subject to revocation, and shall be and become valid and binding only upon its ratification by the affirmative vote of at least three-fifths of the electors of said Township voting thereon at a regular or special Township election to be held in the manner provided by law. This ordinance shall not be submitted to the electors unless the Grantee shall, within thirty days after the adoption hereof, file with the Township Clerk its written acceptance, subject to the ratification by the electors of the Township. Upon the acceptance hereof and the ratification by the electors as aforesaid, this ordinance shall constitute a contract between the Township and the Grantee for the full term of thirty (30) years from and after the date of such ratification by the electors.

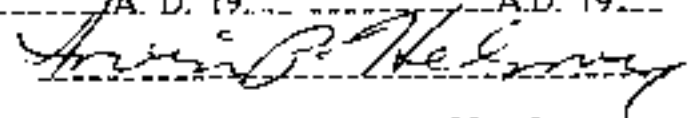
We hereby certify that the foregoing ordinance was duly enacted by the Township Board of the Township of Martin, Allegan County, Michigan, on the 14th day of Jan., 1981.

Andrew J. Lepp
Township Supervisor

Attest:
LaVerne Young
Township Clerk

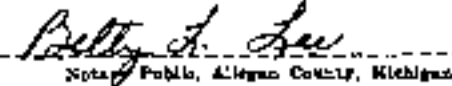
IRVIN P. HELMEY, being duly sworn, says: I am the printer of The Wayland Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to-wit:

Jan. 21 A. D. 1981 A.D. 19...
A. D. 19... A.D. 19...
A. D. 19... A.D. 19...



Subscribed and sworn before me this 22nd

day of January A.D. 1981


Notary Public, Allegan County, Michigan

My Commission Expires July 12, A.D. 1982

Notary Public, Allegan County, Mich.
My Commission Expires July 12, 1982

TOWNSHIP FRANCHISE

At a Special meeting of the Township Board of the
Township of Martin, Allagan
County, Michigan, duly called and held on the 28th day of
September, 1967, there were present:

Nick A. Leep, Supervisor,
Laverne Young, Township Clerk,
Goldie Wicks, Township Treasurer,
William Hedges, Township Trustee,
Raymond Banner, Township Trustee.

The following ordinance was offered by Mr. William Hedges
and supported by Mrs Goldie Wicks:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN.

SECTION 1. The Township of Martin, Allegan County, Michigan, hereby grants to the Consumers Power Company, a corporation authorized to transact business in Michigan, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the Township of Martin, Allegan County, Michigan.

SECTION 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. Said Grantee shall from time to time extend its gas distribution system to and within said Township, and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of making such extensions and providing such service.

SECTION 7. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates, as shown by the schedule now on file in the office of the Township Clerk, unless and until the Michigan Public Service Commission or its successors, to which Commission the authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township, are hereby granted and conferred for the term of this franchise, shall fix and establish different rates, in which case the rates so fixed and established, if just and reasonable, shall prevail. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township or by said Grantee.

SECTION 8. This ordinance shall take effect immediately after the date of publication thereof, provided however, it shall cease and be of no effect after thirty days from its adoption, unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon the acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

The adoption of said ordinance being put to a vote, the same was carried by the following vote:

Ayes: Messrs. Nick A. Leep, Laverne Young

Goldie Wicks, William Hedges

Raymond Banner

Nays: None

The foregoing ordinance was thereupon declared duly adopted by the Board.

Thereupon there was presented to the Board, a communication in the following form, from said Consumers Power Company, accepting said franchise:

CLERK'S CERTIFICATE OF PUBLICATION

The foregoing ordinance was duly adopted and passed by
the Township Board of Martin Township,
Allegan County, Michigan, on the 28th
day of September, 1967, by the following vote:

<u>Nick A. Leep</u> Supervisor	<u>Yes</u> (Yes or No)
<u>Laverne Young</u> Township Clerk	<u>Yes</u>
<u>Goldie Wicks</u> Township Treasurer	<u>Yes</u>
<u>William Hedges</u> Township Trustee	<u>Yes</u>
<u>Raymond Banner</u> Township Trustee	<u>Yes</u>

I further certify that the foregoing ordinance was
published in The Plainwall Enterprise,
a newspaper of general circulation
in the above Township, on the 5th day of October,
1967.

Laverne Young
Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN:

The Consumers Power Company hereby accepts the franchise granted to it by your Board, on the 28th day of September, 1967, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN,
ALLEGAN COUNTY,
MICHIGAN.

CONSUMERS POWER COMPANY

By B. G. Campbell /s/
Vice President

Dated, September 28, 1967.

I hereby certify that the acceptance, of which the foregoing is a true copy, was filed with me as Township Clerk, on the 28th day of September, 1967.


Township Clerk

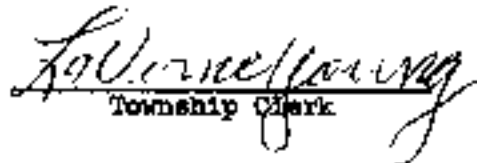
Dated, September 28, 1967.

STATE OF MICHIGAN }
COUNTY OF ALLEGAN } SS

I, Laverne Young, Township Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that the annexed is a true and correct copy of all of the proceedings of the Township Board of said Township, with reference to the granting of a franchise to Consumers Power Company.

I further certify that the within acceptance of said franchise is a true and correct copy of the acceptance duly filed in my office; that I have compared the within copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I further certify that the franchise ordinance was duly published, as appears by proof thereof on file in my office and that all of said proceedings were regular and in accordance with all legal requirements.


Township Clerk

Dated, October 5, 1967.

COUNTY OF ALLEGAN — STATE OF MICHIGAN
AFFIDAVIT OF PUBLICATION

RE: Ordinance - Martin Township

Authority for Gas Lines

to Consumers Power Co.

Charles E. Barrett, Sr.

being duly sworn, says: "I am the chief clerk of the PLAINWELL ENTERPRISE, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to-wit:"

October 5 A.D. 1967

//////////////////////
 A.D. 19

A.D. 19

A.D. 19

Charles E. Barrett Sr.

Subscribed and sworn to before me this 9th day of October A.D. 1967

James J. Barrett
 Notary Public, Allegan County, Michigan

My Commission expires March 1 1970

The Plainwell Enterprise
 200 East Bridge Street — Plainwell, Michigan

Martin Township Ordinance
 The following ordinance was duly adopted and passed by the Township Board of Martin Township, Allegan County, Michigan, on the 29th day of September, 1967:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN:

SECTION 1. The Township of Martin, Allegan County, Michigan, hereby grants to the Consumers Power Company, a corporation authorized to transport business in Michigan, its successors and assigns, hereinafter called the "Grantee", the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the Township of Martin, Allegan County, Michigan.

SECTION 2. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. No highway, street, alley, bridge or other public place used by said Grantee shall be ob-

structed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. Said Grantee shall from time to time extend its gas distribution system to and within said Township, and shall furnish gas to applicants residing therein whenever the amount of gas to be furnished thereby shall provide an adequate and reasonable return upon the cost of making such extension and providing such ser-

vice.

SECTION 7. Said Grantee shall be entitled to charge the inhabit-ants of said Township for gas furnished therein, the rates, as shown by the schedule now on file in the office of the Township Clerk, in- less and until the Michigan Public Service Commission or its suc-cessors, to which Commission the au- thority and jurisdiction to fix and regulate gas rates and rules regu- lating such services in said Town- ship, are hereby granted and con- ferred for the term of this fran- chise, shall fix and establish dif- ferent rates, in which case the rates so fixed and established, if just and reasonable, shall prevail. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township or by said Grantee.

SECTION 8. This ordinance shall take effect immediately after the date of publication thereof, provid- ed however, it shall cease and be of no effect after thirty days from its adoption, unless within said per- iod the Grantee shall accept the same in writing filed with the Township Clerk. Upon the accept- ance and publication hereof, this ordinance shall constitute a con- tract between said Township and said Grantee.

CLIPPING SHEET

CLIPPED FROM The Plainwell Enterprise

CLIPPED BY D. Sherburn

DATE OF ISSUE October 5, 1967 CITY Plainwell



Consumers
Power
Company

Thursday, October 5, 1967

THE PLAINWELL ENTERPRISE

Martin Township Ordinance

The following ordinance was duly adopted and passed by the Township Board of Martin Township, Allegan County, Michigan, on the 25th day of September, 1967:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and service lines along, above and under the highway, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN.

SECTION 1. The Board of Martin Township hereby grants to the Consumers Power Company, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and service lines along, above and under the highway, streets, alleys, bridges, and other public places, and to do a local gas business in the Township of Martin, Allegan County, Michigan.

SECTION 2. In consideration of the rights, power and authority hereby granted, said gas mains, pipes and service lines shall be laid, maintained and operated in accordance with the requirements required by the utility service.

SECTION 3. No highway, street, alley, bridge or other public place used by said franchise shall be

excavated longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All excavations made shall be so placed as not to obstruct or interfere with the use of the highway, streets, alleys, bridges, and other public places.

SECTION 4. The Board of Martin Township shall cause to be laid, maintained and operated in accordance with the requirements of the utility service, in that any utility or franchise granted to the Township of Martin, Michigan, shall be subject to the same terms and conditions as any other utility or franchise granted to the Township of Martin, Michigan, and shall be subject to the same terms and conditions as any other utility or franchise granted to the Township of Martin, Michigan.

SECTION 5. The Board of Martin Township hereby grants to the Consumers Power Company, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and service lines along, above and under the highway, streets, alleys, bridges, and other public places, and to do a local gas business in the Township of Martin, Allegan County, Michigan.

SECTION 6. Said franchise shall give rise to the right of eminent domain in said Township and shall give rise to the right of eminent domain in said Township and shall give rise to the right of eminent domain in said Township.

SECTION 7. Said franchise shall be subject to the same terms and conditions as any other utility or franchise granted to the Township of Martin, Michigan, and shall be subject to the same terms and conditions as any other utility or franchise granted to the Township of Martin, Michigan.

SECTION 8. This ordinance shall take effect immediately upon the date of publication hereof, provided, however, it shall cease to have effect if no other action is taken by the Board of Martin Township within said period. The Board of Martin Township shall accept the same in writing and with the consent of the Board of Martin Township.

**ORDINANCE #16
ORDINANCE TO GRANT A NON-
EXCLUSIVE FRANCHISE TO
“CHARTER
TELECOMMUNICATIONS CORP. OF
MICHIGAN, “ TO ERECT, MAINTAIN
ETC. A CABLE TV SYSTEM FOR A
PERIOD OF 15 YEARS, RENEWAL
SHALL BE FOR 10 YEARS.
EFFECTIVE: FEBRUARY 21, 1983**

Township of Martin

ORDINANCE NO.16

AN ORDINANCE TO GRANT AND REGULATE A NON-EXCLUSIVE FRANCHISE TO CHARTER TELECOMMUNICATIONS CORPORATION OF MICHIGAN, TO ERRECT, OPERATE AND MAINTAIN A CATV SYSTEM WITHIN THE TOWNSHIP OF MARTIN. THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Franchise and Term of Martin Franchise. Charter Telecommunications Corporation of Michigan (hereinafter referred to as "Grantee") is hereby granted the right, franchise and authority for a period of 15 years, to construct, operate and maintain a cable television system (hereinafter referred to as "System") over, under, upon and within the Township of Martin (hereinafter referred to as Township") including the right, franchise and authority to construct, operate, repair, replace and maintain over, under and upon the public rights of way of the ownership, the cables and equipment necessary for such System, subject to the conditions and restrictions as hereinafter provided. Renewal of this franchise shall be for a period of ten (10) years. Renegotiation of any or all of the terms of the franchise shall occur at such times as may be mutually agreed upon by the franchisor and franchisee.

Section 2. Termination, Cancellation or Expiration of Franchise.

(1) In the event this Franchise is terminated or cancelled by the Township Board by the reason of the Grantee's default, as provided in Section 17 of this Franchise, the Township shall have the right and option, for a period of 30 days following such termination or cancellation, to elect to purchase the System located in the Township. The purchase price for the System shall be its then fair market value as determined by obtaining three valuations thru three recognized CATV industry consultants mutually acceptable to both parties, with reduction for such damages as are incurred by the Township in connection with such default, termination or cancellation. Within 20 days after election of such right and option by the Township, Grantee shall submit its determination of such fair market value in writing to the Township. If the Township does not agree to such determination, said fair market value shall be determined by arbitration pursuant to Section 14 of this Franchise. Damages incurred by the Township shall include, without limitation, any payment by the Township pursuant to a resolution of the Township Board authorizing or directing another person to operate the System for a temporary period, not to exceed 6 months until a new Franchise has been granted; provided, that Grantee shall be entitled to all gross revenues of the System during such period.

Section 3. Non-exclusive Franchise. This Franchise shall be non-exclusive and shall neither restrict the Township Board in the exercise of its regulatory power nor prevent it from granting any other cable television system franchise.

Section 4. Transfer of Franchise. Grantee shall not sell, transfer, assign or sublet this Franchise without the prior approval of the Township by resolution; provided, however, that the Township shall not unreasonably withhold its approval. It is the intention of the Township to award this Franchise to the Grantee and for Grantee to own, operate, develop and control the operation of the System. It is the intent of the Township to have the most efficient cable operation for its citizens. Careful consideration and thorough investigation by the Township of the proposed transferee will be the prime factor for acceptance or denial of a proposed transfer.

Section 5. Conditions on Street Use.

(1) All transmission and distribution structures, lines and equipment erected by the Grantee within the Township shall be located so as not to interfere with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places, and not to interfere with existing installation in such streets. In all areas of the Township where the cables, wires or other like facilities of public utilities are placed underground either now or in the future, the Grantee shall place its cables underground to the maximum extent the then existing technology reasonably permits. The Grantee shall furnish to and file with the Township maps, plans and permanent records of the location and character of all facilities constructed, including underground facilities.

(2) In the case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own expense, and in the manner approved by the Township, replace and restore all paving, sidewalk, driveway or other surfacing of any street or alley disturbed.

(3) If at any time during the period of the Franchise the Township shall lawfully elect to vacate, alter, improve or change the grade or location of any street, alley or other public way, the Grantee shall upon reasonable notice by the Township, remove, replace and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense, and in each instance comply with the requirements of the Township.

(4) The Grantee shall not place poles, conduits or other fixtures above or below ground where the same will interfere with any gas, electric, telephone fixtures, water hydrant or other utility, and all such poles, conduits or other fixtures placed in any street shall be so placed as to comply with all requirements of the Township.

(5) The Grantee shall, on request of any person holding a moving permit issued by the Township, temporarily move its wires or fixtures to permit the moving of buildings, the expense of such temporary removal to be paid by the person requesting the same, and the Grantee shall be given not less than 48 hours advance notice to arrange for such temporary changes.

(6) The Grantee shall have the authority to trim any trees upon and overhanging the streets, alleys, sidewalks and public places of the Township so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, except that at the option of the Township, such trimming may be done by it, or under its supervision and direction, at the expense of the Grantee. Said expense shall be the Township's direct labor cost including fringe benefits of personnel while performing such trimming. The Grantee shall reimburse the Township such expense.

Section 6. Type and Capacity of Equipment to be Installed.

(1) The System shall be engineered, installed, maintained, operated and equipped so as to all times meet the technical standards of the Federal Communications Commission including specifications for frequency boundaries, visual carriers, frequency levels, aural carrier frequency levels, channel frequency response, terminal isolation and system radiation, and all other standards established by the FCC.

Section 7. Operational Standards.

(1) The Grantee shall install, maintain and operate its system in accordance with the highest standards of the art and render efficient service in accordance with such rules and regulations as promulgated by the Federal Communications Commission and other regulatory laws.

(2) There shall be no interruption of service to subscribers unless caused by an Act of God, acts of third parties over whom Grantee has no control, or any other act or event over which Grantee has no control, in the event of a strike by Grantee's employees. Grantee shall if possible continue to transmit all broadcast signals with available supervisory personnel. Grantee shall provide a uniform, strong signal, free from distortion and interference, and shall make available at least one shared channel for local origination. It is understood that the Grantee is not responsible for providing the actual local originators equipment for the shared local origination channel. At such time as the available time on the shared channel is insufficient to service the requests for local origination, the Grantee shall make one full channel available for local origination.

(3) Grantee shall provide, without charge, one TV /Radio Outlet to each Township public building, fire station, police station, and public and parochial school that is passed by its cable. Grantee shall provide, without charge, one (1) outlet to Township Hall. If additional outlets are required at any of the said locations, the Grantee shall install same at the cost of time and materials only, but in no event will there be a monthly service charge at said locations, provided, that such additional outlets do not in the aggregate number exceed 10.

(4) The franchisee shall provide a toll-free telephone number for subscriber complaints and shall maintain a repair service capable of responding to subscriber complaints or requests.

(5) Operating Standards. The system shall deliver to the subscriber's terminal a signal that is capable of producing a black and white or colored picture without visual material degradation in quality within the limitations imposed by the technical state of the art.

(a) The system shall transmit or distribute signals without causing objectionable cross-modulation in the cables or interfering with other electrical or electronic networks or with the reception of other television or radio receivers in the area not connected to the network.

Section 8. Schedule of Subscriber Rates.

CHARTER TELECOMMUNICATIONS CORPORATION
CALL 795-7306 FOR INSTALLATION

	Monthly	Converter Deposit	Promotional Installation	Regular Installation
Basic Cable	\$ 8.50	0	Free	\$ 25.00
Basic + Satpac	\$13.55	\$ 20.00	\$ 20.00	\$ 25.00
Basic + Movie Channel	\$17.00	0	\$ 20.00	\$ 25.00
Basic + HBO	\$17.00	\$ 20.00	\$ 20.00	\$ 25.00
Basic + Satpac + HBO	\$19.50	\$ 20.00	\$ 20.00	\$ 25.00
Basic + Satpac + MC	\$18.50	\$ 20.00	\$ 20.00	\$ 25.00
Cable Club	\$24.95	\$ 20.00	Free	\$ 25.00

Refundable

*Charter Cable Club- Enjoy every program from Charter at a reduced rate. See all the movies from both HBO and the Movie Channel. Watch all the action from five satellite programs on SATPAC. 90 day minimum service. Call 795-7306 now.

Cable Services	**Optional Premium Channels **SATPAC E1
** 2 Movie Channel 24 hrs.	11 WJXD-41 ABC
3 Blank	12 WMAA 17 Indip.
4 WQZO CBS	13 WQMG 26 PBS
5 ESPN Sports 24 hrs.	**CHBO 34 hrs.
6 CNN News 24 hrs.	**EWSN Chicago 24 hrs.
7 WTBS Atlanta 24 hrs.	**FMTV Music Television in Stereo
8 Blank	**GUSA Network Sports and Specials
9 WJTV NBC	**Hable Health Network
10 Charter Local Access Channel	**I News/Action / Arts

Call 795-7306 for installation and information now. Enjoy television at its very best. Take advantage of the installation special now and save. Call Charter Cable TV today!

See exhibit in Franchise Proposal

Section 9. Certificate of Compliance. Grantee shall apply to the Federal Communications Commission (FCC) for a certificate of compliance as soon as all necessary documentation is completed but in no event later than 60 days from the effective date of this Franchise; and within 12 months after obtaining its certificate of compliance. Grantee's cable facilities shall be completely operational. Grantee shall not be considered in default on the foregoing construction schedule if the delay upon the specified date is caused by an Act of God, Acts of third parties over whom Grantee has no control, strikes, delays or any other act or event which is not foreseeable as of the effective date of this Franchise and over which Grantee has no control. Notice of any such delay shall be communicated in writing to the Township. In the event the Township disagrees as to the validity of such delay or length of such delay, such delay shall be subject to arbitration as provided in Section 14 of the Franchise.

Section 10. Number and Use of Channels.

(1) The Grantee shall construct a CATV system which shall have a capacity of 35 channels

(2) The grantee shall carry on its system the signal of any authorized and operating Barry and Allegan Counties, Michigan, television broadcast station and shall carry the full time broadcast of any properly licensed frequency modulation radio stations, either commercial or education, now existing or subsequently licensed with transmitter facilities within Barry and Allegan Counties, Michigan.

(3) Upon termination of service to any subscriber, the Grantee may promptly remove all of its facilities and equipment from the premises of such subscriber upon the subscriber's written request without charge.

Section 11. Complaints. Any person who has a complaint that Grantee is not operating or maintaining the cable television system in accordance with the applicable provisions of this Franchise or has a complaint regarding the quality of service, equipment malfunction and similar matters provided by Grantee, shall register such complaint with Grantee. Grantee shall formulate a policy for the handling of complaints. In the event any complaint is not resolved directly with Grantee then such person may register

such complaint with the Township Supervisor. The Township Supervisor shall investigate such complaint and may, if deemed necessary, prepare a report to the Township Board for disposition. In any contested matter all parties shall be afforded an opportunity for a hearing after reasonable notice, in conformity with all applicable statutory regulations. The notice, in addition to complying with any other applicable statutory requirement, shall state the time, place and issues involved and opportunity shall be afforded all parties to present evidence and arguments with respect thereto. The Township Supervisor and Board may prepare a written report disposing of said complaint and an official record which shall include testimony and exhibits in each contested matter shall be made, but it shall not be necessary to transcribe, mechanically recorded testimony or shorthand notes unless requested for purposes of rehearing or court review. The Township may adopt appropriate rules of procedure for notice and hearing in contested matters. The decision of the Township Board shall be made within 30 days after conclusion of the hearing and such decision shall be based upon facts presented with findings.

Section 12. Preferential or Discriminatory Practices Prohibited. The Grantee shall not, as to rates, charges, service facilities, rules, regulations or any other matter make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage, except as otherwise provided in this Franchise.

Section 13. Franchise Standards. The Grantee's legal, character, financial, technical and other qualifications and the adequacy and feasibility of its construction arrangements have been reviewed, studied and approved by the Township pursuant to and as part of a full public proceeding affording due process.

Section 14. Franchise Expenses. The Grantee shall pay to the Township of Martin, Michigan, on an annual basis the sum of three per cent (3%) of the basic subscription rate paid by subscribers in Martin Township.

Section 15. Conflict Between this Franchise and FCC Requirements. In the event of conflict of any provision herein with provisions of FCC rules and regulations, the provisions of FCC rules and regulations shall prevail.

Section 16. Insurance. At all times during the terms of the Franchise, Grantee shall obtain, pay all premiums for and file with the Township Clerk a certificate of insurance or other proof evidencing the payment for the following:

(1) A general comprehensive public liability insurance policy indemnifying, defending and saving harmless the Township, its officers, boards, commissions, agents and employees, from any and all claims by any person whatsoever on account of injury to or death of any person or persons occasioned by the operations of the Grantee under franchise herein granted or alleged to have been so caused or occurred with limits of not less than \$500,000.00 for each occurrence.

(2) Property damage insurance indemnifying, defending and saving harmless the Township, its officers, boards, commissions, agents and employees from and against all claims by any person whatsoever for property damage occasioned by the operation of Grantee under the Franchise herein granted or alleged to have been so caused or occurred with limits of not less than \$500,000.00 for damage to property.

(3) Workmen's Compensation Insurance as provided by the laws of the State of Michigan.

(4) Automobile Insurance with limits of not less than \$500,000.00 of public liability coverage and automobile property damage insurance with a limit of not less than \$300,000.00 covering all automotive equipment.

(5) All of the foregoing insurance contracts shall be in form satisfactory to the Township Attorney and shall be issued and maintained by companies authorized to do business in the State of Michigan and they shall require 30 days written notice of any cancellation to both the Township and the Grantee herein. The Township shall be a named insured on all such insurance contracts other than Workmen's Compensation Insurance.

Section 17. Forfeiture and Termination in Event of Default. If Grantee shall fail to comply with any of the provisions of the Franchise, or default in any of its obligations hereunder, and shall, within 30 days after written notice from the Township, fail to commence and, within a reasonable time thereafter, correct such default or noncompliance, the Township may declare this Franchise, and all rights of Grantee hereunder, forfeited and terminated shall be exercisable only in the event of a default which is substantial. If Grantee does not agree with the determination of the Township that a substantial default exists, such determination shall be subject to arbitration as provided in Section 14 of this Franchise. Bankruptcy or receivership of Grantee shall be considered as a substantial default and not subject to arbitration.

Nothing herein shall prevent Grantee from consolidating with or merging into another partnership or corporation or from permitting one or more corporations to merge into it provided the resulting or transferee partnership or corporation assumes in writing all the obligations of the Grantee hereunder .

Section 18. Indemnity. Grantee shall, at its sole cost and expense, fully indemnify, defend and hold harmless the Township, its officers, agents, boards, commissions and employees against any and all claims, suits, actions, liability and judgments for damages (including but not limited to expenses for reasonable legal fees) to persons and property, in any way arising out of or through the acts or omissions of Grantee, its officers, servants, agents and employees or to which Grantee's negligence shall in any way contribute.

Section 19. Revocation. The Township of Martin may revoke this Agreement at its will upon six (6) months written notice to Grantee unless this Ordinance has been approved by a majority of the registered voters of the Township

Section 20. Binding on Successors and Assigns. All of the provisions of this Franchise shall be binding on any successor or assigns of the Grantee

Section 21. This Ordinance shall be in full force and effect on the 21st day of February, 1983.
ADOPTED, The 21st day of February, 1983

Section 22. Grantee shall not divulge any list of subscribers to any outside source.

CHARTER TELECOMMUNICATIONS
CORPORATION OF MICHIGAN -GRANTEE

By Charles Leonard

Its Vice President

Andrew Leep

Township Supervisor

I hereby certify that the foregoing Ordinance was adopted by the Township Council of the Township of Martin, Michigan, in public session held on the 21st day of February, 1983.

LaVerne Young, Township Clerk

Township of Martin

ORDINANCE NO. 16

AN ORDINANCE TO GRANT AND REGULATE A NON-EXCLUSIVE FRANCHISE TO CHARTER TELECOMMUNICATIONS CORPORATION OF MICHIGAN, TO ERECT, OPERATE AND MAINTAIN A CATV SYSTEM WITHIN THE TOWNSHIP OF MARTIN, THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Franchise and Term of Martin Franchise. Charter Telecommunications Corporation of Michigan, (hereinafter referred to as "Grantee") is hereby granted the right, franchise and authority for a period of 15 years, to construct, operate and maintain a cable television system (hereinafter referred to as "System") over, under, upon and within the Township of Martin (hereinafter referred to as "Township") including the right, franchise and authority to construct, operate, repair, replace and maintain over, under and upon the public rights of way of the ownership, the cables and equipment necessary for such System, subject to the conditions and restrictions as hereinafter provided. Renewal of this franchise shall be for a period of ten (10) years. Renegotiation of any or all of the terms of the franchise shall occur at such times as may be mutually agreed upon by the franchisor and franchisee.

Section 2. Termination, Cancellation or Expiration of Franchise.

(1) In the event this Franchise is terminated or cancelled by the Township Board by the reason of the Grantee's default, as provided in Section 17 of this Franchise, the Township shall have the right and option, for a period of 30 days following such termination or cancellation, to elect to purchase the System located in the Township. The purchase price for the System shall be its then fair market value as determined by obtaining three valuations thru three recognized CATV industry consultants mutually acceptable to both parties, with reduction for such damages as are incurred by the Township in connection with such default, termination or cancellation. Within 30 days after election of such right and option by the Township, Grantee shall submit its determination of such fair market value in writing to the Township. If the Township does not agree to such determination, said fair market value shall be determined by arbitration pursuant to Section 14 of this Franchise. Damages incurred by the Township shall include, without limitation, any payment by the Township pursuant to a resolution of the Township Board authorizing or directing another person to operate the System for a temporary period, not to exceed 6 months until a new Franchise has been granted; provided, that Grantee shall be entitled to all gross revenues of the System during such period.

Section 3. Non-exclusive Franchise. This Franchise shall be non-exclusive and shall neither restrict the Township Board in the exercise of its regulatory power nor prevent it from granting any other cable television system franchise.

Section 4. Transfer of Franchise. Grantee shall not sell, transfer, assign or sublet this Franchise without the prior approval of the Township by resolution; provided, however, that the Township shall not unreasonably withhold its approval. It is the intention of the Township to award this Franchise to the Grantee and for Grantee to own, operate, develop and control the operation of the System. It is the intent of the Township to have the most efficient cable operation for its citizens. Careful consideration and thorough investigation by the Township of the proposed transferee will be the prime factor for acceptance or denial of a proposed transfer.

Section 5. Conditions on Street Use.

(1) All transmission and distribution structures, lines and equipment erected by the Grantee within the Township shall be located so as not to interfere with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places, and not to interfere with existing installation in such streets. In all areas of the Township where the cables, wires or other like facilities of public utilities are placed underground either now or in the future, the Grantee shall place its cables underground to the maximum extent the then existing technology reasonably permits. The Grantee shall furnish to and file with the Township maps, plans and permanent records of the location and character of all facilities constructed, including underground facilities.

(2) In the case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own expense, and in the manner approved by the Township, replace and restore all paving, sidewalk, driveway or other surfacing of any street or alley disturbed.

(3) If at any time during the period of the Franchise the Township shall lawfully elect to vacate, alter, improve or change the grade or location of any street, alley or other public way, the Grantee shall upon reasonable notice by the Township, remove, replace and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense, and in each instance comply with the requirements of the Township.

(4) The Grantee shall not place poles, conduits or other fixtures above or below ground where the same will interfere with any gas, electric, telephone fixtures, water hydrant or other utility, and all such poles, conduits or other fixtures placed in any street shall be so placed as to comply with all requirements of the Township.

(5) The Grantee shall, on request of any person holding a moving permit issued by the Township, temporarily move its wires or fixtures to permit the moving of buildings, the expense of such temporary removal to be paid by the person requesting the same, and the Grantee shall be given not less than 48 hours advance notice to arrange for such temporary changes.

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signals with available supervisory personnel. Grantee shall provide a uniform, strong signal, free from distortion and interference, and shall make available at least one shared channel for local origination. It is understood that the Grantee is not responsible for providing the actual local origination equipment for the shared local origination channel. At such time as the available time on the shared channel is insufficient to service the requests for local origination, the Grantee shall make one full channel available for local origination.

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(4) The franchisor shall provide a toll-free telephone number for subscriber complaints and shall maintain a repair service capable of responding to subscriber complaints or requests.

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Basic + Satpac + HBO	\$19.50	\$20.00	\$20.00	\$25.00
Basic + Satpac + MC	\$19.50	\$20.00	\$20.00	\$25.00
Cable Club *	\$24.95	\$20.00	Free	\$25.00

*Refundable

*Charter Cable Club- Enjoy every program from Charter at a reduced rate. See all the movies from both HBO and the Movie Channel. Watch all the action from live satellite programs on SATPAC. 90 day minimum service. Call 785-7306 now

Cable Services	**Optional Premium Channels **SATPAC E-1
2 Movie Channel 24 hrs.	11 WUHQ 41 ABC
3 Blank	12 WWMA 47 Indep.
4 WRZO CBS	13 WGVC 38 PBS
5 ESPN Sports 24 hrs.	**C HBO 24 hrs.
6 CNN News 24 hrs.	**E WGN Chicago 24 hrs.
7 WTBS Atlanta 24 hrs.	**F MTV Music Television in Stereo
8 Blank	**G USA Network Sports and Specials
9 WQTV NBC	**H Cable Health Network
10 Charter Local Access Channel	**I Nickelodeon/Arts

REMEMBER

Call 785-7306 for installation and information now. Enjoy television at its very best. Take advantage of the installation special now and save. Call Charter Cable TV today!!

See exhibit in Franchise Proposal.

Section 9. Certificate of Compliance. Grantee shall apply to the Federal Communications Commission (FCC) for a certificate of compliance as soon as all necessary documentation is completed but in no event later than 60 days from the effective date of this Franchise; and within 12 months after obtaining its certificate of compliance, Grantee's cable facilities shall be completely operational. Grantee shall not be considered in default on the foregoing construction schedule if the delay upon the specified date is caused by an Act of God, Acts of third parties over whom Grantee has no control, strikes, delays or any other act or event which is not foreseeable as of the effective date of this Franchise and over which Grantee has no control. Notice of any such delay shall be communicated in writing to the Township. In the event the Township disagrees as to the validity of such delay or length of such delay, such delay shall be subject to arbitration as provided in Section 14 of the Franchise.

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(2) The Grantee shall carry on its system the signal of any authorized and operating Barry and Allegan Counties, Michigan, television broadcast station and shall carry the full time broadcast of any properly licensed frequency modulation radio stations, either commercial or education, now existing or subsequently licensed with transmitter facilities within Barry and Allegan Counties, Michigan.

(3) Upon termination of service to any subscriber, the Grantee may promptly remove all of its facilities and equipment from the premises of such subscriber upon the subscriber's written request without charge.

Section 11. Complaints. Any person who has a complaint that Grantee is not operating or maintaining the cable television system in accordance with the applicable provisions of this Franchise or has a complaint regarding the quality of service, equipment malfunction and similar matters provided by Grantee, shall register such complaint with Grantee. Grantee shall formulate a policy for the handling of complaints. In the event any complaint is not resolved directly with Grantee then such person may register such complaint with the Township Supervisor. The Township Supervisor shall investigate such complaint and may, if deemed necessary, prepare a report to the Township Board for disposition. In any contested matter all parties shall be afforded an opportunity for a hearing after reasonable notice, in conformity with all applicable statutory regulations. The notice, in addition to complying with any other applicable statutory requirement, shall state the time, place and issues involved and opportunity shall be afforded all parties to present evidence and arguments with respect thereto. The Township Supervisor and Board may prepare a written report disposing of said complaint and an official record which shall include testimony and exhibits in each contested matter shall be made, but it shall not be necessary to transcribe mechanically recorded testimony or shorthand notes unless requested for purposes of rehearing or court review. The Township may adopt appropriate rules of procedure for notice and hearing in contested matters. The decision of the Township Board shall be made within 30 days after conclusion of the hearing and such decision shall be based upon facts presented with findings.

Section 12. Preferential or Discriminatory Practices Prohibited. The Grantee shall not, as to rates, charges, service facilities, rules, regulations or any other matter make or grant any undue preference or advantage to any person or subject

Two Regional Champs From Hopkins FFA

Members of the Hopkins Future Farmers of America (FFA) Chapter took top honors in two of four contests the students participated in at the regional leadership contest held at



Vice-president Dan Gratz, left, and President Comer Skinner of the Hopkins Future Farmers of America (FFA) Chapter, display the Building Our American Communities (BOAC) award presented to the local group at the regional competition for programs carried out by the club last year. The Hopkins chapter brought animals to Sandy Creek Nursing Center in Wayland and to the Colterville Boys School. Students in second and third grade in Hopkins were bussed to the Skinner Sheep Farm through the FFA to see and hold the farm animals during lambing.

Fruit Growers Hear Dr. Flore

Allegan County fruit growers will have the opportunity to hear Dr. James Flore, Michigan State University Horticulture researcher and teacher, discuss growth regulators and their effect on fruit production.

The meeting will start at 7:30 p.m. in the Vo-Ag room, Fenwick High School, Fenwick on Tuesday, March 16.

Dr. Flore will be discussing the role of growth regulators, such as N.A.A., Alar and others in fruit thinning, fruit loosening and plant growth control. He will also discuss the role of these chemicals in affecting production.

According to Marv Haft, Extension Agriculture Agent in Allegan County, Dr. Flore is a world renowned researcher in this area.

Annual Meet Set For Soil District

The East Allegan Soil Conservation District of Allegan will hold its annual meeting on Saturday, March 19, at the Hopkins Elementary School in Hopkins.

The meeting will begin at noon with a chicken barbecue, prepared by the Hopkins Future Farmers Association. Following the dinner, the annual report for 1982 will be reviewed and an election for two directors will be held.

The terms of office for present directors, Carl Collier and Russell Parmelee, will expire in March. Four persons have indicated they will run for office plus nominations from the floor will be accepted. All area land occupiers of three acres or more, who are of legal age are eligible to vote in this election. Other directors whose terms will not expire include Don Sebright, Tom Droid and James Beyer.

Legislators and the staff from the soil conservation service field office will be on hand to give their comments concerning the organization and its programs. In addition, Steve Kalisz, the district's private forestry consultant, will be available to discuss woodland needs and accept seeding tree orders.

A slide program entitled "Present and Future Energy Needs of Michigan" will be presented by a representative of Consumers Power Company. Time will be allowed for comments and questions from the audience.

the VanBuren Skills Center on February 24. Lawrence Kaylor and the Ag. Forum team of Beth Dykstra, Comer Skinner, Dan Gratz, Ronda Beard, Carl Dreyer, Jodi Duryea and Tim Miller finished first with gold ratings and will move to state competition later this month.

Kaylor, a shared-time student from Allegan High School, took his trophy in extemporaneous speaking. In this difficult event, each student chooses a topic and prepares in that area. A specific topic or question is presented to speak on and each student has 30 minutes to prepare him or herself. The speeches last between four and six minutes.



Lawrence Kaylor



Mike Gibson

Young Farmers Accept Leadership Challenge

Approximately 200 young Farm Bureau members from across the state took part in the 1983 Young Farmer Leaders' Conference held March 2-4 in Lansing. Attending from Allegan County were Richard and Terry Blauw of Shelbyville.

The conference, sponsored by the MFH Young Farmer Committee, offered sessions on farm partnerships, farm computers, estate planning, marketing, recent changes in the dairy industry, stress management, the role of Young Farmers in the Farm Bureau organization and legislative issues affecting agriculture. "Accepting the leadership challenge was stressed throughout the conference," said Mark Smuts, Young Farmer Committee chairperson.

-Divorces-

Allegan County Clerk Russell Sill reports divorces have been granted to the following Allegan County residents:

James F. Green of Allegan was granted a divorce from Jean M. Green of Oshtemo. Terry Lynn Guelde of Allegan was granted a divorce from Judy Lynn Guelde of Howell who was given custody of two children. Also granted divorces were Rex J. Bird of Douglas from Nancy J. Bird of Pearland, Texas.

The Ag. Forum team consists of 5 to 7 students who are given a topic to specialize in. This year's topic is "Animal Welfare." The students complete in-depth research on the topic and in competition are given a statement pertaining to the topic. After five minutes preparation, a 10 to 12 minute discussion of the statement is held with one person acting as chairperson. The discussions include undesirable situations, the causes and solutions.

Kaylor and the Ag. Forum team will now compete in state competition at Michigan

State University March 24. The contest is held during the State FFA Convention.

Mike Gibson competed in the Job Interview category. Mike presented a letter with references, was given 15 minutes to complete an application form and then was given a personal job interview. Gibson finished third in the competition but earned a gold rating.

The Demonstration Team of Dawn Gibson, Pat Bradford and Pat Schumacher finished third in their competition with a silver rating. The students presented a 10-15 minute demonstration on raising broiler chickens.



The Ag. Forum team includes, from left to right, in the front row, Jodi Duryea, Beth Dykstra and Ronda Beard. In the back are Carl Dreyer, Dan Gratz, Comer Skinner and Tim Miller.



The Demonstration Team consists of, from left to right, Pat Schumacher, Dawn Gibson and Pat Bradford.

Val Farmer To Speak At MSU

Val Farmer, a psychologist and columnist from Huron, South Dakota, will be the featured speaker at two sessions on farm family stress during Farmers' Week, March 21-25 at Michigan State University.

At "Weathering the Storm," which begins at 9:30 a.m. March 24 in 106 Kellogg Center, Farmer will discuss stress and tension in today's farm family.

The second session, "How to Keep Them Happy Down on the Farm," will begin at 1 p.m. March 24 in 106 Kellogg Center. A panel will discuss problems of families with two or three family generations involved in their farming operation. Among issues to be discussed are conflict between traditional and new ideas about farming, property transfer and inheritance, privacy and matters of control.

Farmer, who was recently elected chairperson of the National Association for Rural Mental Health, holds a doctorate from the University of Arizona and has worked as a clinical psychologist in rural areas.

He currently has a column in Farm Wife News magazine, and his ideas on farm family relationships have been quoted in Farm Journal, Successful Farming and the Wall Street Journal.

Farmer also was executive director of a community health center for four years and currently is on the board of examiners for psychologists in South Dakota.

The sessions are sponsored by the MSU Cooperative Extension Service's Family Living Education program.

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any person to any undue prejudice or disadvantage, except as otherwise provided in this Franchise.

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Section 15. Conflict Between this Franchise and FCC Requirements. In the event of conflict of any provision herein with provisions of FCC rules and regulations, the provisions of FCC rules and regulations shall prevail.

Section 16. Insurance. At all times during the term of the Franchise, Grantee shall obtain, pay all premiums for and file with the Township Clerk a certificate of insurance or other proof evidencing the payment for the following:

(1) A general comprehensive public liability insurance policy indemnifying, defending and saving harmless the Township, its officers, boards, commissions, agents and employees, from any and all claims by any person whatsoever on account of injury to or death of any person or persons occasioned by the operations of the Grantee under franchise herein granted or alleged to have been so caused or occurred with limits of not less than \$500,000.00 for each occurrence.

(2) Property damage insurance indemnifying, defending and saving harmless the Township, its officers, boards, commissions, agents and employees from and against all claims by any person whatsoever for property damage occasioned by the operation of Grantee under the Franchise herein granted or alleged to have been so caused or occurred with limits of not less than \$500,000.00 for damage to property.

(3) Workmen's Compensation Insurance as provided by the laws of the State of Michigan.

(4) Automobile Insurance with limits of not less than \$500,000.00 of public liability coverage and automobile property damage insurance with a limit of not less than \$500,000.00 covering all automotive equipment.

(5) All of the foregoing insurance contracts shall be in form satisfactory to the Township Attorney and shall be issued and maintained by companies authorized to do business in the State of Michigan and they shall require 30 days written notice of any cancellation to both the Township and the Grantee herein. The Township shall be a named insured on all such insurance contracts other than Workmen's Compensation Insurance.

Section 17. Forfeiture and Termination in Event of Default. If Grantee shall fail to comply with any of the provisions of the Franchise, or default in any of its obligations hereunder, and shall, within 30 days after written notice from the Township, fail to commence and, within a reasonable time thereafter, correct such default or noncompliance, the Township may declare this Franchise, and all rights of Grantee hereunder, forfeited and terminated shall be exercisable only in the event of a default which is substantial. If Grantee does not agree with the determination of the Township that a substantial default exists, such determination shall be subject to arbitration as provided in Section 14 of this Franchise. Bankruptcy or receivership of Grantee shall be considered as a substantial default and not subject to arbitration.

Nothing herein shall prevent Grantee from consolidating with or merging into another partnership or corporation or from permitting one or more corporations to merge into it provided the resulting or transferee partnership or corporation assumes in writing all the obligations of the Grantee hereunder.

Section 18. Indemnity. Grantee shall, at its sole cost and expense, fully indemnify, defend and hold harmless the Township, its officers, agents, boards, commissions and employees against any and all claims, suits, actions, liability and judgments for damages (including but not limited to expenses for reasonable legal fees) to persons and property, in any way arising out of or through the acts or omissions of Grantee, its officers, servants, agents and employees or in which Grantee's negligence shall in any way contribute.

Section 19. Revocation. The Township of Martin may revoke this Agreement at its will upon six (6) months written notice to Grantee unless this Ordinance has been approved by a majority of the registered voters of the Township.

Section 20. Binding on Successors and Assigns. All of the provisions of this Franchise shall be binding on any successor or assigns of the Grantee.

Section 21. This Ordinance shall be in full force and effect on the 21st day of February, 1983.

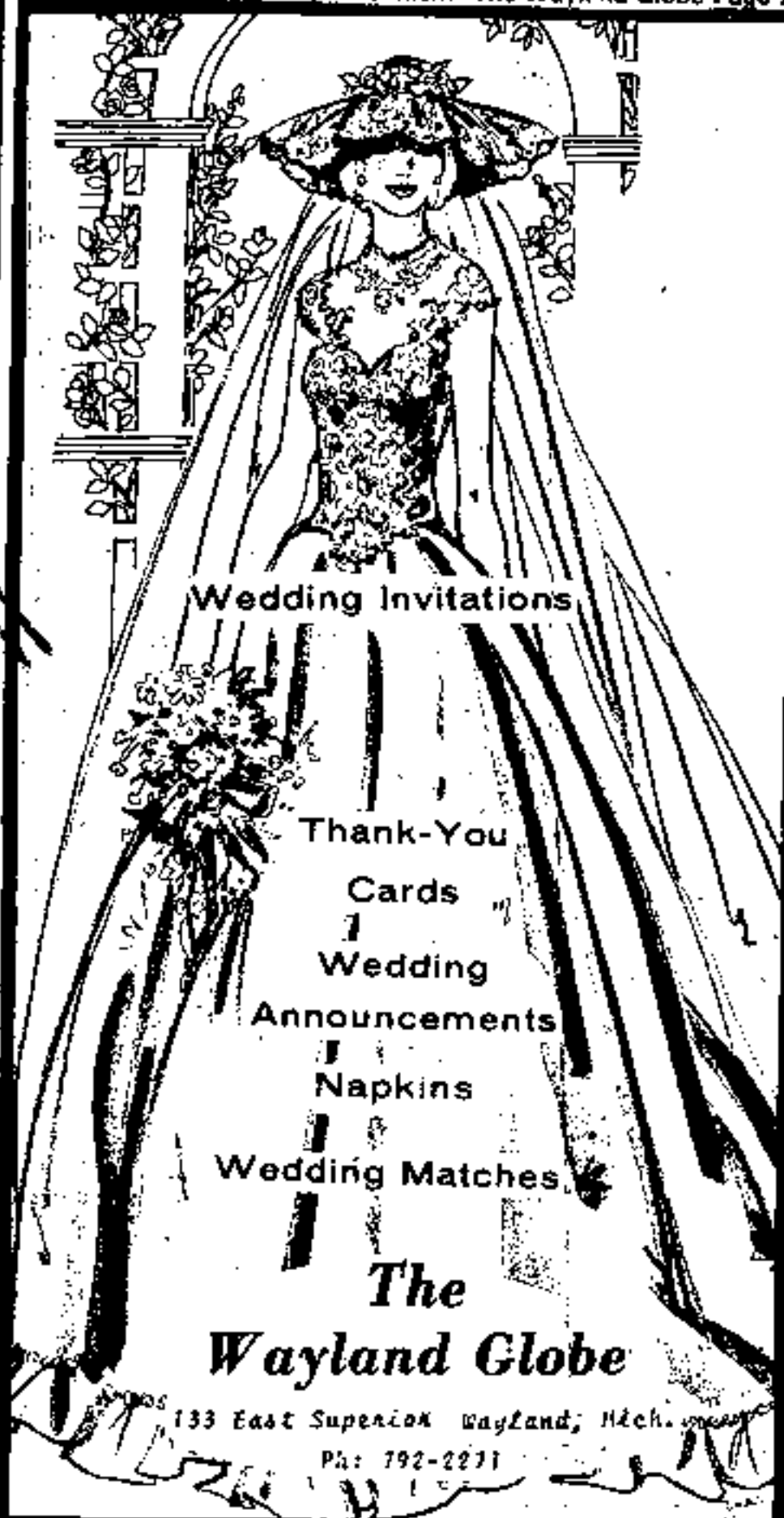
ADOPTED: The 21st day of February, 1983.

Section 22. Grantee shall not divulge any list of subscribers to any outside source.

CHARTER TELECOMMUNICATIONS
CORPORATION OF MICHIGAN - GRANTEE
By Charles Leonard
Its Vice President
Andrew Lepp
Township Supervisor

I hereby certify that the foregoing Ordinance was adopted by the Township Council of the Township of Martin, Michigan, in public session held on the 21st day of February, 1983.

LaVerne Young, Township Clerk



Wedding Invitations

Thank-You
Cards

Wedding
Announcements

Napkins

Wedding Matches

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Wayland Globe**

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MICHIGAN
49348**

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() NEW () RENEWAL



Mrs. Max Selko 881-9640

Mr. and Mrs. Reynold Brenner spent a happy weekend at the home of their son and daughter-in-law, Dr. and Mrs. Richard Brenner and their foster children, Colin and Dixie Overmeyer, of St. John's. On Sunday they were joined by Mr. and Mrs. Lamar Smith, the parents of Mrs. Richard Brenner, for dinner at Zanders at Frankenmuth. These visits are always enjoyed by all.

Mr. and Mrs. Henry and Barbara Chachulski are grandparents to a new baby born to their daughter, it's their second baby born at St. Mary's Hospital in Grand Rapids, weighing 8 pounds and named Amber Marie. The baby's great-grandmother is Mrs. Corbella Penzell of Grand Rapids.

Mr. and Mrs. Duane and Pami Fifelek of 140th Ave. are the happy parents of a new baby girl born at St. Mary's Hospital in Grand Rapids weighing 9 1/2 lbs. The grandparents are Mr. and Mrs. Walter Fifelek and Mr. and Mrs. Robert Dosena of Clearwater, Florida. The baby was baptized in St. Stanislaus Church by Father Dennis Boylan Sunday, March 6, her name is Sarah Lynn and the godparents are Mike and Allyn Jackson, the baby's aunt and uncle. The family helped them celebrate at their home Sunday.

Mr. and Mrs. Leon Pawlowski, Sr. celebrated his 90th birthday Saturday, as usual all the children and grandchildren look turns coming to express their birthday greetings throughout the week or so. We are pleased to be able to say, although Mr. Pawlowski is confined to his bed he is a marvelous patient, says his wife, and may God keep blessing this couple.

Film Nominated For Oscar To Be Shown

By Charles Kutz-Marks

A documentary film on the nuclear arms race will be shown in Wayland on Sunday. The film, "Gods of Metal," has been nominated for an Academy Award by the Academy of Motion Picture Arts and Sciences in the category of short documentaries.

The title is taken from the Book of Leviticus, chapter 19, which says, "Do not make gods of metal and worship them for I am your Lord and God." The 27-minute documentary by Mary Knoll analyzes the arms race from a moral perspective, showing its economic and social effects on people in the United States and the Third World. The film goes on to show the wide variety of ways people are opposing the arms race with actions ranging from writing letters to the President to civil disobedience.

The film is being offered by IMPACT of Wayland. The new group believes, "being a Christian includes caring and action concerning human needs, peace, and justice." In their view the nuclear arms race is one example of issues of peace and justice facing concerned Christians today.

Immediately following the showing of the movie there will be refreshments and discussion of the film. The after-session will be led by a panel including Ron Kast, Robert Kerley, and Ruth Washburn. Then viewers of the movie will be encouraged to share their comments or concerns.

According to Pastor Charles Kutz-Marks, "Gods of Metal" will be shown at the United Church of Wayland, 411 E. Superior, at 7:00 p.m. on Sunday, March 13. A nursery will be provided. There is no admission charge, but donations will be accepted. The community is invited and encouraged to attend.

Farmers...

Let H&R Block prepare your income tax returns...we could save you money.

Our carefully trained tax preparers are up-to-date on all the tax credits and deductions that apply to the farmer. At H&R Block, we'll take all the time necessary to do the job right because we want you to pay the lowest legitimate tax.

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THE INCOME TAX PEOPLE

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Appointments Available

Hopkins Public School

Board of Education
Annual

School Election

June 13, 1983

There are two (2) vacancies on the Board of Education which is to be filled at the Annual School Election June 13, 1983

Two four year terms expiring
June 30, 1987

Prospective candidates are to observe the following dates:

Monday, April 11, 1983 - 4:00 P.M.

is the last day for filing nominating petitions

Thursday, April 14, 1983 - 4:00 P.M.

is the last opportunity a candidate has to withdraw his or her name. Withdrawals must be in writing.

1. Petitions are available at the Board of Education Office, 400 Clark St., Hopkins, Michigan. They may be picked up between 8:00 a.m. and 4:00 p.m. any week day, or will be mailed upon request.

2. The candidate and petition circulator must be qualified and registered electors of the Hopkins Public School District.

3. A petition sheet shall not be circulated in more than one township or city. Each person signing must be a qualified and registered elector of the Hopkins Public School District and a resident of the governmental unit (township or city) named at the top of the nominating petition.

4. A minimum of twenty (20) valid signatures is required to nominate a candidate. It is recommended, however, that each candidate file thirty (30) to forty (40) signatures.

5. The deadline for filing nominating petitions is 4:00 p.m. April 11, 1983 at the Board of Education Office, 400 Clark Street, Hopkins Elementary School, Hopkins, Michigan.

Evanna Beard, Secretary

CLASSIFIED ADS sure to get results
The Wayland Globe and Orbit-Just Call 792-2271

VILLAGE ELECTION

TO THE QUALIFIED ELECTORS:

NOTICE IS HEREBY GIVEN, That an Annual Village Election will be held in the

VILLAGE OF HOPKINS
STATE OF MICHIGAN

AT

VILLAGE HALL
WITHIN SAID VILLAGE ON

MONDAY, MARCH 14, 1983

FOR THE PURPOSE OF VOTING FOR THE ELECTION OF THE FOLLOWING OFFICERS, VIZ:

President
Assessor

Treasurer
Clerk

1 year terms

3 Trustees for 2 year terms
2 Library Bd. Members
for 3 year terms

and to vote on the following Proposal:

"Shall the annual salary of each council member of the Hopkins Village Council be increased to four hundred dollars (\$400.00) per year from three hundred dollars (\$300.00) per year beginning in 1983 and continuing thereafter?"

Notice Relative to Opening and Closing of the Polls
Election Law, Act 118, P.A. 1954

SECTION 720. On the day of any election the polls shall be opened at 7 o'clock in the forenoon and shall be continuously open until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

The POLLS of said election will be open at 7 o'clock a.m. and will remain open until 8 o'clock p.m. of said day of election.

Geraldine Collier, Village Clerk

ORDINANCE #17
ADOPTED ORDINANCE PRESENTED
BY G.L.A.S.A. TO PROVIDE FOR
OPERATION OF SAME
EFFECTIVE: NOVEMBER 9, 1983

**ORDINANCE #18
TO PROVIDE FOR OPERATION OF
G.L.A.S.A. (ARTICLE 2, SECTION D
TO BE ELIMINATED) THIS
ORDINANCE SUPERCEDES #17
EFFECTIVE: IMMEDIATELY**

**ORDINANCE #19
RATE AND MANDATORY
CONNECTION, G.L.A.S.A
ORDINANCE
EFFECTIVE: FEBRUARY 22, 1984**

ORDINANCE NO. 29

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 1 OF 1984

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2 OF 1984

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 19
MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO SEWAGE DISPOSAL SYSTEM
RATE AND MANDATORY CONNECTION ORDINANCE

An Ordinance to amend sections of the Sewage Disposal System, Rate and Mandatory Connection Ordinance pertaining to rates and charges for users of the system, and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN EACH

ORDAIN:

SECTION I

Article III entitled Sewer Use Charge System, subsection 2a and b of the Sewage Disposal System, Rate and Mandatory Connection Ordinance is hereby amended so that subsections entitled "Debt Retirement Charge" and "O, M & R Charge" shall read as follows hereafter:

"User Fees. The user charge to each single family residence within the Township for which sewer service is available shall be \$45/quarter (\$15/mo), beginning April 1, 1984 and continuing through March 31, 1985 at which time users fee reverts back to \$12 per month.

Each house, building or user other than a single family residence, shall pay the amount determined above multiplied by the residential user equivalent units assigned to said house, building or user as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the applicable quarterly amount of the above schedule."

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on April 1, 1984 and after its publication.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

LaVerne Young
Martin Township Clerk

NOTICE

To: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance was adopted by the above named Township Boards at a special meeting held February 22, 1984, said Ordinance to become effective April 1, 1984.

CERTIFICATE

I, LaVerne Young, _____ the Township Clerk of Martin, _____ Township, Allegan _____ County, Michigan, do hereby certify that in pursuance of law and statute provided, at a special meeting of the Martin _____ Township Board held on February 22, 1984, at 7:00 o'clock p.m. at the Yankee Springs Township Hall _____ located within the Township of Yankee Springs _____, at which the following members were present, the Board enacted and passed Ordinance No. 19 _____, hereinafter recorded, to become effective immediately, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Jack Supple _____ Aye
Gerald Fenner _____ Aye
LaVerne Young -- Aye
Andrew Leap _____ Aye

I do further certify that an attested copy of Ordinance No. 19 was filed with the County Clerk on March 20, 1984 _____, and that said Ordinance No. 19 was duly published in Wayland Globe _____, a newspaper printed in Wayland _____, Michigan, and circulated in Martin _____ Township on Feb. 29, 1984 and further that said Ordinance No. 19 was recorded in said Ordinance book on the 3rd day of March _____, 1984 .

Dated: March 20, 1984

LaVerne Young
Township Clerk

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance was adopted by the above named Township Boards at a special meeting held

February 22, 1984

said Ordinance to become effective April 1, 1984.

ORDINANCE NO. 29

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 1 OF 1984

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2 OF 1984

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 19

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

Amendment To Sewage Disposal System, Rate and Mandatory Connection Ordinance

An Ordinance to amend sections of the Sewage Disposal System, Rate and Mandatory Connection Ordinance pertaining to rates and charges for users of the system; and to repeal any parts or portions of the ordinance which are inconsistent herewith.

The Townships of Yankee Springs, Orangeville, Wayland & Martin Each Ordain

SECTION I

Article III entitled Sewer Use Charge System, subsection to part 4 of the Sewage Disposal System, Rate and Mandatory Connection Ordinance is hereby amended so that subsection entitled "Sewer Retirement Charge" and "W. M & W Charge" shall read as follows hereinafter:

"Sewer Fees. The sewer charge to each single family residence within the Township for public sewer service is a variable charge to be calculated as follows: Effective April 1, 1984 and continuing through March 31, 1985 of which there shall be a credit back to the user amount.

Each house, building or land other than a single family residence, shall pay the annual retirement charge calculated by the Township and equivalent with charges to said house, building or land as indicated in Part 4 of this ordinance; however, the amount shall not be less than the appropriate quarterly amount of the above schedule."

SECTION II

Any parts or portions of this ordinance which are inconsistent with those stated above are hereby repealed.

SECTION III

If any section, clause, sentence or phrase of this ordinance is held invalid, the validity of the remainder of the ordinance shall not be affected and the ordinance shall remain in full force and effect.

SECTION IV

This ordinance shall take effect on April 1, 1984 and after the following:

Yankee Springs Township Clerk
Orangeville Township Clerk
Wayland Township Clerk
Martin Township Clerk

ORDINANCE NO. 29

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 1 OF 1984

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2 OF 1984

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 19

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO SEWAGE DISPOSAL SYSTEM,
RATE AND MANDATORY CONNECTION ORDINANCE

An Ordinance to amend sections of the Sewage Disposal System, Rate and Mandatory Connection Ordinance pertaining to rates and charges for users of the system; and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN EACH

ORDAIN:

SECTION 1

Article III entitled Sewer Use Charge System, subsection 2a and b of the Sewage Disposal System, Rate and Mandatory Connection Ordinance is hereby amended so that subsections entitled "Debt Retirement Charge" and "O, M & R Charge" shall read as follows hereafter:

User Fees. The user charge to each single family residence within the Township for which sewer service is available shall be \$45/quarter (\$15/mo), beginning April 1, 1984 and continuing through March 31, 1985 at which time users fee reverts back to \$12 per month.

Each house, building or user other than a single family residence, shall pay the amount determined above multiplied by the residential user equivalent units assigned to said house, building or user as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the applicable quarterly amount, of the above schedule."

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on April 1, 1984 and after its publication.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

L. L. Verne Young

Martin Township Clerk

1779 copy
-1-

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF
YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN
AND THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS
OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND
ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance
was adopted by the above named Township Boards at a special
meeting held February 22, 1984, said Ordinance to become
effective April 1, 1984.

CERTIFICATE

I, Laverne Young, the Township Clerk of
Martin Township, Allegan County, Michigan,
do hereby certify that in pursuance of law and statute provided,
at a ~~regular~~ ^{special} meeting of the Martin Township Board held
on February ²² ~~22~~, 1984, at 7:00 o'clock p.m., at the
Yankee Springs Township Hall, located within the
Township of Yankee Springs, at which the following members
were present, the Board enacted and passed Ordinance No. 19,
hereinbefore recorded, to become effective immediately, and that
the members of said Board present at said meeting voted on the
adoption of said Ordinance as follows:

Jack Sipple-----Aye
Gerald Fenner---Aye
Laverne Young---Aye
Andrew Leep-----Aye

I do further certify that an attested copy of Ordinance
No. 19 was filed with the County Clerk on March 20, 1984,
and that said Ordinance No. 19 was duly published in the
Wayland Globe, a newspaper printed in Wayland,
Michigan, and circulated in Martin Township on Feb. 29, 1984
and further that said Ordinance No. 19 was recorded in said
Ordinance book on the 3rd day of March, 19 84.

Dated: March 20, 1984


Township Clerk

In the Matter of Ordinance #29 Notice

COUNTY OF ALLEGAN

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance was adopted by the above named Township Boards at a special meeting held

February 22, 1984

said Ordinance to become effective April 1, 1984.

ORDINANCE NO. 29

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 1 OF 1984

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN

ORDINANCE NO. 2 OF 1984

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 19

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

Amendment To Sewage Disposal System, Rate and Mandatory Connection Ordinance

An Ordinance to amend sections of the Sewage Disposal System, Rate and Mandatory Connection Ordinance pertaining to rates and charges for users of the system; and to repeal any parts or portions of the ordinance which are inconsistent herewith.

The Townships of Yankee Springs, Orangeville, Wayland & Martin Each Ordain:

SECTION I

Article III entitled Sewer Use Charge System, subsection 2a and b of the Sewage Disposal System, Rate and Mandatory Connection Ordinance is hereby amended so that subsections entitled "Debt Retirement Charge" and "O, M & R Charge" shall read as follows hereafter:

"User Fees. The user charge to each single family residence within the Township for which sewer service is available shall be \$45/quarter (\$15/mo), beginning April 1, 1984 and continuing through March 31, 1985 at which time users fee reverts back to \$12 per month.

Each house, building or user other than a single family residence, shall pay the amount determined above multiplied by the residential user equivalent units assigned to said house, building or user as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the applicable quarterly amount of the above schedule."

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on April 1, 1984 and after its publication.

Yankee Springs Township Clerk
Orangeville Township Clerk
Wayland Township Clerk
Martin Township Clerk

MEY, being duly sworn, says: I am a resident of Allegan County, Michigan, and a publisher of the Allegan Evening Globe, a weekly newspaper published in said county. The annexed is a copy of the notice which was published in said newspaper on the following dates, to-wit:

19⁸⁴ _____ A.D. 19__

19____ A.D. 19__

19____ A.D. 19__

P. J. Helms

Subscribed and sworn to before me this _____ 1st _____

_____ A.D. 19__⁸⁴

Jane Holmet
Notary Public, Allegan County, Michigan

Witness my hand and seal this _____ day of _____ A.D. 1987

JANE HOLMET
Notary Public, Allegan County, Michigan
My commission expires Nov. 30, 1987.

Stephen A. De Kok

Parson to People

(Editor's note: The Globe provides this space for the use of area priests and ministers who wish to share their thoughts and ideas with our readers.)



Are You Too Busy?

By Stephen A. DeKok,

Pastor of the Moline Baptist Church

We have all been approached and asked to do some job or give our time to some worthwhile cause. Our response states a great deal about us. When we tell someone we are too busy to do that particular task, we are not saying we are too busy really but that we do not consider that as important as what we are going to do during the time that task would take. It is not a matter of time but a matter of priorities. We all have the same amount of time. We all have time for the things we want to do or that are most important to us.

I find it interesting in the Bible that God did not choose lazy people or idle people to do His work. When He has work to be done, He goes to those who are already at work. When God wants a great servant, He calls a busy man. There are many times that Scripture attests to this fact.

Moses was busy with his flock at Horeb. Gideon was busy threshing wheat by the wine press.

Saul was busy searching for his father's lost sheep.

David was busy caring for his father's sheep.

Elisha was busy plowing with twelve oxen. Nehemiah was bearing the king's wine cup. Amos was busy following the flock.

James and John were busy mending their nets.

Matthew was busy collecting customs.

The Apostle Paul was busy persecuting Christians. In fact Paul was busy doing what he thought was right. That is why God forgave him after his call.

When asked to do something, do not tell the person asking that you are too busy. Give them the real reason why you cannot accomplish the task at hand. God chooses people who are working and who are busy.

Methodist Church In Martin To Show Film

Martin United Methodist Church will show the film series "Strengthening Your Grip," by the Rev. Charles R. Swindoll beginning on March 3, and each consecutive Saturday evening through April 7 at 7:30 p.m. in the Martin church.

The first film deals with the problem of priorities. Swindoll calls for the recognition of the subtle but essential difference between the important and the "merely urgent." While the urgent "always makes the most noise," he notes, the important but less noisy issues usually need more attention than our hectic schedules allow.

The public is welcome to attend.

New Youth Pastor At Moline Church

Timothy Moore was called to be the youth pastor of Moline Baptist Church. He began his ministry and service on February 13. He will be serving the junior and senior high youth groups and counseling and helping many people in the area as there is need.

Moore is presently enrolled in Grand Rapids Baptist Seminary and plans to complete his study in about 1 1/2 years. He is married and he and his wife, Becky, have no children.

Tim's parents, Rev. and Mrs. Dewey Moore, are pastoring in the town of Owosso.

"We are looking forward to the work and service that this couple will bring. It is a joy for me as the Pastor to welcome them and serve with them. As you, the community, welcomed my family and me a few years ago, we know that they will feel your welcome also," said Pastor Stephen DeKok.

because they are the ones who will accomplish the task. That's why you will hear the statement, "When you want something to be done, you ask a busy person."

The next time you are asked to do something, remember to ask yourself if you are really too busy or is it that that is not that important to you. Yes, there are times when we need to say "no," but lets really examine the reason for saying no.

Mrs. Tubergen Dies At Her Dorr Residence

Mrs. Doris Grace Tubergen, aged 65, of Dorr, passed away Wednesday, February 22, at her home.

Surviving are her mother, Mrs. Cleo Feltenbarger; her children and their spouses, Linda and Leo Brenner, Sally and Terry Genther, Nancy and Carl Perry, Susie and Art Alexander, Bill and Vooda Tubergen, and Shirley and Paul Commons all of Dorr. She also leaves 19 grandchildren, six great-grandchildren; one brother, Arthur Feltenbarger of Dorr; several brothers-in-law, sisters-in-law; nieces and nephews.

Services were held Saturday at the Cook Funeral Home with Rev. Stephen Otto officiating. Interment was in Burnips Cemetery.

Dorr Woman's Mother Dies In Grand Rapids

Mrs. Mary J. Grzegorski, aged 82, of Grand Rapids, died Sunday at Ferguson Hospital.

Surviving are her daughter, Dorothy and her husband, Tom Chrusciel of Dorr; three sons, Edward with whom she resided, Joseph and his wife (Rose Marie) and Eugene and his wife (Dorothy); 12 grandchildren; 13 great-grandchildren; one brother, eight sisters and many nieces and nephews. She was preceded in death by her husband, Michael.

Funeral Mass was celebrated Wednesday at 11 a.m. in Sacred Heart Church and interment was in Holy Cross Cemetery.

Lloyd Judy Succumbs, Funeral Held Saturday

Lloyd Fay Judy, aged 72, of Dorr, succumbed Thursday, February 23.

Surviving are his wife, Christine; his children and their spouses, Rex and Ruth Judy, Vickie and Dan Schweitzer all of New Salem; his grandchildren, Rick, Rhonda, Randy, Steve and Casey; two brothers, Freeman of Burnips, William of Bridgeport, IL; two sisters, Mrs. Daisy Wagner of Sumner, IL and Mrs. Isabelle Schrader of St. Francisville, IL; and several nieces and nephews.

Services were held Saturday from the Cook Funeral Home, with Rev. James Cook officiating. Interment was in Burnips Cemetery.

Former Shelbyville Woman Dies Tuesday

Emma Winchester age 81, formerly of Shelbyville, passed away Tuesday, February 21, in Ontario, Canada.

She is survived by her daughter, Mrs. Edward Fritz of Toronto, Canada, six grandchildren, five great-grandchildren; a brother, Adam Kipes of Dorr, and three sisters, Mrs. Betty Zerfas of Three Rivers, Mrs. Clara Kitchel of Florida, and Mrs. Olive Verton of Grand Rapids.

Mass of Christian burial was held Saturday, February 25, at St. Therese Church with Fr. Charles Fischer as celebrant. Interment was in Resurrection Cemetery. Arrangements were made by Archer-Hampel Funeral Home in Wayland.

Area Woman Dies In Shelbyville Friday

Mrs. Virginia Louise Warner, of Shelbyville, died after a cardiac arrest February 24 at her residence. She was born July 13, 1917 in Shelbyville, the daughter of Samuel and LaVorne Boyer and lived in Shelbyville all of her life.

Mrs. Warner was a member of the Shelbyville United Methodist Church and the Wayland Golden Agers. She retired from Bronson Methodist Hospital in 1977 and was preceded in death by one son, Brewster Hendrixson, Jr., her daughter, Sandra Hendrixson and her husbands, Brewster Hendrixson, Herman King, Sr., and Clyde Warner.

Surviving are one daughter and son-in-law, Robert and Gloria Brown Meendering of Hopkins; six stepchildren, Richard and Herman King, Jr., both of Kalamazoo; Mrs. Alice Marie Ross of Grandville; Raymond Warner of Allegan; Russell Warner of Martin; George Warner of Shelbyville; and a sister, Mrs. Carol Stafford of Shelbyville.

Also surviving are five grandchildren, Mrs. Catherine Bartz, Richard Brown, Jr., Charles Brown, Bruce Brown and Kimberly Brown, all of Hopkins; also one great-granddaughter, Shannon Bartz and one aunt, Mrs. Mildred Cripe of Shelbyville.

Services were held in the Shelbyville United Methodist Church Tuesday afternoon with Rev. Gerald Welch officiating. Interment was in the Maplewood Cemetery in Hopkins.

Martin Resident Dies Unexpectedly Sunday

Klaus E. Tanis of Martin died unexpectedly Sunday, February 26. He was born February 7, 1908 in Scholten, The Netherlands and resided in the Martin area for the past 29 years. He was a retired farmer, a member of the Martin United Methodist Church and a veteran of World War II.

He was preceded in death by his son, Klaus (Eddie) Tanis, Jr., one sister Alice Venderhoff and one brother, Rev. Peter Tanis.

Surviving are his wife, Johanna, two daughters, Naomi Tanis, living at home and Mrs. Betty Hübshman of Venice, Florida. Also, one sister, Mrs. Lena VanKesteren of Alamo, one brother, Ebeling Tanis of Kalamazoo, three grandchildren, six great-grandchildren and several nieces and nephews.

Services were held Wednesday afternoon at Martin United Methodist Church with Reverend Gerald Welch and Thurlan Meredith officiating. Interment was in East Martin Cemetery.



The Singing Rories

Group To Perform At Moline Bapt. Church

On Sunday evening at 7:00 p.m., March 4, the Singing Rories will be presenting a concert at Moline Baptist church. Versatility is the key word that best describes this group from Osceola, Indiana.

According to a spokesman, they use various instruments including guitars, piano, and five string banjo as they convey the message of Jesus Christ. "Whether one prefers 'country style' gospel, Bluegrass gospel, contemporary or Southern quartet, they are assured of hearing something that will be a personal blessing," he said.

Moline Resident Dies Friday Morning

A Moline resident, Mrs. Zina Draalsma, aged 57, passed away Friday morning, February 24.

Her family includes her husband, John; her children and their spouses, Karolina and Harold Smiley of East Grand Rapids, Kelle Draalsma of Grand Rapids, Jacob and Judy Draalsma of Dorr, Peter Draalsma at home, Derek Draalsma of Grand Rapids, Olga and Eric Hallstedt of Sparta, David Draalsma at home; four grandchildren, Larry Belka, Alexandra Smiley, Joseph and Jacob Draalsma; her mother, Karolina Migalaps; and a brother, Peter Migalaps.

Services were held Monday afternoon at Moline Christian Reformed Church with Rev. Willard DeVries officiating. Interment was in Hooker Cemetery.

Memorial contributions may be made to the American Cancer Society.

Views On Dental Health



By Lee Frederickson, D.D.S.
Dr. Carol Elve and Dr. Jeffery Halvorson

The Myth About Lifetime Dentures

If you've heard someone remark, after getting full dentures, that now he has teeth that will last a lifetime, don't be taken in by this myth. It's a fact that all dentures tend to settle into the mouth tissues after a period of years. This is a very slow process, and many people may not be aware of it until they take a closer look at their appearance when they look into a mirror.

As your dentures settle into your gums, the mouth tissues tend to flatten. The same kind of thing happens to sofa cushions after several years of use. When dentures settle, however, the distance from the tip of the nose to the point of the chin becomes shorter. This can give a person's face a wizened appearance. The mouth may look caved in or there may be excessive wrinkles in the lips, cheeks, and chin, adding unwanted years in appearance.

Most dentists recommend that you have your dentures checked periodically for fit and efficiency. This is especially important if you want to protect your personal appearance as well as your dental well-being.

ORDINANCE #20
LIQUOR LICENSE ORDINANCE
EFFECTIVE: MARCH 28, 1984

Martin Township
Ordinance No.20
Adopted: March 14, 1984
Effective: March 28, 1984

An Ordinance to establish procedures and standards for review of applications, renewals and revocations of licenses to sell beer, wine or spirits.

The Township Of Martin

Allegan County, Michigan.

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the "Martin Township Liquor License Ordinance."

SECTION II

APPLICATIONS FOR NEW LICENSE

A. APPLICATION. Applications for a license to sell beer, wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
5. The location and description of the premises of place of business which is to be operated under such license.
6. A statement whether applicant has made application for a similar or other license, on premises other than described in this application, and the disposition of such application.
7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of

its business.

9. The application shall be accompanied by building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control.

B. RESTRICTIONS ON LICENSES. No such license shall be issued to:

1. A person whose license, under this ordinance has been revoked for cause.

2. A person who, at the time of application or renewal of any license issued hereunder would not be eligible for such license upon a first application.

3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

4. A corporation, if any officer, manager, or director thereof, or a stock owner or stockholder owning more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.

5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.

7. A person who does not own the premises for which a license is sought or does not have a lease therefore for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.

8. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.

9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinance.

10. For any new license or for the transfer of location of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.

11. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.

12. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

C. TERM OF LICENSE. Approval of a license shall be for a period of one year subject

to annual renewal by the township board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

D. RESERVATION OF AUTHORITY. No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its discretion, it determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens.

E. LICENSE HEARING. The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Paragraph B. 1 through 12 above.

SECTION III OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION

A. PROCEDURE. Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the township board shall serve the license-holder, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

1. Notice of proposed action.
2. Reasons for the proposed action.
3. Date, time and place of hearing.
4. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing, the township board shall submit to the license holder and the Commission a written statement of its findings and determination.

B. CRITERIA FOR NONRENEWAL OR REVOCATION. The township board shall recommend non-renewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exist:

1. Violation of any of the restrictions on licenses set forth in Paragraph B. 1 through 12 above; or,
2. Maintenance of a nuisance upon the premises.

SECTION IV SEVERABILITY

Should any section or part thereof of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this Ordinance.

SECTION V

EFFECTIVE DATE

This Ordinance shall take effect on the 28th day of March, 1984. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LaVerne Young
Township Clerk

State of Michigan, County of Allegan

In the Matter of LaVerne Young, Ordinance No. 20
COUNTY OF ALLEGAN

IRVIN P. HUNNEY, being duly sworn, says: I am the printer of The Wayland Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to-wit:

March 28, A.D. 1984 A.D. 19...
..... A.D. 19 A.D. 19...
..... A.D. 19 A.D. 19...

LaVerne Young
Subscribed and sworn before me this 28th
day of March A.D. 1984

John H. ...
My Commission Expires Nov 30 A.D. 1987

John H. ...
My commission expires Nov. 30, 1987

In the Matter of Martin Township Ordinance No. 20
 COUNTY OF ALLEGAN—ca.

Martin Township

Ordinance No. 20

Adopted: March 14, 1984
 Effective: March 28, 1984

An Ordinance to establish procedures and standards for review of applications, renewals and revocations of licenses to sell beer, wine or spirits.

The Township Of Martin

Allegan County, Michigan

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the "Martin Township Liquor License Ordinance."

SECTION II

APPLICATIONS FOR NEW LICENSE

A. APPLICATION. Applications for a license to sell beer, wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
5. The location and description of the premises of place of business which is to be operated under such license.
6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of its business.
9. The application shall be accompanied by building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

B. RESTRICTIONS ON LICENSES. No such license shall be issued to:

1. A person whose license, under this ordinance has been revoked for cause.
2. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation, if any officer, manager, or director thereof, or a stock owner or stockholder owning more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
7. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
8. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.
9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinance.
10. For any new license or for the transfer of location of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
11. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
12. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

C. TERM OF LICENSE. Approval of a license shall be for a period of one year subject to annual renewal by the township board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any annual delay in the completion of such remodeling or construction may subject the license to revocation.

D. RESERVATION OF AUTHORITY. No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, an applicant for a liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its

, being duly sworn, says: I am and Globe, a weekly newspaper in said county. The annexed is a copy of the license which was published in said county on the following dates, to-wit:

984 ----- A.D. 19

9 ----- A.D. 19

9 ----- A.D. 19

P. J. Helmer

before me this 28th

----- A.D. 19 84

James Helmer
 Public, Allegan County, Michigan

Nov. 30 A.D. 1987

BY JAMES HELMER
 My Commission Expires Nov. 30, 1987

discretion, it determines that the issuance of an additional license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing the township board shall issue a written statement of its findings and determination, based upon satisfactory compliance with the restrictions through 12 above.

E. LICENSE HEARING. The Township Board shall hold a public hearing on any license application when, in its discretion, the Board determines that the issuance of a license is in the best interests of the township. Following such hearing the township board shall issue a written statement of its findings and determination, based upon satisfactory compliance with the restrictions through 12 above.

SECTION III OBJECTIONS TO RENEWAL OR REVOCATION REQUEST FOR REVOCATION

A. PROCEDURE. Before filing an objection to the renewal or revocation of a license with the Michigan Liquor Control Commission, the licensee shall first file a written statement of objection with the township board, by first class mail, mailed not less than 10 days before the date of the hearing, which notice shall contain the following:

1. Notice of proposed action.
2. Reasons for the proposed action.
3. Date, time and place of hearing.
4. A statement that the licensee may present evidence in support of his position.

Following the hearing, the township board shall submit a written statement of its findings and determination to the Michigan Liquor Control Commission.

B. CRITERIA FOR NONRENEWAL OR REVOCATION. The township board shall recommend nonrenewal or revocation of a license upon a preponderance of the evidence presented at the hearing.

1. Violation of any of the restrictions on licenses set forth in this ordinance;
2. Maintenance of a nuisance upon the premises.

SECTION IV SEVERABILITY

Should any section or part thereof of this Ordinance be held invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this Ordinance.

SECTION V EFFECTIVE DATE

This Ordinance shall take effect on the 28th day of March, 1984. Any ordinances in conflict herewith are hereby repealed.

ly accredited by the North
son of Colleges and Seco-
stated in the school's motto,
te stands "for the Word of
mony of Jesus Christ."

Resident Dies At Her Home

ana, Hastings, age 87, of Bel
id formerly of Wayland pass-
y, March 20, at her home.
d by her sister, Mrs. Forrest
land, a stepson, Frederick
id and two grandchildren.
ommittal services were held
e Archer-Hampel Federal
y. Douglas Pedersen of-
rment was in Elmwood

Dies At Birth Lakeworth Hosp.

ervices were held Friday for
at the home of Mr. and Mrs.
of Shelbyville. The infant died
h 20, at Butterworth Hospital.
ed by her parents, Mr. and
lth of Wayland and her grand-
d Mrs. Richard Bruin and Mr.
Smith of Byron Center.

Health



D.S.
Halverson

GIVE YOURSELF THE MIRROR TEST

How do other people see you when you open your mouth to speak or smile? For that matter, how do you look when your mouth is closed? To find out, give yourself the mirror test. Study your expressions, and take a close look at the appearance of your - hopefully - pearly whites.

Are your teeth out of alignment? Are there gaps that show from missing teeth? Do you have any discolored teeth or unattractive fillings? All of these conditions can be corrected and improved. If there's a problem with your gums, they can be made healthier, too. This will also help save your teeth from further deterioration.

An attractive mouth and smile are always an asset. When your teeth and gums not only look good but are healthy, too, the satisfaction goes even deeper. Ask your dentist what he would recommend to improve the appearance of your mouth and smile. You may be

...Bahamas. The weather was the same but it was fun and the food was fantastic. On the way back they stopped at Epcot and spent the day and visited Mr. and Mrs. Dave Myers in Lakeworth, Florida. They also saw Mrs. Westfahl's daughter, Mrs. Wayne Snider who lives in Hollywood, Florida. The trip lasted two weeks. It was good to get away but nice to get home.

We hope that Gladys Betcher is feeling better. We sure do miss her at Renew sessions. Hurry and come back.

It is sad that we lost our neighbor and friend, Gene Rabideau. Gene always had a smile and a hello no matter when you saw

In the Matter of Martin Township Ordinance No. 20
 COUNTY OF ALLEGAN

Martin Township

Ordinance No. 20

Adopted: March 14, 1984
 Effective: March 28, 1984

An Ordinance to establish procedures and standards for review of applications, renewals and revocations of licenses to sell beer, wine or spirits.

The Township of Martin

Allegan County, Michigan

ORDAINS:
 SECTION I
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APPLICATIONS FOR NEW LICENSE

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1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
5. The location and description of the premises of place of business which is to be operated under such license.
6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of its business.
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3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation, if any officer, manager, or director thereof, or a stock owner or stockholder owning more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
7. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
8. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.
9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinance.
10. For any new license or for the transfer of location of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
11. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
12. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas; in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

C. TERM OF LICENSE. Approval of a license shall be for a period of one year subject to annual renewal by the township board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any (omitted) delay in the completion of such remodeling or construction may subject the license to revocation.

D. RESERVATION OF AUTHORITY. No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its

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1984 ----- A.D. 19

9 ----- A.D. 19

9 ----- A.D. 19

P. J. G. Gray

before me this 28th

----- A.D. 19 84

James Helmsley
 Public, Allegan County, Michigan

Nov. 30 A.D. 1987

My Commission Expires Nov. 30, 1987

discretion, it determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens.

E. LICENSE HEARING. The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Paragraph B. 1 through 12 above.

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1. Notice of proposed action.
2. Reasons for the proposed action.
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Following the hearing, the township board shall submit to the licensee and the Commission a written statement of its findings and determination.

B. CRITERIA FOR NONRENEWAL OR REVOCATION. The township board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exist:

1. Violation of any of the restrictions on licenses set forth in Paragraph B. 1 through 12 above; or,
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SECTION IV SEVERABILITY

Should any section or part thereof of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this Ordinance.

SECTION V EFFECTIVE DATE

This Ordinance shall take effect on the 28th day of March, 1984. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Martin Township

Ordinance No. 20

Adopted: March 14, 1984

Effective: March 28, 1984

An Ordinance to establish procedures and standards for review of applications, renewals and revocations of licenses to sell beer, wine or spirits.

The Township Of Martin

Allegan County, Michigan.

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the "Martin Township Liquor License Ordinance."

SECTION II

APPLICATIONS FOR NEW LICENSE

A. APPLICATION. Applications for a license to sell beer, wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.

2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.

3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.

4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.

5. The location and description of the premises of place of business which is to be operated under such license.

6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.

7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.

8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of his business.

9. The application shall be accompanied by building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

B. RESTRICTIONS ON LICENSES. No such license shall be issued to:

1. A person whose license, under this ordinance has been revoked for cause.

2. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.

3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.

4. A corporation, if any officer, manager, or director thereof, or a stock owner or stockholder owning more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.

5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.

7. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or is a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.

8. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.

9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinances.

10. For any new license or for the transfer of location of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.

11. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.

12. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, underdeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

C. TERM OF LICENSE. Approval of a license shall be for a period of one year subject to annual renewal by the township board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

D. RESERVATION OF AUTHORITY. No such applicant for a liquor license has the right to the issuance of such license to him, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its

NOTICE

WATSON TOWNSHIP

ANNUAL TOWNSHIP MEETING

AND

PUBLIC HEARING ON PROPOSED BUDGET

MARCH 31, 1984

WATSON TOWNSHIP HALL 1:00 P.M.

Also Hearing On Proposed Use Of

REVENUE SHARING FUND

Proposed Use of Estimated \$6,000.00 Fund: On Roads
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Proposed Budget is Open To The Public For Inspection
At The Clerk's Office

WOODROW SPORN, Clerk

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The Wayland Globe and Orbit--Just Call 792-2271

discretion, it determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens.

E. LICENSE HEARING. The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Paragraph B. 1 through 12 above.

SECTION III OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION

A. PROCEDURE. Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the township board shall serve the licensee, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

1. Notice of proposed action.
2. Reasons for the proposed action.
3. Date, time and place of hearing.
4. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing, the township board shall submit to the licensee and the Commission a written statement of its findings and determination.

B. CRITERIA FOR NONRENEWAL OR REVOCATION. The township board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exist:

1. Violation of any of the restrictions on licenses set forth in Paragraph B. 1 through 12 above; or,
2. Maintenance of a nuisance upon the premises.

SECTION IV SEVERABILITY

Should any section or part thereof of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this Ordinance.

SECTION V EFFECTIVE DATE

This Ordinance shall take effect on the 28th day of March, 1984. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LaVerne Young
Township Clerk

Stephen A. De Kok

Parson to People

(Editor's note: The Globe provides this space for the use of area priests and ministers who wish to share their thoughts and ideas with our readers.)



Parenting: A Full Time Job

by Stephen A. DeKok,
Pastor of the Mother Baptist Church

Many children are being cheated today because parents ship their child off to some baby sitter and are with them at the worst times of the day. They leave the basic teaching of their children to the baby sitter and there are no baby sitters that will teach your child in the same way that you can. If you are a parent, you need to develop if you haven't already, a life time commitment to your child. This commitment is a full-time responsibility 24 hours a day 365 days a year.

Deuteronomy states very clearly that you are to teach your child at bed time, at meal time, during the day, at leisure time, actually all the time. You will need to make that commitment that will be a life long commitment to the rearing of your children.

In order to raise children correctly and have them develop into the individual you desire for them to become, it takes time-years of time.

One major missing ingredient could also be brought back to the question of time which really comes to a question of priorities and actually comes to the question of what is most important. Is your job and things more important than your children? They will appreciate you much more if they have less things and more of you. Not only will they appreciate you more but you will appreciate them more and they will bring you years of joy and happiness. There are millions of individuals today that feel unloved and have felt that way from childhood. All people need real love and not some superficial love. They need the love of parents and those around them.

When that love is missing, tragedy results. As the years pass without true love, children

THE WAYLAND GLOBE It's a tiny price to pay, only \$8.00 a year in Allegan and All adjoining counties. Call 792-2271 NOW and order your copy to be sent to you every week!

become part of the millions of unloved, hurt, sullen, rebellious children who try to escape with rock music, drugs, and sex. As the pressures grow, they take out their frustrations by assaulting 70,000 teachers a year and destroy \$600 million in school property through senseless vandalism. One million of the most desperate run away from home each year and 15,000 kill themselves--part of the 400% increase in juvenile suicides in 20 years.

Parents, it is time to decide. Will you dedicate yourself to take the time to read, the time to teach, the time to train, the time to play, the time to love? Your decision will determine your child's future success and happiness.

Green Lake Calvary Church To Show Film

Green Lake Calvary Church, located at 600-145th Ave., Caledonia, will have a special film showing Sunday, April 1 at 7:45 p.m.

According to the church's pastor, Harold Potthoven, "It's Friday, But Sunday's Coming", featuring Anthony Campolo is a powerful message that has motivated Christian congregations around the country to seek a deeper, more costly commitment to Christ. "Mr. Campolo challenges Christians by illustrating how their faith can offer solutions in a world of extreme complexity," he said.

Pastor Harold Potthoven invites the public to attend the 8:00 p.m. worship service, followed by light refreshments and then to view the film at 7:45 p.m.

Methodist Church In Martin To Show Film

The fifth film in the "Strengthening Your Grip" series by the Rev. Charles R. Swindoll will be shown at the Martin United Methodist Church Saturday, March 31 at 7:30 p.m.

Film five is on "Attitudes: Choosing the Food You Serve Your Mind." Here he targets a mental diet of something other than "media-clutter" for anyone wanting to improve their outlook on life.

There will be time following the film for group reflection and fellowship. The public is welcome to attend.



The Swordbearers will present a concert of sacred music at Orangeville Baptist Church.

Group To Perform At Orangeville Church

The Swordbearers of Cedarville College in Cedarville, Ohio, will be ministering at Orangeville Baptist Church in Orangeville on March 31 and April 1 beginning at 7:30 p.m. and 11:00 a.m. respectively. This team of twelve college students is designed to aid the local church in its community outreach and will provide a sacred concert featuring hymn arrangements, selections from cantatas, and traditional favorites.

In addition to special music, the Swordbearers total action ministry includes children's programs using puppets, visitation, youth rallies, and discussion seminars dealing with the Biblical principles of today. The Swordbearers also sponsor an annual youth conference on the campus of Cedarville

College every fall. A spokesman said that through these varied ministries, the Swordbearers seek to present the message of Christ's redeeming work and to encourage believers in practical Christian living.

Cedarville College is a Baptist College of the arts and sciences located in west central Ohio. Currently enrolling 1585 students, the school grants degrees in 28 major fields of study and is fully accredited by the North Central Association of Colleges and Secondary Schools. As stated in the school's motto, Cedarville College stands "for the Word of God and the testimony of Jesus Christ."

Former Resident Dies Tuesday At Her Home

Eva Fergus Lane, Hastings, age 87, of Bel Air, Maryland and formerly of Wayland passed away Tuesday, March 20, at her home.

She is survived by her sister, Mrs. Forrest Calkins of Wayland, a stepson, Frederick Lane of Maryland and two grandchildren.

Funeral and committal services were held Saturday at the Archer-Hampel Funeral Home with Rev. Douglas Pedersen officiating. Interment was in Elmwood Cemetery.

Daughter Of Wayland Resident Succumbs

Word has been received of the death of former Wayland resident, Iva Moshier Bailey, on March 21 of a lingering illness.

She is survived by her father, Arthur Moshier, of Wayland and her husband, Richard Bailey, whose address is Box 189 Acme, Michigan 49610.

him. We will miss him. Our deepest sympathy to the family.

Kathy Dandrow just returned from a vacation to Phoenix, Arizona Friday. Kathy visited Marlene and Christine Dolegowski who moved to Phoenix over a year ago. Kathy and Marlene took side trips to Denver, Colorado and the Grand Canyon and Mexico. Kathy said the weather was great and sure didn't want to step off the plane in the cold weather.

She will be missed by her neighbors in Hilliards where she was a resident for many years. Our deepest sympathy to the family.

Infant Dies At Birth In Butterworth Hosp.

Memorial services were held Friday for baby girl Smith at the home of Mr. and Mrs. Richard Bruin of Shelbyville. The infant died Tuesday, March 20, at Butterworth Hospital in Grand Rapids.

She is survived by her parents, Mr. and Mrs. Jerald Smith of Wayland and her grandparents, Mr. and Mrs. Richard Bruin and Mr. and Mrs. Ron Smith of Byron Center.

HILLIARDS NEWS

Jazel Westfahl 783-7528

Mr. and Mrs. Harold Packard attended a benefit dinner at the Masonic Lodge in Allegan on March 17. Following the dinner they saw the play "Oliver." They enjoyed the play with all the young talent. Mr. Packard informed me that Harry celebrated his 82nd birthday. Happy birthday Harry and many, many more.

Mr. and Mrs. Ivan Kinney got out of the cold weather for a ten day trip to the Hawaiian Islands. They visited two islands, Maui and Oahu. The temperature was in the eighties and the sun was nice and warm. They saw Don Ho and took a tour to the volcano in Hilo. It was a great trip and they would love to return soon.

Mr. and Mrs. William Westfahl had dinner guests Wednesday evening. They included Mr. and Mrs. Fred Schwartz and Mrs. Westfahl's sister, Mrs. Henry Padilla who is visiting for a week.

The neighborhood club met at Mrs. James Miller's home for lunch on March 23. Those attending were Mrs. Ivan Kinney, Mrs. James Wykowski, Mrs. Art Gigowski, Mrs. Howard Connors, Mrs. Jack Manke, Mrs. Lewis Niemczyk and Mrs. William Westfahl. Do we have some good cooks in the neighborhood. Oh, congratulations, Jack

Manke on your steak dinner.

Shirley Pellicani had a birthday party on Saturday, March 17. Celebrating with her were her parents, Mr. and Mrs. Howard Connors, Mr. and Mrs. Bob Arman, Mr. and Mrs. Michael Black, Mr. and Mrs. Ron Connors and family and Shirley's daughter Rachael and Lou's son, Tim. Happy birthday Shirley, have lots more.

Mr. and Mrs. William Westfahl and Mr. and Mrs. Gerald Arman went on a trip to Florida. The weather didn't want to cooperate. It was cold with a misty rain. The four went on a weekend cruise to the Bahamas. The weather was the same but it was fun and the food was fantastic. On the way back they stopped at Epcot and spent the day and visited Mr. and Mrs. Dave Myers in Lakewood, Florida. They also saw Mrs. Westfahl's daughter, Mrs. Wayne Snider who lives in Hollywood, Florida. The trip lasted two weeks. It was good to get away but nice to get home.

We hope that Gladys Betcher is feeling better. We sure do miss her at Renew sessions. Hurry and come back.

It is sad that we lost our neighbor and friend, Gene Rubideau. Gene always had a smile and a hello no matter when you saw

Views On Dental Health



By Lee Frederickson, D.D.S.
Dr. Carol Elva and Dr. Jeffery Halvorson

GIVE YOURSELF THE MIRROR TEST

How do other people see you when you open your mouth to speak or smile? For that matter, how do you look when your mouth is closed? To find out, give yourself the mirror test. Study your expressions, and take a close look at the appearance of your - hopefully - pearly whites.

Are your teeth out of alignment? Are there gaps that show from missing teeth? Do you have any discolored teeth or unattractive fillings? All of these conditions can be corrected and improved. If there's a problem with your gums, they can be made healthier, too. This will also help save your teeth from further deterioration.

An attractive mouth and smile are always an asset. When your teeth and gums not only look good but are healthy, too, the satisfaction goes even deeper. Ask your dentist what he would recommend to improve the appearance of your mouth and smile. You may be pleasantly surprised to find that some problems may even be corrected in one office visit.

Martin Township

Ordinance No. 20

Adopted: March 14, 1984

Effective: March 28, 1984

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The Township Of Martin

Allegan County, Michigan.

ORDAINS:

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TITLE

This Ordinance shall be known and may be cited as the "Martin Township Liquor License Ordinance."

SECTION II

APPLICATIONS FOR NEW LICENSE

A. APPLICATION. Applications for a license to sell beer, wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit. Each shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of its officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
5. The location and description of the premises of place of business which is to be operated under such license.
6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of his business.
9. The application shall be accompanied by building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

B. RESTRICTIONS ON LICENSES. No such license shall be issued to:

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 3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
 4. A corporation, if any officer, manager, or director thereof, or a stock owner or stockholder owning more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
 5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
 6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
 7. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
 8. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.
 9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinance.
 10. For any new license or for the transfer of location of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
 11. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or nuisance control or where a nuisance does or will exist.
 12. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the location to zoning classification; and accessibility from primary roads or state highways.
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PUBLIC HEARING ON PROPOSED BUDGET

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One major missing ingredient could also be brought back to the question of time which really comes to a question of priorities and usually comes to the question of what is most important. Is your job and things more important than your children? They will appreciate you much more if they have less things and more of you. Not only will they appreciate you more but you will appreciate them more and they will bring you years of joy and happiness. There are millions of individuals today that feel unloved and have felt that way from childhood. All people need real love and not some superficial love. They need the love of parents and those around them.

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Methodist Church In Martin To Show Film

The fifth film in the "Strengthening Your Grip" series by the Rev. Charles R. Swindoll will be shown at the Martin United Methodist Church Saturday, March 31 at 7:30 p.m.

Film five is on "Attitudes: Choosing the Food You Serve Your Mind." Here he urges a mental diet of something other than "media-clutter" for anyone wanting to improve their outlook on life.

There will be time following the film for group reflection and fellowship. The public is welcome to attend.

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HILLIARDS NEWS
Janet Westfahl 733-1528

Mr. and Mrs. Harold Packard attended a benefit dinner at the Masonic Lodge in Allegan on March 17. Following the dinner they saw the play "Oliver." They enjoyed the play with all the young talent. Mr. Packard informed me that Harry celebrated his 52nd birthday. Happy birthday Harry and many, many more.

Mr. and Mrs. Ivan Kinney got out of the cold weather for a ten day trip to the Hawaiian Islands. They visited two islands, Maui and Oahu. The temperature was in the eighties and the sun was nice and warm. They saw Don Ho and took a tour to the volcano in Hilo. It was a great trip and they would love to return soon.

Mr. and Mrs. William Westfahl had dinner guests Wednesday evening. They included Mr. and Mrs. Fred Schwartz and Mrs. Westfahl's sister, Mrs. Henry Padilla who is visiting for a week.

The neighborhood club met at Mrs. James Miller's home for lunch on March 20. Those attending were Mrs. Ivan Kinney, Mrs. James Wykowski, Mrs. Art Gigowski, Mrs. Howard Commons, Mrs. Jack Manke, Mrs. Lewis Nizmcryk and Mrs. William Westfahl. Do we have some good cooks in the neighborhood. Oh, congratulations, Jack

Manke on your steak dinner.

Shirley Felicioni had a birthday party on Saturday, March 17. Celebrating with her were her parents, Mr. and Mrs. Howard Commons, Mr. and Mrs. Bob Arman, Mr. and Mrs. Michael Black, Mr. and Mrs. Ron Commons and family and Shirley's daughter Rachel and Lou's son, Tim. Happy birthday Shirley, have lots more.

Mr. and Mrs. William Westfahl and Mr. and Mrs. Gerald Arnsman went on a trip to Florida. The weather didn't want to cooperate. It was cold with a misty rain. The four went on a weekend cruise to the Bahamas. The weather was the same but it was fun and the food was fantastic. On the way back they stopped at Epcot and spent the day and visited Mr. and Mrs. Dave Myers in Lakewood, Florida. They also saw Mrs. Westfahl's daughter, Mrs. Wayne Snider who lives in Hollywood, Florida. The trip lasted two weeks. It was good to get away but nice to get home.

We hope that Gladys Belcher is feeling better. We sure do miss her at Renew sessions. Hurry and come back.

It is sad that we lost our neighbor and friend, Gene Rabideau. Gene always had a smile and a hello no matter when you saw

Views On Dental Health



By Lee Frederickson, D.D.S.
Dr. Carol Elve and Dr. Jeffery Halvorson
**GIVE YOURSELF
THE MIRROR TEST**

How do other people see you when you open your mouth to speak or smile? For that matter, how do you look when your mouth is closed? To find out, give yourself the mirror test. Study your expressions, and take a close look at the appearance of your - hopefully - pearly whites.

Are your teeth out of alignment? Are there gaps that show from missing teeth? Do you have any discolored teeth or unattractive fillings? All of these conditions can be corrected and improved. If there's a problem with your gums, they can be made healthier, too. This will also help save your teeth from further deterioration.

An attractive mouth and smile are always an asset. When your teeth and gums not only look good but are healthy, too, the satisfaction goes even deeper. Ask your dentist what he would recommend to improve the appearance of your mouth and smile. You may be pleasantly surprised to find that some problems may even be corrected in one office visit.

Martin Township

Ordinance No. 20

Adopted: March 14, 1984

Effective: March 28, 1984

An Ordinance to establish procedures and standards for review of applications, renewals and revocations of licenses to sell beer, wine or spirits.

The Township Of Martin

Allegan County, Michigan

ORDAINS:
SECTION I
TITLE

This Ordinance shall be known and may be cited as the "Martin Township Liquor License Ordinance."

SECTION II

APPLICATIONS FOR NEW LICENSE

A. APPLICATION. Applications for a license to sell beer, wine or spirits shall be made to the Township Board in writing, signed by the applicant, if an individual or by a duly authorized agent thereof, if a partnership or corporation, verified by oath or affidavit, and shall contain the following statements and information:

1. The name, age and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.
2. The citizenship of the applicant, his place of birth, and, if a naturalized citizen, the time and place of his naturalization.
3. The character of business of the applicant, and in the case of a corporation, the object for which it was formed.
4. The length of time said applicant has been in business of that character, or, in the case of a corporation, the date when its charter was issued.
5. The location and description of the premises or place of business which is to be operated under such license.
6. A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
7. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this ordinance or the laws of the State of Michigan.
8. A statement that the applicant will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the township in the conduct of its business.
9. The application shall be accompanied by building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening, and noise control.

B. RESTRICTIONS ON LICENSES. No such license shall be issued to:

1. A person whose license, under this ordinance has been revoked for cause.
2. A person who, at the time of application or renewal of any license issued hereunder, would not be eligible for such license upon a first application.
3. A co-partnership, unless all of the members of such co-partnership shall qualify to obtain a license.
4. A corporation, if any officer, manager, or director thereof, or a stock owner or stockholder owning more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason.
5. A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.
6. A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor or a controlled substance.
7. A person who does not own the premises for which a license is sought or does not have a lease therefor for the full period for which the license is issued, or to a person, corporation or co-partnership that does not have sufficient financial assets to carry on or maintain the business.
8. Any law enforcing public official or any member of the township board, and no such official shall be interested in any way either directly or indirectly in the manufacture for sale or distribution of alcoholic liquor.
9. For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing or Fire Codes, applicable Zoning Regulations, applicable Public Health Regulations, or any other applicable Township Ordinance.
10. For any new license or for the transfer of location of any existing license unless the sale of beer, wine, or spirits is shown to be incidental and subordinate to other permitted business uses upon the site, such as but not limited to food sales, motel operations, or recreational activities.
11. For premises where it is determined by a majority of the board that the premises do not or will not reasonably soon after commencement of operations have adequate off-street parking, lighting, refuse disposal facilities, screening, noise, or substance control or where a nuisance does or will exist.
12. Where the board determines, by majority vote, that the proposed location is inappropriate considering the desirability of establishing a location in developed, commercial areas, in preference to isolated, undeveloped areas; the attitude of adjacent residents and property owners; traffic safety; accessibility to the site from abutting roads; capability of abutting roads to accommodate the commercial activity; distance from public or private schools for minors; proximity of the inconsistent zoning classification; and accessibility from primary roads or state highways.

C. TERM OF LICENSE. Approval of a license shall be for a period of one year subject to annual renewal by the township board upon continued compliance with the regulations of this ordinance. Approval of a license shall be with the understanding that any necessary remodeling or new construction for the use of the license shall be commenced within six months of the action of the township board or the Michigan Liquor Control Commission approving such license whichever last occurs. Any unusual delay in the completion of such remodeling or construction may subject the license to revocation.

D. RESERVATION OF AUTHORITY. No such applicant for a liquor license has the right to the issuance of such license in his, her or it, and the township board reserves the right to exercise reasonable discretion to determine who, if anyone, shall be entitled to the issuance of such license. Additionally, no applicant for a liquor license has the right to have such application processed and the township board further reserves the right to take no action with respect to any application filed with the township board. The township board further reserves the right to maintain a list of all applicants and to review the same when, in its

NOTICE

WATSON TOWNSHIP

ANNUAL TOWNSHIP MEETING

AND

PUBLIC HEARING ON PROPOSED BUDGET

MARCH 31, 1984

WATSON TOWNSHIP HALL 1:00 P.M.

Also Hearing On Proposed Use Of

REVENUE SHARING FUND

Proposed Use of Estimated \$6,000.00 Fund: On Reeds
Citizens have the right to present oral and written comments

Proposed Budget is Open To The Public For Inspection
At The Clerk's Office

WOODROW SPORN, Clerk

CLASSIFIED ADS sure to get results
The Wayland Globe and Orbit--Just Call 792-2271

discretion, it determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens.

E. LICENSE HEARING. The Township Board shall grant a public hearing upon the license application when, in its discretion, the Board determines that the issuance of an additional liquor license is in the best interests of the township at large and for the needs and convenience of its citizens. Following such hearing the Board shall submit to the applicant a written statement of its findings and determination. The Board's determination shall be based upon satisfactory compliance with the restrictions set forth in Paragraph B. 1 through 12 above.

SECTION III OBJECTIONS TO RENEWAL AND REQUEST FOR REVOCATION

A. PROCEDURE. Before filing an objection to renewal or request for revocation of a license with the Michigan Liquor Control Commission, the township board shall serve the licensee-holder, by first class mail, mailed not less than ten days prior to hearing with notice of a hearing, which notice shall contain the following:

1. Notice of proposed action.
2. Reasons for the proposed action.
3. Date, time and place of hearing.
4. A statement that the licensee may present evidence and testimony and confront adverse witnesses.

Following the hearing, the township board shall submit to the licensee-holder and the Commission a written statement of its findings and determination.

B. CRITERIA FOR NONRENEWAL OR REVOCATION. The township board shall recommend nonrenewal or revocation of a license upon a determination by it that based upon a preponderance of the evidence presented at hearing either of the following exist:

1. Violation of any of the restrictions on licenses set forth in Paragraph B. 1 through 12 above; or,
2. Maintenance of a nuisance upon the premises.

SECTION IV SEVERABILITY

Should any section or part thereof of this Ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections or parts thereof of this Ordinance.

SECTION V EFFECTIVE DATE

This Ordinance shall take effect on the 28th day of March, 1984. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LaVerne Young
Township Clerk

**ORDINANCE #21
G.L.A.S.A CONSOLIDATE 3
ORDINANCES INTO 1. CLARIFY
RESPONSIBILITIES OF AUTHORITY
AND TOWNSHIPS ORDINANCE
EFFECTIVE: NOVEMBER 28, 1984**

NOTICE

WAYLAND TOWNSHIP
ALLEN CUNY, MICHELAN

WAYLAND TOWNSHIP
ALLEN CUNY, MICHELAN

WAYLAND TOWNSHIP
ORDINANCE NO. 5

ENACTED: November 14, 1984
EFFECTIVE: January 1, 1985

WAYLAND TOWNSHIP
ORDINANCE NO. 5 OF 1984

ENACTED: November 5, 1984

EFFECTIVE: January 1, 1985

PLEASE TAKE NOTICE that the following Sewage Disposal System Ordinance for the Gar Lake Area Sewer System was enacted by both townships as set forth above, which provides as follows:

SECTION 1. PURPOSE AND SCOPE

It is the intent of the township of the Wayland County Sewer District (the "District") to provide for the collection, treatment and disposal of sanitary sewage from all buildings and structures within the District. It is the intent of the District to provide for the collection, treatment and disposal of sanitary sewage from all buildings and structures within the District. It is the intent of the District to provide for the collection, treatment and disposal of sanitary sewage from all buildings and structures within the District.

SECTION 2. DEFINITIONS

SECTION 3. CONSTRUCTION

SECTION 4. ENFORCEMENT

SECTION 5. PENALTIES

SECTION 6. SEWERAGE SYSTEMS

SECTION 7. STANDARDS

SECTION 8. GENERAL PROVISIONS

SECTION 9. MISCELLANEOUS

SECTION 10. SEVERABILITY

SECTION 11. EFFECTIVE DATE

SECTION 12. SHORT TITLE

SECTION 13. REPEALER

Section 10. Hydraulic Loading Systemic
Hydraulic Loading or "Hydraulic Impact" shall mean the effect of any or additional water flows upon a containing system of transportation and or treatment.

Section 11. Gravity Sewer
"Gravity Sewer" shall mean wastewater pipe or conductive as laid that the force of gravity causes wastewater within said conduct to flow.

Section 12. Necessary Buildings
"Necessary buildings" shall mean structures related buildings, less than the size of the said building except as to academies, houses, or other agricultural buildings; and which is incidental to the use of the main building.

Section 13. Connection to Public Sewer
The sewer of any house, building, or structure used for human occupancy, employment, recreation or other purposes, situated within the township and abutting on any street, alley, or right-of-way, in which there is located, or may be located in the future, a public sewer of the township, within five-hundred feet of the nearest point from the structure in which sewage originates, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer. In accordance with the provisions of this ordinance, and state law, when given official notice to do so, provided that such connection shall not be required to be made less than six months (6) after mailing of notification that the sewer is completed and ready available for connection thereto. When charged for connection and usage shall begin on the following day after the expiration of said notification.

Section 14. Building Sewer Permits
There shall be two classes of building sewer permits:
1. Residential permit
2. Commercial permits, including industrial, governmental, and institutional sewage.

In either case, the owner of his work shall also application on a special form provided by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer, and/or the Authority's engineer. The permit fee shall be determined five times the fee by the Authority based upon Authority costs incurred for such inspection and permit handling.

Section 15. Costs to be borne by Owner
All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner

Section 16. Pipe Specifications
The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:
1. Plastic (ANSI ASTM D 1527 ROR 25)
2. Plastic (PVC) ASTM D 3745 ROR 25
3. Vitrified Clay (VIC) ASTM C-700 Extra Strength
4. Reinforced Concrete (RC) ASTM C-407 C-1200
5. Cast Iron Extra Heavy, ASTM A-19
6. Vitrified or glazed concrete pipe (V-24 Extra Strength)

Section 17. Installation of Vitrified or glazed concrete pipe
If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a ultimate improved bed of grade as approved by the Authority's engineer.

Section 18. Joints, Connections
All building sewer joints and connections shall be made gas-tight and watertight and shall conform to the requirements of the current Building and Plumbing Codes of the township. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties. Asbestos cement or concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal in joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

Section 19. Sides, Slope
The sides and slope of the building sewer shall be subject to the approval of the Authority's engineers and inspectors, but in no event shall the diameter be less than four (4) inches in a gravity line. All other sewer lines shall be as determined by the Authority's engineers, without grade of gravity sewer shall be as follows:
1. Six (6) inch pipe—two (2) inch per foot or one (1) inch per eight feet.
2. Four (4) inch pipe—one (1) inch per foot or two (2) inch per eight feet.

Section 20. Sewer Lines Laying
Whenever possible, the building sewer shall be brought to the buildings in an alignment below the basement floor. In building sewer, shall be laid parallel to, or within three feet of, any existing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and bedding

Section 21. Connection to sewer
Disconnection of Private Facilities
At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section A of this article a connection shall be made to the public sewer in compliance with this ordinance and any applicable laws, codes and regulations and any applicable laws, codes and regulations. Similar private sewage disposal facilities shall be abandoned and filled with suitable material, subject to inspection by the State Health Department, County Health Department, the Authority or the Township. Where a private building sewer shall be connected to a public sewer, the connection shall be made in compliance with all requirements of the Michigan County Health Department.

Section 22. Disconnection of Sewer
Application for connection permits may be cancelled and/or sewer service discontinued by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:
1. Misrepresentation in the permit application as to the property or residential equivalents to be served by the sewer system.
2. Unlawful or improper construction methods as determined by the Authority or other regulatory agency.
3. Excessive or improper sewer failure in keeping building sewers in a suitable state of repair.
4. Mispayment of bills.

Section 23. Disconnection
Whenever possible, the building sewer shall be brought to the buildings in an alignment below the basement floor. In building sewer, shall be laid parallel to, or within three feet of, any existing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and bedding

Section 24. Disconnection of Sewer
Whenever possible, the building sewer shall be brought to the buildings in an alignment below the basement floor. In building sewer, shall be laid parallel to, or within three feet of, any existing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and bedding

Section 25. Disconnection of Sewer
Whenever possible, the building sewer shall be brought to the buildings in an alignment below the basement floor. In building sewer, shall be laid parallel to, or within three feet of, any existing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and bedding

Section D. Connection Fee Payments: For each house, building or structure required to connect to the system shall pay a direct or indirect connection fee multiplied by a factor representing a ratio of sewage use by such user to normal single-family residential user, as reflected in Exhibit A.

Section E. Direct Connection Fee
Each person desiring to connect to the system shall pay a charge for the privilege of using the facilities and receiving the service of the system in the amount given below:
1. Direct Connection: For each house, building, or structure connecting directly to the lines of the system, there shall be charged a connection fee of \$7,700 per single-family residential equivalent, as reflected in Exhibit A of this ordinance, plus the cost of service in installation where necessary.
2. Indirect Connection: For each house, building, or structure connecting indirectly to the system there shall be charged a fee of One thousand Five hundred Eighty (\$1,500.00) Dollars per single-family residential equivalent, as reflected in Exhibit A of this ordinance. Indirect connection fees shall be proportional shares of necessary operating or treatment facilities, tanks and pumping stations.

Section F. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the balance. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts are fully paid.

Section G. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the balance. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts are fully paid.

Section H. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the balance. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts are fully paid.

Section I. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the balance. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts are fully paid.

Section J. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the balance. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts are fully paid.

Section K. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the balance. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts are fully paid.

Section L. Payment of Connection Fee
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system, provided however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest on the unpaid amount of the balance. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable monthly thereafter on September first (9th) of each year thereafter until all amounts are fully paid.

Section 7. Street Connection. "Direct Connection" shall mean the connection of an owner's house, building, or structure to a sewer line or lines constructed as part of the original system, or to public lines constructed hereinafter.

Section 10. Indirect Connection. "Indirect Connection" shall be defined as a connection of an owner's house, building or structure made to a sewer line which is a part of public sewer lines added to the system after its original construction, but such (a) or which is paid for from special assessments or private funds.

Section 11. Other Fees. "Other Fees" shall mean the monthly charge for service of any house, building or structure served by the system. "Other Fees" consist of O&M, a 2 charge plan rate, settlement charges.

ORDINANCE CONTINUED PAGE 9

ARTICLE III. Definitions. (Continued).

Section 14. Sewer Connection. "Sewer Connection" shall mean any house, building or improvement or any other structure in which sanitary sewage or effluents, which is constructed after January 1, 1981.

Section 15. Fee/ or Fee/2. "Fee/ or Fee/2" shall mean fees, per billable unit used in reference to quantitative measures of water and wastewater treatment.

Section 16. Charge. "Charge" shall mean the person responsible for the property as shown on the owner tax roll of the Township or a tenant or other party who may consent in writing to be responsible for the property in accordance with Article 5, Section 9 hereafter.

Section 17. Michigan Department of Natural Resources; State. "Michigan Department of Natural Resources" or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Government to regulate matters pertaining to the environment.

Section 18. Dashed Lines. "Dashed Lines" shall mean the Michigan Department of Natural Resources or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Government to regulate matters pertaining to the environment.

Section 19. Dashed Lines. "Dashed Lines" shall mean the Michigan Department of Natural Resources or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Government to regulate matters pertaining to the environment.

Section 20. Dashed Lines. "Dashed Lines" shall mean the Michigan Department of Natural Resources or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Government to regulate matters pertaining to the environment.

Section 21. Dashed Lines. "Dashed Lines" shall mean the Michigan Department of Natural Resources or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Government to regulate matters pertaining to the environment.

Section 22. Dashed Lines. "Dashed Lines" shall mean the Michigan Department of Natural Resources or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Government to regulate matters pertaining to the environment.

Section 23. Dashed Lines. "Dashed Lines" shall mean the Michigan Department of Natural Resources or "State" shall mean the Michigan Department of Natural Resources or any other agency designated by the Michigan State Government to regulate matters pertaining to the environment.

or the person installing the building sewer for said sewer shall indemnify the Township and the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 2. Separate Sewer for Sewer Building Examples. A separate and independent building sewer shall be provided for every building, except where the building stands at the rear of another on an lot or lots and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one allowed only by special permission granted by the Authority. Plumbing fixtures carrying sanitary sewage shall be connected to the public sewer.

ORDINANCE CONTINUED PAGE 11

ARTICLE IV. Hand-drawn Connections.

Section 1. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 2. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

ORDINANCE CONTINUED PAGE 11

ARTICLE IV. Hand-drawn Connections. (Continued).

Section 3. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 4. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 5. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 6. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 7. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 8. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 9. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 10. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 11. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

Section 12. Sewer Connections. "Sewer Connections" shall mean any connection with the sewer system made by hand-drawn connections, which are not made in accordance with the provisions of Article 5, Section 9 hereafter.

shall be performed in accordance with the current ASTM specifications except that no benefits shall be placed until the work has been inspected by the Authority Inspector and acts and local inspectors as otherwise may be required.

Section 2. Lifting Sewage by Artificial Means. In all buildings in which any building sewer is not free to permit gravity flow to the public sewer, suitable sewage carriers by such means shall be lifted by approved artificial means and discharged to the building sewer. Care for installation and connection shall be taken by the owner.

Section 3. Pressure Sewer Requirements. All pressure sewer lines shall be installed in a pressure system involving more than one sewer.

ORDINANCE CONTINUED PAGE 11

ARTICLE IV. Sewer Connections (Continued).

Section 4. Connection to Public Sewer. The connection of the building sewer into the public sewer shall be made on the "up" branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated spot in the main sewer shall be made only as authorized by the Authority.

Section 5. Inspection. The applicant for the building sewer shall notify the Authority upon the building sewer is ready for inspection and connection to the public sewer.

Section 6. Connections Regulations. All connections for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Barriers, sidewalks, pavements and other public property disturbed in the course of the work shall be restored to a water-tightness to the Authority and other public bodies having jurisdiction over such matters.

Section 7. Connections Allowed Only if Specially Available. No connection will be allowed unless there is capacity available in connection sewer, plus street sewer, interceptors, for cesspits, and treatment plants, limiting capacity for additional flow and suspended solids loadings. Determinations of such potential impact are made by the Authority's engineers and subject to approval of the Department of Natural Resources of the State of Michigan.

Section 8. Connections at Time of Original Construction of Sewer. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or structure hereafter. It is whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall indicate the sewer system, the public sewer, as described. Other streets, the

Section 9. Connections at Time of Original Construction of Sewer. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or structure hereafter. It is whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall indicate the sewer system, the public sewer, as described. Other streets, the

Section 10. Connections at Time of Original Construction of Sewer. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or structure hereafter. It is whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall indicate the sewer system, the public sewer, as described. Other streets, the

Section 11. Connections at Time of Original Construction of Sewer. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or structure hereafter. It is whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall indicate the sewer system, the public sewer, as described. Other streets, the

Section 12. Connections at Time of Original Construction of Sewer. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or structure hereafter. It is whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall indicate the sewer system, the public sewer, as described. Other streets, the

Section 13. Connections at Time of Original Construction of Sewer. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or structure hereafter. It is whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall indicate the sewer system, the public sewer, as described. Other streets, the

Section 14. Connections at Time of Original Construction of Sewer. At the time of original construction of the public sewer, the Township shall install that portion of the building sewer from the public sewer to the lot or structure hereafter. It is whenever possible for any house, building, or structure, or amended hereto to connect to the system. The Township and the Authority, in its report, shall indicate the sewer system, the public sewer, as described. Other streets, the

sewer containing grease in the excessive amount, or any flammable waste, sand or other harmful ingredients, except that such ingredients shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority's engineer, shall be subject to approval by Michigan DNR, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 4. Extensions to the Public Sewer. (Indirect Connections) Sewer extensions for indirect connections shall be the following:

- 1. Certified estimates of plans and specifications to the Authority.
- 2. Approval of Authority Engineer.
- 3. Plans drawn to contract.
- 4. Payment of Authority engineer as outlined in said sewer extension.

ORDINANCE CONTINUED PAGE 15

ARTICLE V. Water Connection from Lake Erie.

Section 1. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 2. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 3. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 4. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 5. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 6. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 7. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 8. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

Section 9. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

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Section 11. Payment. The rates fixed herein are levied to be sufficient to provide for the payment of the expenses of maintenance and operation, such as necessary to preserve the same in good repair and working order, to provide for the payment of the cost of water delivered to the Township from the County of Huron, the Gen Lake Area Sewer Authority, and the Township on the same terms, day, and to provide for such other expenditures and funds for said system as this ordinance requires. Such rates shall be fixed and varied from time to time by ordinance as may be necessary to produce these amounts.

THE GUN LAKE AREA SEWER AUTHORITY
12588 MARSH ROAD
SHELBYVILLE, MI 49344
TELEPHONE AREA 616-672-5588

ORDINANCE PROPOSAL TO MARTIN TOWNSHIP BOARD

REGULAR MEETING PRESENTATION

November 14, 1984

7:30 PM

PURPOSE OF ORDINANCE PROPOSAL:

Consolidate three ordinances into one;
Address existing and apparent future need;
Clarify the responsibilities of the Authority and the Township.

CNF/ORD PROP 10/30/84

Basic word changes:

1. The word "premise" to "house, building, or structure";
2. The word "Manager" to "Authority";
3. The word "Inspector" to "Authority/Authority Engineers";
4. The word "Sewage works" to "System";
5. The word "Customer" to "Person(s)";
6. The word "Trailer" to "Mobile Home".

Addendums since booklet publication:

1. Page 3, line 166--change "Schedule A" to "Exhibit A";
2. Page 13, line 660--change "Appendix A" to "Exhibit A";
3. Page 17, line 868--add "on or by February 28th".
4. Page 14, line 713--add "occupying other than new construction".

Summary of changes herein:

Page

- 2-7 : Definitions; ie...Service Stub, Lateral Main, DNR, EPA, et al;
- 8 : Authorize charging of user fees to those in non-compliance;
- 8 : Have permit fee established by the Township;
- 8 : Exception to individual building sewer granted by Authority;
- 10 : Establish pressure system requirements;
- 11 : Restoration after sewer work satisfactory to the Authority;
- 12 : Septic tank filling to be inspected by Township or Authority;
- 12 : Unsafe construction conditions regulated by the Authority;
- 12 : Establish new construction procedures for new developments;
- 13 : Rates to all customers on the basis of Exhibit A
- 14 : Establish direct connection fee at \$2,700 dollars;
- 14 : Establish indirect connection fee at \$1,580;
- 14 : Establish payment plan through 1998;
- 15 : Establish criteria for accessory or secondary buildings;
- 15 : Establish criteria for user fee exemption for non-use;
- 16 : Establish 5% late charge for connection fee;
- 17 : Determination of appeals by Township Board;
- 17 : Audit performed by February 28th;
- 23 : Establish regulations for commercial waste haulers;
- 27 : Establish enforcement for unintentional violations;
- 29 : Establish equivalent factor for single family residence;
- 29 : Establish equivalent factor for Coin-op Car Wash Facilities;
- 29 : Establish increase in Multi-Family Equivalent Factor to 1.0;
- 30 : Establish factor for Picnic Park at 0.10 per parking space.
- 30 : Establish equivalent factor for Mobile homes not in parks;
- 30 : Add the words "cabin resort" to Tourist Courts;
- 30 : Establish equivalent factor for Summer Camp facilities.

NOTICE

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

MARTIN TOWNSHIP
ORDINANCE NO. 21

ENACTED: November 14, 1984

EFFECTIVE: January 1, 1985

WAYLAND TOWNSHIP
ORDINANCE NO. 5 OF 1984

ENACTED: November 5, 1984

EFFECTIVE: January 1, 1985

PLEASE TAKE NOTICE that the following Sewage Disposal System Ordinance for the Gun Lake Area Sewer System was enacted by both Townships as set forth above, which provides as follows:

SEWAGE DISPOSAL SYSTEM ORDINANCE
NAME AND HANDBOOK CONNECTION
USAGE, REGULATIONS, AND DEPARTMENT

An ordinance to provide for the operation of the ALLEGAN County Sewage Disposal System (Gun Lake Area) on a public utility basis under the Provisions of Act 94, Public Acts of Michigan, 1933, as amended and to prescribe the rates to be charged for the use of said System; to provide for the mandatory connection to said System; to provide penalties for the violation thereof; and to provide for other matters relative to said System and to repeal all ordinances or parts thereof that are inconsistent herewith.

THE TOWNSHIP OF MARTIN
THE TOWNSHIP OF WAYLAND
HENRY OPDAIN:

Article I. Purpose.

Section A. It is hereby determined to be desirable and necessary, for the public health, safety, and welfare of the Township of MARTIN and the Township of WAYLAND that the ALLEGAN County Sewage Disposal System (Gun Lake Area) be operated by the Gun Lake Area Sewer Authority on behalf of said township as lessee of ALLEGAN County and the ALLEGAN County Department of Public Works under Act 185 of 1957, as amended, on a public utility rate basis, in accordance with the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and of existing agreements between the parties.

ORDINANCE PAGE 2

Article II. Operation.

Section A. Operation and Maintenance. The operation and maintenance of the System shall be under the supervision and control of the Gun Lake Area Sewer Authority acting for the Township subject to the terms of the contract dated April 3, 1978 between the County of ALLEGAN, The Gun Lake Area Sewer Authority, and the Township. Pursuant to the terms of such contract the Township has retained the exclusive right to establish, maintain and authorize the collection of rates and charges for sewer collection and disposal service. The Gun Lake Area Sewer Authority, in performing all of its duties and obligations hereunder and pursuant to the aforementioned contract, is acting as agent for the Township. In this regard, the Authority as the township's agent may employ such person or persons in such capacity or capacities as it deems advisable and may make such rules, orders and regulations as it deems advisable and necessary to assure the efficient establishment, maintenance and collection of such rates and charges, and to assure the efficient management and operation of the System.

ORDINANCE CONTINUED PAGE 3

Article III. Definitions.

Unless the context specifically indicates otherwise, the meaning for terms used in this ordinance shall be as follows:

Section A. System. Whenever the words "the System" are referred to in this ordinance, they shall be understood to mean the complete facilities of the ALLEGAN County Sewage Disposal System (Gun Lake Area) in which the township has an interest, including all treatment facilities, sewers, pumps, lift stations, and all other facilities used or useful in the collection and disposal of domestic, commercial or industrial wastes, including all appurtenances thereto and including all extensions and improvements thereto which may hereafter be acquired.

Section B. Revenues, Net Revenues. Whenever the words "revenues" and "net revenues" are used in this ordinance, they shall be understood to have the meanings as defined in Section 3, Act 94, Public Acts of Michigan, 1933, as amended.

Section C. Authority. "Authority" shall mean the Gun Lake Area Sewer Authority, acting as agent for the Township.

Section D. Authority Board. "Authority Board" shall mean the governing body of the Authority.

Section E. Connection Charge. "Connection Charge" shall mean the amount charged at the time, and in the amount hereinafter provided, to each house, building, or structure in which sanitary sewage originates per MCL 333.2751, which requires a connection to the sanitary sewer as per this ordinance. The charge is based upon the proportionate cost allocable to the use of such sewage and treatment facilities associated with providing sanitary sewers and sewage treatment.

Section F. Service Stub. "Service Stub" shall mean all of the public sewer line from the System lateral main to the property line.

Section G. Lateral Main. "Lateral Main" shall mean any sewer line of the System to which a service stub connects or may be connected.

Section H. Manager. "Manager" shall mean the Gun Lake Area Sewer Authority Manager or his authorized operator, agent, or representative.

Section I. O, M, & R Charge. "O, M, & R Charge" shall mean the charge levied on all users of the System for the cost of operation and maintenance, including replacement and depreciation.

ORDINANCE CONTINUED PAGE 4

Article III. Definitions (continued).

Section J. Operation and Maintenance Costs. "Operation and Maintenance Costs" shall mean all costs, direct and indirect, necessary to provide adequate wastewater collection and treatment on a continuing basis, to conform with all federal, state, and local wastewater management requirements, and to assure optimum long-term management of the System. Operation and maintenance costs shall include replacement costs.

Section K. Replacement Costs. "Replacement Costs" shall mean expenditures made during the service life to the System to replace equipment and appurtenances necessary to maintain the intended performance of the System.

Section L. BOD Biological Oxygen Demand. "Biological Oxygen Demand" shall mean the quantity of oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Centigrade, expressed in milligrams per liter (mg/l).

Section M. Building Sewer. "Building Sewer" shall mean the extension from the building to the public sewer or other accepted place of disposal.

ORDINANCE CONTINUED PAGE 5

Article III. Definitions (continued).

Section N. Classes of Users. "Classes of Users" shall mean the division of sanitary sewer customers into classes by similar process or discharge flow characteristics as follows, as required by EPA:

1. Residential user—shall mean an individual home or dwelling unit, including accessory building(s), mobile homes, apartments, condominiums, and multi-family dwellings units, etc. that discharges only segregated waste or wastes from sanitary conveniences.

2. Commercial user—shall mean any retail or wholesale business engaged in selling merchandise or a service that discharges only segregated domestic wastes from sanitary conveniences.

3. Institutional user—shall mean any educational, religious or social organization such as a school, church, nursing home, hospital or other institutional user that discharges only segregated domestic waste or wastes from sanitary conveniences.

4. Governmental user—shall mean any federal, state, or local governmental office or governmental facility that discharges only segregated domestic waste or wastes from sanitary conveniences.

5. Industrial user—shall mean any manufacturing establishment which produces a product from raw or purchased material. This category shall also refer to any non governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, under Divisions A, B, D, E, or I, excluding those users already identified in one of the other classes. A user may also be excluded from the "Industrial User" class if it is determined that such user will discharge only segregated domestic strength wastes or wastes from sanitary conveniences. Industrial users subject to the "Industrial Cost Recovery System" shall include the following: (a.) Any nongovernmental user of publicly owned treatment works which discharges more than 25,000 gallons per day of sanitary waste, or a volume of process waste, or combined process and sanitary waste, equivalent to 25,000 gallons per day of sanitary waste; (b.) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard to, or have an adverse effect on, the waters receiving any discharge from the System; (c.) All commercial users of an individual system constructed with grant assistance under Section 201 (h) of the Clean Water Act and this chapter. Exhibit A shall apply in determining connection charges and user charges of all of these "classes of users".

Section D. Residential Equivalent User Factor.

"Residential Equivalent User Factor" is a factor established for each type of user as shown on Exhibit A; it represents the quantity of sanitary sewage ordinarily arising from the occupancy of a residence building by a single family of ordinary size and the benefit derived therefrom as the ratio of other users thereto. It shall be defined and/or determined from time to time by the township.

ORDINANCE CONTINUED PAGE 6

Article III. Definitions (continued).

Section F. Compatible Pollutant. "Compatible Pollutant" shall mean Bifurcated Oxygen Demand, suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the WQRP permit if the treatment works was designed to treat such pollutants and can, in fact, remove such pollutants to a substantial degree. The term "substantial degree" generally means removal in the order of 80 percent or greater.

Section G. Combined Sewer. "Combined Sewer" shall mean a sewer receiving both surface run-off and sewage.

Section H. Garbage. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section I. Incompatible Pollutant. "Incompatible Pollutant" shall mean any pollutant that is not a compatible pollutant, as defined in Section F above.

Section J. Industrial Wastes. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from segregated domestic strength wastes, or wastes from sanitary conveniences.

Section K. Infiltration. "Infiltration" shall mean any waters entering the system from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

Section L. Inflow. "Inflow" shall mean any waters entering the system through such sources as, but not limited to, building downspouts, footing or yard drains, cooling water discharges, sewage lines from spring and swamp areas, and storm drain cross connections.

Section M. Infiltration/Inflow. "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow.

Section N. Inspector. "Inspector" shall mean any person or persons authorized by the Authority to inspect and

approve the installation of sewers, including the inspection and approval of building sewers.

Section AA. Natural Outlet. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

ORDINANCE CONTINUED PAGE 7

Article III. Definitions (continued).

Section BB. Normal Strength Sewage. "Normal Strength Sewage" shall mean a sanitary wastewater flow containing an average daily BOD of not more than 200 mg/l or an average daily suspended solids concentration of not more than 250 mg/l.

Section CC. NPDES Permit. "NPDES Permit" shall mean the permit issued pursuant to the National Pollution Discharge Elimination System for the discharge of wastewater into the waters of the State.

Section DD. Person. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section EE. pH. "pH" shall mean the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Section FF. Pretreatment. "Pretreatment" shall mean the treatment of extra strength wastewater flows in privately owned pretreatment facilities prior to discharge into the System.

Section GG. Properly Shredded Garbage. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and disposing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles over one-half inch in dimension.

Section HH. Public Sewer. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

Section II. Sanitary Sewer. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

Section JJ. Sewage. "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The three most common types of sewage are:

1. Sanitary Sewage—shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

2. Industrial Sewage—shall mean a combination of liquid and water carried wastes discharged from any industrial establishment and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

3. Combined Sewage—shall mean wastes including sanitary sewage, industrial sewage, storm water, and infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

ORDINANCE CONTINUED PAGE 8

Article III. Definitions (continued).

Section KK. Sewage Treatment Facility. "Sewage Treatment Facility" shall mean any arrangement of devices and structures used for treating sewage.

Section LL. Sewage Works. (System) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section MM. Sewer. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section NN. Shall, May. "Shall" is mandatory; "May" is permissive.

Section OO. Sludge. "Sludge" shall mean any discharge of sewage or industrial waste which, in concentration of any given constituent, exceeds for any period of duration longer than 15 minutes more than 5 times the average 24 hour concentration during normal operation.

Section PP. Storm Drain. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section QQ. Suspended Solids. "Suspended Solids" shall mean solids that either float on the surface of, or in suspension in, water, sewage or other liquids and which can be removed by laboratory filtering.

Section RR. Watercourse. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section SS. Wye Branch. "Wye Branch" shall mean a local service connection to the sewer that is made at a right angle smaller to a "wye" so that a sewer cleaning rod will not come into the sewer at a right angle and penetrate the far side, but will travel down the course of the sewer.

(Continued On Page 11, Col. 1)

GRN Lake Sewer System Ordinance
(Continued From Page 18)

Section VII. Direct Connection.
"Direct Connection" shall mean the connection of an owner's house, building, or structure to a sewer line or lines constructed as part of the original system, or to public lines constructed hereafter.

Section VIII. Indirect Connection.
"Indirect Connection" shall be defined as a connection of an owner's house, building or structure made to a service stub which is a part of public sewage lines added to the system after its original construction, the cost of which is paid for from special assessments or private funds.

Section IX. User Fee.
"User Fee" shall mean the monthly charge to owners of any house, building, or structure served by the system. User fees consist of C.M. & R charges plus Debt Retirement Charges.

ORDINANCE CONTINUED PAGE 9

Article III. Definitions (Continued).

Section XX. New Construction.
"New Construction" shall mean any house, building, or improvement or any other structure in which sanitary sewage originates, which is constructed after January 1, 1983.

Section XXI. Mg/l or mg/l.
"Mg/l" or "mg/l" shall mean parts per million as used in reference to quantitative analyses of water and wastewater (sewage).

Section XXII. Owner.
"Owner" shall mean the person responsible for the property as shown on the current tax roll of the township or a tenant or other party who has consent in writing to be responsible for the property in accordance with Article V, Section G hereafter.

Section XXX. Michigan Department of Natural Resources; MDNR.
"Michigan Department of Natural Resources" or "MDNR" shall mean the Michigan Department of Natural Resources or any other agency designated by Michigan state law to regulate matters pertaining to the environment.

Section XXXI. United States Environmental Protection Agency; USEPA.
"United States Environmental Protection Agency" or "USEPA" shall mean the United States Environmental Protection Agency or any other agency designated by the United States Congress to regulate matters pertaining to the environment.

Section XXXII. Pressure System; Pressure Sewer.
"Pressure System" or "Pressure Sewer" shall mean a sewer line in which sewage is transported solely by means of attached pumps and apparatuses.

Section XXXIII. Hydraulic Loading; Hydraulic Impact.
"Hydraulic Loading" or "Hydraulic Impact" shall mean the effect of raw or additional water flows upon a continuing system of transportation and of treatment.

Section XXXIV. Gravity Sewer.
"Gravity Sewer" shall mean wastewater pipe or conduit so laid that the force of gravity causes wastewater within said conduit to flow.

Section XXXV. Accessory Buildings.
"Accessory Building(s)" shall mean subordinate related building(s), less than the size of the main building except as to stables, barns, or other agricultural building(s) and which is incidental to the use of the main building.

ORDINANCE CONTINUED PAGE 10

Article IV. Mandatory Connections.

Section A. Connection To Public Sewer Required.

The owner of any house, building, or structure used for human occupancy, employment, recreation or other purposes, situated within the township, and abutting on any street, alley, or right-of-way, in which there is located, or may be located in the future, a public sewer of the township, within two-hundred feet at the nearest point from the structure in which sewage originates, is hereby required, at his expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this ordinance, and state law, when given official notice to do so, provided that such connection shall not be required to be made less than six months (6) after mailing of notification that the sewer is completed and "made available" for connection thereto. Fees charged for connection and usage shall begin on the following day after the completion of said notification.

Section B. Building Sewer Permits.
There shall be two classes of building sewer permits:

1. Residential permits;
 2. Commercial permits, including industrial, governmental, and institutional usage.
- In either case, the owner or his agent shall make application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the manager, and/or the Authority's engineers. The permit fee shall be determined from time-to-time by the Township based upon Authority costs incurred for such inspection and permit handling.

Section C. Costs to be Borne by Owner.
All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner

of the premises installing the building sewer for said owner shall indemnify the Township and the Authority from any loss or damage that may be directly or indirectly occasioned by the installation of the building sewer.

Section D. Separate Sewer For Every Building; Exceptions.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by resolution of the Authority. Plumbing fixtures installed in accessory buildings and drains carrying sanitary sewage shall be connected to the public sewer.

ORDINANCE CONTINUED PAGE 11

Article IV. Mandatory Connection (Continued).

Section E. Work on Sewer System; Permit, Bond, Insurance Required.

No one shall uncover, take any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Authority. Before a general license or particular permit may be issued for excavating, plumbing or drain laying in any public street way or alley, the person applying for such permit shall execute with the Authority and deposit with the Authority, a bond with corporate surety in the sum of \$1,000 conditioned that he will faithfully perform all work with due care and skill, and in accordance with the laws, rules and regulations established under the Authority and the township pertaining to sewers and plumbing. This bond shall state that the permit will indemnify and save harmless the Authority, the township and the owners of the property and abutting properties against all damages, costs, expenses, outlays and claims of every nature and kind arising out of mistake or negligence on his part in connection with plumbing, sewer line connection, or excavating for plumbing or sewer connection as prescribed in this ordinance. Such bond shall remain in force and must be executed for a period of one year, except that, upon such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The licensee shall also provide public liability insurance for the protection of the Authority and the township, the property owner, and all persons to indemnify them for all damages caused by accidents attributable to the work, with limits of \$100,000 for one person, \$300,000 for bodily injury per accident, and \$50,000 for property damage.

Section F. Pipe Specifications.
The building sewer shall be constructed of either of the following types of pipe meeting the current ASTM specifications:

1. Plastic (ARS) ASTM D 1527 SDR 35
2. Plastic (PVC) ASTM D 1785 SDR 35
3. Vitrified Clay (VC) ASTM C-700 Extra Strength
4. Asbestos-Cement (AC) ASTM C-428 CI-2400
5. Cast Iron Extra Heavy ASTM A-74
6. Nonreinforced Concrete ASTM C-14 Extra Strength

If installed in filled or unstable ground, the building sewer shall be of cast iron extra heavy pipe, except that other types of pipe may be used if laid on a suitable improved bed or grade as approved by the Authority's engineers.

ORDINANCE CONTINUED PAGE 12

Article IV. Mandatory Connection (Continued).

Section G. Joints; Connections.
All building sewer joints and connections shall be made gastight and watertight and shall conform to the requirements of the current Building and Plumbing Codes of the township. Vitrified clay sewer pipe shall be fitted with factory-made resilient compression joints meeting the current ASTM specifications for vitrified clay pipe joints having resilient properties. Asbestos cement or concrete sewer pipe joints shall be of rubber ring, flexible compression type, similar and equal to joints specified for vitrified clay pipe. The joints and connections shall conform to the manufacturer's recommendations.

Section H. Size; Slope.
The size and slope of the building sewers shall be subject to the approval of the Authority's engineers and inspectors, but in no event shall the diameter be less than four (4) inches on a gravity line. All other sewers shall be as determined by the Authority's engineers. Minimum grade of gravity sewer shall be as follows:

1. Six (6) inch pipe—one-eighth inch per foot or one (1) inch per eight feet.
2. Four (4) inch pipe—one-quarter inch per foot or two (2) inches per eight feet.

Section I. Excavations; Pipe Laying.
Whenever possible, the building sewer shall be brought to the buildings at an elevation below the basement floor. No building sewer shall be laid parallel to, or within three feet of, any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Authority. Pipe laying and backfill

shall be performed in accordance with the current ASTM specifications except that no backfill shall be placed until the work has been inspected by the Authority Inspector and state and local inspectors as otherwise may be required.

Section J. Lifting Sewage by Artificial Means.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. Costs for installation and connection shall be borne by the owner.

Section K. Pressure System Requirements.
Lift pumps must meet Authority specifications in a pressure system serving more than one user.

ORDINANCE CONTINUED PAGE 11

Article IV. Mandatory Connection (Continued).

Section L. Connection to Public Sewer.
The connection of the building sewer into the public sewer shall be made at the "eye" branch designated for the property if such branch is available at a suitable location. Any connection not made at the designated eye branch in the main sewer shall be made only as authorized by the Authority.

Section M. Inspection.
The applicant for the building sewer shall notify the Authority when the building sewer is ready for inspection and connection to the public sewer.

Section N. Excavations; Regulations.
All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, porches and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority and other public bodies having jurisdiction over such matters.

Section O. Connections Allowed Only If Capacity Available.
No connection will be allowed unless there is capacity available in downstream sewers, pump stations, interceptors, forcemains and treatment plant, including capacity for additional SOD and Suspended Solids loadings. Determinations of such hydraulic impact are made by the Authority's engineers and subject to approval of the Department of Natural Resources of the State of Michigan.

Section P. Connections at Time of Original Construction of Sewer.
At the time of original construction of the public sewer, the township shall install that portion of the building sewer from the public sewer to the lot or easement boundary line whenever possible for any house, building, or structure so sited herein to connect to the system. The township and the Authority, as its agent, shall retain at its own expense, the public sewer as described. Those persons making connections at the time of original construction of the public sewer shall install at their own expense, that portion of the building sewer from said lot or easement line to said house, building, or property. The owner shall maintain said building sewer at his own expense.

Section Q. Connections Subsequent to Original Construction.
Those persons making connections subsequent to the time of original construction of the public sewer shall install at their own expense, that portion of the building sewer from the public sewer to the lot or easement boundary line in addition to that portion of the building sewer from said lot or easement line to the house, building, or structure being served from the system, including providing the cost for a stub where none had been provided.

ORDINANCE CONTINUED PAGE 14

Article IV. Mandatory Connection (Continued).

Section R. Connection to Sewer; Disconnection of Private Facilities.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section A of this article a connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material, subject to inspection by the State Health Department, County Health Department, the Authority or the Township. Where a public sanitary or combined sewer is not available, the building sewer shall be connected to any available private sewage disposal system complying with all requirements of the ALLEGAN County Health Department.

Section S. Disconnection of Service.
Applications for connection permits may be cancelled and/or sewer service disconnected by the Authority for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the permit application as to the property or residential equivalent to be serviced by the sewer works.
2. Unsafe or improper construction methods as determined by the Authority or other regulatory agency.
3. Improper or imperfect and/or failure to keep building sewers in a suitable state of repair.
4. Nonpayment of bills.

Section T. Interceptors.
Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the Authority's engineers, they are necessary for the proper handling of liquid

wastes containing grease in the excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority's engineers, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section U. Extensions to the Public Sewer. (Indirect Connection)
Sewer extensions for indirect connections require the following:

1. Certified submittal of plans and specifications to the Authority.
2. Approval of Authority Engineer.
3. MDNR permit to construct.
4. Payment of Authority expenses as related to said sewer extensions.

ORDINANCE CONTINUED PAGE 15

Article V. Sewer Connection Fees; User Fee.

Section A. Rates.
The rates fixed herein are estimated to be sufficient to provide for the payment of the expenses of administration and operation, such expenses for maintenance of the said system as are necessary to preserve the same in good repair and working order, to provide for the payment of the contractual obligations of the Township to the County of ALLEGAN pursuant to the contract dated April 3, 1978 between the County of ALLEGAN, the Gun Lake Area Sewer Authority, and the Township as the same become due, and to provide for such other expenditures and funds for said system as this ordinance may require. Such rates shall be fixed and revised from time to time by ordinance as may be necessary to produce these amounts.

Section B. User Classes.
All users of the system will be included in a user class and each user class will pay for its proportionate share of the cost of the system in terms of volume and pollutant loading. Sewer use charges (User Fees) are levied to defray the cost of operation, maintenance, replacement (including depreciation), and debt retirement of the system. The classes of users, for the purpose of determining the user charges, shall be as defined in this ordinance, Article III.

Section C. User Fee Payments; How Computed.

Owners of any house, building, or structure duly notified of system service availability as per Article IV, Section A, and who are to be connected to the sanitary sewers (System) of the Township, except as hereinafter provided, shall be charged and shall make monthly payments to the Authority in amounts computed on the basis of this ordinance and Exhibit A whenever applicable, and such charges are determined to be equitable among all user classes.

Section D. Connection Fee Payments; How Computed.

Each house, building or structure required to connect to the system shall pay a direct or indirect connection fee multiplied by a factor representing a ratio of sewage use by such user to normal single-family residential use, as reflected in Exhibit A.

ORDINANCE CONTINUED PAGE 16.

Article V. Rates charged for (Continued).

Section E. User Fees.
The User Charge to each single family residence within the township for which sewer service is available shall be \$45.00 per quarter (\$15.00/mo) beginning April 1, 1984 and continuing through March 31, 1985 at which time the user fee reverts back to \$12.00 per month.

Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the quarterly amount of the above schedule applicable to residential usage equivalent.

Section F. Connection Fees.
Each person desiring to connect to the system shall pay a charge for the privilege of using the facilities and receiving the service of the system in the amounts given below:

1. **Direct Connection:** For each house, building, or structure connecting directly to the lines of the system, there shall be charged a connection fee of \$1,700 per single-family residential equivalent as reflected in Exhibit A of this ordinance, plus the cost of service stub installation where necessary.
2. **Indirect Connection:** For each house, building, or structure connecting indirectly to the system there shall be charged a fee of One Thousand Five Hundred Eighty (\$1,580.00) Dollars per single-family residential equivalent, as reflected in Exhibit A of this ordinance. Indirect connection fees defray proportionate shares of necessary overflows of the treatment facilities, trunks and pumping stations.

Section G. Payment of Connection Fee.
Connection fees as set forth herein shall be due and payable in cash upon application for connection to the system; provided, however, that said fees for other than new construction may be payable in equal installments to be paid in full by the year 1998 plus interest to be paid annually on the unpaid balance at the rate of seven (7) percent per annum. If paid in installments, the first installment of said connection fee shall be payable upon application for connection, and all subsequent installments plus interest shall be payable annually thereafter on September first (1st). A monthly installment plan shall alternatively

(Continued On Page 12, Col. 1)

Gun Lake Sewer System Ordinance (Continued From Page 11)

be made available to users occupying other than new construction.

Section H. Industrial Users; Normal Strength Sewage. Each industrial user that discharges process wastewater which does not exceed the limits of "normal strength sewage" shall be charged and shall make payments to the Authority as agent for the township in amounts based on the actual usage volume and strength from such user as stated elsewhere in this ordinance.

ORDINANCE CONTINUED PAGE 17

ARTICLE V. Rates charged for (continued).

Section I. Industrial Users To Pay Proportional Share. Each industrial user shall pay the proportionate share of the operation, maintenance and replacement/depreciation costs of the system that are allocable to the treatment of said user's industrial wastes.

Section J. Sewage Exceeding Normal Strength. Each user that proposes to discharge wastewater to the system which exceeds the limits of "normal strength sewage" will be required to either: (a.) provide satisfactory pretreatment to reduce the strength of the wastewater to "normal strength sewage", or (b.) pay a surcharge determined by the relative concentration of BOD, suspended solids, or other pollutant as compared to "normal strength sewage".

Section K. Surcharges. For wastewater strengths exceeding normal strength sewage, as defined, the following surcharge shall be added as applicable: 1. BOD (in excess of 200 mg/l): \$0.1328 per excess pound. 2. Total Suspended Solids (in excess of 250 mg/l): \$0.1060 per excess pound. 3. Total Phosphorus (in excess of 8 mg/l): \$2.2084 per excess pound.

Section L. Special Rates. For miscellaneous services or where a premise receives sewer service for which a special rate need be established, such rates shall be fixed by the Township by ordinance.

Section M. Exemptions for Accessory Buildings. An accessory building may be exempt from rates herein based upon the following criteria: 1. That the building not be used as rental property; 2. That the living space within said building not be in excess of 50% the living space within the primary dwelling; 3. That the building not contain kitchen facilities; 4. That the building not contain sleeping facilities for more than three persons.

Exemption applicant shall file for the exemption on a form provided by the Authority, and said exemption shall be authorized only by resolution of the Authority Board. Any violation of the conditions herein or change in status of the accessory building(s) without notification of the Authority in writing shall cause said exemption to be invalid.

Section N. User Fee Exemptions for Non-Users. User fee exemption to any house, building, or structure shall only be as authorized by resolution of the Authority Board after compliance with the following. In no event shall User Fee Exemptions be based upon seasonal use or non-use: 1. Said building shall be vacated; 2. Internal plumbing of said building shall be disconnected so as to prevent discharge from any fixture into the System.

ORDINANCE CONTINUED PAGE 18

ARTICLE V. Rates charged for (continued).

Section O. Delivery of Bills. All bills and notices relating to the conduct of the business of the Authority and of the sewage works will be mailed to the person listed on the application for the connection permit at the address listed on the permit, unless a change of address has been filed in writing at the business office of the Authority. The Authority as agent for the township shall not otherwise be responsible for delivery of any bill or notice, nor will the person be excused from nonpayment of a bill or from any performance required in said notice.

Section P. Bills, Notice of Delinquency; Discontinuing Service. Bills for sewage disposal service and for connection fees, installation or otherwise, are due and payable at the business office of the Authority or to any designated agent on their date of issue and, if not paid by the 30th day thereafter, shall be deemed delinquent and shall be subject to a late payment charge of 5 percent thereof. Bills for usage (user fees) shall be dated and mailed quarterly or monthly. If any bill is not paid within thirty (30) days after its date of issuance, the Authority may serve upon the customer a written notice of delinquency and if not paid within sixty (60) days after date of issuance, the Authority may discontinue sewer service to the house, building, or property and take such other measures as are permitted by state law and as authorized in this ordinance.

Section Q. Delinquent Charges; Lien. The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, made a lien on all property served thereby, and are hereby

recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six (6) months, the Authority or officials in charge of the collection thereof shall certify to the collector of the township, the facts of such delinquency whereupon such charge shall be by him entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general township taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a taxpayer is responsible for such charges and service as provided by said Section 21, no further service shall be rendered such property until a cash deposit equal to six (6) months service charges shall have been made as security for payment of such charges and service. In addition to the foregoing, the Authority as agent for the township shall reserve the right to shut off sewer service to any property for which charges are more than three (3) months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn-on charge, to be specified by resolution of the Township, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township per court action.

ORDINANCE CONTINUED PAGE 19

ARTICLE V. Rates charged for (continued).

Section R. Re-establishing Service. Where the sewer service supplied to a house, building, or structure has been discontinued for nonpayment of delinquent bills, the Authority reserves the right to request a nominal sum be placed on deposit with the Authority for the purpose of establishing or maintaining any customer's credit. Service shall not be reestablished until all delinquent charges and penalties, and a turn-charge to be specified by resolution of the Authority, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township by court action.

Section S. Appeals. Any person has the right to appeal the basis for any charges developed in accordance with this ordinance. Appeals shall be directed to the Township Supervisor along with any supporting documentation for amendment of the charges in question. Any additional information that may be requested to resolve the appeal, as directed by the Township Supervisor, shall be obtained by said person at his expense. Resolution of appeals shall be made within 30 days by resolution of the Township Board after receiving written recommendation from the Authority Board in accordance with best available data and the regulations presented in this ordinance. In no event shall appeals be accepted which would require a variance in the methods of charge calculation established and in force by this ordinance. All bills for sewer service, outstanding during the appeals process, including all penalties or delinquency charges, shall be due and payable. Pending resolution of the appeal, the Authority shall adjust said charges accordingly, including any refunds due. Refunds shall be retroactive to the previous four quarters billings only.

Section T. Audit Review; Adjusting Charges. The Authority Board shall have an independent annual audit performed of the System operations and maintenance costs. Such an audit shall be conducted annually by the Authority on or before February 28th, and a copy thereof provided to the Township Clerk. The Township Board shall review the audit and if necessary, adjust rates at least annually to the users of the System in accordance with applicable USEPA regulations and contracts with the county.

Section U. No Free Service. No free service shall be furnished by said system to any house, building, property, nor to any person, firm or corporation, public or private, nor to any public agency or instrumentality.

Section V. Interruptions of Service. The Authority shall make all reasonable efforts to eliminate interruptions of service and, when such interruptions occur, will endeavor to reestablish service with the shortest possible delay. Whenever service is interrupted for the purpose of working on the System, all persons affected by such interruption will be notified in advance whenever it is possible to do so.

ORDINANCE CONTINUED PAGE 20

ARTICLE VI. Revenue

Section A. Depository Funds. The revenues of the System shall be set aside, as collected and deposited in a separate depository account in a bank duly qualified to do business in Michigan. In an account to be designated Sewer System Receiving Fund (hereinafter, for brevity, referred to as the "Receiving Fund"), and said revenues as deposited shall be transferred from the Receiving Fund periodically in the manner and at the time hereafter specified: 1. Operation and Maintenance Fund. Out of the revenues in the Receiving Fund there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter current expenses of administration and operation of the System and such current expenses for the maintenance thereof as may be necessary to preserve the same in good repair and working order.

2. Contract Payment Fund. There shall next be established and maintained a depository account, to be designated Contract Payment Fund, which shall be used solely for the

payment of the Township obligations to the County pursuant to the aforesaid contract. There shall be deposited in said fund quarterly, after requirements of the Operation and Maintenance Fund have been met, such sums as shall be necessary to pay said contractual obligations when due. Should the revenues of the System prove insufficient for this purpose, such revenues may be supplemented by any other funds of the Township legally available for such purpose.

3. Replacement Fund. There shall next be established and maintained a depository account, designated Replacement Fund, which shall be used solely for the purpose of making major repairs and replacements to the System if needed. There shall be set aside into said fund, after provision has been made for the Operation and Maintenance Fund and the Contract Payment Fund, such revenues as the Township Board shall deem necessary for this purpose.

4. Improvement Fund. There shall next be established and maintained an Improvement Fund for the purpose of making improvements, extensions and enlargements to the System. There shall be deposited into said fund, after providing for the foregoing fund, such revenues as the Township Board shall determine.

ORDINANCE CONTINUED PAGE 21

ARTICLE VI. Revenue (continued).

Section B. Surplus monies. Monies remaining in the Receiving Fund at the end of any operating year, after full satisfaction of the requirements of the foregoing funds, may, at the option of the Township be transferred to the Improvement Fund or used in connection with any other project of the township reasonably related to purposes of the System.

Section C. Bank Accounts. All monies belonging to any of the foregoing funds or accounts may be kept in one bank account, in which event the monies shall be allocated on the books and records of the Township within this single bank account, in the manner above set forth. The Gun Lake Area Sewer Authority, as operating agent for the Township (and other public corporations in the Gun Lake sewer service area) shall be authorized to act for the township to establish, maintain and fund the aforesaid accounts. The Authority Board may fix rates for the various accounts different from those set out above, and may establish such accounts for the common benefit of all public corporations in the service area, so long as the essential purpose of the aforesaid system of accounts is preserved and so long as the Authority maintains a system of accounting which permits it to determine which public corporations' charges have produced the monies in its various accounts.

Section D. Transfer of Funds. In the event the monies in the Receiving Fund are insufficient to provide for the current requirements of the Operation and Maintenance Fund, any monies and/or securities in other funds of the system, except sums in the Contract Payment Fund derived from tax levies, shall be transferred to the Operation and Maintenance Fund, to the extent of any deficit therein.

Section E. Monies May Be Invested. Monies in any fund or account established by the provisions of this ordinance may be invested in obligations of the United States of America in the manner and subject to the limitations provided in Act 94, Public Acts of Michigan, 1933, as amended. In the event such investments are made, the securities representing the same shall be kept on deposit with the bank or trust company having on deposit the fund or funds from which such purchase was made. Income received from such investments shall be credited to the fund from which said investments were made.

Section F. Operating Year. The System shall be operated on the basis of an operating year commencing on January 1, and ending on the last day of December 31 next following.

ORDINANCE CONTINUED PAGE 22

ARTICLE VII. Hardship Application.

Section A. Basis for Application. The owner or owners of any permanent single-family residence (SFR), in which said owner or owners reside and upon which a connection charge (fee) has been imposed, may submit a hardship application to the Township Board seeking a deferment in the partial or total payment of the connection fee provided for herein, based upon a showing of financial hardship, subject to and in accordance with the following: 1. The owner of the SFR shall, under oath, complete a hardship application provided by the Township Board, and file said application, together with all other information and documentation reasonably required by the Township, with the Township Board not less than sixty (60) days prior to the due date of the annual installment of such charge. Any such deferment shall be for the current annual installment only. An application shall be completed and filed by each and every legal and equitable interest holder in the SFR, excepting financial institutions having security interests in the SFR.

2. Hardship applications shall be reviewed by the Township Board, and after due deliberation of hardship applications, the Township Board shall determine, in each case, whether there has been an adequate showing of financial hardship, and shall forthwith notify the applicants of said determination.

3. An applicant aggrieved by the determination of the Township Board may request the opportunity to appear before the Township Board in person for the purpose of showing hardship and presenting any argument or additional evidence. A denial of hardship following such a personal appearance before the Township Board shall be final and conclusive.

4. In the event that the Township Board makes a finding of hardship, the Township Board shall fix the amount of partial or total deferment of the charge so imposed, and in doing so, shall require an annual filing of financial status by each applicant, providing that upon a material change of financial status of an applicant, said applicant shall immediately notify the Township Clerk so that a further review of the matter may be made by the Township Board, and provided further that the duration of the deferment granted shall be self-terminating upon the occurrence of any one of the following events:

- a) A change in the financial status of any applicant which removes the basis for financial hardship;
b) A conveyance of any interest in the SFR by any of the applicants, including the execution of a new security interest in the SFR or extension thereof;
c) A death of any of the applicants.

ORDINANCE CONTINUED PAGE 23

5. Upon a determination of the Township Board deferring all or part of the charges imposed, the owner of the SFR shall, within one (1) month after such determination, execute and deliver to the Township as the secured party a recordable security instrument covering the SFR, guaranteeing payment of the deferred amounts on or before the death of any of the applicants, or, in any event, upon the sale or transfer of the SFR. Said security interest shall guarantee payment of an amount necessary to cover all fees and charges deferred and all costs of installation and connection, if applicable, the consideration for said security interest being the grant of deferment pursuant to this ordinance.

Section B. Depositing Sewage Upon Property; Unlawful. It shall be unlawful for any person to place, deposit or permit to be deposited, in an unsanitary manner, upon public or private property within the Township or in any area under the jurisdiction of the Township, any human or animal excrement, garbage, or other objectionable waste which would be regarded as sewage or industrial wastes.

Section C. Discharging Unreated Sewage; Unlawful. It shall be unlawful to discharge to any natural outlet within the Township, or in any area under the jurisdiction of the Township, any sanitary sewage, industrial waste, or other polluted sewage, except where suitable treatment has been provided in accordance with provisions of this ordinance.

Section D. Discharge of Unpolluted Drainage to System; Unlawful. No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof run-off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer of the System.

Section E. Private System Regulations. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township or Authority.

Section F. Additional Requirements. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the Michigan Department of Public Health or the Michigan Department of Natural Resources.

Section G. Old Building Sewers. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section H. Prohibited Discharges. Except as herein delineated, no person shall discharge any of the following described wastes or wastes to the System: 1. BOD in excess of 200 mg/l. 2. COD in excess of 450 mg/l. 3. Injurious demand in excess of 15 mg/l. 4. Color (as iron, but not limited to dyes, lime or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations. 5. Explosive liquid, solid or gas.

ARTICLE VIII. Septic Tanks, Other Treatment and Discharges.

Section A. Septic Tank (Unlawful); Exceptions. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage and/or other liquid wastes.

Section B. Private System Regulations. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township or Authority.

Section C. Old Building Sewers. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

Section D. Prohibited Discharges. Except as herein delineated, no person shall discharge any of the following described wastes or wastes to the System: 1. BOD in excess of 200 mg/l. 2. COD in excess of 450 mg/l. 3. Injurious demand in excess of 15 mg/l. 4. Color (as iron, but not limited to dyes, lime or vegetable tanning solutions) shall be controlled to prevent light absorbency which would interfere with treatment plant processes or that prevent analytical determinations. 5. Explosive liquid, solid or gas.

Section E. Private System Regulations. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township or Authority.

Section F. Additional Requirements. No statement contained herein shall be construed to interfere with any additional requirements that may be imposed by the Michigan Department of Public Health or the Michigan Department of Natural Resources.

Section G. Old Building Sewers. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Township or Authority, to meet all requirements of this ordinance and other applicable building codes.

ARTICLE VIII. Septic Tanks, Other Treatment and Discharges.

Section A. Septic Tank (Unlawful); Exceptions. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for disposal of sewage and/or other liquid wastes.

Section B. Private System Regulations. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Township or Authority.

(Continued On Page 13, Col. 1)

Gun Lake Sewer System Ordinance
(Continued From Page 12)

gasoline, benzene, naphtha, fuel, oil or other flammable waste.

6. Garbage not properly shredded (no particle size greater than one-half inch).

7. Grease, oil, wax, or fat, whether emulsified or not, in excess of 50 mg/l, or other substances which may solidify or become viscous at temperatures between 32 degrees F. and 150 degrees F.

8. Industrial wastes in concentrations greater than limitations set forth by appropriate state and federal agencies to comply with federal guidelines for protection of treatment plant and receiving watercourses, and limitations set forth in NPDES permits including (other than those listed below) other metallic compounds in sufficient quantity to impair the operations of the System:

Cadmium	Chromium(+6 & total)
Copper	Iron
Nickel	Lead
Zinc	Cyanide
	Fluoride

9. Inert suspended solids such as, but not limited to: fillers, earth, lime slurries, and lime residues and dissolved solids such as, but not limited to sodium chloride and sodium sulfate, in unusual concentrations.

10. Insoluble, solid or viscous substances (such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, bar, feathers, plastics, wood, hair, fleashings, etc.).

11. Noxious or malodorous gas (such as, but not limited to, hydrogen sulfide, sulfur dioxide, or oxides of Nitrogen) and other substances capable of public nuisance.

12. pH less than 5.3 or greater than 9.5.

13. Radioactive wastes or isotopes of such half-life or concentration which may exceed limits established by applicable state and federal regulations.

14. Suspended solids in excess of 250 mg/l.

15. Temperature of wastes less than 32 degrees F. and greater than 150 degrees F.

16. Water or wastes containing substances which are not amenable to treatment or reduction by the System, or are amenable to treatment to only such degree that the System effluent cannot meet the requirements of other agencies having jurisdiction over such discharges to the receiving stream or waters.

17. Discharges that would result in excess loading during the treatment process, excess loading in any form which, in the opinion of the Authority's engineers, is a nuisance in the treatment process.

ORDINANCE CONTINUED PAGE 25

Article VIII. Septic Tanks, Other
(Continued)

Section I. Prohibited Discharges and Pretreatment.

If any wastes or wastes are discharged, or are proposed to be discharged, to the public sewers, which wastes contain the substances or possess the characteristics enumerated within this ordinance and/or which in the judgment of the Authority may have a deleterious effect upon the System, or which otherwise create a hazard to life or constitute a public nuisance, the Authority and the Township may:

1. Reject the wastes.
 2. Require pretreatment to levels defined as "normal strength".
 3. Require pretreatment to other acceptable levels, per approval by the appropriate state agencies.
 4. Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the Authority concerning the proposed flows.
- If the Authority and the Township permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Authority and subject to the requirements of all applicable codes, ordinances and laws.

Section J. Preliminary Treatment Facilities.

Where preliminary treatment or flow equalizing facilities are provided for any wastes or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

Section K. Control Manholes.

When required by the Authority or Township, the owner of any property serviced by a building sewer carrying industrial or other wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such a manhole or manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Authority and appropriate state agencies. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section L. Sampling Meter Analyses.

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the most recent edition of "Standard Methods for the Examination of Water and Wastewater" and shall be determined upon samples taken from the control manhole or other necessary locations. Samples shall be carried out by customarily accepted methods to reflect the effect of constituents upon the System and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is necessary and appropriate, or whether a grab sample or samples shall be taken. These determinations shall be made by the Authority. The

responsibilities of industry are further defined in Article IX of this ordinance.

Section M. Commercial Waste Hauling Regulation.

Commercial waste hauling vehicles, including septic waste hauling vehicles, may not discharge contents into the public sewer system except as authorized by the Authority Board.

ORDINANCE CONTINUED PAGE 26

Article VIII. Septic Tanks, Other
(Continued)

Section N. Special Arrangements for Treatment.

No statement contained within this article shall be construed as preventing any special agreement or arrangement between the Township and any industrial concern whereby an industrial waste of unusual strength and/or character may be accepted by the Authority and the Township for treatment, subject to payment therefor, by the industrial concern.

Section O. Unpolluted Drainage Where Discharge Allowed.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section P. Inspection.

Agents of the Authority, Township, Michigan Department of Natural Resources, the U.S. Environmental Protection Agency and other related state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes.

ORDINANCE CONTINUED PAGE 27

Article IX. Industrial Waste Treatment
Industrial Cost Recovery.

Section A. Discharging Industrial Wastes; Requirements.

Any industry or structures discharging industrial wastes to the sanitary sewer, storm sewer or receiving stream shall file the material listed below with the Authority, and the Authority may also require each person who applies for sewer service, receives sewer service, or through the nature of the enterprise creates a potential environmental problem as determined by the Authority's engineers, to file the material listed below:

1. File a written statement setting forth the nature of the enterprise, the source and amount of water use, and the amount of water discharged, both total and partial, with the present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics of the wastes.
2. Provide a plan map of the building, works or complex, with such outfall of the surface water, sanitary sewer, storm sewer, natural watercourse, or groundwater noted, described and the waste stream identified.
3. Sample, test and file reports with the Authority and the appropriate state agency on appropriate characteristics of wastes on a schedule, at locations, and according to methods outlined in this ordinance.
4. An affidavit placing waste treatment facilities, process facilities, waste streams, or other potential waste problems under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.
5. Provide a report on raw materials entering the process or support system, intermediate materials, final product, and waste by-products, as those factors may affect waste control.
6. Maintain records and file reports on the final disposal of specific liquid, solid, sludge, oil and radioactive material, solvent or other wastes.
7. If any industrial process is to be altered so as to include or negate a process waste or potential waste, written notification shall be given to the Authority subject to approval.

Section B. Industrial Representatives; Duties.

One person from each industry shall be delegated the Authority to be responsible for industrial wastes admitted to the System. He shall be involved with maintaining any pretreatment facility operations and assuring a continual high level of performance. In case no pretreatment is provided, he shall be involved with prevention of accidental discharges of process wastes admitted to the System. He must become aware of all potential and routine toxic wastes generated by his industry. He must be informed of all process alterations which could, in any manner, increase or decrease normal daily flow or waste strength discharged to the System.

ORDINANCE CONTINUED PAGE 28

Article IX. Industrial
(Continued)

Section C. Catalog of Chemicals, Discharges.

The industrial representative shall catalogue all chemicals stored, used or manufactured by his industry. Such a listing shall include specific chemical names, not manufacturer's codes. These wastes admitted to the sanitary sewer are a prime concern; however, all discharges shall be catalogued. An estimate of daily average flow and strength shall be made including process, cooling, sanitary, etc. Such a determination should separate the flows according to appropriate categories. The aforementioned flow and chemical listing is to be sent to the Authority Manager and shall be treated as confidential information.

Section D. Process Alterations.

The industrial representative should attempt to determine whether or not large process alterations will occur during the next few years--one year, two years, five years. He should consult with management to determine if such alterations are scheduled and forthcoming.

Section E. Plant Layout Sketch.

A sketch of the plant buildings shall be made, including a diagram of process and chemical storage areas. Location of any pretreatment equipment must be indicated, and floor drains located near process and storage areas must be noted. Manhole and sewer locations at the industry's point of discharge into the municipal collection system must be included on the plant layout sketch.

Section F. Pretreatment.

There shall be separation of spent concentrates from the sanitary sewer to prevent toxic wastes from upsetting the treatment plant. Supervision and operation of the pretreatment equipment for spent concentrates, as well as all toxic wastes and high strength organic wastes to an acceptable level as detailed herein, is the responsibility of the industrial representative. All sludges generated by such treatment must be handled in an acceptable manner--such as in a designated area of a sanitary landfill or by a licensed waste hauler. Adequate segregation of those waters and wastes to be pretreated to meet discharge limits is a vital portion of the industrial effort to prevent operational problems of the System.

Section G. Secondary Containment.

Throughout the industry, adequate secondary containment or curbing must be provided to protect all floor drains from accidental spills and discharges to the receiving sewers. Such curbing should be sufficient to hold 100% of the total process area tank volume. All floor drains found within the containment area must be plugged and sealed. Spill troughs or sumps within process areas must discharge to appropriate pretreatment tanks. Secondary containment should be provided for storage tanks which may be serviced by commercial haulers and for chemical storage areas.

ORDINANCE CONTINUED PAGE 29

Article IX. Industrial
(Continued)

Section H. Sampling.

An adequate sampling vault or manhole must be provided in a fully accessible place for Authority personnel to obtain samples and flow measurement data. The complexity of the vault will vary with the sampling requirements the Authority determines necessary to protect the treatment plant and receiving systems. Should the Authority desire continual flow recording over a long duration or 24-hour composite sampling, then a more complex vault would be necessary, complete with 110 volt AC.

Section I. Cost: Surveillance Fees
Surcharge.

A yearly surveillance fee may be levied to reduce some equipment costs or for maintenance of monitoring devices. If a graduated surcharge is deemed necessary to check industrial discharges, then a factor should be incorporated to reduce the costs as industry lowers its waste strength. Consequently, a direct dollar incentive would be given to stimulate continued progress in industrial waste control. A graduated surcharge may not be required if industry provides adequate safeguard devices and treatment facilities to insure protection of the municipal treatment plant and biological processes involved.

Section J. Unpolluted Drainage, Where Discharge Allowed.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the appropriate state agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the appropriate state agency, to a storm sewer or natural outlet.

Section K. Industrial Cooling Water Containing Pollutants.

Industrial cooling water containing such pollutants as insoluble oils or grease, or other suspended solids shall be treated for removal of the pollutants and then discharged to the storm sewer.

ORDINANCE CONTINUED PAGE 30

Article X. Protection from Damage.

Section A. Damaging Systems Prohibited.

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, damage or tamper with any structure, apparatus or equipment which is a part of the System. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section B. Interruption of Service.

The Authority or Township shall, in no event, be held responsible for claims made against it by reason of the breaking of any lines or service laterals, or by reason of any other interruption of the service caused by the breaking of secondary or stoppage for necessary repairs; and no person shall be entitled to damages nor have any action of a payment refunded for any interruption.

Article XI. Protecting From Damage.

Section A. Inspection.

Any house, building, or structure receiving sanitary sewer service shall, at all reasonable hours be subject to inspection by duly authorized personnel of the Township or Authority.

Section B. Authority of Inspectors; Limitations.

The Manager and other duly authorized employees

of the Township or Authority, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Manager or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers and waterways or facilities for waste treatment.

Section C. Indemnification of Property Owner.

While performing the necessary work on private properties referred to in Article XI, Section B above, the Manager or duly authorized employees of the Authority or the Township shall observe all safety rules applicable to the property established by the property owner; and the property owner shall be held harmless for injury or death to the employees and the Township and Authority shall indemnify the claims and demands for personal injury or property damage asserted against the property owner and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

ORDINANCE CONTINUED PAGE 31

Article XII. Violations and Penalties.

Section A. Written Notice of Violation.

Any person found to be unintentionally violating any provision of this ordinance shall be served with written notice stating the nature of the unintentional violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. No notice need be given for apparent intentional violations as determined by the Authority; prosecutions may proceed as provided by law without duly giving such notice.

Section B. Penalties; Violation Declaration.

Any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both such fine and imprisonment. A violation of this ordinance is also declared to be a public nuisance and the Township or Authority may enforce same by injunction or other remedy, including the right to correct the violation and bill the owner or person in charge of the property therefore.

Section C. Violators Liable for Penalties Levied Against Township.

Any business, industry or person violating any of the provisions of this ordinance, which results in fines or penalties being levied against the Township or Authority, shall become liable for said fine or penalty, plus any expenses, loss or damage occasioned by such violation. This fine or penalty shall be levied in addition to the fine identified in Section B of this article.

ORDINANCE CONTINUED PAGE 32

Article XIII. Validity; Successors; Effect of Date Publication.

Section A. Previous Ordinances Superseded.

This ordinance supersedes all other ordinances and amendments pertaining hereto. Ordinances and amendments in conflict herewith or portions thereof are hereby repealed.

Section B. Severability.

If any section, clause, sentence or provision of this ordinance is determined to be invalid, said invalidity shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section C. When in Effect.

This ordinance is to be in full force and effect from and after its passage, approval and publication according to the law of the State of Michigan.

Section D. This ordinance or summary thereof, shall be published once in a newspaper of general circulation within the boundaries of the Township authorized under state law to publish legal notices, within thirty days after its adoption, and the same shall be recorded in the Ordinance Books of the Township and such recording authenticated by the signature of the Township Clerk as required by law.

Section E. Effective Date.

This ordinance shall become effective January 1, 1985 after its publication.

ORDINANCE CONTINUED PAGE 33 EXHIBIT A

EXHIBIT A. Residential Sewerage Table.

Types of Premise Residential Equivalent	
1. Single family residence	1.00 per dwelling
2. Barber Shop	0.01 per chair
3. Bar	0.05 per seat
4. Beauty Shop	0.20 per booth
5. Boarding House	0.20 per person

(Continued On Page 14, Col. 1)

Of Interest To FARMERS

Hopks. FFA Earns Nat'l. Award In Kansas City

by Jodi Daryes, FFA Reporter

Hopkins Future Farmers of America members and their advisor and his wife, Mr. and Mrs. Roy Miller, traveled 750 miles to Kansas City, Missouri, to attend the National FFA Convention. It was the 57th annual event and more than 20,000 FFA members and guests joined together. The Hopkins Chapter won the National Superior Chapter Award with a silver rating, the 5th National Award received by Hopkins since 1973. Other highlights of the four day convention were talks by well known speakers such as Pat Summerall, Art Linkletter, Senator Robert Dole of Kansas and his wife, Elizabeth Dole, Secretary of Transportation. A special message from President and Mrs. Reagan was also read.

Several places were toured by the group during the trip. The late President Truman's Memorial Library and his unretored original house was viewed in Independence, Missouri, as well as other historic sights. The American Royal, a National Livestock show in Kansas

City; stadiums for Kansas City Chiefs and Royals; and a drive across the Missouri River to Kansas City, Kansas were other attractions.

An unexpected but very memorable tour up 28 floors to have a beautiful nighttime view of Kansas City from the top of the City Center was enjoyed. Another special attraction was The Crown Center, a hotel constructed with an inside waterfall five floors high, an outside elevator with a glass window on one side through which to view the city and a shopping mall on the other end with about 40 shops.

The return trip was highlighted by a visit to St. Louis, Missouri with a tour to the Gateway Arch. Members enjoyed a ride in the top of the 630 foot high structure to view the city and the Mississippi River. The travelers arrived back in Hopkins early Sunday morning.

The students expressed their appreciation to their advisor, Mr. Miller and his wife for their time and patience and to Rex Hays of Allegan for the use of a vehicle for the trip.



Hopkins FFA members are pictured with the Mississippi River in the background. They are left to right, Jodi Daryes, Beth Dykstra, Allen Lehart, Todd Collier, Ronnda Beard and Jodi Lodenstein standing with the vehicle loaned by Rex Hays.

GMU Lake Sewer System Ordinance (Continued From Page 13)

- 6. Bowling Alleys
0.50 per alley
(no bars, lunch facilities)
- 7. Car Wash
: Chain-up
1.00 per bay
: Automatic or other
5.00 per facility
- 8. Quarters
0.01 per seat
- 9. Dry Cleaners
1.25 per piece
- 10. Co-servicent Homes
0.20 per bed
- 11. Country Clubs
0.10 per member
- 12. Drug Stores
0.10 per employee
- 13. Factories
0.10 per person/shift
- 14. Grocery Stores and Supermarkets
0.10 per employee
- 15. Gift Shop
0.10 per employee
(up to 4 employees—1.75 per employee
attending at 3.5 total)
- 16. Hospitals
1.10 per bed
- 17. Hotels, Motels
0.20 per bed
(private baths, 2 persons/room)
- 18. Laundry
0.35 per washer
(self service—1.75 per washer)
- 19. Multiple Family Residences
1.00 per unit
- 20. Office Building
0.05 per employee

ORDINANCE CONTINUED PAGE 14 (continued)

- 21. Picnic Park
0.10 per parking site
- 22. Restaurants
0.10 per seat
- 23. Rooming Houses
0.10 per person
(no meals)
- 24. Schools
0.01 per student
(w/out showers and pool)
- 25. Schools
0.05 per student
(with showers and or pools)
- 26. Service Station
0.25 per pump
(with 3 pumps—1.75 per pump)
- 27. Truck Base/Drive-In
0.10 per seat
- 28. Tarry Stores
0.10 per employee
- 29. Mobile Homes not in parks
or campgrounds,
1.00 per unit
- 30. Mobile Homes in Mobile Home Parks
0.35 per unit
- 31. Tourist Courts, cabin resort
0.50 per unit
(individual bath units)
- 32. Hair Shop
1.00 per shop
(3.5 per shop)
- 33. Campgrounds and Travel Trailer Parks
with individual sewer connections
0.20 per site
without individual sewer connections
0.15 per site
- 34. Summer Camp Facilities
0.15 per camper
(based upon camper capacity)

HOPKINS HAPPENINGS

Marge Hodgson 790-7542

Congratulations to Grandma Lucile Larr who will be observing her 80th birthday Friday, November 30.

Turkey and all the trimmings graced the table in many Hopkins homes as families and friends gathered to celebrate Thanksgiving Day. Enjoying the traditional feast at Verne and Joyce Lussenden's were their daughters, Carol and friend, Tony Lester of Otsego, Cindy and Tony Janke and son, Matt, and Cathy, Art and Ty all of Otsego, their son and family, Rick and Pam, Shannon and Christopher of Monterey and Verne's parents, Wayne and Rose of Bradley.

On down the street the Lee Bucks entertained their daughter and family, Charlotte and Bruce Carey, Chris and Kathleen, the Linden Bucks, sons Linden and Brian, and Edward Buck. During the afternoon they helped great-grandma, Frieda Buck, celebrate her 84th birthday. Frieda went with the Careys to their home in Elgin, Illinois from where she will leave for Florida on November 27.

Across from the Bucks, Bob and Lisa Ballard with son, Sean, were hosts of a dinner for Lisa's mother, Dorothy Stimac of Kalamazoo, and 41 of Bob's family and relatives from Hopkins, Hastings, Shelbyville, Middleville, Belding and Grand Rapids.

Shirley Shea and daughters, Kate and Mary, entertained Steve and Sheryl Whipple, sons, Scott and Stuart, Jim and Karen Shea, daughter, Stacie, Shirley's brother and wife, the Richard Montgomerys of Plainwell, and Shirley's parents, Mr. and Mrs. Floyd Montgomery.

Gene and Lois Norman had Lois' mother, Mrs. Jennie Roon and their son, Dennis, his wife, RuthAnn, and their three girls as dinner guests. Afternoon callers were their daughters and families, Bob and Pam Hennip and children, Bill and Annette Hennip and children, their son, Phillip, wife, Lucy, and baby, Elissa, from Los Angeles, California where Phil is in the navy. During his leave, they are visiting at Lucy's parents' home, the Don Gleasons of South Monterey.

Lee, Jan and Ryan Murray along with Brent and Sue Sebright and family ate their Thanksgiving dinner at their cabin near Cadillac. Joining them were Vi Sebright, formerly of Hopkins and Avis Sebright and

son, Stuart. Afternoon callers were Jan's aunt and uncle, Mr. and Mrs. Bob Gardner.

Steve and Sandy Stearns, April and Mike and Mike's friend, Katy DeVries traveled to Palo, Michigan where they dined with Steve's parents, Mr. and Mrs. Neil Stearns. Joining them there were Sandy's parents, Ralph and Jean Sweet, daughter, Kelly, and her son, Blake, of Ohio. The Sweets then returned to Hopkins where they spent a few days at the home of their daughter and family, Pat and Renee Roxbury.

Jeff and Debbie Brenner with son, Aaron, entertained Jeff's dad, Russ, his sister, Margie, brothers, Dan and Dennis and his sons, Andy and Stacy, Debbie's parents, Maurice and Phyllis McBride, her sister, Julie, and husband, Sam, and a friend of the family, Keith Vanderveen.

Eating dinner with Earl and Jean Calkins were their sons, Don, Dave, and wife Ruth and Jean's mother Mrs. Emma Lanting of Grand Rapids.

Mrs. Bernice Washburn prepared dinner for her family, Bob and Ethel Washburn, their daughter, Cathy and son, Bill. Larry had dinner at the home of his friend, Sheila Stedman of Allegan.

Also feasting with their family at their home was Cliff and Louise Reynolds whose son, Dennis, and daughter Linda, her husband, Don, and girls, Nikki and Stacey, joined them.

Pete and June Hennip along with Pete's sister and husband, Don and Janet Rutgers and son Randy, had Thanksgiving dinner "out" at a restaurant in Kalamazoo.

The Bill Panches family and the Bob Becks decided to combine their dinners and they gathered at Panches' home to eat. Well, as it turned out, both ladies had cooked a turkey and both had prepared large identical salads! They ended up with 40 pounds of turkey and enough salad to feed the town of Hopkins and half of Monterey! As there were only nine people to devour all this, no one went away hungry! As a matter of fact, no one went away. They were all too full!

Traveling to South Bend, Indiana last weekend to enjoy watching Notre Dame beat Penn State at football were Jim and Ruth Hazen, Bill and Pat Maher, Mick and Lynn Frances and Barney and Carol McLaughlin.

Mrs. Gwen Cadman entered Blodgett hospital last Sunday where she had surgery for a ruptured disc on Tuesday. Jean Calkins, Phyllis McBride and Gwen Ballard called on her Friday and found her in good spirits and improving (and crocheting!). She hopes to return to her home Monday to recuperate for a few weeks. Don is going to do the cooking!

Two more lucky deer hunters on opening morning were Maurice McBride and Bill Hennip. Bill's eight point buck was the first deer into Panches to be processed.

Congratulations to Mr. and Mrs. Robert Clawson on the birth of their fourth son! Anson Clay, weighing eight pounds, ten ounces, arrived on November 16 and is welcomed by his brothers, Romel, Joe and Shannon, also Grandma Florence Clawson.

The Leggett girls - Lucile Larr, Ethel Hazen and Hazel Glascoff had dinner at a Dorr restaurant one day last week then called on their sister-in-law, Mrs. Perle Leggett of Byron Center.

On Friday Louise Reynolds entertained her cousins, Hollis Hakstead, Wilma and Violet Hakstead and Clara Smith all from Holland, Michigan, also her mother, Mrs. Florence Clawson.

Our deepest sympathy to the Paul Commans family to the death of Joyce's mother, Mrs. Jan Wolf. Paul is still on crutches, having broken his foot.

Marge Hodgson continues to improve. She was happy to learn this week that she will not have to have a pin in her arm. Her daughter, Janet, from Lansing spent the holiday weekend with her and Jim. On Thursday they all drove to Kalamazoo where they ate Thanksgiving dinner with their other daughter and husband, Martha and Greg Archien.

THE NEWS IN BRIEF

The Wayland Globe 792 2271

Jeffrey Tinsler and daughter, Arnelia, have returned to their home in West Haven, Connecticut after visiting from Saturday evening until Monday evening at the home of his parents, Mr. and Mrs. James Tinsler of Grand Rapids. Sunday evening, Mr. and Mrs. John Dunsmore of Wayland were Sunday evening visitors at the Tinsler home to greet their granddaughter and son-in-law.

The Donald Washburns and son, Andrew, were in Jackson at the home of the George Washburns on Thanksgiving.

There was a crowd at Irene LaValley's home on the holiday when longtime friends, the Hap Prices, came from Farmington Hills and all the children but Tom came home. Making things lively were Nanette and Joe McElwee who flew in from Pennsylvania, Bobette Goulet and her children and the Jerry LaValleys and their new baby from Grand Rapids and Cathy LaValley from Chicago.

Chris and Roger Russell of Sherman Lake, and Mike and Carol Levandoski and children of Middleville, spent Thanksgiving here with their mom and brother, Jim.

A delicious Thanksgiving dinner, prepared by Elle Arbanas, was enjoyed at the home of her parents, Mr. and Mrs. Matt Arbanas. Partaking of the holiday goodies were her husband, Bill, and son, Larry, all of Naperville, Illinois.

**ORDINANCE #22
AMENDMENT TO G.L.A.S.A.
MONTHLY USER CHARGES
EFFECTIVE: APRIL 1, 1985**

ORDINANCE #23
G.L.A.S.A. DEFINITIONS CLARIFIED
AND RESIDENTIAL EQUIVALENCE
TABLES ORDINANCE
EFFECTIVE: OCTOBER 1, 1985

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Wayland Township Ordinance No. 5 ¹⁹⁸⁵ of/ and Martin Township Ordinance No. 23 was enacted by the Wayland Township Board at a special meeting held September 23, 1985, and by the Martin Township Board at its regular meeting held September 11, 1985, said Ordinance to become effective October 1, 1985.

WAYLAND TOWNSHIP,
MARTIN, TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO GUN LAKE AREA
SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance to repeal a previous amendment to the Sewage Disposal System Ordinance pertaining to the enactment of a definition of "dwelling unit" and the amendment of portions of the Residential Equivalence Table; to enact a definition of "mobile home"; to amend portions of the Residential Equivalence Table and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIPS OF WAYLAND
AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I

Wayland Township Ordinance No. 3 of 1985 and Martin Township Ordinance No. 23, being an amendment to the Gun Lake Area Sewage Disposal System Ordinance to be effective October 1, 1985, is hereby repealed in its entirety.

SECTION II

Article III, entitled "Definitions" of the Gun Lake Area Sewage Disposal System Ordinance is hereby amended by the addition of subsection GGG which shall provide for the following definition:

"Section GGG. Mobile Home. A factory assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without permanent foundation, and exceeding 320 square feet in area, excluding any hitch or tow bar."

SECTION III

Exhibit A of the Gun Lake Area Sewage Disposal System Ordinance, pertaining to "Residential Equivalence Table" is hereby amended as follows:

"No. 30. Mobile homes in mobile home parks and in campgrounds 0.60 per unit.

"No. 31. Cabins in cabin resorts, campgrounds or mobile home parks. 0.60 per unit.

"No. 33. Campgrounds and travel trailer parks.

"A. With individual sewer connections. 0.30 per site.

"B. Without individual sewer connections. 0.15 per site."

SECTION IV

Article VIII, subsection P entitled "Inspection" of the Gun Lake Area Sewage Disposal System Ordinance is hereby amended to read as follows:

"Section P. Inspection. Agents of the Authority, Township, Michigan Department of Natural Resources, the US Environmental Protection Agency and other related state and federal agencies shall have the right to enter all properties for the purpose of inspecting, measuring, metering, sampling and testing the wastewater discharge and for reviewing and examining procedures related to the discharge of waste or wastes. Included herein shall be the right to meter the water supply to determine the approximate use of the sewage system by any user, such metering to be in the discretion of and at the cost of the Authority."

SECTION V

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION VI

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not effect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION VII

This ordinance shall take effect October 1, 1985.

Mary L. Marcott, Clerk
Wayland Township

LaVerne Young
LaVerne Young, Clerk
Martin Township


CERTIFICATE

I, LAVERNE YOUNG, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on September 11, 1985, at 8:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 23, hereinbefore recorded, to become effective October 1, 1985 and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Jack Sipple-----aye
Gerald Fenner-----aye
Joyce McGuire-----aye
LaVerne Young-----aye
Andrew Leep-----aye

I do further certify that an attested copy of Ordinance No. 23 was filed with the County Clerk on May 29, 1986, and that said Ordinance No. 23 was duly published in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township on September 25, 1985, and further that said Ordinance No. 23 was recorded in said Ordinance book on the 6th day of Oct., 1985.

Dated:
Oct. 6, 1986


LaVerne Young, Clerk

TO: CO CLERK
MHY 29-86

In the Matter of Wayland Township Ordinance No. 5 of 1985 and Martin Township Ordinance No. 23
COUNTY OF ALLEGAN

NOTICE

TO THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

Wayland Township Ordinance No. 5 of 1985
Martin Township Ordinance No. 23

was enacted by the Wayland Township Board at a special meeting held September 21, 1985 and by the Martin Township Board at its regular meeting held September 24, 1985 and the same are hereby published for the purpose of giving notice to the residents and property owners of the same.

ALLIED COUNTY SOCIETY

STATEMENT OF COMPLIANCE AREA

STATE BOARD OF WATER RESOURCES

SECTION 1

SECTION 2

SECTION 3

SECTION 4

SECTION 5

SECTION 6

SECTION 7

SECTION 8

SECTION 9

SECTION 10

SECTION 11

I, being duly sworn, say: I am the publisher of the Wayland Globe, a weekly newspaper in said county. The annexed is a true and correct copy of the notice which was published in said newspaper on the following dates, to-wit:

9th 85 ----- A.D. 19__

9 ----- A.D. 19__

9 ----- A.D. 19__

P. Helmer

before me this 25th -----

----- A.D. 19⁸⁵__

Jane Helmer
Public, Allegan County, Michigan

Nov. 30 A.D. 1987

HELEN JANE HELMER
PUBLIC, ALLEGAN COUNTY, MI
My commission expires Nov. 30, 1987

**ORDINANCE #24
AMENDMENT G.L.A.S.A.
ORDINANCE (RESEDENTIAL
EQUIVALENCE TABLES)
EFFECTIVE: APRIL 16, 1986**

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance
No. 24 was adopted by the Martin Township Board at its regular
meeting held APR. 9, 1986, said ordinance to
become effective MAY 16, 1986. 30 DAYS AFTER PUBL.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 24

ADOPTED: APRIL 9, '86

EFFECTIVE: MAY 14, '86

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE
PERTAINING TO EXHIBIT A (RESIDENTIAL EQUIVALENCE TABLE)

An ordinance to amend Schedule A pertaining to the residential equivalence table as it pertains to boarding houses, drug stores, factories, medical and dental clinics, shopping malls, public buildings, office buildings, rooming houses, schools and service stations and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

Schedule A of the ordinance being the residential equivalence table is hereby amended to read as follows:

Residential Equivalence Table

Types of Premises	Residential Equivalent
1. Bait Shop	1.0/shop
2. Barber Shops	.01/chair
3. Bars and Taverns	.05/seat
4. Beauty Shops	.20/booth
5. Boarding Houses	.20/guest room
6. Bowling Alleys (no bars, lunch facilities)	.50/alley
7. Cabins in cabin resorts, campgrounds or mobile home parks	.60/unit

8.	Campgrounds and travel trailer parks	
	A. With individual sewer connections	.30/site
	B. Without individual sewer connections	.15/site
9.	Car Wash	
	A. Coin-op	1.0/bay
	B. Automatic	5.0/bay
10.	Churches	.01/seat
11.	Clinics, medical and dental	1.0/premises plus .25/exam room
12.	Convalescent Homes	.20/bed
13.	Country Clubs	.10/seat in bar or restaurant plus .10/1000 sq.ft. of other area
14.	Dry Cleaners	1.25/press
15.	Drug Stores	1.0/premises
16.	Factories, office or production	.50/1000 sq.ft.
17.	Factories, wet process	Based on metered sewage flow, 250 gal/24 hr = 1.0
18.	Grocery Stores and Supermarkets	.25 per 1000 sq.ft.
19.	Hospitals	1.10/bed
20.	Hotels, motels, rooms with private bath	.20/bed
21.	Laundry self serve	.35/washer
22.	Mobile homes not in parks or camp- grounds	1.0/unit
23.	Mobile homes in mobile home parks or in campgrounds	.60/unit TO 1.0
24.	Multiple family residence or duplex	1.0/unit
25.	Office building	.25/1000 sq.ft.
26.	Picnic park	.10 per parking site
27.	Public building not in regular use	.5/1000 sq.ft.
28.	Restaurants	.10/seat
29.	Rooming houses without meals	.10/person
30.	Schools, excluding gyms, auditoriums, office, cafeterias, kitchens, or toilet facilities.	1.0/classroom
31.	Single family residence	1.00
32.	Stores (retail) except as specifically listed	1.0 plus .1/1000 sq.ft.

AMENDED 5-14-80
ORD. # 36
EFF. 6-1-86

- 4
- | | |
|--|--|
| 33. Service station without car wash | 1.0/premises |
| 34. Shopping malls under one roof sharing common bathroom facilities | 1.0/structure plus other individual user classes with plumbing |
| 35. Snack bars - drive-ins | .10/seat |
| 36. Summer camp facilities | .15/camper space |
- NOTE: All of the above users have a minimum of 1.00 residential equivalent.

SECTION II


Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect MAY 16, 1986.


Laverne Young, Clerk
Martin Township

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on April 9, 1986, at 8:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 24, hereinbefore recorded, to become effective May 16, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Gerald Fanner-----aye
Joyce McGuire-----aye
Jack Sipple-----aye
LaVerne Young-----aye
Andrew Leep-----aye

Absent-----none

I do further certify that an attested copy of Ordinance No. 24 was duly published in the Wayland Globe, a newspaper printed in Wayland Michigan, Michigan, and circulated in the Township of Martin on April 16, 1986, and further that said Ordinance No. 24 was recorded in said Ordinance book on the 20th day of April, 1986.

Dated:
April 20, 1986

LaVerne Young
LaVerne Young, Clerk

C-101 20 75 C-102 20 75 CLERK - DATE
MAY 29-86

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED CITIZENS;

PLEASE TAKE NOTICE that the following

Wayland Township Ordinance No. 1 of 1986 and Martin Township Ordinance No. 24

was adopted by the Wayland Township Board at its regular meeting held April 7, 1986, and by the Martin Township Board at its regular meeting held April 9, 1986, said Ordinance to become effective May 16, 1986.

WAYLAND TOWNSHIP,
MARTIN TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE PERTAINING TO EXHIBIT A (RESIDENTIAL EQUIVALENCE TABLE)

An ordinance to amend Schedule A pertaining to the residential equivalence table as it pertains to boarding houses, drug stores, factories, medical and dental clinics, shopping malls, public buildings, office buildings, rooming houses, schools and service stations and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIPS OF WAYLAND,
AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I

Schedule A of the ordinance being the residential equivalence table is hereby amended to read as follows:

Residential Equivalence Table

Types of Premises	Residential Equivalent
1. Bail Shop	1.0/shop
2. Barber Shops	.01/chair
3. Bars and Taverns	.05/seat
4. Beauty Shops	.20/booth
5. Boarding Houses	.20/guest room
6. Bowling Alleys (no bars, lunch facilities)	.50/alley
7. Cabins in cabin resorts, campgrounds or mobile home parks	.60/unit
8. Campgrounds and travel trailer parks	
A. With individual sewer connections	.30/site
B. Without individual sewer connections	.15/site
9. Car Wash	
A. Coin-op	1.0/bay
B. Automatic	5.0/bay
10. Churches	.01/seat
11. Clinics, medical and dental	1.0/premises plus .25/exam room
12. Convalescent Homes	.30/bed
13. Country Clubs	.10/seat in bar or restaurant plus .10/1000 sq. ft. of other area
14. Dry Cleaners	1.25/press
15. Drug Stores	1.0/premises
16. Factories, office or production	.50/1000 sq. ft.
17. Factories, wet process	Based on metered sewage flow, 250 gal/24 hr. = 1.0
18. Grocery Stores and Supermarkets	.25 per 1000 sq. ft.
19. Hospitals	1.10/bed
20. Hotels, motels, rooms with private bath	.20/bed
21. Laundry self serve	.35/washer
22. Mobile homes not in parks or campgrounds	1.0/unit
23. Mobile homes in mobile home parks or in campgrounds	.80/unit
24. Multiple family residence or duplex	1.0/unit
25. Office building	.25/1000 sq. ft.
26. Picnic park	.10 per parking site
27. Public building not in regular use	.5/1000 sq. ft.
28. Restaurants	.10/seat
29. Rooming houses without meals	.10/person
30. Schools, excluding gyms, auditoriums, office, cafeterias, kitchens, or toilet facilities	1.0/classroom
31. Single family residence	1.00
32. Stores (retail) except as specifically listed	1.0 plus .1/1000 sq. ft.
33. Service station without car wash	1.0/premises
34. Shopping malls under one roof sharing common bathroom facilities	1.0/structure plus other individual user classes with plumbing
35. Snack bars - drive-ins	.10/seat
36. Summer camp facilities	.15/camper space



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Gun Lake Office
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LEGAL NOTICE

REAL ESTATE - BUILDING - DEVELOPING - APPRAISING

VILLAGE OF MARTIN \$35,900 - Two bedroom home located on shady lot, hardwood floors, full basement, gas heat, garage. POSSIBLE EQUITY TRADE FOR YOUR MOBILE HOME. Call Mike 672-7661 or Rod O'Brien Realtor 672-5526.

COMMERCIAL BUILDING GUN LAKE \$89,900 - Over one acre of fenced in land with a 1500 sq. foot cement block building, 100 feet of Gun Lake frontage, including boat hoist. Owner will carry land contract. Call Mike 672-7661 or Rod O'Brien Realtor 672-5526.

GUN LAKE CHANNEL \$44,900 - Two bedroom home with 66 feet of water frontage, garage, gas heat, boat house and ramp. Owner will consider land contract terms. Call Mike 672-7661 or Rod O'Brien Realtor 672-5526.

Call any of the following sales people for any and all your Real Estate requirements. Always ready to help you buy or sell.

AREA SALES PEOPLE

Mike O'Brien.....672-8204

State of Michigan,
Office of Allegan County
Drain Commissioner
IN THE MATTER OF
Allegan County Drainage
District No. 285, ICIEK
DRAIN, DORR TOWNSHIP.
NOTICE OF MEETING OF
BOARD OF DETERMINA-
TION

Notice is hereby given that the Board of Determination, composed of Walter Morris, Robert Jones, Marvin Wolters, or alternate: Gale Rutgers, will meet on Thursday, May 1, 1988, at 10:00 A.M., at where the drain crosses 18th Street, 1/4 mile south of 138th Ave., Dorrr Township, Michigan to hear all interested persons and to determine whether the drain in Drainage District No. 285, known as ICIEK DRAIN as prayed for in the Petition to clean out, relocate, widen, deepen, straighten, extend, lift, or relocate along a highway, dated November 21, 1985, is necessary and conducive to the public health, convenience and welfare of properties and residents of Dorrr Township in accordance with Section 72 of Chapter IV of Act No. 60, P.A. 1966, as amended and the public health of Dorrr Township. Location of drain: Section 27, 28, 33, 34.

Lynn B. Fleming
Allegan County
Drain Commissioner
G30-A1c

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Why buy when you can rent a tractor. Deals diesel tractors 25 to 130 hp., 2 & 4 wheel drive.
(Your Dealer headquarters).

Johnson Diesel

877-4663

NOTE: All of the above users have a minimum of 1.00 residential equivalent.

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect May 16, 1988.

Mary Marcell, Wayland Township Clerk
LaVerne Young, Martin Township Clerk

**ORDINANCE #25
AMENDMENT G.L.A.S.A.
ORDINANCE (PENALTIES
DELINQUENT PAYMENTS
EFFECTIVE: MAY 16, 1986**

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance
No. 25 was adopted by the Martin Township Board at its regular
meeting held APRIL 9, 1986, said ordinance to
become effective MAY 16, 1986. 30 DAYS AFTER PUBL.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

ORDINANCE NO. 25

ADOPTED: 4-9-86
EFFECTIVE: MAY 14-86

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE
PERTAINING TO PENALTIES FOR DELINQUENT PAYMENTS

An ordinance to amend Article V, subsections P and Q pertaining to penalties for delinquent payments and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

SECTION I

Article V, subsection P pertaining to "Bills, Notice of Delinquency; Discontinuing Service." is hereby amended so that in place of the 5% late payment charge for bills more than 30 days overdue, said late payment charge shall be increased to 10%.

SECTION II

Article V, subsection Q pertaining to "Delinquent Charges; Lien." is hereby amended to read as follows:

"The charges for services which are under the provisions of Section 21, Act 94, Public Acts of Michigan, 1933, as amended, are made a lien on all property served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six months, the Authority or officials in charge of the collection thereof shall add an amount equal to 6% of the total delinquent charge and shall certify annually on August 1 of each year to the tax assessing officer of the Township, the facts of such delinquency, whereupon such charge including the penalties shall be by him entered upon the next tax roll as a charge against such property and shall be collected and the lien

34

therof enforced in the same manner as general Township taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible for such charges and service as provided in Section 2i, no further service shall be rendered such property until a cash deposit equal to six months service charges shall have been made as security for payment of such charges and service. In addition to the foregoing, the Authority as agent for the Township shall reserve the right to shut off sewer service to any property for which charges are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn on charge, to be specified by resolution of the Township, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township per court action."

SECTION III

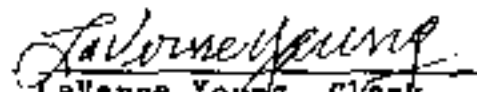
All parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION IV

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION V

This ordinance shall take effect MAY 16, 1986.


Laverne Young, Clerk
Martin Township

42

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on April 9, 1986, at 2:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 25, hereinbefore recorded, to become effective MAY 16, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Gerald Fenner-----aye
Joyce McGuire-----aye
Jack Sipple-----aye
LaVerne Young-----aye
Andrew Leep-----aye
Absent-----none

I do further certify that an attested copy of Ordinance No. 25 was duly published in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in the Township of Martin on April 16, 1986, and further that said Ordinance No. 25 was recorded in said Ordinance book on the 20th day of April, 1986.

Dated:
April 20, 1986

LaVerne Young
LaVerne Young, Clerk

TO S.O. CLERK
MAY 29-86

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED CITIZENS;

PLEASE TAKE NOTICE that the following

Wayland Township Ordinance No. 2 of 1986

and

Martin Township Ordinance No. 25

was adopted by the Wayland Township Board at its regular meeting held April 7, 1986, and by the Martin Township Board at its regular meeting held April 9, 1986, said Ordinance to become effective May 16, 1986.

WAYLAND TOWNSHIP,
MARTIN TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN

AN AMENDMENT TO THE GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE PERTAINING TO PENALTIES FOR DELINQUENT PAYMENTS

An ordinance to amend Article V, subsections P and Q pertaining to penalties for delinquent payments and to repeal any parts or portions of the ordinance which is inconsistent herewith.

THE TOWNSHIPS OF WAYLAND,
AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I

Article V, subsection P pertaining to "Bills, Notice of Delinquency; Discontinuing Service." is hereby amended so that in place of the 5% late payment charge for bills more than 30 days overdue, said late payment charge shall be increased to 10%.

SECTION II

Article V, subsection Q pertaining to "Delinquent Charges; Lien." is hereby amended to read as follows:

"The charges for services which are under the provisions of Section 21, Act 84, Public Acts of Michigan, 1930, as amended, are made a lien on all property served thereby, and are hereby recognized to constitute such lien; and whenever any such charge against any piece of property shall be delinquent for six months, the Authority or officials in charge of the collection thereof shall add an amount equal to 6% of the total delinquent charge and shall certify annually on August 1 of each year to the tax assessing officer of the Township, the facts of such delinquency, whereupon such charge including the penalties shall be by him entered upon the next tax roll as a charge against such property and shall be collected and the lien thereof enforced in the same manner as general Township taxes against such property are collected and the lien thereof enforced; provided, however, where notice is given in writing that a tenant is responsible for such charges and service as provided in Section 21, no further service shall be rendered such property until a cash deposit equal to six months service charges shall have been made as security for payment of such charges and service. In addition to the foregoing, the Authority as agent for the Township shall reserve the right to shut off sewer service to any property for which charges are more than three months delinquent, and such service shall not be reestablished until all delinquent charges and penalties and a turn on charge, to be specified by resolution of the Township, have been paid. Further, such charges and penalties may be recovered by the Authority and/or the Township per court action."

SECTION III

All parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION IV

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portions of this ordinance which can be given effect without such invalid part or parts.

SECTION V

This ordinance shall take effect May 16, 1986.

Mary Marcott, Wayland Township Clerk
LaVerne Young, Martin Township Clerk

CUSTOM PRINTING

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The Wayland Globe

133 East Superior - Wayland, Michigan

792-2271

ORDINANCE #26
G.L.A.S.A. NEW RATE FOR MOBILE
HOMES ORDINANCE
EFFECTIVE: JUNE 1, 1986

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. OF 1986

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 26

ADOPTED: MAY 14, 1986

EFFECTIVE: JUNE 1, 1986

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An amendment to the Gun Lake Area Sewage Disposal System Ordinance pertaining to the residential equivalence table as it pertains to mobile homes located in mobile home parks and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN,
EACH ORDAIN:

SECTION I

Schedule A of the ordinance being the Residential Equivalence Table is hereby amended so that No. 23 pertaining to "mobile homes in mobile home parks or in campgrounds - .60 per unit" shall read as follows:

"23. Mobile homes in mobile home parks or in campgrounds, if having at least 320 square feet of fully enclosed area covered by a permanent roof as measured on the outside perimeter - 1.00 per unit; if less than 320 square feet - .60 per unit".

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on June 1, 1986.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

L. L. ...
Martin Township Clerk

COPY TO CO. CLERK
MAY 29-86

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on May 14, 1986, at 8 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 26, hereinbefore recorded, to become effective on June 1, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

I do further certify that an attested copy of Ordinance No. 26 was duly published in the Wayland Globe a newspaper printed in Wayland, Michigan, and circulated in the Township of Martin on _____, and further that said Ordinance No. 26 was recorded in said Ordinance book on the ___ day of _____, 1986.

Dated:

LaVerne Young, Clerk

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1008-1077
JOHN H. BAUCKHAM
RICHARD O. REED
RICHARD L. LANG
PHILIP D. SCHAEFER
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4300

May 1, 1986

Mr. LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070

Dear Mr. Young:

Pursuant to the recommendation of the Gun Lake Area Sewer Authority Board, each Township is being asked to increase the residential equivalency factor for mobile homes within mobile home parks which are at least 320 square feet in area to a factor of 1.00, from the present .60. An ordinance to accomplish this is enclosed.

Assuming your Township is in agreement with this action, it should be enacted at your next Township Board meeting by roll call vote. If you will then call our office and advise us of the action taken, when all four Townships have responded that it has been enacted, we will proceed to have a notice of publication published for all four Townships.

Based upon the recommendation of the Gun Lake Board, if it is not uniformly enacted by all four Township Boards, the Board does not want the ordinance to become effective in any Townships. Therefore, unless you advise to the contrary, we will not public a notice for any Townships unless all four Township Boards have enacted the ordinance. In the event that all four do not enact the ordinance, and the ordinance is not published within 30 days as required by law, the ordinance enactment of any Townships which did enact it will become void.

If your Township demands that the ordinance be effective regardless of the action of the other three Townships, please

Mr. LaVerne Young, Clerk
May 2, 1986
Page 2

advise this office accordingly. If you have questions, please
contact me.

Very truly yours,

BAUCKMAN, REED, LANG,
SCHAEFER, SPARKS & ROLFE, P.C.



Richard Li Lang

RLL/nc

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1904-1972
JOHN M. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP O. SCHAEFER
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
362-4300

June 16, 1986

Mr. LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070

Dear Mr. Young:

Enclosed please find the Proof of Publication of your Ordinance No. 26 in the Wayland Globe on May 28, 1986.

Please file this in your official ordinance book. If anything further is needed from our office regarding this ordinance, please let me know.

Very truly yours,

BAUCKHAM, REED, LANG,
SCHAEFER, SPARKS & ROLFE, P.C.

Richard L. Lang
Richard L. Lang

RLl/nc

Encl.

PROOF OF PUBL.

ORD# 26

PUBL. MAY 26-86

In the Matter of Notice to: The Residents and Property Owners of the Townships of Yankee Springs, and Orangeville, Barry County, Michigan and COUNTY OF ALLEGAN - The Townships of Wayland and Martin, Allegan County other interested citizens:

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS, AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following ordinance, being Yankee Springs Ordinance No. 33, Orangeville Township Ordinance No. 3 of 1986, Wayland Township Ordinance No. 3 of 1986 and Martin Township Ordinance No. 26 was adopted at a regular meeting by the Yankee Springs Township Board on May 8, 1986, by the Wayland Township Board on May 5, 1986 and by the Martin Township Board on May 14, 1986, and at a special meeting of the Orangeville Township Board on May 17, 1986, said ordinance to become effective June 1, 1986.

Yankee Springs Township
Barry County, Michigan
Ordinance No. 33

Orangeville Township
Barry County, Michigan
Ordinance No. 3 of 1986

Wayland Township
Allegan County, Michigan
Ordinance No. 3 of 1986

Martin Township
Allegan County, Michigan
Ordinance No. 26

ADOPTED: May 8, 1986
as to Yankee Springs Township;

May 17, 1986, as to Orangeville Township;

May 5, 1986, as to Wayland Township; and

May 14, 1986, as to Martin Township

EFFECTIVE: June 1, 1986, as to all Townships

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An amendment to the Gun Lake Area Sewage Disposal System Ordinance pertaining to the residential equivalence table as it pertains to mobile homes located in mobile home parks and to repeal any parts or portions of the ordinance which are inconsistent herewith.

The Townships Of Yankee Springs Orangeville, Wayland and Martin

Each Ordain:

SECTION I

Schedule A of the ordinance being the Residential Equivalence Table is hereby amended so that No. 23 pertaining to "mobile homes in mobile home parks or in campgrounds - .80 per unit" shall read as follows:

"23. Mobile homes in mobile home parks or in campgrounds, if having at least 320 square feet of fully enclosed area covered by a permanent roof as measured on the outside perimeter - 1.00 per unit; if less than 320 square feet - .60 per unit."

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on June 1, 1986.

Marilyn Page
Yankee Springs Township Clerk

Darlene Harper
Orangeville Township Clerk

Mary Lou Marcott
Wayland Township Clerk

LaVerne Young
Martin Township Clerk

MEY, being duly sworn, says: I am
Wayland Globe, a weekly newspaper
published in said county. The annexed is
notice which was published in said
following dates, to-wit:

19 86 ----- A.D. 19

19 ----- A.D. 19

19 ----- A.D. 19

P. Helmy

5th

before me this -----
86
----- A.D. 19

Jane Halmy

Notary Public, Allegan County, Michigan

Witness my hand and seal this 30th day of May, A.D. 1987

JE KIMSEY
Notary Public, Allegan County, MI
Commission expires Nov. 30, 1987

MAY 28 - 86



MOLINE MEMOS

Libby Hall
477-4771 - 477-4143

On reading about the school children visiting cemeteries, interest was sparked in our local one. Dorr Cemetery was established officially in 1905. However on walking through and studying some tombstones, there were some older than 1905. Mother Levitt's gravestone showed she died in 1895. Mary Miller passed away in 1901. The Zolser plot's earliest date was 1890. Elja Ewing, who died in 1895, was a soldier and there is a flag on his grave. Then there were Fultons, Beamers, Flesers, all in the early 1800's.

Heart rending are the plots with many small gravestones. The Bastian plot has dates 1805-1905, 1905, 1908, 1908-1908, 1911-1911. Thankfully, we do not lose our children to early death these days. There are some soldiers buried there. Ivan De Vries, World War I; Keith DeVries, Vietnam; Clarence Koster, World War I; Owen Helmsoldt, Frank Stankey and a few more. Many plots have been decorated with flowers, even the Emery plot marked 1915 had geraniums on it.

The cemetery is being expanded with land to the north. Dorr Cemetery is a quiet, pleasant place with the many pine trees bordering the drive.

The plans for the June 21 Fair Day and Orchard Hill run are being finalized. It promises to be a fun filled day. A new feature this year will be a community walk. Interested persons are asked to meet at the town hall at 9:00 a.m. Bono the clown will be around in the afternoon and he will be very happy to see all the children.

Pat DeHaan held a Pre-School graduation last week. The children presented many songs and activities. Ethel Syama and Linda Spaman were helpers.

The second, fifth and sixth graders of the Moline Christian School had a special treat Monday, May 12, when they were invited to an "all you can eat" ice cream party. The classes bringing in the most soap labels, at an average 167 labels per student, were declared this year's winners in the contest.

Moline Christian students collected a total of 15,875 labels this year which earned them educational filmstrips and cassettes, maps, volley balls, and jump ropes. The students have started saving labels for next year's contest.

Moline Baptist Church had an all-church roller skating party Tuesday, May 20. The parties are always well attended and fun! One of the reasons some come, is to see who falls the most, the pastor or the youth pastor.

Pastor DeKok was gone May 13 to 17 for a Pastor's conference on the Family. It was held in Minneapolis and was a beneficial time of learning. He also was able to visit with family and some friends from college days.

Neighborhood Bible Time plans for this year are in full swing. The week is June 23-27 for all kids going into first grade on up. The senior big students will meet at night.

Abe and Lucille Westhouse spent a few days up at Pentwater. It was lovely weather when they left but soon it was rain, rain, rain. Even the fish boled up, no luck at all.

Scrounging around for news, asking people what they were doing, Henry Vlenstra said, "Nothing! Just sitting looking at the rain."

A big sign is on the lawn at the TenHaar's. The message is, "Isn't it nifty - Marilyn's Fifty!" A surprise party, composed of family and friends, was held at an area restaurant, for dinner and ice cream and cake.

The Moline Fire Department is composed of representatives from Dorr and Leighton Townships. Steve DeKok is president and John Hendrixama is secretary-treasurer. They have control of the jointly owned tanker and pay the telephone bill. Once a year they meet in the fall with the two township boards.

The fire barn on Division and 144th Avenue has a sign reading: Moline Fire Department - Leighton Township. Just how does our fire department operate? A few well placed questions brought this information. The pumper is owned by Leighton Township; the tanker is owned jointly by Leighton and Dorr Townships; a jeep, which is used to fight grass fires, is owned by the DNR. The jeep is an interesting vehicle. It can hold a crew of two or three besides equipment. The maintenance of the tanker and jeep is underwritten by the two townships.

Wayne Moore is the fire chief; Dale Dykstra, the assistant chief; Steve DeKok, captain; Roger Wiersma, secretary-treasurer; Roger Modema is chief engineer in charge of the upkeep of the trucks. Eleven more members make up the crew: Jerry Akkers, Larry Keizer, Tom Miller, Martin Nagel, Gary Wiersma, Clarence Sprague, Larry Kottman and Doug Tiemeyer.

Meetings are held the first and third Mondays of the month. The whistle blows at seven o'clock for these meetings. The first Monday is devoted to business and discussion about fires and how they were handled. The third Monday is used for practice, cleaning trucks and general up keep.

All the firemen take special classes now and then. Martin Nagel is taking a 23 week course on Wednesdays. Subjects studied are personal hazards and safety, fire behavior science, extinguisher, operative practice, ropes and knots, breathing apparatus, ladder practice, hose practice, water supplies and fire streams, forcible entry, ventilation and rescue practices, first aid and communication. The other firemen have taken this course. Now don't you feel well protected?

Did you know the Scottish people were the first ethnic group in Allegan County. They settled on the east side of the county because they liked the whortleberries (huckleberries to us). In fact there is a Huckleberry Lake northeast of Martin.

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following ordinance, being Yankee Springs Ordinance No. 33, Orangeville Township Ordinance No. 3 of 1986, Wayland Township Ordinance No. 3 of 1986 and Martin Township Ordinance No. 26 was adopted at a regular meeting by the Yankee Springs Township Board on May 8, 1986, by the Wayland Township Board on May 5, 1986 and by the Martin Township Board on May 14, 1986, and at a special meeting of the Orangeville Township Board on May 17, 1986, said ordinance to become effective June 1, 1986.

Yankee Springs Township
Barry County, Michigan
Ordinance No. 33

Orangeville Township
Barry County, Michigan
Ordinance No. 3 of 1986

Wayland Township
Allegan County, Michigan
Ordinance No. 3 of 1986

Martin Township
Allegan County, Michigan
Ordinance No. 26

ADOPTED: May 8, 1986
as to Yankee Springs Township;

May 17, 1986, as to Orangeville Township;
May 5, 1986, as to Wayland Township; and
May 14, 1986, as to Martin Township

EFFECTIVE: June 1, 1986, as to all Townships

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An amendment to the Gun Lake Area Sewage Disposal System Ordinance pertaining to the residential equivalence table as it pertains to mobile homes located in mobile home parks and to repeal any parts or portions of the ordinance which are inconsistent herewith.

**The Townships Of Yankee Springs
Orangeville, Wayland and Martin**
Each Ordain:

SECTION I

Schedule A of the ordinance being the Residential Equivalence Table is hereby amended so that No. 23 pertaining to "mobile homes in mobile home parks or in campgrounds - .60 per unit" shall read as follows:

"23. Mobile homes in mobile home parks or in campgrounds, if having at least 320 square feet of fully finished area covered by a permanent roof as measured on the outside perimeter - 1.00 per unit; if less than 320 square feet - .60 per unit."

SECTION II

Any parts or portions of this ordinance which are inconsistent with these amendments are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect on June 1, 1986.

Marilyn Page
Yankee Springs Township Clerk

Darlene Harper
Orangeville Township Clerk

Mary Lou Marcott
Wayland Township Clerk

LaVerne Young
Martin Township Clerk



Nancy Whitley

**For Your
Good
Health**

By
Gina Warlick, P.T.

Director of Physical Therapy

If you are suffering from low back pain, don't feel alone. Eight out of ten Americans will experience back pain at some time in their lives. One hundred million have serious back problems, with 250,000 undergoing back surgery each year. By following some simple guidelines we can decrease this enormous problem.

There are several different structures in the back that can cause pain. Muscle strains occur by overstretching, jerking, or twisting. The most common ligament injury is a sprain, caused by too much stress as in bending or prolonged stretching. The joints of the

back can also be strained by overstretching. The discs, "shock absorbers," are injured by abnormal forces such as bending forward, lifting, or twisting.

If you have injured your back there are a wide variety of practitioners to consult and treatments available. A recent survey indicated the orthopedist as the most frequently consulted back specialist. Chiropractors ranked high in providing short-term relief. Physical therapists were ranked highest in providing long-term relief.

Unfortunately, prevention is the only proven cure for back pain. The five keys of a program for prevention are proper posture, proper body mechanics and lifting techniques, exercises devised by an expert, and rest.

**ORDINANCE #27
REZONE LYONS PROPERTY
ORDINANCE
EFFECTIVE: MAY 28, 1986**

MARTIN TOWNSHIP ORDINANCE NO. 27

AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE/MAP

ADOPTED: May 14, 1986.

EFFECTIVE: May 28, 1986

An Ordinance to amend the zoning map of the Township of Martin as incorporated within the zoning ordinance of the Township of Martin with respect to certain lands and premises located within Section 19 of said Township and the zoning district classification of said properties; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAINS:

SECTION I

The zoning map of the Township of Martin as incorporated by reference in the zoning ordinance of Martin Township is hereby amended by the rezoning of the following described parcels of real property located in Section 19 of said Township from the "C-2" General Business District classification to the "I-1" Industrial District classification:

All that part of the Northwest fractional 1/4 of Section 19, Town 3 North, Range 11 West, Martin Township, Allegan County, Michigan, which has the shape of a line described as: Beginning at a point on the East and West 1/4 line of said Section 19, which is North 89° 57' 30" East a distance of 71.13 feet from the West 1/4 corner of said Section 19; thence North 10° 02' 00" West a distance of 276.96 feet to the point of curvature of a 11,629.17 foot radius curve to the right; thence Northwesterly along the arc of said curve (chord) bearing North 89° 17' 30" West) 1,288 feet to a point of ending.

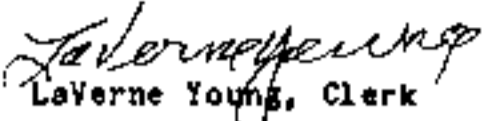
Township of Martin, Allegan County, Michigan, described as: Beginning at a point on the East line of 12th Street 28 feet North 82° 54' 30" E from the West 1/4 east of Section 19, T2N, R11W; thence N82° 54' 30" E 57.12 feet to the West right-of-way line of limited access Highway 12-121; thence S17° 02' 00" along said right-of-way line 892.64 feet; thence S82° 54' 30" W 164.57 feet to the East line of 12th Street; thence N28° 30' 30" W 168 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Township of Martin, Allegan County, Michigan, described as: Commencing at the West 1/4 east of Section 19, T2N, R11W; thence S28° 30' 30" E on the West line of said Section 19 168 feet; thence N82° 54' 30" E 57 feet to the East line of 12th Street and the place of beginning of this description; thence N82° 54' 30" E 164.57 feet to the West right-of-way line of limited access Highway 12-121; thence S17° 02' 00" along said right-of-way line 892.64 feet; thence S82° 54' 30" W 164.57 feet along said right-of-way line 892.64 feet; thence N28° 30' 30" W 168 feet to the East line of 12th Street; thence N28° 30' 30" W 168 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Land in Township of Martin, Allegan County, Michigan: Commencing at the West 1/4 east of Section 19, Town 3 North, Range 11 West, thence North 2 degrees 30 minutes 20 seconds East on the West line of said Section 19 288.25 feet; thence North 85 degrees 20 minutes 15 seconds East 28 feet to the East line of 12th Street and the place of beginning of this description; thence North 85 degrees 20 minutes 15 seconds East 279.04 feet to the West right-of-way line of limited access Highway U.S. 121; thence South 5 degrees 20 minutes 20 seconds West 822.51 feet to the North line of A-100 Highway; thence South 85 degrees 20 minutes 20 seconds West along said right-of-way line 75.80 feet; thence South 85 degrees 20 minutes 20 seconds West 75.24 feet along said right-of-way, being a chord on a curve to the left with a radius of 21,778.20 feet and a central angle of 1 degree 20 minutes 20 seconds; thence North 85 degrees 20 minutes 20 seconds West 217.20 feet to the East line of 12th Street; thence North 2 degrees 30 minutes 20 seconds West 27.27 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

SECTION II

This ordinance shall take effect immediately upon publication.
All ordinances or parts of ordinances in conflict herewith are
hereby repealed.


Laverne Young, Clerk
Martin Township

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on May 14, 1986, at 8:00 o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 27, hereinbefore recorded, to become effective May 28, 1986, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

Jack Sipple-----Aye
Gerald Fenner-----Aye
Joyce McGuire-----Aye
Andrew Leep-----Aye
LaVerne Young-----Absent

I do further certify that an attested copy of Ordinance No. 27 was filed with the County Clerk on May 28, 1986 and that said Ordinance No. 27 was duly published in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in the Township of Martin on May 28, 1986, and further that said Ordinance No. 27 was recorded in said Ordinance book on the 27th day of May, 1986.

Dated:
May 28, 1986

LaVerne Young
LaVerne Young, Clerk

LYONS PROPERTY - BETWEEN 12TH ST & 131ST W. 1/4
FROM M-118 N. TO 117TH AVE -

REZONED FROM GEN. BUS. TO INDUSTRIAL

COPY TO CO. CLERK MAY 29-86

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P.C.
ATTORNEYS AT LAW
600 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1006-872
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP D. SCHAEFER
KENNETH C. SPARKS
CRAG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4300

May 20, 1986

Mr. LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070

RE: Ordinance No. 27

Dear Mr. Young:

Enclosed please find the original of Ordinance No. 27,
pertaining to the rezoning of the Lyons' property in Section
19. I have arranged for the required publication of the ordinance
in the Wayland Globe on May 21 or May 28, as the Globe's setup
and publication schedule permits.

Also enclosed is a partially completed Clerk's Certificate
pertaining to Ordinance No. 27. Please fill in the remaining
blanks on the certificate, including identifying the members
of the Township Board present at the May 14 meeting, and indicating
how they voted on the adoption of the ordinance.

The fully completed Clerk's Certificate should be filed
in your ordinance book along with the original of Ordinance
No. 27, the Affidavit of Publication which you will receive
from the Wayland Globe, and any other pertinent materials, such
as a copy of the Township Board and Zoning Board minutes relating
to the rezoning at issue. You should also include whatever
correspondence was received from the Allegan County Planning
Commission, indicating their approval of the rezoning.

Finally, as it is my understanding that the Martin Township
offices are not open regular hours during regular business days
it will be necessary for a copy of the ordinance to be filed
with the Allegan County Clerk. A copy of the ordinance is enclosed
for this purpose. Please take care of the required filing with
the County Clerk at your earliest convenience, and make sure

Mr. LaVerne Young, Clerk
Re: Ordinance No. 27
May 20, 1986
Page 2

the information about this filing is included on the Clerk's
Certificate.

Sincerely,

BAUCKHAM, REED, LANG,
SCHAEFER, SPARKS & ROLFE, P.C.


Craig A. Rolfe

CAR/nc

Encl.

BAUCKHAM, REED, LANG, SCHAEFER, SPARKS & ROLFE, P. C.
ATTORNEYS AT LAW
800 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1908-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
PHILIP O. SCHAEFER
KENNEVH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN

AREA CODE 616
TELEPHONE
382-4800

May 20, 1986

Wayland Globe
Wayland, Michigan

Re: Publication of Zoning Notice for Martin Township

Dear Mrs. Helmev:

Please publish the enclosed Martin Township Ordinance No. 27 on Wednesday, May 21, 1986, or if not received in time for publication on that date, then on Wednesday, May 28, 1986.

Please forward your statement, together with one affidavit of the publication to Mr. LaVerne Young, Clerk; Martin Township; 981 Lee Street; Martin, Michigan 49070, and forward one affidavit of publication to this office.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, REED, LANG,
SCHAEFER, SPARKS & ROLFE, PC


Craig A. Rolfe

CAR/nc
Encl.
cc: Mr. LaVerne Young ✓

COPY

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance
No. 27 was adopted by the Martin Township Board at its regular
meeting held May 14, 1986.

EFF. ~~MAY 28~~
MAY 28-86

10/15 PROP

In the Matter of Martin Township Ordinance No. 27
COUNTY OF ALLEGAN—ss.

Martin Township

Allegan County, Michigan

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance No. 27 was adopted by the Martin Township Board at its regular meeting held May 14, 1986.

Martin Township Ordinance No. 27 AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE/MAP

ADOPTED: May 14, 1986

EFFECTIVE: May 28, 1986

An Ordinance to amend the zoning map of the Township of Martin as incorporated within the zoning ordinance of the Township of Martin with respect to certain lands and premises located within Section 19 of said Township and the zoning district classification of said properties; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN ALLEGAN COUNTY, MICHIGAN ORDAINS:

SECTION I

The zoning map of the Township of Martin as incorporated by reference in the zoning ordinance of Martin Township is hereby amended by the rezoning of the following described parcels of real property located in Section 19 of said Township from the "C-2" General Business District classification to the "I-1" Industrial District classification:

All that part of the Northwest fractional $\frac{1}{4}$ of Section 19, Town 2 North, Range 11 West, Martin Township, Allegan County, Michigan, which lies westerly of a line described as: Beginning at a point on the East and West $\frac{1}{4}$ line of said Section 19, which is North 85° 54' 30" East a distance of 77.12 feet from the West $\frac{1}{4}$ corner of said Section 19; thence North 11° 05' 40" West a distance of 278.88 feet to the point of curvature of a 11,688.19 feet radius curve to the right; thence Northerly along the arc of said curve (chord bearing North 65° 18' 33" West) 1,000 feet to a point of ending.

Township of Martin, Allegan County, Michigan, described as: Beginning at a point on the East line of 12th Street 50 feet North 85° 54' 30" E from the West $\frac{1}{4}$ post of Section 19, T2N, R11W; thence N85° 54' 30" E 27.12 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" along said right-of-way line 1037.64 feet; thence N85° 54' 30" W 164.07 feet to the East line of 12th Street; thence N7° 21' 25" W 1025 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Township of Martin, Allegan County, Michigan, described as: Commencing at the West $\frac{1}{4}$ post of Section 19, T2N, R11W; thence S2° 28' 25" E on the West line of said Section 19 1025 feet; thence N85° 54' 30" E 50 feet to the East line of 12th Street and the place of beginning of this description; thence N85° 54' 30" E 164.07 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" E along said right-of-way line 847.57 feet; thence S8° 28' 25" W along said right-of-way line 42.15 feet; thence S85° 28' 19" W 278.88 feet to the East line of 12th Street; thence N3° 20' 25" W 1082.88 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Land in Township of Martin, Allegan County, Michigan: Commencing at the West $\frac{1}{4}$ post of Section 19, Town 2 North, Range 11 West, thence South 3 degrees 28 minutes 25 seconds East on the West line of Section 19 225.28 feet; thence North 85 degrees 39 minutes 15 seconds East 50 feet to the East line of 12th Street and the place of beginning of this description; thence North 25 degrees 29 minutes 15 seconds East 279.84 feet to the West right-of-way line of limited access Highway U.S. 131, thence South 5 degrees 36 minutes 53 seconds West 522.81 feet to the North line of M-118 Highway, thence South 85 degrees 56 minutes 25 seconds West along said right-of-way 19.84 feet; thence South 25 degrees 50 minutes 03 seconds West 75.34 feet along said right-of-way, being a chord on a curve to the left with a radius of 22,910.33 feet and a central angle of 3 degrees 28 minutes 38 seconds; thence North 80 degrees 46 minutes 04 seconds West 121.27 feet to the East line of 12th Street, thence North 3 degrees 28 minutes 25 seconds West 447.57 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

SECTION II

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LaVerne Young, Clerk
Martin Township

being duly sworn, says: I am
and Globe, a weekly newspaper
said county. The annexed is
which was published in said
dates, to-wit:

86 ----- A.D. 19

----- A.D. 19

----- A.D. 19

before me this 5th

----- A.D. 19 86

Jane Helms
Public, Allegan County, Michigan

Nov. 30 A.D. 1987

HELMST
NOTARY PUBLIC, MI
Commission expires Nov. 30, 1987

Junior High Honor Roll

The honor roll for the Wayland School seventh and eighth grades has been released for the fifth marking period and lists all those who have attained a grade point average of B (80) or better.

Seventy students with all A records are: Michelle Bakker, Amy Buskirk, Christy DeWitt, Keith Laker, Dawn Largent, Joshua Sadler, Marie Smith, and Kerry VanPutten.

Others doing very well in their classes include: Julie Ainsworth, Heather Chrisman, Danielle Hlar, Melanie Isachoff, Kevin Marlin, Teka McDevord, Troy Tarntzer, Michelle Athearn, Daniel Bradford, Randi Floek, Nicole Gonzalez, Chris Gruver, Ricky Kossny, Nicole Maynard, Kelly Nieuwenhuis, James Sadler, Shannon VanDine, Gretchen VanEerden, Mike VanVuren, Kristy Williams, and Kevin Young.

Melissa Benedict, Toni Butler, Sally Muczynski, Keith Nickels, Paul Ouness, Jason Rewa, Shelly Salisbury, Annette Teitson,

Tina Veld, Aaron Whitley, Petra Alfert, David Burt, Jamie Fugate, Vanessa Haller, Shannon Halloran, Jodi Renkel, Krista Middleton, and Chad Myers.

Ricky Pitcher, Melissa VanEss, Kim Veltman, Laura Barghahn, David DeWitt, Chris DuMont, Latrisha Harrison, Chad Miller, Matt Miller, Chris Ranken, Joshua Ruel, Heather Staley, Christina Steenwyk, Robert Swainston, Scott Taylor, Bryan Boogard, Holly Chappell, Julie Folkema, Pam Gotbard, Rose Hutzenga, Chris Lake, Shane Lester, Lisa Mier, Melinda Nickerson, Sheri Taylor and Jennifer Wilson.

Three students in the eighth grade tallied 4.0 averages. They are: Lisa Anderson, Tony French, and Sherry Smith.

More eighth graders with fine marks are: Richard Flanagan, Matt Fletcher, Stephanie Holben, Kelly Hogan, Heather Klinge, David Todd, Jennifer Ritz, Toni Wilde, Rex Winger, Darla Zuidersma, Stacie Phee, Terasa

Rearink; Amy Schut, Missy Bratsburg, Becky Black, Hope Bonga, Michelle Drobny, Jen DeWitt, Mindy Griffin, Brian Heintzelman, nifer Erb, Melissa Ernst, Sandra Jones, Ryan Doug Huff, Doug Larsen, Sherry Overkloft, Jonker, Chris Kaboos, Cinnamon Lam-Becky Filip, Carmen Schoel, Tony Szubinski, brrgtse, Scott Marquard, Brian Ocie, Jeff Lynne Thompson, Mark Troy, Carrie Walk-Pederson, Paulette VanderWoude, Kim Vanington, Mark Applegate, Sharice Beas, Chris Puffen, and Tina Weber.

Martin Township

Allegan County, Michigan

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Martin Township Ordinance No. 27 was adopted by the Martin Township Board at its regular meeting held May 14, 1986.

Martin Township Ordinance No. 27 AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE/MAP

ADOPTED: May 14, 1986
EFFECTIVE: May 28, 1986

An Ordinance to amend the zoning map of the Township of Martin as incorporated within the zoning ordinance of the Township of Martin with respect to certain lands and premises located within Section 19 of said Township and the zoning district classification of said properties; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN ALLEGAN COUNTY, MICHIGAN ORDAINS:

SECTION I

The zoning map of the Township of Martin as incorporated by reference in the zoning ordinance of Martin Township is hereby amended by the rezoning of the following described parcels of real property located in Section 19 of said Township from the "C-2" General Business District classification to the "I-1" Industrial District classification:

All that part of the Northwest fractional 1/4 of Section 19, Town 2 North, Range 11 West, Martin Township, Allegan County, Michigan, which lies Westerly of a line described as: Beginning at a point on the East and West 1/4 line of said Section 19, which is North 85° 54' 38" East a distance of 77.12 feet from the West 1/4 corner of said Section 19; thence North 11° 05' 40" West a distance of 276.88 feet to the point of curvature of a 11,405.18 feet radius curve to the right; thence Northerly along the arc of said curve (chord bearing North 66° 18' 33" West) 1,080 feet to a point of ending.

Township of Martin, Allegan County, Michigan, described as: Beginning at a point on the East line of 12th Street 50 feet North 85° 54' 38" E from the West 1/4 post of Section 19, T2N, R11W; thence N85° 54' 38" E 27.12 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" E along said right-of-way line 942.64 feet; thence S85° 54' 38" W 184.07 feet to the East line of 12th Street; thence N3° 28' 25" W 1825 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Township of Martin, Allegan County, Michigan, described as: Commencing at the West 1/4 post of Section 19, T2N, R11W; thence S34° 28' 25" E on the West line of said Section 19 225 feet; thence N85° 54' 38" E 50 feet to the East line of 12th Street and the place of beginning of this description; thence N85° 54' 38" E 184.07 feet to the West right-of-way line of limited access Highway US-131; thence S11° 05' 40" E along said right-of-way line 947.57 feet; thence S54° 28' 25" W along said right-of-way line 62.15 feet; thence S85° 54' 38" W 278.84 feet to the East line of 12th Street; thence N3° 28' 25" W 1403.86 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

Land in Township of Martin, Allegan County, Michigan: Commencing at the West 1/4 post of Section 19, Town 2 North, Range 11 West, thence South 3 degrees 28 minutes 25 seconds East on the West line of Section 19 228.28 feet; thence North 85 degrees 39 minutes 15 seconds East 50 feet to the East line of 12th Street and the place of beginning of this description, thence North 85 degrees 29 minutes 15 seconds East 279.94 feet to the West right-of-way line of limited access Highway U.S. 131, thence South 5 degrees 26 minutes 55 seconds West 522.81 feet to the North line of M-118 Highway, thence South 85 degrees 56 minutes 55 seconds West along said right-of-way 19.31 feet; thence South 85 degrees 50 minutes 03 seconds West 75.34 feet along said right-of-way, being a chord on a curve to the left with a radius of 22,918.33 feet and a central angle of 3 degrees 28 minutes 28 seconds, thence North 66 degrees 46 minutes 04 seconds West 121.27 feet to the East line of 12th Street, thence North 3 degrees 28 minutes 25 seconds West 447.57 feet to the place of beginning, subject to conditions, restrictions and limitations of record.

SECTION II

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LaVerne Young, Clerk
Martin Township

High interest, flexible protection, payments to suit you, and a non-smoker's discount . . .



The policy of the future is here. Universal Life from Farm Bureau Life Insurance Company of Michigan gives you low-cost life insurance protection while paying a high rate of interest on your cash accumulations. It's so flexible that you can tailor your policy—and payment plan—to change with your needs.

Now you can add coverage to your Universal Life policy for your family.



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Agent



Gerald Davis, CLU
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AGH MED-CENTRE

FOR IMMEDIATE CARE OF YOUR MINOR EMERGENCY

MONDAY THROUGH FRIDAY 5 P.M. UNTIL 11 P.M.
SAT., SUN. & HOLIDAYS 8 A.M. UNTIL 11 P.M.

The AGH Med-Centre, located in our emergency department, will provide you with convenient care of your minor illness or injury without an appointment on a first come first serve basis.

Examples of problems that may be seen as a AGH Med-Centre patient are:

- | | | |
|--------------|-----------------|------------------------------------|
| Skin Scrapes | Flu | Sprains/Strains |
| Minor Burns | Backache | Sinus Trouble |
| Earaches | Bronchitis | Nausea & Vomiting |
| Fevers | Bumps & Bruises | Minor Animal Bites |
| Cough | Skin Rashes | Small Cuts (not requiring sutures) |
| Colds | Sore Throat | |
| | Nose Bleed | |

Low Cost

- \$25 minimum charge
- We will be accepting Visa and Master Card as well as Medicare & Medicaid and all other health insurance that includes major medical coverage.

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- To persons who don't have family physicians.
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Bonnie Miller, third from left, representing the General Federation of Women's Clubs in Michigan was the guest speaker at the Gun Lake Area Club meeting. Recently elected officers include Linda Rough, left, who is vice-president, Sally Stannard, president, and Lois Page, secretary. Denise Taugher, treasurer, was not available for the photo.

Wayland Teacher To Marry In Richland

A July 26 wedding at the Richland Presbyterian Church is being planned by Christina L. St. Clair of Wayland and Scott W. Hurley of Richland.

The bride-elect is the daughter of Dortha Mullings of Lansing and Ernest Mullings of Shelbyville. She graduated from Lansing Eastern High School and Michigan State University. She was a member of Omicron Nu, Phi Kappa Phi and is currently a teacher with Wayland Union Schools.

Her fiance is the son of Marilyn Hurley of Lansing and William Hurley of Fairfield, Tennessee. A graduate of Waverly High School and Michigan State University, the bridegroom-elect is a case worker in Kalamazoo with the Michigan Department of Social Services.



Mr. and Mrs. Rick Mays

Couple United In Martin

Miss Brenda Sue Westendorp, daughter of Mr. and Mrs. Ed Westendorp Jr. of Martin, and Rick Mays, son of Mr. and Mrs. Andrew Mays of Hopkins, were united in holy matrimony March 22 at the East Martin Christian Reformed Church.

Rev. Harlan Roelofs officiated and special music was provided by organist Lorraine Vandenberg. Soloist Kim Langlois sang "The Wedding Song" and "We've Only Just Begun."

Mrs. Ralph Suk of Martin was the matron of honor and Louisa Westendorp of Martin and Charney Mays of Holland were bridesmaids. Miss Sandra DeHaan of Martin was the flower girl.

Attending the bridegroom were his best man, John Strickfaden of Burnips, groomsmen Bob VanHuis of Hamilton and Ralph Suk of Martin. Ushers were Wayne Westendorp of Shelbyville and Larry Wilson of Hopkins. Andrew Strickfaden of Burnips was the ringbearer.

The couple honeymooned in Jamaica and now live in Hamilton.



Christina L. St. Clair

Open House Set For Fred Fuss

An open house will be held June 8 in honor of Mr. and Mrs. Fred Fuss' 50th wedding anniversary. The festivities will be held at Sacred Heart Hall in Watson Township from 2:00 to 4:00 p.m.

The Allegan couple was married at Sacred Heart Catholic Church on June 13, 1936. The children and spouses, who are the hosts for the celebration, are Jim and Joyce Lapham of Martin, Chuck and Bert Fuss of Grand Junction, Tom and Margaret Fuss of Jenison, Jerry and Sue Fuss of Kalamazoo, Joan and Bill Germain of Allegan, Dan and Mary Jo Heckman of Centerville, Doug and Penny Fuss and Steve and Jane Drewyor all of Allegan.

The couple also has twenty-seven grandchildren and two great-grandchildren.

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- MAY 30 - Roy G. Hines, Dick Hines, Jr.
- MAY 31 - Krista Middleton, Jodi Haverdink, Tina Kozarski.
- JUNE 1 - Jim Steeman, Thomas J. Stoddard, Dottie VanSengel.
- JUNE 2 - Stacey Sepinski, Paul VanderWoude, August Brinks, Denise Kaminski, Amy Lass.
- JUNE 3 - Phyllis Pintarelli, Julie Reurink.
- JUNE 4 - Marcia Carpenter, Clyde Jager, Dorothy Arbanas.
- JUNE 5 - Miss Mandy Weber, Sarah Noble, Tom Dandrow, Greg Kugefard.



Sunday Open House To Honor Heppes

Mr. and Mrs. Orval Heppes of Hilliards will celebrate their 40th wedding anniversary with an open house Sunday, June 1 from 3 p.m. to 6 p.m.

Hosts for the occasion will be Joe and Mona Heppes, Phyllis and Dale Rankers, Dan Heppes and his fiance Evey Ritsma, Donna and Thomas Peck, Mike and Linda Heppes and Scott Heppes.

Orval and Hazel were married June 6, 1946 in Ionia.



Mr. and Mrs. Orval Heppes

Wayland Alumni Reunion Planned

The Wayland Union High School reunion for all alumni will be held June 14 in the high school cafeteria. The potluck dinner will begin at 1:30 p.m.

Graduates from the class of 1936 and the class of 1946 will be honored at the festivities.



Burl and Phyllis Stein, their daughter Jackie and her friend, Elaine Smith, participated Sunday in the national "Hands Across America" fund-raising event for the benefit of the hungry. They linked hands with others near South Bend, Indiana.

In a recent issue of the "Skin Diver" magazine Jim Levandoski was cited for his help in aiding author Ellsworth Boyd research several stories.

Boyd went on to say that Levandoski has nearly completed his own manuscript entitled "Cedarville" which contains many photos and information about the 8,000-ton steamer which sank in the Straits of Mackinac in 1965.

the April cold snap. Damage to apples varied from one area to another, depending on the blossoms' stage of development. Michigan should have a good crop of apples, provided pollinating conditions improve. Barring more weather problems, experts predict a normal peach crop, Mrs. Shinabarger said.

High Coffee Prices Expected To Continue

Coffee prices dominate the May food outlook as Brazil attempts to get the highest price possible for exported coffee, while keeping a lid on coffee prices at home. To achieve this, the Brazilian government is now demanding that coffee exporters deposit one bag of coffee beans for every three that are shipped out of the country according to Ada Shinabarger, Extension Food Marketing Agent for Michigan State University.

This action by the world's largest producer of coffee has raised the price of Brazilian coffee in world trade, other countries are following suit. This has spurred another round of higher retail coffee prices in the United States.

Mrs. Shinabarger went on to say that now roasters with inventories sufficient to last through early July have hit on another reason for higher coffee prices: The possibility of cold weather damage to blossoming coffee trees during the Brazilian frost season (July and August).

Meanwhile, prices for beef and pork remain low. Now that the dairy herd buyout has been restructured, beef prices should become more stable.

Broiler prices continue to remain above last year's, despite an increase in production. The demand for poultry as an alternative to beef and pork has kept a cap on red meat prices. The only factor keeping broiler prices from higher levels is the low cost of feed.

The post-Easter egg price decline was sharp and sizeable. Egg prices are expected to average in the low-70 cent range for grade A, large during the second quarter of 1986.

The season for fresh homegrown strawberries was delayed by cold weather on April 21 and 22, when temperatures went as low as 14 degrees fahrenheit. Look for strawberries to be available from Memorial Day through June if all goes well from now on. Asparagus is back on track and should be in volume during the second and third weeks of May.

The tart cherry crop has been reduced by

Wednesday & Thursday Dinner Hour Special

\$4.60

per person

includes salad bar

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7:00pm - 11:00pm

Wed. & Thurs. 6:00pm - 10:00pm

\$6.95 All You Can Eat

FRIDAY

Gordie's BAKED FISH SPECIAL

Served during evening hours

\$4.50 (CALL YOU CAN EAT)

SATURDAY & SUNDAY

PORK CHOP & DRESSING

Complete Dinner includes: Choice of 5 Salads

\$3.95

**ORDINANCE #28
ELECTRIC SERVICE FRANCHISE
AND ORDINANCE
(PERMISSION O & A ELECTRIC CO.
TO OPERATE IN TOWNSHIP FOR 30
YEARS)
EFFECTIVE: AUGUST 5, 1986**

ELECTRIC SERVICE FRANCHISE AND ORDINANCE

TOWNSHIP OF

Martin

ORD # 18

Allegan

COUNTY, MICHIGAN

Granted to:

O & A ELECTRIC COOPERATIVE

June 11, 1986

The Township of

Martin

Ordains:

Section 1. Permission is hereby granted to O & A Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Martin, ALLEGAN County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said Township subject, however, to all conditions and restrictions hereinafter contained.

Section 2. The conditions of the foregoing grant are as follows:

- A. The grantee shall do no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
- B. The Board of County Road Commissioners or other proper authority, may in its discretion grant permission for the control of trees when necessary to make the lines safe and accessible.
- C. The said grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, mains, pipes, conduits or other apparatus, shall in writing notify the Board of County Road Commissioners or the Superintendent of said Board, or other proper authority, of the proposed construction, and obtain approval thereof, and shall, if the said Board so requires, file with it a sufficient plan and specification showing the nature and extent of the proposed erection and construction.
- D. No street, highway, alley or public place shall be allowed to remain encumbered by the construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners shall determine the questions of such necessity, and the grantee shall at all times conform to all ordinances of the Township now or hereafter in force relative to the fencing and lighting of obstructions and excavations.
- E. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
- F. Said grantee shall make due provision upon forty-eight hours notice in writing for raising its wires, or otherwise, for the passage of any barge, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.

Section 3. This grant shall take effect, if said grantee shall within sixty days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall thereafter be favorably acted upon by a vote of the registered electors. If not so accepted in writing this ordinance shall be null and void.



MARTIN MINGLINGS

Agnes Patterson, 672-5388

Thought -

"Help to lift another's burden
If it's more than he can bear,
And his burden will be lighter
If you prove to him you care."

Well, I think Martin is getting back to normal after celebrating its big birthday party. There were many people who seemed to be happy. Of course, the rains came both Friday and Saturday but when the sun appeared so did the people. The farmers' tent was a busy place all the time. The ice cream social and the fashion show did take place Friday evening and they were well attended, in spite of the fact that it was announced that they were cancelled due to the weather. On Saturday, the parade was great - and the sun shone. The big birthday cake was admired and then cut and many enjoyed it. Then, the rain came again. The casualty, that day, was the chicken barbecue. That had to be rescheduled for the next Saturday, July 19. Also the hot air balloon rides couldn't take place. The sun reappeared and the musical program in the evening was well attended. Another very busy place was the museum in the school cafeteria. We tried to have people register but I'm sure when some came, they were too busy looking to remember to sign their names. As it was we had about seven hundred-fifty names. I'm sure there were plenty of very weary people by Saturday evening. Certainly those who worked so hard planning these eventful days should be congratulated.

It seems that several other news items are tied in with the celebration.

Mr. and Mrs. Robert Kurtz and daughter, Katherine, were guests of the Robert Brandons. Barbara was one of the Martin queens riding in the parade. The Kurtz family live in Kirtland, Ohio.

The Ronald Youngs came from Wisconsin to be with Dorothy's mother, Mrs. Clara Young. Dorothy was especially interested in these historical days because she is one of the descendants of Martin's first settler, Mumford Eldred.

Others who were happy to have members of their family with them include the Gary Melvins. Their daughter, Diane, was here from Minnesota and Gary's parents, Howard and Christine who live in Florida much of the year.

The Don Elferinks welcomed their daughter, Janet Westervold, and her children, Mark and Wilms on Monday, July 6. The Westervolds live in the Netherlands.

Another surprise guest at the museum was August Spoelstra from California. Later, the former Lucille Spoelstra and her daughter came to chat with many friends. Lucilla is Mrs. Carl Burdell and they have a home in Florida.

Someone wanted me to include this little tidbit - Ken Bleeker gave away tickets for the pancake breakfasts both days. The first one in line on Friday morning to get a ticket was Barney Newman. Those pancakes were really good, weren't they, Barney?

Mrs. Ruth Katje and Miss Verdona Schip-

per, from Kalamazoo, spent last week in Mr. and Mrs. Roger Gates' mobile home near Gum Lake.

Rev. Keith and Rev. Judith Kelsey Powell and their children, Ann and Luke, were guests of the Carl Kelseys, recently. The Powells live in Joliet, Illinois.

Glad to report that John VanderPloeg is home, following surgery, and is doing well.

Our sympathy is with Rev. and Mrs. Norm VanderHart. Edith's brother, Dr. Raymond McGilvra, passed away in Arizona July 13.

Sorry to hear that Floyd Brinkhuis is not feeling well. He is in Borgens Hospital as I'm writing this. Hope he will be recuperating at home when you read this.

The Martin Lions are hoping many of the "Senior Citizens" or "Keenagers" or "Older Folks" whatever you call yourself, will come to the Allegan Fairgrounds on August 9. They have a busy, fun day planned for you.

The Keenagers who gathered at the Martin United Methodist Church on Tuesday, July 15, really enjoyed themselves. Fifty-four of them ate too much probably and then sat back and listened to a delightful program. First, Melissa, Chris and Joshua Tromp sang for us. They live in Kentwood and sing with the Grand Rapids Children's Bible Hour. They sang together and then little Melissa sang several solos. Her Christian testimony was beautiful. Then we listened to Carol Newman as she told us stories. Carol is the librarian in the Jenison school. She is an excellent story teller. I'm sure we will remember her stories for a long time. I'm sorry for you if you missed this Keenagers' meeting.

Mrs. Mary Waller has been traveling again. On July 8 she left for California and returned July 13. These were busy days. She attended the Reformed Church triennial meetings. These were held in the crystal cathedral in Garden Grove, California.

Happy news! On July 1, Kirian Allen Jr. arrived. His parents are Kirian and Judy Myers. His Martin grandparents are Mr. and Mrs. Austin Bowman.

Mrs. Anna Rickli had a happy day July 13. Her son, Jake and his wife, Marie, entertained at a pool party at their home in Kalamazoo. This was a family reunion which is always a reason for a party but it was also a belated graduation party for Barbara Cribbs. Barbara is the daughter of Norma and Tom Cribbs of Rochester, Michigan. Other guests were Harold and Ann Wells, their daughter Laura Happ and her daughter Megan. The Happys live in Portage. Charles and Martha Shoemaker of Kalamazoo, their son, Tom, and his family from Paw Paw, Alice McCaffrey and her son, David and his wife, Esther, Dorothy and Ed Levett, Walter and Lois Rickli and their family from Otsago and the Jim Rickli family from Mattawan. Isn't that a great family? I know they had a great time too.

Mrs. Ethel Grasse is happy to have her sister, Mrs. Lillian Uhrig with her for a few weeks. Lillian lives in St. Petersburg, Florida and she likes our hot weather.

Our deepest sympathy is with the family of Otto Mauchner. He passed away July 12.

Mr. and Mrs. Gerald Hill were happy to have Judy's parents, Mr. and Mrs. Ray Loveless, with them last weekend. Mr. and Mrs. Loveless live in Chicago.

Mrs. Dorothy Sims from Sandusky, Ohio spent a few days with Mrs. Lucille Porter recently. Mrs. Ruth Burkacki accompanied Mrs. Sims and she visited Mr. and Mrs. Earl Buyce.

Sad, sad, news. Dean Lukins passed away suddenly July 17. Many thoughts and prayers are with his family.

On the same day, Mary Beth Porter's brother, James Isenhart, from Allegan, died. We're so sorry, Bob and Mary Beth.

I'm sure these two families know that their many friends are loving them and weeping with them.

Thoughts -

"You can't break God's promises by leaning on them." "Love is Christianity in action."

**Electric Service
FRANCHISE AND ORDINANCE**

**Township of Martin
Ordinance #28
Allegan County, Michigan**

Granted to:

O & A ELECTRIC COOPERATIVE

July 9, 1986

The Township of Martin Ordains:

Section 1. Permission is hereby granted to O & A Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Martin, Allegan County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said Township subject, however, to all conditions and restrictions hereinafter contained.

Section 2. The conditions of the foregoing grant are as follows:

- A. The grantee shall do no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
- B. The Board of County Road Commissioners or other proper authority, may in its discretion grant permission for the control of trees when necessary to make the lines safe and accessible.
- C. The said grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, mains, pipes, conduits or other apparatus, shall in writing notify the Board of County Road Commissioners or the Superintendent of said Board, or other proper authority, of the proposed construction, and obtain approval thereof, and shall, if the said Board so requires, file with it a sufficient plan and specification showing the nature and extent of the proposed erection and construction.
- D. No street, highway, alley or public place shall be allowed to remain encumbered by the construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners shall determine the questions of such necessity, and the grantee shall at all times conform to all ordinances of the Township now or hereafter in force relative to the fencing and lighting of obstructions and excavations.
- E. The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
- F. Said grantee shall make due provision upon forty-eight hours notice in writing for raising its wires, or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.

Section 3. This grant shall take effect, if said grantee shall within sixty days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall thereafter be favorably acted upon by a vote of the registered electors. If not so accepted in writing this ordinance shall be null and void.

Section 4. This Franchise and Ordinance shall be and remain in force for thirty (30) years from and after the date of its acceptance, as aforesaid.

Section 5. Nothing in this grant shall be construed to alienate the title or the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of its legislative power with respect to the subject matter whatsoever; nor as in any manner limiting the right of the said Township to regulate the use of any street, alley, or public place, or any avenue or highway within its jurisdiction.

Dated this 9th day of July, 1986.
Andrew Leep, Supervisor
Jack Sipple, Trustee
LaVerne Young, Clerk
Gerald C. Fenner, Trustee
Joyce M. McGuire, Treasurer

I do hereby certify that the above and foregoing is a true and correct copy of an Ordinance and Franchise granted to O & A Electric Cooperative at a regularly called meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held on the 9th day of July, 1986, the same to become effective upon the filing of a written acceptance by the grantee within 60 days.

LaVerne Young, Township Clerk

**Farce Continues
At Red Barn**

Continuing at the Red Barn Theatre in Saugatuck through August 3 is Stephen Sondheim's musical comedy farce "A Funny Thing Happened on the Way to the Forum." Curtain is 8:30 p.m. Wednesday through Saturday and Sunday evenings at 7:30 p.m.

Opening August 13, and playing through August 31 will be an English comedy farce "See How They Run" by Philip King. Matinees will be performed August 13, 16, 19, 20 and 27 at 2 p.m.

Luncheon-dinner theatre packages are available at Clearbrook Country Club and Mallard's Inn, Saugatuck.

Every Monday evening through August 25 at 8 p.m. "An Evening of Jazz" featuring The Turning Point quintet will be held.

Area Weathers Storm Well, Despite Outages

Despite high winds, power outages and the threat of a tornado Tuesday night, July 15, this area escaped serious damage.

Allegan County was under a tornado warning, issued just before 8 p.m. last Tuesday by the National Weather Service, and Wayland residents went more than 12 hours without power. Electricity in most Wayland homes went out just after 9 p.m. and it was restored by 9:30 the next morning.

Ned Muir, community services director for Consumers Power Company, said the most likely reason for nearly all of Wayland being without power was that lightning or falling trees struck primary lines and tripped a circuit breaker at the substation.

The high winds and lightning felled at least two trees within the city limits, but other than that, damage was minimal. Wayland Street Superintendent John Noordyke said, "We had a lot of small stuff with branches and limbs."

Most Hopkins, Dorr, Martin and Gun Lake area residents did not lose power, but one Hopkins Township residence was struck by lightning, causing several appliances to fail.

Mrs. Earl Dandrow, who lives with her husband west of Hilliards on 135th Avenue, said the motor to their freezer, a stereo, a portable telephone and a mercury light were ruined by lightning. "I guess we're lucky because we didn't have a fire," she said, adding that her home did not lose electric power at any time during the storm. However, the Dandrows were forced to get another freezer quickly



City crews were busy last Wednesday morning hauling away debris left by a storm that hit the Wayland area the night before.

because they were storing a large quantity of meat.

The power outages caused headaches for some businesses, particularly restaurants and grocery stores.

Bea Skina, owner of the Wayland Ice Cream Parlor, said her eatery wasn't able to open until 2 p.m. last Wednesday because of the loss of power. She said the ice cream was beginning to get soft just before power was restored.

J and J's Farm House Restaurant in Wayland lost more than three hours of business because of the outage, but there was

no damage there. Likewise, Harding's Market couldn't open its doors until power was restored, about an hour and a half after its regular opening time.

One market that had more problems than others was Weick's Foodtown at Gun Lake, which went without power for 18 hours, according to owner Bill Weick. Refrigerated semi-trucks were brought in to keep perishables cold or frozen. Weick said very little food was ruined, however, the store lost a half day of business.

Kessler's Outlet Store in Wayland was closed Wednesday and the first shift at the factory had the day off because the basement was flooded. "You can't work in a factory without electricity and we couldn't open for business," said Sharon Simkins, manager of

the store. Kessler's, however, was able to start its tent sale Thursday.

Insurance claims were relatively few and damage estimates from area insurance firms were low.

Ken Northouse, vice-president of the A.H. Johnson Agency in Wayland, said his company had received no claims in connection with the storm. Dennis Reno of the Reno Agency in Wayland said, "I was very surprised, there was very little damage in the city." He estimated that the few claims he had received totalled less than \$1,000. Georgiann Bloeker, secretary with Mid-State Agencies in Martin, said she received six claims, totaling about \$800, from owners of damaged boats and docks in the Gun Lake area.

Agents for LaValley Associates Inc. said they received claims for incidents such as a tree limb falling on a car, a swing set being damaged by a fallen limb, a broken window and a television struck by lightning. One resident reported cement on a porch being uprooted and there were reports of two flooded basements.

The community of Dorr was spared troubles with Tuesday's storm, but exactly a week earlier it was hit by a power outage caused by heat lightning striking a transformer. Rosty Dulikiewicz, co-owner of Dick's Market, said the store July 8 gave customers flashlights to let them shop for non-perishable goods.

"When the tornado warning hit Tuesday night (July 16), we ran into the milk cooler and we remembered what happened a week ago," she said.

IN THE SERVICE

Marine Cpl. Rodney H. Roderick, whose wife, Kathy, is the daughter of Frank and Elizabeth Schoelder of 204 Eastern Ave., Allegan, has reenlisted for three years while serving with 3rd Force Service Support Group on Okinawa.

A 1980 graduate of Allegan High School, he joined the Marine Corps in May 1980.

Marine Pvt. Rick R. Schneider, son of Robert W. and Betty L. Schneider of 4614 12th St., Wayland, has completed recruit training at Marine Corps Recruit Depot, San Diego.

During the 11-week training cycle, Schneider was taught the basics of battlefield survival. He was introduced to the typical daily routine that he will experience during his enlistment and studied the personal and professional standards traditionally exhibited by Marines.

He participated in an active physical conditioning program and gained proficiency in a variety of military skills, including first aid, life marksmanship and close order drill. Teamwork and self-discipline were emphasized throughout the training cycle.

A 1985 graduate of Wayland Union High School, he joined the Marine Corps in May 1985.

Navy Seaman Recruit Christopher J. Davis, son of Larry R. Davis of 4137 Ranchero Drive, Dorr, has completed recruit training at Recruit Training Command San Diego.

During Davis' eight-week training cycle, he studied general military subjects designed to prepare him for further academic and on-the-job training in one of the Navy's 85 basic fields.

Davis' studies included seamanship, close

order drill, Naval history and first aid. Personnel who complete this course of instruction are eligible for three hours of college credit in Physical Education and Hygiene.

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College News and Notes


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To achieve dean's list recognition, students must earn at least a 3.0 grade point average. Northwood is a private coeducational accredited college specializing in practical career preparation in business-related fields.

Susan Gardner of Wayland was named to the dean's list at Muskegon Business College for the spring quarter. To be named to the list, a student must earn at least a 3.25 grade point average. Miss Gardner had a 3.75.




Dodge





CHRYSLER



1982 CHEVROLET CAVALIER WAGON. Front wheel drive, 4 cylinder engine, 4 speed transmission, AM/FM stereo with cassette, one owner. Sharp!

1985 DODGE CHARGER. Manual transmission with power steering and power brakes. AM-FM stereo.

1981 PLYMOUTH CHAMP. Front wheel drive, economical four cylinder engine with twin stick transmission. A sharp, one-owner with low mileage. Another new Chrysler product trade-in.


1984 CHRYSLER LASER, 2 door, 5 speed, 22 fuel injected turbo charge engine, air conditioning, cruise control, low mileage. Very clean, one owner.

1985 DODGE CARAVAN LE. Factory air, AM-FM stereo, cruise control. Seven passenger seating, tilt steering. Trade-in on new 1986 Dodge wagon.

1984 DODGE 1/2 TON ROYAL SE PICKUP. Loaded with extras, two-tone paint, V-8 engine with automatic transmission. Sold new and serviced by us.

Stop In
For The Wayland
Sidewalk Sale
Friday & Saturday


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Bob Scholer
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Wayland, MI
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MARTIN MINGLINGS

Agnes Patterson, 872-5390

Thought -
 "Help to lift another's burden -
 If it's more than he can bear,
 And his burden will be lighter
 If you prove to him you care."

Well, I think Martin is getting back to normal after celebrating its big birthday party. There were many people who seemed to be happy. Of course, the rains came both Friday and Saturday but when the sun appeared so did the people. The farmers' tent was a busy place all the time. The ice cream social and the fashion show did take place Friday evening and they were well attended, in spite of the fact that it was announced that they were cancelled due to the weather. On Saturday, the parade was great - and the sun shone. The big birthday cake was admired and then cut and many enjoyed it. Then, the rain came again. The casualty, that day, was the chicken barbecue. That had to be rescheduled for the next Saturday, July 19. Also the hot air balloon rides couldn't take place. The sun reappeared and the musical program in the evening was well attended. Another very, very busy place was the museum in the school cafeteria. We tried to have people register but I'm sure when some came, they were too busy looking to remember to sign their names. As it was we had about seven hundred-fifty names. I'm sure there were plenty of very weary people by Saturday evening. Certainly those who worked so hard planning these eventful days should be congratulated.

It seems that several other news items are tied in with the celebration.

Mr. and Mrs. Robert Kurtz and daughter, Katherine, were guests of the Robert Brundons. Barbara was one of the Martin quilters riding in the parade. The Kurtz family live in Kirtland, Ohio.

The Ronald Youngs came from Wisconsin to be with Dorothy's mother, Mrs. Clara Young. Dorothy was especially interested in these historical days because she is one of the descendants of Martin's first settler, Munford Eldred.

Others who were happy to have members of their family with them include the Gary Melvins. Their daughter, Diane, was here from Minnesota and Gary's parents, Howard and Christine who live in Florida much of the year.

The Don Elferinks welcomed their daughter, Janet Westerveld, and her children, Mark and Willow on Monday, July 6. The Westervelds live in the Netherlands.

Another surprise guest at the museum was August Spoelstra from California. Later, the former Lucille Spoelstra and her daughter came to chat with many friends. Lucille is Mrs. Carl Burdell and they have a home in Florida.

Someone wanted me to include this little tidbit - Ken Blecker gave away tickets for the pancake breakfasts both days. The first one in line on Friday morning to get a ticket was Barney Newman. Those pancakes were really good, weren't they, Barney?

Mrs. Ruth Katje and Miss Verdona Schlip-

per, from Kalamazoo, spent last week in Mr. and Mrs. Roger Gates' mobile home near Gun Lake.

Rev. Keith and Rev. Judith Kelsey Powell and their children, Ann and Luke, were guests of the Carl Kelseys, recently. The Powells live in Joliet, Illinois.

Glad to report that John VanderPloeg is home, following surgery, and is doing well.

Our sympathy is with Rev. and Mrs. Norm VanderHart. Edith's brother, Dr. Raymond McGivra, passed away in Arizona July 13.

Sorry to hear that Floyd Brinkhaus is not feeling well. He is in Borgans Hospital as I'm writing this. Hope he will be recuperating at home when you read this.

The Martin Lions are hoping many of the "Senior Citizens" or "Keenagers" or "Older Folks" whatever you call yourself, will come to the Allegan Fairgrounds on August 9. They have a busy, fun day planned for you.

The Keenagers who gathered at the Martin United Methodist Church on Tuesday, July 15, really enjoyed themselves. Fifty-four of them ate too much probably and then sat back and listened to a delightful program. First, Melissa, Chris and Joshua Tromp sang for us. They live in Kentwood and sing with the Grand Rapids Children's Bible Hour. They sang together and then little Melissa sang several solos. Her Christian testimony was beautiful. Then we listened to Carol Newman as she told us stories. Carol is the librarian in the Jensen school. She is an excellent story teller. I'm sure we will remember her stories for a long time. I'm sorry for you if you missed this Keenagers' meeting.

Mrs. Mary Walter has been traveling again. On July 8 she left for California and returned July 13. These were busy days. She attended the Reformed Church triennial meetings. These were held in the crystal cathedral in Garden Grove, California.

Happy news! On July 1, Kirian Allen Jr. arrived. His parents are Kirian and Judy Myers. His Martin grandparents are Mr. and Mrs. Austin Bowman.

Mrs. Anna Rickli had a happy day July 13. Her son, Jake and his wife, Marie, entertained at a pool party at their home in Kalamazoo. This was a family reunion which is always a reason for a party but it was also a belated graduation party for Barbara Cribbs. Barbara is the daughter of Norma and Tom Cribbs of Rochester, Michigan. Other guests were Harold and Ann Wells, their daughter Laura Happ and her daughter Megan. The Happes live in Portage. Charles and Marthij Shoemaker of Kalamazoo, their son, Tom, and his family from Paw Paw, Alice McCaffrey and her son, David and his wife, Esther, Dorothy and Ed Levett, Walter and Lois Rickli and their family from Otsego and the Jim Rickli family from Mattawan. Isn't that a great family? I know they had a great time too.

Mrs. Ethel Graska is happy to have her sister, Mrs. Lillian Uhrig with her for a few weeks. Lillian lives in St. Petersburg, Florida and she likes our hot weather.

Our deepest sympathy is with the family of Otto Mauchmar. He passed away July 12.

Mr. and Mrs. Gerald Hill were happy to have Judy's parents, Mr. and Mrs. Ray Loveless, with them last weekend. Mr. and Mrs. Loveless live in Chicago.

Mrs. Dorothy Sims from Sandusky, Ohio spent a few days with Mrs. Lucille Porter recently. Mrs. Ruth Burkaski accompanied Mrs. Sims and she visited Mr. and Mrs. Earl Bayce.

Sad, sad, news. Dean Lukins passed away suddenly July 17. Many thoughts and prayers are with his family.

On the same day, Mary Beth Porter's brother, James Isenhart, from Allegan, died. We're so sorry, Bob and Mary Beth.

I'm sure these two families know that their many friends are loving them and weeping

Electric Service FRANCHISE AND ORDINANCE

Township of Martin Ordinance #28 Allegan County, Michigan

Granted to:

O & A ELECTRIC COOPERATIVE July 9, 1986

The Township of Martin Ordains:

Section 1. Permission is hereby granted to O & A Electric Cooperative, a Michigan Non-Profit Corporation, its successors and assigns, to construct, maintain and operate in the public streets, highways, alleys and other public places in the Township of Martin, Allegan County, Michigan, all needful and proper poles, towers, mains, wires, pipes, conduits and other apparatus requisite for the transmission and distribution of electricity and to transact a local business within said Township subject, however, to all conditions and restrictions hereinafter explained.

Section 2. The conditions of the foregoing grant are as follows:

- The grantee shall do no injury to any street, highway, alley or other public place, or in any manner disturb or interfere with any water or gas pipes, or with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation.
- The Board of County Road Commissioners or other proper authority, may in its discretion grant permission for the control of trees when necessary to make the lines safe and accessible.
- The said grantee before entering upon any street, highway, alley or other public place for the purpose of erecting and constructing any poles, wires, mains, pipes, conduits or other apparatus, shall in writing notify the Board of County Road Commissioners or the Superintendent of said Board, or other proper authority, of the proposed construction, and obtain approval thereof, and shall, if the said Board so requires, file with it a sufficient plan and specification showing the nature and extent of the proposed erection and construction.
- No street, highway, alley or public place shall be allowed to remain encumbered by the construction work of the said grantee for a longer period than shall be necessary to execute the said work, and the Board of County Road Commissioners shall determine the questions of such necessity, and the grantee shall at all times conform to all ordinances of the Township now or hereafter in force relative to the fencing and lighting of obstructions and excavations.
- The grantee shall save the Township harmless from any judgment that may be recovered against the Township by reason of the wrongdoing or negligence of said grantee in the erection and maintenance of said poles, mains, wires and other apparatus or construction.
- Said grantee shall make due provision upon forty-eight hours notice in writing for raising its wires, or otherwise, for the passage of any barn, building or other structure on or over any street, highway, or public place occupied by the mains, wires, poles and apparatus of said grantee.

Section 3. This grant shall take effect, if said grantee shall within sixty days from the date of the passage of this ordinance, file with the Township Clerk its written acceptance of the terms of said grant and said franchise shall thereafter be favorably acted upon by a vote of the registered electors. If not so accepted in writing this ordinance shall be null and void.

Section 4. This Franchise and Ordinance shall be and remain in force for thirty (30) years from and after the date of its acceptance, as aforesaid.

Section 5. Nothing in this grant shall be construed to alienate the title or the public in and to any street, highway, alley or public place or any portion thereof, neither shall anything herein be construed in any manner as a surrender by the Township of its legislative power with respect to the subject matter whatsoever; nor as in any manner limiting the right of the said Township to regulate the use of any street, alley, or public place, or any avenue or highway within its jurisdiction.

Dated this 9th day of July, 1986.

Andrew Leep, Supervisor
 Jack Sipple, Trustee
 LaVerne Young, Clerk
 Gerald C. Fenner, Trustee
 Joyce M. McGuire, Treasurer

I do hereby certify that the above and foregoing is a true and correct copy of an Ordinance and Franchise granted to O & A Electric Cooperative at a regularly called meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held on the 9th day of July, 1986, the same to become effective upon the filing of a written acceptance by the grantee within 60 days.

LaVerne Young, Township Clerk

Farce Continues At Red Barn

Continuing at the Red Barn Theatre in Saugatuck through August 3 is Stephen Sondheim's musical comedy farce "A Funny Thing Happened on the Way to the Forum." Curtain is 8:30 p.m. Wednesday through Saturday and Sunday evenings at 7:30 p.m.

Opening August 13, and playing through August 31 will be an English comedy farce "See How They Run" by Philip King. Matinees will be performed August 13, 18, 19, 20 and 27 at 2 p.m.

Luncheon-dinner theatre packages are

Area Weathers Storm Well, Despite Outages

Despite high winds, power outages and the threat of a tornado Tuesday night, July 15, this area escaped serious damage.

Allegan County was under a tornado warning, issued just before 9 p.m. last Tuesday by the National Weather Service, and Wayland residents went more than 12 hours without power. Electricity in most Wayland homes went out just after 9 p.m. and it was restored by 9:30 the next morning.

Ned Muir, community services director for Consumers Power Company, said the most likely reason for nearly all of Wayland being without power was that lightning or falling trees struck primary lines and tripped a circuit breaker at the substation.

The high winds and lightning felled at least two trees within the city limits, but other than that, damage was minimal. Wayland Street Superintendent John Noordyke said, "We had a lot of small stuff with branches and limbs."

Most Hopkins, Dorr, Marslin and Gun Lake area residents did not lose power, but one Hopkins Township residence was struck by lightning, causing several appliances to fail.

Mrs. Earl Dandrow, who lives with her husband west of Hilliards on 1354th Avenue, said the motor to their freezer, a stereo, a portable telephone and a mercury light were ruined by lightning. "I guess we're lucky because we didn't have a fire," she said, adding that her home did not lose electric power at any time during the storm. However, the Dandrows were forced to get another freezer quickly



City crews were busy last Wednesday morning hauling away debris left by a storm that hit the Wayland area the night before.

because they were storing a large quantity of meat.

The power outages caused headaches for some businesses, particularly restaurants and grocery stores.

Bea Sims, owner of the Wayland Ice Cream Parlor, said her eatery wasn't able to open until 2 p.m. last Wednesday because of the loss of power. She said the ice cream was beginning to get soft just before power was restored.

J and J's Farm House Restaurant in Wayland lost more than three hours of business because of the outage, but there was

no damage there. Likewise, Harding's Market couldn't open its doors until power was restored, about an hour and a half after its regular opening time.

One market that had more problems than others was Weick's Foodtown at Gun Lake, which went without power for 18 hours, according to owner Bill Weick. Refrigerated semi-trucks were brought in to keep perishables cold or frozen. Weick said very little food was ruined, however, the store lost a half day of business.

Kessler's Outlet Store in Wayland was closed Wednesday and the first shift at the factory had the day off because the basement was flooded. "You can't work in a factory without electricity and we couldn't open for business," said Sharon Simkins, manager of

the store. Kessler's, however, was able to start its tent sale Thursday.

Insurance claims were relatively low and damage estimates from area insurance firms were low.

Ken Northouse, vice-president of the A.H. Johnson Agency in Wayland, said his company had received no claims in connection with the storm. Dennis Reno of the Reno Agency in Wayland said, "I was very surprised, there was very little damage in the city." He estimated that the few claims he had received totalled less than \$1,000. Georgiann Bieker, secretary with Mid-State Agencies in Martin, said she received six claims, totaling about \$800, from owners of damaged boats and docks in the Gun Lake area.

Agents for LaValley Associates Inc. said they received claims for incidents such as a tree limb falling on a car, a swing set being damaged by a fallen limb, a broken window, and a television struck by lightning. One resident reported cement on a porch being uprooted and there were reports of two flooded basements.

The community of Dorr was spared troubles with Tuesday's storm, but exactly a week earlier it was hit by a power outage caused by heat lightning striking a transformer. Rusty Dulkiewicz, co-owner of Dick's Market, said the store July 8 gave customers flashlights to let them shop for non-perishable goods.

"When the tornado warning hit Tuesday night (July 15), we ran into the milk cooler and we remembered what happened a week ago," she said.

IN THE SERVICE

Marine Cpl. Rodney H. Roderick, whose wife, Kathy, is the daughter of Frank and Elizabeth Schneider of 204 Eastern Ave., Allegan, has reenlisted for three years while serving with 3rd Force Service Support Group on Okinawa.

A 1980 graduate of Allegan High School, he joined the Marine Corps in May 1980.

Marine Pvt. Rick R. Schneider, son of Robert W. and Betty L. Schneider of 4614 12th St., Wayland, has completed recruit training at Marine Corps Recruit Depot, San Diego.

During the 11-week training cycle, Schneider was taught the basics of battlefield survival. He was introduced to the typical daily routine that he will experience during his enlistment and studied the personal and professional standards traditionally exhibited by Marines.

He participated in an active physical conditioning program and gained proficiency in a variety of military skills, including first aid, rifle marksmanship and close order drill. Teamwork and self-discipline were emphasized throughout the training cycle.

A 1985 graduate of Wayland Union High School, he joined the Marine Corps in May 1985.

Navy Seaman Recruit Christopher J. Davis, son of Larry R. Davis of 4137 Ranchero Drive, Dorr, has completed recruit training at Recruit Training Command San Diego.

During Davis' eight-week training cycle, he studied general military subjects designed to prepare him for further academic and on-the-job training in one of the Navy's 85 basic fields.

Davis' studies included seamanship, close

order drill, Naval history and first aid. Personnel who complete this course of instruction are eligible for three hours of college credit in Physical Education and Hygiene.

A 1985 graduate of Wayland Union High School, he joined the Navy in March 1986.

Marine Cpl. Anthony A. Vandenberg, whose wife, Melinda, is the daughter of John and Trenea Balljes of 6065 Ranchero Drive, Dorr, has reenlisted for three years while serving with 3rd Force Service Support Group, on Okinawa.


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Dodge





CHRYSLER



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Bob Scholer
836 E. Superior

ORDINANCE #29
AMENDMENT TO G.L.A.S.A. RAISE
RATES ORDINANCE
EFFECTIVE: SEPTEMBER 1, 1986

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO.

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO.

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 29

ADOPTED
JULY 9, 1986

ADOPTED BY: Yankee Springs Township
Orangeville Township
Wayland Township
Martin Township

EFFECTIVE:

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance to amend Article V of the Gun Lake Area Sewage Disposal System Ordinance pertaining to subsection E, Rates and User Fees; and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN,
EACH ORDAIN:

SECTION I

Article V entitled "Rates, Connection Fee, User Fee", subsection E thereof entitled "User Fees" is hereby amended so as to change the first paragraph of said subsection E to read as follows:

"Beginning SEPT. 1, 1986, the user charge to each single family residence within the Township for which sewer service is available shall be \$51.00 per quarter (\$17.00 per month)."

SECTION II

Any parts or portions of this ordinance which are inconsistent herewith are hereby repealed.

SECTION III

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this ordinance which can be given effect without such invalid part or parts.

SECTION IV

This ordinance shall take effect SEPT. 1, 1986.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

Laverne Young

Martin Township Clerk

— NOTICE —

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF YANKEE SPRINGS AND ORANGEVILLE, BARRY COUNTY, MICHIGAN AND THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED CITIZENS:

PLEASE TAKE NOTICE that the following ordinance, being Yankee Springs Ordinance No. 35, Orangeville Township Ordinance No. 6 of 1986, Wayland Township Ordinance No. 4 of 1986 and Martin Township Ordinance No. 29, was adopted at a meeting by the Yankee Springs Township Board on July 22, 1986, by the Wayland Township Board on July 7, 1986, by the Martin Township Board on July 9, 1986, and by the Orangeville Township Board on August 6, 1986, said ordinance to become effective September 1, 1986.

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

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SECTION IV

This ordinance shall take effect September 1, 1986.

Mrs. Marilyn Page
Yankee Springs Township Clerk
Mrs. Darlene Harper
Orangeville Township Clerk
Mrs. Mary Marcott
Wayland Township Clerk
Mr. Lavern Young
Martin Township Clerk

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

MARTIN TOWNSHIP ZONING ORDINANCE

(Ordinance No. 30, as amended)

Adopted Date: September 10, 1986

Effective Date: September 24, 1986

**REVISED THROUGH ORDINANCE NO. 93
ADOPTED DECEMBER 12, 2007
EFFECTIVE DECEMBER 31, 2007**

TABLE OF CONTENTS

ARTICLE I	SHORT TITLE, PURPOSE AND SCOPE	1
ARTICLE II	CONSTRUCTION OF LANGUAGE	3
ARTICLE III	DEFINITIONS	4
ARTICLE IV	GENERAL PROVISIONS.....	18
ARTICLE V	CLASSIFICATION AND USE DISTRICTS.....	52
ARTICLE VI	AG AGRICULTURAL DISTRICT.....	54
ARTICLE VII	R-1 RURAL ESTATES DISTRICT	58
ARTICLE VIIA	R-R RURAL RESIDENTIAL DISTRICT.....	62
ARTICLE VIII	R-2 LOW DENSITY RESIDENTIAL DISTRICT.....	65
ARTICLE IX	R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT	69
ARTICLE IXA	OPEN SPACE PLANNED UNIT DEVELOPMENTS (OS-PUD).....	72
ARTICLE X	C-1 NEIGHBORHOOD BUSINESS DISTRICT.....	91
ARTICLE XI	C-2 GENERAL BUSINESS DISTRICT.....	95
ARTICLE XII	I-1 INDUSTRIAL DISTRICT	100
ARTICLE XIII	SPECIAL EXCEPTION USES GENERAL PROVISIONS	104
ARTICLE XIII A	SITE CONDOMINIUMS	107
ARTICLE XIV	SIGNS.....	117
ARTICLE XV	PARKING AND LOADING SPACES.....	120
ARTICLE XVI	NONCONFORMING USES, BUILDINGS OR STRUCTURES	125
ARTICLE XVII	ZONING COMMISSION.....	128
ARTICLE XVIII	ZONING BOARD OF APPEALS	130

ARTICLE XIX	ADMINISTRATION AND ENFORCEMENT	135
ARTICLE XX	VIOLATION AND PENALTIES.....	138
ARTICLE XXI	AMENDMENT OF ORDINANCE	139
ARTICLE XXII	MISCELLANEOUS PROVISIONS	140

MARTIN TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 30

ADOPTED: September 10, 1986

EFFECTIVE: September 24, 1986

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Martin; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. (Ord. No. 86, eff. Mar. 5, 2007)

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

ARTICLE I

SHORT TITLE, PURPOSE AND SCOPE

- 1.1 SHORT TITLE. This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance".
- 1.2 PURPOSE. This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

- 1.3 SCOPE AND INTERPRETATION.** This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

ARTICLE II

CONSTRUCTION OF LANGUAGE

2.1 The following rules of construction apply to the text of this ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "for", "either or", the conjunction shall be interpreted as follows:
 - A. "And" Indicates that all the connected items, conditions, provisions or events shall apply; and,
 - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

ARTICLE III

DEFINITIONS

3.1 **DEFINITIONS.** For the purpose of interpreting and enforcing this ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. **Accessory Building or Structure:** A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
2. **Accessory Use:** A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.
3. **Adult Day Care Home:** A private dwelling in which persons 18 years or older are provided supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides in the dwelling. (Ord. No. 81, eff. Jan. 29, 2007)
4. **Adult Foster Care Facility:** An establishment for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. (Ord. No. 81, eff. Jan. 29, 2007)
5. **Adult Foster Care Family Home:** A private residence with the state-approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. (Ord. No. 81, eff. Jan. 29, 2007)
6. **Agriculture Production:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, furbearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.

7. **Alley**: A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
8. **Alteration, Structural**: Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.
9. **Automotive Repair Shop**: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.
 - A. **Automotive Repair, Major**: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.
 - B. **Automotive Repair, Minor**: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons capacity; provided, however, there is excluded any repair or work included in the definition of A above.
10. **Automotive Service Station**: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
11. **Basement**: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
12. **Board or Township Board**: The Martin Township Board.
13. **Board of Appeals or Zoning Board of Appeals**: The Martin Township Zoning Board of Appeals.

14. **Boarding House or Rooming House:** A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.
15. **Building:** An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.
16. **Building Code/Township Building Code:** The nationally recognized model building, construction, plumbing and electrical code(s) duly adopted by the Martin Township Board.
17. **Building Height:** The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
18. **Building Inspector:** The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.
19. **Building or Structure Setback:** The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.
20. **Building/Occupancy Permit:** The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.
21. **Child Day Care Home (Family):** A private home property registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
22. **Child Day Care Home (Group):** A private home property registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq),

in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

23. Child Day Care Center or Child Care Center. A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center or Child Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center or Child Care Center shall not, however, include any of the following:
- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
 - (2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
24. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.
25. County Board: The Allegan County Board of Commissioners.
26. Dwelling or Residence: A building, mobile home, premanufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run, or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.5 of this ordinance.

- A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.
 - B. Dwelling, Private: A building occupied by but one family alone.
 - C. Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use.
 - D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.
 - E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.
27. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.
28. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 4.20 of this ordinance.
29. Farm. Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses

incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.

30. **Farm Buildings:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
31. **Filling:** The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.
32. **Floor Area:**
 - A. **Floor Area, Gross:** The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.
 - B. **Floor Area, Net or Usable:** The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.
33. **Garage, Private:** A garage with capacity for not more than three vehicles, for parking and storage only.
34. **Garage, Public:** Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
35. **Grade:** Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
36. **Home Occupation:** Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.19 of this ordinance.
37. **Hospice Care Facility:** A facility and its staff that provide end of life care and attend to the emotional, spiritual, social, and financial needs of terminally ill patients at a facility or at a patient's home. (Ord. No. 81, eff. Jan. 29, 2007)

38. **Junk.** Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
39. **Junk-Salvage Yard:** Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.
40. **Kennel.** Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.
41. **Lot.** A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".
- A. **Lot Area, Net:** The total horizontal area within the lot lines of a lot.
- B. **Lot Area, Gross:** The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Commission.
- C. **Lot, Depth:** The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.
- D. **Lot, Corner:** A lot situated at the intersection of two (2) or more streets.

- E. **Lot, Double Frontage:** A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- F. **Lot, Interior:** A lot other than a corner lot with one (1) lot line fronting on a street.
- G. **Lot, Lake:** A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.
- H. **Lot, Lines:** Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.
- I. **Lot Line, Front:** In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.
- J. **Lot Line, Rear:** The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.
- K. **Lot Line, Side:** Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- L. **Lot, of Record:** A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.

- M. Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.
42. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A recreational vehicle, as defined herein, is not a mobile home.
43. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).
44. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.
45. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.
46. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.
47. Motor Vehicle: Every vehicle which is self-propelled.
48. Non-Conforming Use, Building or Lot of Record:
- A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
- B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of the ordinance or amendment thereto, and which does not conform to the provisions (e.g. setback, height, lot coverage, parking) of the ordinance in the zoning district in which it is located.

- C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e., area, width, etc.).
49. Occupancy Load: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.
50. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.
51. Parking Area, Space or Lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.
52. Principal or Main Building: A building in which is conducted the principal use of the lot upon which it is situated.
53. Principal or Main Use: The primary or predominant use of a lot.
54. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.
55. Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.
56. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term includes folding campers, truckmounted campers, travel trailers, and motor homes, but does not include mobile homes.
57. Recreational Vehicle Parks: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.
58. Roadside Market Stand: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

59. **Separate Ownership:** Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.
60. **Sign:** Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.
- A. **Sign, Accessory:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
- B. **Sign, Area Surface:** The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.
- C. **Sign, Billboard:** Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- D. **Sign, Business:** Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or product primarily sold, manufactured, processed, or fabricated on such land.
- E. **Sign, Identifying:** Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.
- F. **Sign, Nameplate:** A structure affixed flat against the wall of a building which serves solely to designate the name or the name

- and profession or business occupation of a person or persons occupying the building.
- G. Sign, Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- H. Sign, Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
61. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.
62. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.
- A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
- B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.
- C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
63. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

- A. **Street, Major:** A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.
 - B. **Street, Minor or Local:** A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.
64. **Structure:** Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.
65. **Swimming Pool:** Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.
66. **Tourist Home:** A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
67. **Township:** Martin Township, Allegan County, Michigan.
68. **Variance:** A modification of the literal provision of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.
69. **Yard, Required Side-Rear-Front:** An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.
- A. **Yard, Front:** An open space extending across the full width of a lot, the depth of which is the distance between the front wall of the main building or structure and the front property line, lot line, or street right-of-way line. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.
 - B. **Yard, Rear:** An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.

- C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.
70. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.
71. Zoning Commission or Township Zoning Commission: The Martin Township Zoning Commission.

ARTICLE IV

GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

- 4.1 **ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF:** No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

- 4.2 **RESTORING UNSAFE BUILDINGS:** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

- 4.3 **BUILDING PERMIT:** No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:
 - A. The location and actual dimensions of the lot or premise to which the permit is to apply.
 - B. The kind of buildings or structures to which the permit is to apply.
 - C. The width of all abutting streets.
 - D. The area, size and location of all buildings or structures to which the permit is to apply.
 - E. The type of use to be made of the building or structure to which the permit is to apply.

- F. **The use of buildings or structures on adjoining lands.**
- G. **The estimated cost of the building or structure.**

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

- 2. **A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.**
- 3. **Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or the owner's agent.**
- 4. **A building permit issued by the Building Inspector is nontransferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.**
- 5. **A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.**

6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Commission for such special exception use.
7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.
8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.

4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.5 feet.
2. It shall have a minimum width or depth of 20 feet for the entire length of the dwelling.
3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality

workmanship and of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.

4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.
5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the

principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

8. The dwelling and all additions or rooms or other areas shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

- 4.6 **BASEMENT DWELLING:** The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.
- 4.7 **PRINCIPAL USE:** No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, the R-R Rural Residential District, the "R-2" Low Density Residential District, the OS-PUD District, or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District. (Ord. No. 81, eff. Jan. 29, 2007)
- 4.8 **ACCESSORY USE:** Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.

4.9 ACCESSORY BUILDING OR STRUCTURE:

1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures shall be compatible with and similar to the principal building.
2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that pumphouses may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occupy more than 30% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.
3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.
5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-R" Rural Residential or "R-2" Low Density Residential zoning district. (Ord. No. 81, eff. Jan. 29, 2007)

4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.

4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan", as the same shall be

amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

1. Major County Primary - 100 feet
2. Minor County Primary - 80 feet
3. Collector Streets - 66 feet.

4.12 **MINIMUM PUBLIC STREET FRONTAGE:** Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

4.13 **HEIGHT EXCEPTIONS:** The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed fifty feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

4.14 **TEMPORARY USES OR STRUCTURES:**

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth at Section 4.5 of this Ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months, if all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:
 - A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth at Section 4.5 of this Ordinance.
 - B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department.
 - C. All yard and setback requirements of the applicable zoning district are met.

- D. The temporary dwelling has at least 475 square feet of usable floor area, and complies with all pertinent construction and fire codes.
- E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area.
- F. The Township, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area.
- G. The temporary dwelling shall not have a substantially detrimental affect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or otherwise.
- H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension the construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days after issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.

3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:
 - A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.
 - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
 - C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.
 - D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
 - E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.
 - F. Such a recreational vehicle or tent must be stored neatly or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

4.15 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODOR: Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals,

hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

4.17 **DOUBLE FRONTAGE AND CORNER LOTS:** Buildings on lots having frontage on two intersecting streets (corner lots) or nonintersecting streets (double frontage lots) shall comply with the front yard requirements on both such streets.

4.18 **TRAFFIC VISIBILITY AND CORNER CLEARANCE:** On any corner lot in any zone other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.

4.19 **HOME OCCUPATIONS:** A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein.
2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners.
3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.
4. The occupation shall be clearly incidental and secondary to the residential use of the building.

5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot.
6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.20 **FAMILY BUSINESSES:** A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.
3. There shall be no expansion of the business facilities without the prior approval of the Zoning Commission.
4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.
6. The business shall be located on the same parcel with the family's residence.
7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
8. The Zoning Commission may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Commission may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located.
2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 800 square feet. The height of the building or structure shall not exceed one story.
3. The building or structure shall be located at least 150 feet from any preexisting dwellings located upon adjoining properties under different ownership.
4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway.
5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand.
6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors.
7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental affect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All kennels shall be operated in conformance with all applicable county and state regulations.
2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs.
3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any preexisting dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.

4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel.
5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.
6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Commission shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations.

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NONPROFIT ORGANIZATION: A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The minimum lot area upon which a church or school may be constructed shall be two acres.
2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area.
4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements.

4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automotive repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school,

private school, playground, playfield, park, church, hospital, or residential district boundary.

2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.
3. No drive or curb opening shall be located within 25 feet of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.
4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
5. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by affixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.
10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within

said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Commission and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.
12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Commission to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 **JUNK/SALVAGE YARDS:** A junk/salvage yard, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.
2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Commission, and shall not be open for business or conducted on Sundays or holidays.
3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.
5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.

6. The setback requirements for all industrial uses shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.
 7. All such activities or business shall be currently licensed by the State of Michigan.
 8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section.
- 4.26 **DRIVE-IN THEATERS:** A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.
 2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.
 3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.
 4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.
 5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.
- 4.27 **REMOVAL AND PROCESSING OF TOP SOIL, SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS:** Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area.
 2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas.

3. Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, and any natural resource, other than the earth materials involved.
4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible.
5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity.
6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.
7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property.
8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion.
9. The Zoning Commission may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

4.28 SITE PLAN REVIEW (Ord. No. 81, eff. Jan. 29, 2007)

1. Purpose: The intent of these ordinance provisions is to provide for consultation and cooperation between the land developer and the

Township Zoning Commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

2. **Scope:** The Building Inspector shall not issue a building permit for the construction of any of the following buildings, structures or uses until a site plan has been submitted to, and approved by, the Zoning Commission in accordance with this section:
 - A. Mobile home parks.
 - B. Industrial buildings or developments.
 - C. Multi-family dwellings.
 - D. All office and commercial buildings and developments.
 - E. Special exception use applications.
 - F. Churches.
 - G. Planned unit developments, including site condominium projects.
3. **Sketch Plan Review:** Preliminary sketches of site and development plans may be submitted to the Zoning Commission. The purpose of the sketch stage is to allow discussion between the developer and the Zoning Commission as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:
 - A. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
 - B. Legal description of the property.
 - C. Drawings showing tentative plans.
4. **Formal Site Plan Review:** All formal site plan review applications shall include, in addition to A and B above, the following:

- A. The date, north arrow and scale (the scale shall be not less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more).
- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking spaces (including basis of calculation), loading and unloading areas and recreation areas, etc.
- E. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
- F. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
- G. The name and address of the property owner or petitioner.
- H. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- I. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
- J. Location of all fire hydrants.
- K. Lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
- L. Size and location of all surface drainage facilities.
- M. Property survey by registered surveyor.
- N. Existing and proposed contour shall be shown on all site plans (two (2) foot intervals, minimum).
- O. Elevations and floor plans for all buildings and the location of all buildings on the property.

- P. A description of the land use and activities proposed in sufficient detail to indicate the effects of same in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
 - Q. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
 - R. The proposed number of shifts to be worked and the maximum number of employees on each shift.
 - S. Any other information deemed necessary by the Zoning Commission.
 - T. The Zoning Commission may waive any of the above enumerated requirements whenever the Zoning Commission determines that such requirement is not necessary for a specific site plan due to the fact that:
 - (1) The Zoning Commission finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
 - (2) The Zoning Commission finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the condition, and the Zoning Commission finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.
5. Submittal: The site plan and all related information specified above shall be presented to the Zoning Commission Chairman in eight (8) copies by the property owner or petitioner. Copies shall be distributed to the following parties for review and information:
- A. Seven (7) copies to the Zoning Commission.
 - B. One (1) copy to the Township Building Inspector.

6. Approval

A. The Zoning Commission shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and after allowing reasonable time as determined by the Zoning Commission for receipt from and for consideration of comments and recommendations from the Building Inspector.

B. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Zoning Commission upon a finding that:

- (1) The proposed use will not have a harmful effect on the surrounding neighborhood development. Fencing, walls and/or landscaping may be required as a screening device to minimize adverse affects upon surrounding development.
- (2) There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- (3) The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
- (4) The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- (5) The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.
- (6) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

C. Security Deposit:

- (1) To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Zoning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Zoning Commission, covering one hundred twenty-five percent (125%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.
 - (2) The Zoning Commission shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Zoning Commission based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
 - (3) If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Zoning Commission shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
 - (4) As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Zoning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.
7. **Modifications:** Any modifications of the site plan desired by the Township shall be so stated in writing to the applicant. Site plan approval may then be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Zoning Commission. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Zoning Board of Appeals. A copy of the final

approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Zoning Commission Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Zoning Board of Appeals.

8. **Fees:** Any application for site plan approval shall be accompanied by a fee as may be determined from time to time by the Township Board.
9. **Revocation:** Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Zoning Commission shall give the applicant notice of intention to revoke such approval at least ten (10) days prior to review by the Zoning Commission. After conclusion of such review, the Zoning Commission may revoke its approval of the development if the Zoning Commission feels that a violation in fact exists and has not been remedied prior to such hearing.
10. **Term of Approval:** The site plan approval shall be valid for a period of one (1) year. One (1) six month time extension may be granted after complete review of the application by the Zoning Commission and the Building Inspector. At the end of the six-month extension, if no building permit has been obtained and on-site development actually begun, the site plan approval becomes void, and the developer shall submit a new application for approval.

4.29 **PRIVATE ROAD DEVELOPMENT**

1. **"Overlay" Special Exception Use:** Notwithstanding any other provisions of this Ordinance, in any zoning district where residential development is allowed a lot without the lot width/frontage on a public street required by this Ordinance may be considered a conforming buildable lot for residential development purposes if it has the required lot width/frontage on a private road established and approved as set forth herein. Such private road development is an "overlay" special exception use in all such zoning districts pursuant to the provisions of this Section, the provisions of Article XIII governing special exception uses generally, and Section 4.28 governing site plan review.
2. **Application and Process:**
 - A. A special exception use application for a private road shall comply with Section 13.2 of this Ordinance, and shall also specifically include the following:

- (1) A written description of the proposed development to be served by the private road.
 - (2) A site plan complying with Section 4.28 of this Ordinance, and a detailed construction plan including a diagram of the "Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein. (Notwithstanding the foregoing, a diagram of the "Standard Cross Section and Layout" shall not be required to be submitted as part of the application for a private road proposed to serve 1 – 3 dwelling units.)
 - (3) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefited lots. Such property owner maintenance agreement, and any revised version of same required by the Zoning Commission, shall be in recordable form and shall provide that the obligations thereunder run with the benefited lots.
 - (4) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Martin Township and Allegan County from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of the proposed private road, and shall extend to the successors and assigns of said lot owners.
- B.** The application form and all required application materials shall be reviewed by appropriate Township officials for administrative completeness. An administratively complete application shall be processed and reviewed by the Zoning Commission as required by Section 13.2 of this Ordinance; provided, that if the Zoning Commission determines that the applicant has met the standards for approval, the approval shall be considered a "tentative" approval

unless and until the Zoning Administrator gives final approval pursuant to subsection 6 herein.

3. **Review Standards:** The Zoning Commission shall review and decide all special exception use applications for a private road pursuant to the generally applicable standards for reviewing special exception uses in Section 13.1 of this Ordinance. The Zoning Commission shall also review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required by subsection 4, 5 or 6 herein (whichever is applicable).
4. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for One-Three Dwelling Units:**
 - A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
 - B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
 - C. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
 - D. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
 - E. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with stabilized road material, graded parallel to the road surface and extending into the front ditch slope. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches.
 - F. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
 - G. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.

H. Upon construction the private road shall be properly maintained.

5. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for Four-Fifteen Dwelling Units:

- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to accommodate vehicle speeds of at least 15 mph.
- D. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods. Side ditches shall have a three on one front slope and a one on two back slope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course.
- E. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
- F. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDSH 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sand sub-base of at least 12 inches. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting public street for a distance of at least 50 feet from the center line of the street.
- G. The end of a private road shall include a cul-de-sac with a minimum radius of 30 feet constructed herein as required for the roadway; provided, however, that the Zoning Commission may waive this

provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

- H. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained,
- I. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- J. Upon construction the private road shall be properly maintained.

6. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for more than Fifteen Dwelling Units:

Subsections 5A. - J. are hereby incorporated by reference, with the following exceptions and changes:

- (1) The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- (2) The private road shall have a road bed of at least 22 feet in width, plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed.
- (3) The private road shall be designed and constructed to accommodate vehicle speeds of at least 25 mph.
- (4) The Zoning Commission may require the roadway to be paved.
- (5) The end of a private road shall include a cul-de-sac with a minimum radius of 50 feet constructed herein as required for the roadway; provided, however, that the Zoning Commission may decrease or waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

7. Certification of Construction/Inspection Fee: Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed

in accordance with the approved site plan and construction plan, and the tentative approval of the Zoning Commission. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township Engineer as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (Notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road proposed to serve 1-3 dwelling units; the completion of such private road in accordance with the approved site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The Zoning Commission's tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:

- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
 - B. Proof of recording in the records of the Allegan County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
 - C. Proof that the applicant has furnished the location and description of the completed private road to the Allegan County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
8. Issuance of Building Permits: Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.
 9. Driveway Access to Private Road: Lots with frontage on both a private road and a public street shall have their driveways for ingress and egress intersect only the private road.
 10. Maintenance and Repair Responsibility: All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefited lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Allegan County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the Allegan County Road Commission and accepted by said Commission as a dedicated public street.

11. **Prior Nonconforming Private Roads/Conforming Private Road Upgraded:** Any existing lawfully created private road/drive shall not be extended or expanded to serve additional lots unless such private road is approved by the Zoning Commission as provided herein. In addition, a private road approved pursuant to the requirements of this Ordinance for 1-3 or 4-15 dwelling units shall not be extended or otherwise made available to serve more than the approved number of dwelling units unless the road is upgraded and approved by the Zoning Commission for such expanded use pursuant to the special exception use process set forth herein.

4.30 **TOWERS AND ANTENNAS FOR AMATEUR RADIO OPERATORS:** (Ord. No. 81, eff. Jan. 29, 2007) The provisions of this ordinance and all other applicable ordinances shall apply to towers and antennas owned and operated by a federally licensed amateur operator and used solely for amateur radio communication purposes, but shall not be applied so as to preclude the construction and operation of an antenna or tower for amateur radio communication purposes. If the provisions of this ordinance and all other applicable ordinances prohibit the construction of a particular amateur radio communications antenna or tower, then the Township shall seek to reasonably accommodate the proposed operator's desire to conduct amateur radio communications by considering other feasible designs, locations, methods of accessing repeater systems or the use of existing structures as an alternative to the operator's desired amateur radio communications antenna or tower. (Ord. No. 81, eff. Jan. 29, 2007)

4.31 **RIPARIAN LOT USE REGULATIONS:**
(Ord. No. 88, eff. Mar. 5, 2007)

1. **Purpose:** The purpose of this article is to promote the integrity of the lakes within Martin Township while preserving the quality of recreational use of the inland water; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.

Nothing within this Ordinance shall be construed to limit access to the lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government. Further, this Ordinance shall not apply to any private access site which legally existed and served as access property before the effective date of this section regulating access to a lake or waterway.

2. **Definitions:**

- A. "Access property" shall mean a property, parcel, or lot abutting a lake or pond, either natural or man-made, and used or intended to be used for the purpose of providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.
- B. "Public Easement" shall mean the right to cross or the right of way across any parcel of land from a public or private road to any lake or pond within Martin Township provided such easement has been granted to the public for that parcel.
- C. "Ordinary High Water Mark" shall mean the ordinary high water mark of the body of water as determined by the State of Michigan Department of Environmental Quality, or if the Department has not made such a finding, the ordinary high water mark location shall be determined by the Township Engineer or other qualified entity. The measurement of the ordinary high water mark location shall be made only along a natural shoreline, and shall not include any man made channel, lagoon, canal or the like unless the entire lake has been artificially created.

3. **Regulations:** In any zoning district where a parcel of land is contiguous to a lake, pond or similar body of water, either natural or man-made, such parcel of land may only be used as access property if the following conditions are met:

- A. A parcel created after the effective date of this section which is to be used as access property shall have a minimum depth of 100 feet and shall contain at least 100 feet of frontage on the water for each dwelling unit, single-family dwelling, condominium unit, site condominium unit, apartment unit or family utilizing the water frontage for access to the lake. Frontage shall be measured by a straight line which intersects each side lot line at the ordinary high water mark.
- B. That in no event shall water frontage of such parcel of land consist of swamp, marsh, or bog as shown on the most recent U.S. Geological Survey maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan Department of Natural Resources; and that in no event shall a swamp, marsh, or bog be altered by the

addition of earth or fill material or by drainage of water for the purpose of increasing the water frontage required by this article.

- C. A canal or channel shall not be excavated for the purpose of increasing the water frontage required by this section.
 - D. Access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.
 - E. Docks, boat ramps and boat launches, excluding concrete ramps and concrete launches, which are for the exclusive use of persons with legal access to the property, are permitted. Picnic shelters and picnic areas including picnic tables which are for the exclusive use of persons with legal access to the property, are permitted.
4. Use of existing public easements: For public easements as defined herein the following regulations shall apply:
- A. Use shall be by pedestrian traffic only.
 - B. No person shall place anything on any easement.
 - C. No person shall be prevented from crossing any easement to gain access to any lake within Martin Township.
 - D. No dock, raft, boat cradle or similar equipment shall be placed in any lake within the boundaries of any easement.
 - E. No watercraft shall be moored at the end of any easement.
 - F. These rules shall not apply to any easement within Martin Township where a court of law has previously established operating regulations.

4.32 ADULT BUSINESSES AND ESTABLISHMENTS (Ord. No. 92, eff. Dec. 4, 2007) Commercial and service establishments of an adult nature as listed and defined below are subject to special exception use regulations found in Article XIII and other conditions as follows:

- A. In order to prevent concentration of such uses, the following uses and activities shall not be located within one thousand (1,000) feet of any other uses in this section, nor within (2,500) feet of any schools, colleges, or universities; nursery schools; child care facilities; churches or any religious facility or institution; or any

public park and (1,000) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:

- (1) Adult bookstore.
 - (2) Adult motion picture theater.
 - (3) Adult mini motion picture theater.
 - (4) Adult smoking or sexual paraphernalia store.
 - (5) Massage parlor.
 - (6) Host or hostess establishments offering socialization with a host or hostess for consideration.
 - (7) Open dance hall.
 - (8) Tavern or cabaret offering sexually oriented adult entertainment which provides live or projected entertainment where alcoholic liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception.
 - (9) Premises involving sexually orientated adult entertainment.
 - (10) Any combination of the foregoing.
- B. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designation shall have the following meanings:

- (1) **Adult bookstore** means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) **Adult mini motion picture theater** means an enclosure with a capacity for less than fifty persons used for presenting

material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined for observation by patrons therein.

- (3) **Adult motion picture theater** means an enclosure with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined for observation by patrons therein.
- (4) **Adult smoking or sexual paraphernalia store** means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, controlled substances or other stimulating or hallucinogenic drug-related substances.
- (5) **Massage parlor** means an establishment where persons conduct or permit to be conducted or engaged in massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means or preparations to provide relaxation or enjoyment to the recipient.

Massage parlor does not apply to a professional massage therapy enterprise where the therapist has proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards or proof of completion of a comprehensive course of study and massage training at an American community college or university and proof of current professional membership in a massage therapy association including liability insurance and testing.

- (6) **Open dance hall** means an establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment.
- (7) **Host or hostess establishment** means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

- (8) ***Sexually oriented adult entertainment*** means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.
- (9) ***Sexually oriented adult entertainment premises*** means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.
- (10) ***Specified sexual activities:***
- i. Acts of human masturbation, sexual intercourse or sodomy.
 - ii. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
 - iii. Human genitals in a state of sexual stimulation or arousal.
- (11) ***Specified anatomical areas:***
- i. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (12) ***State of nudity*** means a person who appears in a "state of nudity" when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 **ZONE DISTRICTS:** The Township of Martin is hereby divided into the following zoning districts:

1. AG Agricultural District
2. R-1 Rural Estate District
3. R-R Rural Residential
4. R-2 Low Density Residential District
5. R-3 Medium Density Residential District
6. OS-PUD Open Space Planned Unit Development District
7. C-1 Neighborhood Business District
8. C-2 General Business District
9. I-1 Industrial District

5.2 **USE DISTRICT BOUNDARIES AND ZONING MAP:** The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this Ordinance (Classification of Lands), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or

lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

ARTICLE VI

AG AGRICULTURAL DISTRICT

- 6.1 **STATEMENT OF PURPOSE:** This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.
- 6.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
 2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
 3. Riding stables, where horses are boarded and/or rented.
 4. Single family dwellings.
 5. Parks, public recreational areas or golf courses.
 6. Home occupations, in accordance with Section 4.19 of this Ordinance.
 7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.
 8. Cemeteries.
 9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.
 10. Signs in accordance with Article XIV of this Ordinance.
 11. Child Day Care Home (Family).
- 6.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the

Township Zoning Commission and in accordance with Article XIII of this Ordinance:

- 1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.**
- 2. Recreational vehicle campgrounds.**
- 3. Horse or dog racing tracks.**
- 4. Slaughter houses and meat processing facilities.**
- 5. Family businesses, in accordance with Section 4.20 of this Ordinance.**
- 6. Two family dwellings.**
- 7. Roadside stands, in accordance with Section 4.21 of this Ordinance.**
- 8. Funeral parlors and mortuaries.**
- 9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.**
- 10. Survival games or similar paramilitary recreational activities.**
- 11. Conservation/skeet shooting clubs or similar activities.**
- 12. BMX, motorcycle, go-kart racetracks or similar activities.**
- 13. Commercial communication towers.**
- 14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:**
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.**
 - B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.**
 - C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.**
 - D. The affect of any increased density on the surrounding neighborhood caused by the intended use.**

E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

15. **Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.**
16. **Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.**
17. **Child Day Care Home (Group), subject to conformance with the following:**

A child day care home (group) shall be approved if it meets the following standards:

A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):

- (1) **Another state licensed group day care home;**
- (2) **Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended – MCLA 400.701 et seq);**
- (3) **A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended – MCLA 333.6101 et seq);**
- (4) **A community correction center, resident home, half way house, or other similar facility which houses an inmate**

population under the jurisdiction of the Michigan Department of Corrections.

- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Commission. Such fencing shall be at least 48" high and non-climbable in design.
 - C. It maintains the property consistent with the visible characteristics of the neighborhood.
 - D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
 - E. It meets all applicable sign regulations set forth in this ordinance.
18. Custom race car chassis assembly, including minor fabrication, and sales of high performance automotive parts.
- 6.4 **DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:** No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:
- 1. Minimum lot area: 1 acre.
 - 2. Minimum lot width: 165 feet.
 - 3. Minimum usable floor area per dwelling unit: 820 square feet.
 - 4. Minimum front yard: 50 feet.
 - 5. Minimum rear yard: 50 feet.
 - 6. Minimum side yard: 20 feet.
 - 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

- 7.1 **STATEMENT OF PURPOSE:** This zoning district is intended for large rural residential estates and farming.
- 7.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.
 2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
 3. Single family dwellings.
 4. Home occupations, in accordance with Section 4.19 of this Ordinance.
 5. Parks and public recreational areas, and golf courses. (Ord. No. 81, eff. Jan. 29, 2007)
 6. Cemeteries.
 7. Signs in accordance with Article XIV of this Ordinance.
 8. Child Day Care Home (Family).
 9. Churches. (Ord. No. 81, eff. Jan. 29, 2007)
- 7.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:
1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
 2. Roadside stands, in accordance with Section 4.21 of this Ordinance.
 3. Animal hospitals and kennels, in accordance with Section 4.22 of this ordinance.
 4. Family business, in accordance with Section 4.20 of this ordinance.

5. **Funeral parlors and mortuaries.**
6. **Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:**
 - A. **The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.**
 - B. **The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.**
 - C. **The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.**
 - D. **The affect of any increased density on the surrounding neighborhood caused by the intended use.**
 - E. **The availability of adequate off-street parking for the intended use.**

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7. **Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.**
8. **Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.**
9. **Child Day Care Home (Group), subject to conformance with the following:**

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended – MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended – MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Commission. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.

4. **Minimum front yard: 50 feet.**
5. **Minimum rear yard: 50 feet.**
6. **Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.**
7. **Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.**

ARTICLE VIIA

R-R RURAL RESIDENTIAL DISTRICT

(Ord. No. 81, eff. Jan. 29, 2007)

7A.1 STATEMENT OF PURPOSE. This district is intended to provide for low density residential development with single family detached dwellings as the predominant land use. Rural Residential uses are suitable in areas where active agriculture is declining, where uses will serve as a transition from farm to non-farm uses, where soils are suitable for on-site septic systems, and where roads are adequate for residential and other non-farm uses. Certain non-residential uses such as churches, schools and private recreation areas are allowed as special exception uses depending upon compatibility with adjacent uses as well as the requirements of Article XIII of this ordinance.

7A.2 PERMITTED USES. Land buildings, and structures in the R-R zone may be used only for the following purposes:

- (a) Single family detached dwellings.
- (b) Child Day Care Homes (Family) and Adult Day Care Homes with no more than six minor children or six adults.
- (c) State licensed adult foster care family homes with no more than six adults provided that such facilities are at least 1,500 feet apart as measured between property lines.
- (d) Home occupations as regulated by Section 4.19 of this Ordinance.
- (e) Antennas and towers not exceeding 50 feet in height, except that an antenna mounted on a building may extend to a maximum of 10 feet above the highest point of the building.
- (f) Essential public services equipment that is underground subject to the requirements of Section 4.16.
- (g) Single-family housing developments as required by Act No.177 of the Public Acts of Michigan of 2001 are permitted in accordance with the requirements of this Ordinance.
- (h) Uses, buildings, and structures customarily incidental and accessory to the principal use.

7A.3 SPECIAL EXCEPTION USES. The following uses may be permitted as a Special Exception Use subject to the applicable general and specific requirements and standards of Article XIII of this Ordinance:

- (a) Churches, synagogues or other similar places of worship in accordance with Section 4.23 of this Ordinance.
- (b) Public and private non-profit parks, playgrounds, swimming pools, golf courses, athletic fields and community center buildings, except for swimming pools accessory to residential uses.
- (c) Family businesses as regulated by Section 4.20 of this Ordinance.
- (d) Public and private schools and administrative buildings in accordance with Section 4.23 of this Ordinance.
- (e) Libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization in accordance with Section 4.23 of this Ordinance.
- (f) Government administration and service buildings.
- (g) Essential public service equipment, structures or buildings which are above ground, subject to the requirements of Section 4.16.
- (h) Antennas and towers exceeding a height of 50 feet except that the provisions of Section 4.30 shall apply.
- (i) Group day care homes which provide care to not less than seven and not more than 12 minor children or adults. Child Day Care Homes (Group) are subject to the regulations of Section 7.3.9. of this Ordinance.
- (j) Nursing homes, senior citizen housing, and similar convalescent or group housing, including state licensed adult foster care facilities with more than six adults.
- (k) Hospice Care Facilities.

7A.4 DISTRICT REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained:

- (a) Minimum lot area: 30,000 square feet.
- (b) Minimum lot width: 125 feet.
- (c) Minimum required useable floor area per dwelling unit:
 - (1) Ranch - a minimum of 960 square feet of floor area for the main floor.

- (2) **Bi-levels** - a minimum of 960 square feet of floor area for the upper floor.
- (3) **Tri-levels** – a minimum of 960 square feet for the upper two floors combined.
- (4) **Two-story** – a minimum of 960 square feet for the first floor.
- (d) **Minimum front yard:** 35 feet.
- (e) **Minimum side yard:** 10 feet on each side.
- (f) **Minimum rear yard:** 25 feet.
- (g) **Maximum Height:** 35 feet, except as provided in Section 4.13 and Section 7A.2(e).
- (h) **Maximum building lot coverage:** 30 percent.

7A.5 ADDITIONAL REGULATIONS.

- (a) **Parking shall be provided in accordance with the requirements of Article XV.**
- (b) **Signs shall be regulated in accordance with the requirements of Article XIV.**
- (c) **Site plan review is required for all Special Exception Uses according to the requirements of Section 4.28.**
- (d) **Site condominiums shall be regulated by Article XIII.A.**
- (e) **Open Space Planned Unit Developments shall be regulated by Article IXA.**

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

- 8.1 **STATEMENT AND PURPOSE:** This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.
- 8.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Home occupations, in accordance with Section 4.19 of this Ordinance.
 4. Signs in accordance with Article XIV of this Ordinance.
 5. Child Day Care Home (Family).
- 8.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:
1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
 2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
 3. Governmental administration or service buildings.
 4. Churches, in accordance with Section 4.23 of this Ordinance.
 5. Family business, in accordance with Section 4.20 of this Ordinance.
 6. Funeral parlors and mortuaries.
 7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
- 9. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended – MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended – MCLA 333.6101 et seq);

- (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Commission. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements: (Ord. No. 87, eff. Mar. 5, 2007)

- 1. **Minimum lot area:**
 - A. Single family dwelling: 8,500 square feet for lots served with public or community water and sewer; 15,000 square feet for lots served with public or community water or sewer; 25,000 square feet for lots not served with public or community water and sewer.
 - B. Two family dwelling: 15,000 square feet for lots served with public or community water and sewer; 30,000 square feet for lots not served with public or community water and sewer.
- 2. **Minimum lot width:**
 - A. Single family dwelling: 85 feet for lots served with public or community water and sewer; 100 feet for lots served with public or community water or sewer; 125 feet for lots not served with public or community water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public or community water and sewer; 125 feet for lots not served with public or community water and sewer.
- 3. **Minimum usable floor area per dwelling unit:**

- A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
4. Minimum front yard: 30 feet.
 5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
 6. Minimum side yard: 10 feet.
 7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.
- B.5 PAVED ROADWAY REQUIRED:** A plat or site condominium proposed after the effective date of this section shall be served by paved internal public or private roadways. (Ord. No. 87, eff. Mar. 5, 2007)

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

- 9.1 **STATEMENT OF PURPOSE:** This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.
- 9.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Multi-family dwellings.
 4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
 6. Signs in accordance with Article XIV of this Ordinance.
 7. Child Day Care Home (Family).
- 9.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:
1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
- 9.4 **DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:** No building or structure or any enlargement thereof shall be hereafter erected in this

zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. **Minimum lot area:**
 - A. **Single family dwelling (not in mobile home park):** 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. **Single family dwelling (in mobile home park):** In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. **Two family dwelling (not in mobile home park):** 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
 - D. **Multi-family dwelling (not in mobile home park):** 4,500 square feet for lots served with public sewer and water; 10,000 square feet for lots not served with public water and sewer.
 - E. **All other allowed uses:** 15,000 square feet.
2. **Minimum lot width:**
 - A. **Single family dwelling (not in mobile home park):** 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. **Single family dwelling (in mobile home park):** In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. **Two family dwelling (not in mobile home park):** 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - D. **Multi-family dwelling (not in mobile home park):** 100 feet for lots served with public sewer and water; 100 feet for lots not served with public water and sewer.
 - E. **All other allowed uses:** 100 feet.
3. **Minimum usable floor area per dwelling unit:**
 - A. **Single family dwelling (not in mobile home park):** 820 square feet.

- B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 650 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.
4. Minimum front yard:
- A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
5. Minimum rear yard:
- A. All allowed uses (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
6. Minimum side yard:
- A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park) : 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.
7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

ARTICLE IXA

OPEN SPACE PLANNED UNIT DEVELOPMENTS (OS-PUD)

(Ord. No. 82 eff. Jan. 29, 2007)

9A.1 STATEMENT OF PURPOSE: This Section provides enabling authority and standards for the review and approval of applications for Open Space Planned Unit Developments (OS-PUD's). The intent of Article IXA is to offer an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which may incorporate the permanent preservation of open space, agricultural lands and other valuable natural and cultural resources.

The OS-PUD District is intended to achieve the following objectives:

- (a) To require a process for designing residential communities in which the first and most important step is identifying the land that is to be preserved as open space.
- (b) To allow residential developments to have varied lot sizes, and to allow buildings and roads to be placed to preserve natural features.
- (c) To preserve wildlife habitat.
- (d) To encourage the provision of village greens and the development of recreational and other support facilities in a generally central location within reasonable distance of all units.

9A.2 AUTHORIZATION & PROCEDURES: An OS-PUD may be approved by the Township Board following a recommendation from the Zoning Commission in any location master planned AG-RE, Agricultural Rural Estate; RR, Rural Residential; or MDR, Medium Density Residential; or zoned AG Agricultural, R-1 Rural Estates, R-R Rural Residential, or R-2 Low Density Residential in accordance with the procedures of Section 9A.10 of this Ordinance.

The granting of an OS-PUD rezoning application shall require an amendment of the Zoning Ordinance and Zoning Map. An approval granted under this Article shall constitute part of the Zoning Ordinance.

9A.3 QUALIFYING CONDITIONS: Any application for rezoning to an OS-PUD District shall meet the following minimum requirements:

- (a) In order to be eligible for rezoning to OS-PUD the parcel shall consist of five contiguous acres.

- (b) **The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development as required by this Ordinance.**

9A.4 PERMITTED USES: Land and buildings in an Open Space OS-PUD may only be used for the following uses or combination of such uses:

- (a) **Single family detached dwelling units.**
- (b) **Two family attached dwelling units (duplexes) provided that such dwellings do not constitute more than 25 percent of the total dwelling units.**
- (c) **Multi-family dwelling units but only if the land requested for rezoning to Open Space PUD is recommended for MDR, Medium Density Residential land use in the Martin Township Master Plan, or is zoned R-2 Low Density Residential, and public or community sanitary sewer and water is provided. Multi-family dwellings in an OS-PUD shall contain no more than four dwelling units per building.**
- (d) **Accessory uses, structures and buildings which are customarily associated with the uses specified above including the following:**
 - (1) **Limited farming activities are permitted if conducted within the OS-PUD, if the OS-PUD is located in an area master planned for AG-RE Agricultural-Rural Estate. For purposes of this Section, farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of the OS-PUD, the project shall demonstrate that the farming activities will not pose a nuisance or a hazard to the residents of the OS-PUD.**
 - (2) **Golf courses, tennis courts, ball fields, bike paths, walking paths, playgrounds, community buildings, horse stables and similar recreational facilities as well as day care facilities, provided such uses are in addition to the residential uses in the OS-PUD. Such uses shall be designed to be used primarily by residents of the OS-PUD but in addition may be used by the general public provided the rules for such use are set forth in the Open Space Agreement required by Section 9A.6(d).**
 - (3) **Accessory buildings in an OS-PUD shall comply with the requirements of Section 4.9 of this Ordinance.**

9A.5 DEVELOPMENT REQUIREMENTS

- (a) **Modifications of Existing Regulations:** The lot area, lot width, building height, setback, yard requirements, general provisions, landscaping, private roads, signs, and parking regulations contained in this Ordinance which would apply for the zoning district in which the uses proposed are normally allowed shall be met except that the Township Board following a recommendation from the Zoning Commission may increase, decrease or otherwise modify these regulations, as may be requested by the applicant, in order to achieve the objectives of the OS-PUD chapter. Other criteria which shall be used in making these determinations shall include the following:
- (1) Whether the modifications requested will result in a project which better satisfies the intent and objectives of this Section.
 - (2) The modification shall be compatible with adjacent existing and future land uses and shall not significantly adversely affect the use and enjoyment of nearby property.
 - (3) The modification will result in the preservation of existing vegetation or other natural features on site.
 - (4) The modification is necessary due to topography, natural features or other unusual aspects of the site.
 - (5) The modification will improve or not impede emergency vehicle and personnel access.
 - (6) The modification will improve or not impede adequate pedestrian circulation.
 - (7) The modification shall not result in traffic or other safety hazards; shall not result in visual blight, distraction, or clutter, and shall not otherwise result in a detriment to the public health, safety or general welfare.
- (b) The proposed development shall also comply with the requirements of Section 9A.11 of this Ordinance.

9A.6 OPEN SPACE REQUIREMENTS:

- (a) The OS-PUD shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Article. For purposes of this Ordinance, Dedicated Open Space shall mean that

portion of an OS-PUD which is permanently preserved through an open space preservation agreement as required herein.

- (1) For land master planned for AG-RE Agricultural-Rural Estate or zoned AG Agricultural or R-1 Rural Estate, 20 percent of the total area of the site shall be preserved as Dedicated Open Space.
- (2) For land master planned for RR Rural Residential or MDR Medium Density Residential, or zoned R-R Rural Residential or R-2 Low Density Residential, 15 percent of the total area of the site shall be preserved as Dedicated Open Space.

(b) **Areas Not Counted as Dedicated Open Space.**

- (1) The area within all public or private road rights-of-way.
- (2) Any easement for overhead utility lines.
- (3) The area within a platted lot, site condominium unit, lot equivalent areas, or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
- (4) Off street parking area.
- (5) Detention and retention ponds created to serve the project.
- (6) Community drain fields.
- (7) 50 percent of the area of all wetlands; creeks; streams; existing ponds, lakes, or other bodies of water; or rain gardens designed for storm water management by a certified landscape professional.
- (8) 50 percent of the area of floodplains and 50 percent of areas of slopes of 20 percent or greater.

(c) **Standards for Open Space:** The following standards shall apply to the preserved open space required by this Section:

- (1) The open space may include a recreational trail, picnic area, children's play area, community building or other use which, as determined by the Zoning Commission, is substantially similar to these uses. These uses, however, shall not utilize more than 50 percent of the Dedicated Open Space.
- (2) 100 percent of a golf course may apply to the Dedicated Open Space required by this section.

- (3) Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right of-way. This area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and preserve the rural view, as recommended by the Zoning Commission and approved by the Township Board. Newly established public roads interior to the OS-PUD shall not be subject to the requirement for 50 feet deep area of open space adjacent to the roadway.
- (4) Open space areas are encouraged to be linked with any adjacent open spaces, public parks bicycle paths or pedestrian paths.
- (5) The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably accessible and useable for the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
- (6) If the land contains a lake, stream or other body of water, the Zoning Commission may require that a portion of the open space abut the body of water.
- (7) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, and wetlands.

(d) Methods to Preserve Open Space.

The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all dedicated open space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the OS-PUD plan, unless an amendment is approved by the Township Board.

The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The legal instrument shall:

- (1) Indicate the proposed permitted use(s) of the open space.
- (2) List the parties who have an ownership interest in the open space. The residents of the OS-PUD by virtue of an association or other similar entity shall at all times maintain an ownership interest in the Dedicated Open Space.
- (3) Require that the open space be maintained and controlled by parties who have an ownership interest in the Dedicated Open Space.
- (4) Provide standards for scheduled maintenance of the open space, including periodic removal of underbrush to reduce fire hazard and the necessary pruning and harvesting of trees and new plantings.

9A.7 DENSITY & NUMBER OF DWELLING UNITS ALLOWED: An area which is requested for rezoning to OS-PUD shall only be developed in accordance with the density recommended by the Township Master Plan. The permitted number of dwellings for the proposed OS-PUD area shall be based on the density recommendation of the Master Plan designation of the property as set forth in the following Density Table.

The Township Board, following a recommendation from the Zoning Commission, may choose to allow fewer dwellings than permitted by the Density Table if, in the opinion of the Board, a reduction in the number of dwellings proposed would better achieve the intent and objectives of the OS-PUD district.

(a) Density Table

Master Plan Category	Maximum Average Density
AG-RE, Agricultural-Rural Estate	1 dwelling unit/acre (43,560 sq. ft.)
RR, Rural Residential	1 dwelling unit/30,000 sq. ft.
MDR, Medium Density Residential	1 du/8,500 sq. ft. with both public or community water and sewer 1 du/15,000 sq. ft. with either public or community water or sewer 1 du/25,000 sq. ft. with neither public nor community water and sewer

(b) Formula to Determine Number of Dwellings:

The number of dwellings which may be constructed within an OS-PUD shall be determined as follows:

- (1) Determine gross site area. The gross site area may include road right of way if included in legal description.**
- (2) Subtract one-half of the Primary Conservation Areas. For purposes of this Ordinance, Primary Conservation Areas shall be defined as existing regulated and non-regulated wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes of 20 percent or greater.**

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Zoning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Zoning Commission.

- (3) Multiply this acreage by the Maximum Average Density from the Density Table to determine the number of dwellings permitted.**
- (4) Additional dwellings above what is allowed by Section 9A.07 above may be permitted at the discretion of the Township Board following a recommendation by the Zoning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the OS-PUD. Items which could be added to a OS-PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:**
 - (i) Provision of recreational facilities such as playground areas with play equipment, ballfields, bike path, man-made lake, and community building or similar recreation facility.**
 - (ii) Additional landscaping to preserve or enhance the rural view along the roadway.**
 - (iii) Enhancement of existing wetlands, subject to applicable regulations.**

- (iv) Provision of a public or community water and/or sanitary sewer system.
- (5) If additional dwelling units are to be permitted beyond the maximum number of dwelling units determined by Section 9A.07, in no case shall the number of dwelling units exceed that which is permitted by multiplying the gross acreage of the site by the Maximum Average Density.

9A.8 PROCEDURES FOR REVIEW AND PREPARATION OF OS-PUD PRELIMINARY SITE PLAN

- (a) **Application.** An applicant for an OS-PUD rezoning shall comply with the submittal and review requirements of Section 9A.10 of this Ordinance.
- (b) **OS-PUD Design Process.** A site plan for an OS-PUD shall be prepared according to the following process. Approval of an OS-PUD site plan shall be based on how closely the site plan conforms to this design process as well as conformance to the standards for approval of an OS-PUD contained in Section 9A.9 of this Ordinance.

The applicant shall prepare two plans: a Natural Features & Development Area Map and a Preliminary Site Plan using the Four Step design process described below.

STEP 1	Prepare a Natural Features & Development Areas Map
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- 1) The Natural Features & Development Area Map shall illustrate the Primary Conservation Areas and those other areas on the site which are to be preserved as Dedicated Open Space on the site.

Primary Conservation Areas, for purposes of this Ordinance, shall be defined as existing wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes of 20 percent or greater.

The Dedicated Open Space illustrated on this map shall comply with the requirements for open space per Section 9A.6 of this Ordinance.

Only one half of the Primary Conservation Areas shall be counted toward the required amount of Dedicated Open Space.

- 2) Label other natural site features such as woods, stands of trees, specimen trees, farm lands and fields, meadows and hedgerows, farm buildings and fences.

- 3) The Dedicated Open Space as required by Section 9A.06 of this Ordinance shall be clearly labeled on the map. The areas outside the Dedicated Open Space shall be illustrated on the map as the Development Area which is the only area where house sites may be located.
- 4) Next, determine the number of houses permitted for the site by Section 9A.7 of this Ordinance.

STEP 2	Locate House Sites on Natural Features & Development Area Map
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- 5) On the same Natural Features and Development Area Map illustrate the tentative location of house sites. House sites shall only be located within the Development Area identified in Step 1. A house site shall not be located within the Primary Conservation Areas or other areas illustrated as Dedicated Open Space.

The location of house sites should be done according to the following design standards:

- (i) Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
- (ii) In order to maintain scenic views and rural character, dwellings placed directly on hilltops shall be discouraged if the dwelling is unscreened from the view of nearby properties and roads. Dwellings which are three stories as viewed from nearby public streets shall also be discouraged as such dwellings can detract from the rural view.

STEP 3	Locate Conceptual Roads on Natural Features & Development Area Map
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- 6) On the Natural Features & Development Area Map illustrate the conceptual location of streets which shall be designed to serve the house sites identified in Step 2. Trails shall also be illustrated on this plan.

The location of streets should be designed according to the following design standards:

- (i) Avoid crossing wetlands and wildlife habitat areas with streets.
- (ii) Street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.

- (iii) Every effort should be made to connect each street with another to minimize deadends, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- (iv) Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets, adjoining neighborhoods, or adjoining undeveloped parcels.
- (v) Streets serving new developments should be designed to connect with adjoining properties.
- (vi) OS-PUD developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that take advantage of the open space areas. Linkage to future neighborhoods and developments that may occur adjacent to the development may be provided and are encouraged.

STEP 4	Prepare Preliminary Site Plan
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- 7) Next, prepare a separate plan to be known as the Preliminary Site Plan in accordance with the requirements of Section 4.28 herein. Draw lot lines for each house site and the road rights-of-way within the Development Area. Illustrate the boundaries of the Development Area on the Preliminary Site Plan.

The lots should be designed according to the following design standards:

- (i) Lots shall be of a size and width necessary to obtain approval from the Allegan County Health Department. If permitted by the ACHD, septic drain fields may be located within the Dedicated Open Space areas outside the lot lines.
 - (ii) As part of the Preliminary Site Plan, the applicant shall provide documentation from the Allegan County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.
- 8) The Natural Features Map and Development Area maps prepared according to Steps 1, 2, and 3 above along with the Preliminary Site Plan prepared according to Step 4 shall be submitted to the Zoning Commission for preliminary site plan review according to the procedures of this Ordinance.

9A.9 STANDARDS FOR APPROVAL: In making a recommendation to approve an OS-PUD, the Zoning Commission must find that the proposed OS-PUD meets the standards for Site Plan approval as contained in Section 4.28 6. B. of this Ordinance and the following standards as applicable:

- (a) Granting the OS-PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
- (b) The OS-PUD will not result in a significant increase in the need for public services and facilities and will not result in significant adverse effects upon nearby or adjacent lands or the natural environment unless the resulting adverse effects are adequately provided for or mitigated by features of the OS-PUD as approved.
- (c) The OS-PUD will be generally compatible with the Master Plan of the Township and consistent with the intent and purpose of the OS-PUD Section.
- (d) The OS-PUD is designed to substantially comply with the four step design process of Section 9A.08 herein.
- (e) The OS-PUD protects the rural roadside character by preserving or enhancing the existing view along the roadway.
- (f) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.
- (g) The OS-PUD includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
- (h) The project complies with the requirements of Section of this Ordinance.

9A.10 PROCEDURES

- (a) Pre-application Conference. Before submitting an application for a OS-PUD, an applicant may meet with the Zoning Commission or Township Zoning Administrator, Planner or Engineer to submit information regarding a proposed OS-PUD and to confer with the Zoning Commission, or staff, about the proposed application and the OS-PUD.
- (b) Application for OS-PUD Approval. An application for an OS-PUD rezoning shall be in accordance with the application procedures for site plan review as required by Section 4.28 of this Ordinance. In addition, the applicant

shall submit any fee or escrow requirement as may be adopted by resolution of the Township Board.

- (c) **Preliminary Development Plan.** An applicant for OS-PUD rezoning shall submit a site plan in accordance with the requirements for Site Plan Review as set forth in Section 4.28 of this Ordinance and the requirements of Section 9A.08.

The applicant shall also submit 10 copies of a narrative describing:

- (1) The proposed density, number, and types of dwelling units.
- (2) If the proposed project will be served by water or sanitary sewer systems, a statement from a registered professional engineer describing methods and capacities
- (3) Calculations demonstrating compliance with the ordinance requirements for open space and number of permitted dwellings.

- (d) **Environmental Impact Assessment.** The Zoning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan. This assessment shall describe the effect and impact that the proposed OS-PUD will or may have upon or with respect to the following matters:

- (1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation.
- (2) Population in the immediate area and the Township; local school systems; traffic congestion.
- (3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
- (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare.
- (5) Traffic impact study.
- (6) An economic feasibility study for the principal uses of the proposed OS-PUD.
- (7) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.

- (e) **Review of Preliminary Development Plan.** The Zoning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the OS-PUD, together with any recommended changes or modifications thereof. Such review and other consideration of the preliminary plan shall take place at a public meeting or meetings of the Zoning Commission, and at meetings of committees of the Commission, where appropriate.
- (f) **Final Development Plan.**
- (1) After receiving the recommendations of the Zoning Commission on the preliminary development plan, the applicant for OS-PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Site Plan Review as contained in Section 4.28 of this Ordinance. Copies of the plan shall be forwarded to the Zoning Commission.
- (2) The Final Development Plan shall contain all of the information required for Site Plan review unless the same is waived by the Zoning Commission as not being reasonably necessary for the consideration of the OS-PUD plus the following:
- (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary development plan, including all of the recommendations of the Zoning Commission thereon.
- (ii) Projected time for completion of the entire OS-PUD; proposed phasing, if any, of the OS-PUD and the projected time for completion of each phase.
- (iii) Any other information reasonably required by the Zoning Commission in connection with its review of the OS-PUD and consideration of the rezoning of the lands in accordance with the OS-PUD plan.
- (g) **Zoning Commission Public Hearing on Final Development Plan.** (Ord. No. 86, eff. Mar. 5, 2007) The Zoning Commission shall hold a public hearing on the Final Development Plan and the application for rezoning. Such hearing shall be subject to the provisions of Section 19.3 of this ordinance.

A notice concerning the public hearing on the OS-PUD Final Development Plan an application for rezoning shall be published in a newspaper which circulates in the Township. Such notice shall be subject to the notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, which

requires notice be given not less than 15 days before the date of the hearing.

Notification shall be sent by mail or personal delivery to the owners of property for which OS-PUD approval and the rezoning is being considered, and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the property. Such notice shall be subject to the mailing notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires notice be given not less than 15 days before the date the application will be considered for approval.

If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations one occupant of each unit or spatial area shall receive notice.

In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the OS-PUD and rezoning request.
- (2) Identify the property which is the subject of the OS-PUD and rezoning request.
- (3) State when and where the OS-PUD and rezoning request will be considered.
- (4) Indicate when and where written comments will be received in advance of the public hearing on the request.

An affidavit of mailing shall be filed with the Zoning Commission before the public hearing.

- (h) Consideration of Final Development Plan by Zoning Commission. After the public hearing, the Zoning Commission shall make recommendations concerning the Final Development Plan and the modifications in the Final Development Plan and the rezoning, to the Township Board.

- (i) Standards for Approval. In making a recommendation to approve a OS-PUD, the Zoning Commission must find that the proposed OS-PUD meets the standards for approval as contained in Section 9A.9.
- (j) Final Consideration of OS-PUD by Township Board. The Township Board shall review the Final Development Plan and the recommendations submitted by the Zoning Commission.

The Township Board shall determine whether the Final Development Plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township.

Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.

- (k) Conditions of Approval. The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.

- (1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project and the community as a whole.
- (2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- (3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed OS-PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a OS-PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the property owner. The Township Board shall maintain a record of conditions which are changed.

- (l) Rezoning. If the Township Board approves the Final Development Plan and the proposed application for rezoning, it may rezone the property in accordance with the Township Zoning Act as amended. Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall be accomplished in the manner provided by law. Following approval of the OS-PUD rezoning the Official Zoning Map of Martin Township shall be changed to reflect the OS-PUD zoning for the parcel.
- (m) Conformance to Final Development Plan. A OS-PUD shall be constructed in strict conformance with the approved Final Development Plan and any conditions of approval. Any changes shall only be allowed in accordance with the requirements of Section 9A.12 herein.

9A.11 DEVELOPMENT REQUIREMENTS FOR ALL OS-PUDs

An OS-PUD permitted under this Section shall comply with the following requirements:

- (a) Sidewalks. For areas recommended for Rural Residential or Medium Density Residential land use in the Master Plan, the Zoning Commission may require sidewalks in accordance with the Township's subdivision and site condominium regulations.
- (b) Grading. To preserve the natural appearance and beauty of the property, all graded areas, cuts and fills will be kept to a minimum. In appropriate cases, retaining walls may be required. Grading within the OS-PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and to have a minimal effect upon the environmental characteristics of the land as reasonably feasible.
- (c) Utilities. The OS-PUD shall be served by either private or community owned well and septic system approved by the Allegan County Health Department or by a public water and sanitary sewer system.
- (d) Storm Water Management.
 - (1) A storm water management plan shall be submitted with both the Preliminary Development Plan for and the Final Development Plan. This plan shall provide information on how storm water will be controlled during and after construction. This plan shall be subject

to the review and approval of the Township Engineer and the Allegan County Drain Commission as applicable.

- (2) Storm water shall be substantially managed with green infrastructure such as vegetated swales, rain gardens, stone weirs or dikes, sediment basins and shallow storm water areas. Storm water shall be minimally managed with conventional storm water management structures such as gutters, catch basins, underground pipes, detention ponds, and retention ponds. Underground detention facilities may be permitted.
- (3) Storm water detention ponds may be allowed for the containment of storm water run off if it is demonstrated that other stormwater management measures as noted above are not feasible due to soil types, topography or other similar site features.
- (e) Outdoor Lighting. Outdoor lighting shall be designed and located to avoid casting any direct or reflected glare upon neighboring property or upon adjacent structures within the proposed project.
- (f) Signs. Signs shall comply with the sign requirements of this Ordinance.
- (g) Minimum Dwelling Unit Size. The minimum size of a dwelling unit shall be as required by Section 7A.4(c). The minimum size of a multi-family dwelling unit shall be as required by Section 9.4, 3.D.

9A.12 AMENDMENTS TO APPROVED OS-PUD

- (a) An approved Final OS-PUD Development Plan and any conditions imposed upon Final OS-PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
- (b) Minor Amendments. A minor change may be approved by the Zoning Administrator who shall notify the Zoning Commission and the applicant in writing of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission. The following items shall be considered as minor changes:
 - (1) Reduction of the size of any building and/or sign.
 - (2) Movement of buildings and/or signs by no more than 10 feet.
 - (3) Plantings approved in the site plan landscape plan that are proposed to be replaced by similar types of landscaping.

- (4) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- (5) Changes required or requested by the Township for safety reasons.
- (6) Changes which will preserve the natural features of the site without changing the basic site layout.
- (7) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Zoning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Zoning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Zoning Commission.

- (c) A proposed change, other than a minor change as determined by the Zoning Administrator, shall be submitted as an amendment to the OS-PUD and shall be processed in the same manner as an original OS-PUD application except that the OS-PUD zoning shall remain in place.

9A.13 PERFORMANCE GUARANTEES: The Township Board, after recommendation by the Zoning Commission, or in its own discretion, may require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Zoning Commission.

Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Zoning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Zoning Commission or appropriate Township official.

9A.14 TIME LIMITATIONS ON DEVELOPMENT: Each OS-PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Zoning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD.

If the OS-PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, the Final Development Plan shall be of no further effect, and the Zoning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

If the property is not rezoned, then the subject property remains zoned as a OS-PUD, but the preliminary or final OS-PUD plans previously approved become null and void. In order to utilize the property as a OS-PUD, an applicant shall submit plans for preliminary and final OS-PUD site plan approval as required by this Section, but OS-PUD rezoning by the Board shall not be required.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

- 10.1 **STATEMENT OF PURPOSE:** This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.
- 10.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Any non-residential use allowed in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.
 2. Bakery goods store.
 3. Bank, loan and/or finance office.
 4. Barber or beauty shop.
 5. Book, stationery or gift store.
 6. Candy store, soda fountain and/or ice cream store.
 7. Clothes cleaning and/or laundry pick-up station.
 8. Clothing and dry goods store.
 9. Delicatessen store.
 10. Dress shop.
 11. Drug store.
 12. Florist and gift shop without nursery.
 13. Funeral parlor or mortuary.
 14. Grocery store and meat market.
 15. Hardware store.
 16. Household appliance store.
 17. Jewelry store.

18. **Laundromats.**
19. **Liquor store including beer and wine sales.**
20. **Child Day Care Center or Child Care Center.**
21. **Paint and wallpaper store.**
22. **Parking lots.**
23. **Photography shop and studio.**
24. **Radio and television store.**
25. **Restaurant and/or cafe without dancing, floor shows or drive-in service.**
26. **Shoe repair shop.**
27. **Tailor and/or dress maker.**
28. **Variety store.**
29. **Signs in accordance with Article XIV of this Ordinance.**
30. **Governmental administration or service buildings.**

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this ordinance:

1. **Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.**
2. **Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.**
3. **Any residential permitted use allowed in the "R-2" Low Density Residential District.**
4. **Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance which does**

not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
- B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed use on light and air circulation of adjoining properties.
- D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 15,000 square feet.
- 2. Minimum lot width: 100 feet.
- 3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
- 4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
- 5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the

side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.

6. Maximum building or structure height: 35 feet.

Notwithstanding all of the preceding requirements in this section, residential uses allowed in this zoning district pursuant to Section 10.3, subsection 3, of this Ordinance shall be subject to the density, area, height, bulk and placement requirements set forth at Section 8.4 of this Ordinance.

- 10.5 **OTHER GENERAL REQUIREMENTS:** All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

- 11.1 **STATEMENT OF PURPOSE:** This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.
- 11.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. All permitted uses allowed in the C-1 Neighborhood Business District.
 2. Ambulance services.
 3. Amusement enterprises.
 4. Antique shop, provided all articles for sale are displayed or stored within the shop.
 5. Automotive and other vehicle sales.
 6. Automotive repair shop or garage, including major repair operations.
 7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
 8. Bank, loan and finance offices including drive-in branches.
 9. Bowling alley, including bars and restaurant.
 10. Bus station and travel agency.
 11. Business or trade school.
 12. Car wash facility.
 13. Catering service, delicatessen and confectionery store.
 14. Clinic - dental and medical including laboratory.
 15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.
 16. Crating and packing service.

17. **Dance studio and photographic studio.**
18. **Diaper, linen and towel supply service.**
19. **Dry cleaning and laundry - custom and self-service.**
20. **Eating place - including grill or "drive-in" restaurant.**
21. **Electrical supplies - wholesale and storage.**
22. **Exterminator service.**
23. **Factory and mill supplies.**
24. **Florist and gift shop including nursery.**
25. **Frozen food locker.**
26. **Funeral parlor or mortuary.**
27. **Hotels and motels.**
28. **Juke box and vending machine service and distribution.**
29. **Laboratory - medical or dental.**
30. **Liquor store.**
31. **Locksmith.**
32. **Lodge hall, private clubs, veterans' clubs.**
33. **Malt beverage, liquor and wine distribution.**
34. **Marinas.**
35. **Offices.**
36. **Office machines, sales and service.**
37. **Office supply store.**
38. **Ornamental iron work and fence service.**
39. **Parcel delivery station.**

40. **Pet shop, not including treatment or boarding of animals.**
41. **Printing and publishing including processes related thereto.**
42. **Professional studio.**
43. **Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.**
44. **Radio and TV sales and repair shops.**
45. **Broadcasting studios.**
46. **Resale shops including "auction houses".**
47. **Resort including seasonal cabins.**
48. **Shoe repair.**
49. **Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.**
50. **Special tools and gauges - checking and service.**
51. **Taxidermist.**
52. **Theater, indoor.**
53. **Trade schools.**
54. **Travel agencies.**
55. **Warehousing and storage structures.**
56. **Wholesale sales facilities.**
57. **Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.**
58. **Signs in accordance with Article XIV of this ordinance.**

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the

Township Zoning Commission and in accordance with Article XIII of this Ordinance:

1. **Adult Businesses and establishments as set forth in Section 4.32 of the Ordinance. (Ord. No. 92, eff. Dec. 4, 2007)**
2. **Commercial communication towers.**
3. **Bar, cocktail lounge or nightclub.**
4. **Theater, drive-in, in accordance with Section 4.26 of this Ordinance.**
5. **Landing and take-off areas for roto-craft.**
6. **Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:**
 - A. **The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.**
 - B. **The affect of the proposed use on adjoining properties and the surrounding neighborhood.**
 - C. **The affect of the proposed use on light and air circulation of adjoining properties.**
 - D. **The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.**

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENT: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. **Minimum lot area: 15,000 square feet.**
2. **Minimum lot width: 100 feet.**

3. **Minimum front yard:** Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
4. **Minimum rear yard:** Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. **Minimum side yard:** Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. **Maximum building or structure height:** 35 feet.

ARTICLE XII

1-1 INDUSTRIAL DISTRICT

- 12.1 **STATEMENT OF PURPOSE:** This district permits compounding, assembling, or treatment of articles or materials. This district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.
- 12.2 **PERMITTED USES:** Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
 2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
 3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
 4. Petroleum storage located at least 500 feet from any residentially zoned property.
 5. Automotive repair shops, in accordance with Section 4.24 of this ordinance.
 6. Bottling plants and dairies.
 7. Car wash facilities.
 8. Contractor yards.
 9. Crating and packing service.
 10. Dry cleaning and laundry.
 11. Machine shop.
 12. Printing shop.
 13. Sign painting and servicing shops.

14. Taxidermist.
15. Warehouses and storage buildings.
16. Wholesale sales facilities.

Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.

17. Landing and take-off areas for roto craft and airports.
18. Parking lots.
19. Commercial communication towers.
20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
21. Signs in accordance with Article XIV of this Ordinance.

12.3 **SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Commission and in accordance with Article XIII of this Ordinance:

1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic,

- noise, glare, or odor affects of the use on adjoining properties and the surrounding neighborhood.
- C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic affect, and compatibility and harmony with adjoining and surrounding neighborhood properties.
 - G. Required yards and other open spaces.
 - H. General compatibility with adjacent properties and the surrounding neighborhood.
4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.
- Note:** This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.
5. Removal and processing of top soil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

12.4 **DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:** No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

(Revised 4/93 Per Ord No. 44)

ARTICLE XIII

SPECIAL EXCEPTION USES GENERAL PROVISIONS

- 13.1 **SPECIAL EXCEPTION STANDARDS:** In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Commission, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely affect the public health, safety, and general welfare of the community;

7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;
9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION USE PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Commission and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Township Zoning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.
3. Following such hearing, said Zoning Commission shall either grant or deny a permit for such Special Exception Use. The decision on a Special Exception Use shall be incorporated in a written statement of findings and conclusions relative to the Special Exception Use which specifies the basis for the decision and any conditions imposed. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Commission in its decision and shall be filed with the Zoning Administrator of the Township. (Ord. No. 86, eff. Mar. 5, 2007)

Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the community as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. **The Township Zoning Commission shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use falling to comply with such conditions and limitations may be terminated by action of said Zoning Commission after a hearing upon application of any aggrieved party.**
5. **The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Commission shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.**
6. **Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Commission) for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.**

ARTICLE XIII

SITE CONDOMINIUMS

(Ord. No. 84, eff. Jan. 29, 2007)

13A.1 STATEMENT OF PURPOSE: Site condominiums are developments utilizing land division on the basis of condominium ownership. Such developments are not regulated by the Land Division Act, Public Act 288 of 1967 as amended and therefore the review and approval procedures required by that Act are not applicable. The purpose of these regulations is to set forth the procedures under which site condominiums are to be reviewed in Martin Township.

This chapter regulates both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

13A.2 DEFINITIONS: In addition to the definitions given in Section 3.1, the following words and terms are defined for use in this Section:

Building Envelope - The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

Condominium Act - Public Act 59 of 1978, as amended.

Condominium Project - A plan or project consisting of not less than two condominium units if established and approved in conformance with Condominium Act.

Condominium Structure - The principal building or structure intended for or constructed upon a lot or building envelope, together with any attached accessory structures; e.g. in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.

Condominium Unit - That portion of a condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

- (a) In the case of an attached condominium, the minimum requirements of this ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and described so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

The building envelope surrounding a two-unit condominium building must comply with the minimum lot area, width, and building setback requirements for duplexes in the zoned district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached condominium units must comply with the minimum lot area, width, and building setback requirements for the multi-family dwelling units in the zoned district in which the building is located.

- (b) In the case of a detached condominium, the applicable provisions of this ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

Convertible Area - A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the Condominium Act.

Expandable Condominium - A condominium project to which additional land may be added in accordance with the Condominium Act.

General Common Element - The common elements other than the limited common elements

Limited Common Element - An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.

Lot -

- (a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

- (b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit, for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

Master Deed - The legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Site Condominium Subdivision - A division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

- 13A.3 ZONING COMPLIANCE: Site condominium projects may be approved in any zoning district. All site condominium lots and structures shall conform to the use, size, height, frontage, lot area, front, side and rear yards, general and special regulations applicable to the use and zoning district in which they are located

For the purposes of determining compliance with this Ordinance, each condominium unit and its appurtenant limited common element or other appurtenant space shall be considered the equivalent of a lot as defined in Section 3.1, 37, and Section 13A.2.

- 13A.4 SITE CONDOMINIUM PLANS – REQUIRED CONTENT: All site condominium plans submitted for approval shall include the following:

- (a) The information required for site plan review as required by Section 4.28 of this ordinance.
- (b) A description which describes the nature and intent of the proposed project.
- (c) A complete legal description of all included property.
- (d) An ownership disclosure statement which gives the names of all parties which have ownership interests in the project or other written evidence that the applicant has the right to purchase the property from the owners of record.
- (e) A minimum of 10 copies of a preliminary site condominium development plan which complies with the requirements of Section 2.02 of the Township Subdivision Ordinance and which also illustrate the location, size, shape, area and identification of each condominium unit, including limited common areas appurtenant to each site condominium unit and

appurtenant lot equivalent areas. The location, size, shape, area and intended use of general common elements within the site condominium should also be shown.

- (f) A utility plan showing all sanitary sewer, water and storm sewer lines along with all easements for the installation, repair, and maintenance of all utilities.
- (g) A storm drainage and storm water management plan, including all lines, drains, basins, and other facilities.
- (h) The use, occupancy restrictions, and maintenance provisions for all general common elements as will be contained in the Master Deed.
- (i) A street construction, paving and maintenance plan for all streets within the proposed development.
- (j) A statement from the Martin Township Treasurer that all applicable site plan review fees have been properly paid.

13A.5 STREETS

- (a) Private Streets - All private streets in a site condominium shall be constructed to the standards as required by Section 4.29 of this Ordinance.
- (b) Public Streets - All public streets in a site condominium shall be constructed to the standards required by the Allegan County Road Commission for platted streets.

13A.6 UTILITIES: Extension and provision of utilities shall be provided as may be required by the Township Board as conditions of approval. The site condominium plans shall include all the necessary easements granted to Martin Township, Allegan County or others for the purpose of constructing, operating, inspecting, maintaining and repairing all utilities.

Martin Township may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines and street lights within the site condominium project.

13A.7 PROCEDURES TO REVIEW A SITE CONDOMINIUM: The Martin Township Board must review and approve all site condominium projects before improvements are initiated and before the Master Deed is recorded. The review process shall consist of the following steps:

- (a) Step 1- Preliminary Plan Review by Zoning Commission

- (1) An application for review of a preliminary site condominium plan shall be initiated by submitting a minimum of 10 copies of the plan to the Township Clerk along with an application and fee schedule established by the Township Board. Plans submitted for the preliminary review shall include the information required in Section 13A.4 herein.
- (2) As part of the review, the Zoning Commission shall hold a public hearing on the preliminary plan. The Commission, may, however, review the plan prior to the public hearing in order to provide direction to the applicant in preparing the plan for the hearing.

For such hearing, notice shall be given no less than 15 days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the site condominium project, as the names of such owners and other parties are given in the current Township tax assessment roll. Such hearing shall be subject to the provisions of Section 19.3 of this ordinance. (Ord. No. 86, eff. Mar. 5, 2007)

- (3) The Zoning Commission shall review the preliminary site condominium plan in accordance with the standards and requirements contained in Sections 13A.5 and 13A.6 of this Section, the requirements of Article IV of the Township Subdivision Ordinance and the applicable requirements of the Township Zoning Ordinance. All of the requirements for plats, as set forth in Article IV of the Township Subdivision Ordinance, shall be requirements for site condominium projects.

In its review of a site condominium plan, the Zoning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development, layout and design, and other aspects of the proposed project.

- (4) Preliminary plans as applicable shall be submitted to the Allegan County Health Department, Allegan County Road Commission, Allegan County Drain Commissioner, Michigan Department of Natural Resources and other appropriate agencies having direct approval or permitting authority over all or any part of the plan. Approval of a site condominium plan shall not be considered to be final until the plan is fully in compliance with the requirements of the reviewing agencies.

- (5) After reviewing the preliminary site condominium plan, the Zoning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Zoning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Any revisions to the preliminary plan as required by the Zoning Commission shall be made by the applicant and reviewed by the Zoning Commission before the plan is forwarded to the Township Board.

(b) Step 2- Final Plan Review by Township Board

- (1) After revising the plan according to the Zoning Commission's recommendations, the applicant shall submit to the Township Clerk a minimum of 10 copies of the final site condominium plan. The Township Clerk shall forward the copies of the final plan to the Township Board.
- (2) The Township Board shall review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by Article IV of the Township Subdivision Ordinance and other applicable procedures, standards and requirements provided by this section.

Approval of a site condominium project shall serve as conditional authorization to proceed with the division of the land on the basis of condominium ownership and the construction of the required improvements to the land in conformity with the approved plans. Site condominium approval shall not serve as the authorization of land uses and construction on individual units within the site condominium. Uses and construction on individual units are subject to authorization under applicable provisions in this Ordinance.

13A.8 MASTER DEED CONTENTS: All provisions of the site condominium plans which are approved by the Martin Township Board must be incorporated as part of the approved Master Deed for the site condominium. A copy of the Master Deed as recorded with the Allegan County Register of Deeds must be provided to the Martin Township Clerk within ten (10) days after recording.

13A.9 PERFORMANCE GUARANTEES: In addition to the requirements given in Section 4.28, 6.C., a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be deposited with the Township of Martin to guarantee

the installation and completion of common improvements associated with the project such as public and private streets, street lights, sanitary sewer, water supply, drainage facilities, and sidewalks. The amount of the deposit shall be not less than the estimated cost of the improvements.

13A.10 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE

CONDOMINIUM PLAN: No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium plan as approved by the Township Board, including any conditions of approval.

13A.11 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS:

No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel of land established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium may be occupied or used until all required improvements in the site condominium project have been completed and all necessary utilities installed.

13A.12 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS:

Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Zoning Commission and Township Board in compliance with the procedures, standards and requirements of this section.

13A.13 CHANGES IN CONDOMINIUM DEVELOPMENTS:

Any change proposed in connection with a development for which a final site condominium plan has previously been approved shall be regulated by this section.

(a) The following definitions shall apply:

(1) "Exempt change" means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:

- (i) a change in the name of the project; in the name of a street within the project; or in the name of the developer;
- (ii) a change in the voting rights of co-owners or mortgagees; or
- (iii) any other change in the site condominium which, as determined by the Zoning Administrator, does not constitute

a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a which is subject to regulation.

(2) **"Major change"** means a major change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:

- (i) an increase in the number of site condominium units;
- (ii) any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.

(3) **"Minor change"** means a minor change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any changes that will result in:

- (i) a decrease in the number of site condominium units;
- (ii) a reduction in the area of the building site for any site condominium unit;
- (iii) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
- (iv) a reduction in the total combined area of all limited common elements of the site condominium;
- (v) any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

(b) Any change which constitutes a major change shall be reviewed by the Zoning Commission, at a public hearing and with the notice required for an original approval of the site condominium, and shall also be reviewed and approved by the Township Board, as provided in this section for the original review and approval of preliminary and final plans.

- (c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Zoning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this section for an original approval.
- (d) Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt change shall be filed with the Township Clerk.

13A.14 TIME LIMIT: No approval of a final site condominium project plan shall be effective for a period of more than one (1) year, unless construction of the project commences within that one (1) year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one (1) year period may be extended for additional periods of time as determined appropriate by the Township Board if the extension is applied for by the applicant within the effective period of the approval.

13A.15 VARIANCES: As stated in subsection 13A.7(a)(3) of this section, site condominiums are subject to the requirements for platted subdivisions as stated in Article IV of the Township subdivision ordinance. Further, as stated in section 13A.7(b)(2) of this section, the Township Board is to review, and then approve, deny or approve with conditions, a site condominium plan in accordance with the standards and requirements stated in Article IV of the Township subdivision ordinance.

A variance, however, may be granted from the provisions of said Article IV of the Township subdivision ordinance, with respect to a site condominium project or any part thereof. Such a variance may be granted by the Township Board after recommendation thereon by the Zoning Commission, and upon a determination that practical difficulty or unnecessary hardship would result from compliance with a provision of said Article IV.

- (a) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land. Unnecessary hardship shall mean a condition of impracticability or unreasonableness that would result from the application of a provision of said Article IV with respect to a site condominium project, site condominium unit or any part thereof.
- (b) In determining whether to grant a variance under the terms of this subsection, the Township Board may depart from the recommendation thereon made by the Zoning Commission.

- (c) In considering whether a variance shall be recommended, in the case of the Zoning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:
- (1) That there are special circumstances or conditions affecting the property that would make the strict application of a provision of said Article IV impracticable or unreasonable.
 - (2) That the granting of the requested variance would not be detrimental to the site condominium development or to adjacent or nearby lands.
 - (3) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this ordinance.
 - (4) That the granting of the requested variance would not violate any provision of the Michigan Condominium Act.
- (d) A variance from any other provision of this section, not involving said Article IV of the subdivision ordinance, shall be considered by the Zoning Board of Appeals, in accordance with the applicable provisions of this ordinance concerning the Zoning Board of Appeals.

ARTICLE XIV

SIGNS

14.1 Signs in the AG, R-1, R-R, R-2, R-3, and OS-PUD Districts: In the AG, R-1, R-2, R-R, R-3, and OS-PUD districts, the following signs shall be allowed; (Ord. No. 81, eff. Jan. 29, 2007)

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.

14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 120 square feet in area.

14.4 Signs in the I-1 District: In the I-1 district the following signs shall be allowed:

1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

1. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.
2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVI pertaining to nonconforming structures.
4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.
5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
3. Directional signs erected in conjunction with private, off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.

5. **Placards posted to control or prohibit hunting within the Township.**
6. **Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.**
7. **One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.**
8. **Essential service signs denoting utility lines, railroad lines, hazards, and precautions.**
9. **Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.**
10. **Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.**
11. **Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:**
 - A. **The size, character and nature of the display or sign.**
 - B. **The duration or time period during which the display or sign will be utilized.**
 - C. **The purpose(s) for which the sign display is to be erected.**
 - D. **The arrangements made for the removal of the sign or display after the termination of its usefulness.**
 - E. **The affect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.**
 - F. **Whether or not the sign or display will constitute a traffic hazard.**
 - G. **The affect of the sign or display on the surrounding neighborhood.**

ARTICLE XV

PARKING AND LOADING SPACES

- 15.1 GENERAL:** In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
1. Dwellings	Two for each dwelling unit
2. Lodging, rooming and boarding houses	Two for each three guest rooms or each six beds for guests, whichever amount is greater
3. Private clubs and lodges	One for each five active members and one for each employee with a minimum of one for each 100 square feet of floor area
4. Hospitals, institutions and clinics	Two for each patient bed One for each two beds
5. Sanitariums or convalescent or nursing homes	
6. Homes for senior citizens	One for each three beds
7. Hotels	One for each two guest rooms
8. Motels and tourist homes	One for each sleeping room
9. Theaters, auditoriums and stadiums	One for each four seats, based on maximum seating capacity
10. Bowling alleys	Eight for each alley
11. Private, elementary and junior high schools	Two for each three employees normally engaged in or about the buildings and grounds plus one for each eight auditorium seats

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
12. Senior high schools and institutions of higher learning	Two for each three employees normally engaged in or about the buildings and grounds, and one additional for each four enrolled students
13. Churches	One for each four seats in the main worship unit
14. Community center	One for each 100 square feet of assembly floor area
15. Libraries, museums and post office	One for each 100 square feet of floor area
16. Professional offices and buildings	One for each 200 square feet of floor area
17. Restaurants, grills, dining rooms, dairy bar, soda fountain	One for each two seats
18. Medical doctors office or dental clinic	Eight for each doctor plus one for each employee.
19. Banks, business offices and public buildings not specifically mentioned elsewhere	One for each 150 square feet of floor area
20. Funeral parlors or mortuaries	One for each 50 square feet of floor area used for services
21. Bars, cocktail lounges and night clubs	Two for each three seats but no less than 40 spaces in any event
22. Marinas	Two for each slip or mooring
23. "Drive-in" establishments	Eight for each 125 square feet of ground floor area

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
24. Use groupings	
A. Retail stores, supermarkets, department stores, personal service shops-general business	One for each 100 square feet of floor area in the basement and on the first floor used for retail sales and one for each 400 square feet of floor area on the second floor used for retail sales and one for each 600 square feet of floor area on the third floor used for retail sales, and one for each 800 square feet of floor area on any additional floors used for retail sales
B. Business offices and/or research laboratories and/or similar uses	One for each employee on the maximum shift or peak employment period
C. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building	One for each three employees on the maximum shift or peak employment period
D. Other uses not specifically mentioned	In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply
E. Mixed uses in the same building	In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein

- 15.2 **JOINT USE OF FACILITIES:** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.
- 15.3 **LOCATION OF FACILITIES:** Off-street parking facilities shall be located as hereafter specified:
1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
 2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.
- 15.4 **SIZE OF PARKING SPACE:** Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of 10 feet in width.
- 15.5 **REQUIREMENTS FOR PARKING AREAS:** Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:
1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.
 2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.
 3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
 4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.

5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 50,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

- 16.1 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Article, a building or structure which is existing and lawful on the effective date of Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.
- 16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Commission as a special exception use. In considering such authorization, the Zoning Commission shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this ordinance.

- 16.3 **RESTORATION AND REPAIR:** All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/2 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/2 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Commission as a special exception use. In considering such authorization, the Zoning Commission shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.
- 16.4 **CHANGE OR DISCONTINUANCE:** The nonconforming use of a building or structure or of any land or premises shall not be:
1. Reestablished after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months.
 2. Reestablished after it has been changed to a conforming use.
 3. Changed to any other nonconforming use, unless the Zoning Commission determines that such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.
- 16.5 **BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE:** Any building or structure shall be considered existing and lawful and for purposes of Section 16.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.
- 16.6 **UNLAWFUL USE NOT AUTHORIZED:** Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

- 16.7** Any party aggrieved by any order, determination, or decision made under this Article by any officer, agency, board, commission, zoning board of appeals, or legislative body of Martin Township may obtain a review in the circuit court of Allegan County. This review shall be in accordance with PA 110 of 2006 as amended. (Ord. No. 86, eff. Mar. 5, 2007)

ARTICLE XVII

ZONING COMMISSION

- 17.1 **CREATION:** There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Commission, consisting of not less than five nor more than eleven members, constituted and appointed as provided by said Act. (Ord. No. 93, eff. Dec. 31, 2007) *Note: The words "Zoning Board" were changed to "Zoning Commission" throughout the Martin Township Zoning Ordinance by Ord. No. 93.*
- 17.2 **JURISDICTION AND POWERS:** (Ord. No. 86, eff. Mar. 5, 2007) (Ord. No. 93, eff. Dec. 31, 2007) The Zoning Commission shall have all powers and jurisdiction granted by Public Act 110 of 2006, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:
1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.
 2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.
- 17.3 **MEETINGS:** The Zoning Commission shall hold at least two regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the Township. Notice shall be given not less than 15 days before the meeting. Any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Commission. Additional meetings may be held at other times as the Zoning Commission deems necessary for the efficient conduct of its business, giving notice as required by law and according to the provisions of Section 19.3 of this ordinance. The Zoning Commission is subject to the Open Meetings Act, PA 267 of 1976. (Ord. No. 86, eff. Mar. 5, 2007)
- 17.4 **FEES:** Upon filing of an application to the Zoning Commission for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Commission, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

- 17.5 **ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE:** The Zoning Commission shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Commission may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 110 of 2006, as amended. (Ord. No. 86, eff. Mar. 5, 2007)
- 17.6 **MINUTES AND RECORDS:** The secretary or acting secretary of the Zoning Commission shall keep minutes of Zoning Commission proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Commission. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.
- 17.7 The legislative body shall provide for the removal of a member of the Zoning Commission for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing. (Ord. No. 86, eff. Mar. 5, 2007)

ARTICLE XVIII

ZONING BOARD OF APPEALS

18.1 CREATION: There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act. One member of the Zoning Board of Appeals shall be a member of the Zoning Commission, and no elected official shall serve as chairperson. (Ord. No. 86, eff. Mar. 5, 2007) (Ord. No. 93, eff. Dec. 31, 2007)

18.2 JURISDICTION AND POWERS: (Ord. No. 86, eff. Mar. 5, 2007) The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 110 of 2006, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there is practical difficulty in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
4. The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect of a determination or decision made with regard to a special land use or planned unit development. (Ord. No. 93, eff. Dec. 31, 2007)

18.3 VARIANCES: (Ord. No. 86, eff. Mar. 5, 2007) Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after a public hearing held according to the requirements of Public Act 110 of 2006 as amended and Section 19.3 of this Ordinance, shall have the power to decide applications for dimension variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provisions of this ordinance; or,
2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulty; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or,
3. Where it is alleged that there is practical difficulty in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. **Standards:** No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:
 - A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or,
 - B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,
 - C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. **Conditions:** The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this ordinance.

- 18.5 **LAND USE VARIANCE:** The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).
- 18.6 **ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE:** The Zoning Board of Appeals shall elect a chairperson and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 110 of 2006, as amended. (Ord. No. 86, eff. Mar. 5, 2007)
- 18.7 **MEETINGS:** Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

18.8 **MINUTES AND RECORDS:** The secretary or acting secretary of the Zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

18.9 **FEES:** Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

18.10 **PUBLIC HEARING REQUIRED** (Ord. No. 86, eff. Mar. 5, 2007)

1. Upon receipt of a written request for a variance, a public hearing shall be held in accordance with the provisions of Section 19.3 of this Ordinance. The notice of the public hearing shall include the nature of the variance request.

2. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

18.11 A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. (Ord. No. 86, eff. Mar. 5, 2007)

18.12 The decision of the Zoning Board of Appeals shall be final, and any party aggrieved by any such decision may appeal to the Circuit Court for Allegan County, as provided under PA 110 of 2006 as amended. The records of the Zoning Board of Appeals shall be made available for the court's review. Such appeal shall be filed within 30 days after the Zoning Board of Appeals certifies its

decision in writing or approves the minutes of this decision. (Ord. No. 86, eff. Mar. 5, 2007)

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

- 19.1 **ZONING ADMINISTRATION:** The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.
- 19.2 **ZONING ADMINISTRATOR:** The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.
- 19.3 **PUBLIC NOTIFICATION REQUIREMENTS:** (Ord. No. 86, eff. Mar. 5, 2007) All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.
1. **Responsibility for Public Notice:** The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Martin Township and mailed or delivered as provided in this Section.
 2. **Notice Requirements:** Notice of a public hearing for a rezoning, special exception use, text amendment, planned unit development, variance, appeal, ordinance interpretation, or for any other hearing required in the Zoning Ordinance shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
 - A. **Newspaper Notice:** The notice shall be published in a newspaper that circulates in Martin Township.
 - B. **Mail and Personal Notice:** Except for a text amendment or ordinance interpretation which does not apply to a specific property, the notice shall be sent by first class mail or personal delivery to:
 - (1) The owner of property for which approval is being considered, and the applicant, if different from the owner(s) of the property.

- (2) Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Martin Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.

In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- (3) All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to Section 19.3, 3. Registration to Receive Notice by Mail.

C. **Record of Mailing:** The clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing

D. **Content of Notice:** The public notice shall:

- (1) Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

- (2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- (3) Indicate the date, time and place of the public hearing(s).

- (4) Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.
3. **Registration to Receive Notice by Mail:** Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development approval as described by these Public Notification Requirements.

ARTICLE XX

VIOLATION AND PENALTIES

- 20.1 **PENALTIES:** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.
- 20.2 **AUTHORITY TO COMMENCE LEGAL ACTION:** The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

- 21.1 **INITIATION OF AMENDMENTS:** Amendments to this Ordinance may be initiated by the Zoning Commission or Township Board by resolution, or by any interested person or persons by petition to the Township Board.
- 21.2 **AMENDMENT PETITION PROCEDURE:** All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:
1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
 2. The nature and affect of the proposed amendment.
 3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
 4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
- 21.3 **AMENDMENT PROCEDURE:** After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as amended. (Ord. No. 86, aff. Mar. 5, 2007)

ARTICLE XXII

MISCELLANEOUS PROVISIONS

- 22.1 **SEVERABILITY:** This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
- 22.2 **REPEAL:** This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1976, and supersedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.
- 22.3 **EFFECTIVE DATE:** This Ordinance was approved by the Township Board on September 10, 1986 and is ordered to take immediate effect.
- 22.4 **ADMINISTRATIVE LIABILITY:** No officer, agent, employee, or member of the Zoning Commission, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

SUBDIVISION ORDINANCE

ORDINANCE NO. 83
Effective March 28, 2007

MARTIN TOWNSHIP SUBDIVISION ORDINANCE

**AN ORDINANCE TO PROVIDE REGULATIONS FOR THE
SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF
MARTIN AND TO PROVIDE PENALTIES FOR THE
VIOLATION THEREOF.**

THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN ORDAINS:

ARTICLE I **General**

Section 1.01 Legal Basis; Purpose. This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Land Division Act of 1967. ("Act 288") This Ordinance is intended to provide for the proper and orderly subdivision of land in the Township, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

Section 1.02 Fee Schedule. Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Township Board, and until the fee is paid the plat shall not be considered or reviewed.

Section 1.03 Definitions. All terms herein shall have the meanings and definitions given by Act 288.

Section 1.04 Scope and Conflict. The provisions of this Ordinance apply to all platted subdivisions of land within the Township. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

Section 1.05 Certification of Plats and Drawings. All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

ARTICLE II

Preliminary Plat Application and Review Procedures

Section 2.01 Submission of Plats. The Proprietor of any land proposed to be subdivided shall submit 10 copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this Ordinance, to the Township Clerk who shall forward the plans to the Zoning Commission for its next meeting.

Section 2.02 Preliminary Plat, Required Information.

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- (1) The name or title of the proposed subdivision.
- (2) Legal description of the proposed plat.
- (3) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.
- (4) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- (5) A small-scale vicinity map showing location of project within the Township, and the name and location of abutting subdivisions, land divisions, and site condominium developments.
- (6) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- (7) The location of all existing features affecting the subdivision, such as railroads, expressways, buildings, trees, ditches, watercourses and other physical features.
- (8) Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- (9) Location of utility and drainage easements.
- (10) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.

- (11) If the proposed subdivision is not to be served by public or community sewer and water systems, a written statement from the Allegan County Health Department regarding the suitability of the soils for on-site septic systems.
- (12) Location and dimension of lots, including road frontage, radii of all curves and approximate location of all setback lines.
- (13) When any part of the subdivision lies within or abuts a floodplain area:
 - a. The floodplain, as established by the state department of natural resources, shall be shown within a contour line.
 - b. The contour line shall intersect the sidelines of the lots.
 - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
 - d. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."
- (14) Any proposed covenants and deed restrictions to be imposed upon the use of property in the subdivision or a statement in writing that none are proposed. If common areas are to be reserved for use by the residents of the subdivision, copies of an agreement indicating how the area will be maintained shall be submitted.
- (15) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.
- (16) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.
- (17) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- (18) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one hundred (100) feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- (19) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways. Any lighting

of common areas shall also be shown and such lighting shall comply with the outdoor lighting requirements contained in the Township Zoning Ordinance.

- (20) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
- (21) Location of existing and proposed slopes which are twelve (12) percent or greater, which may be altered by the development or the construction of buildings within the development.
- (22) Zoning and use of the proposed subdivision and on adjacent properties.

Section 2.03 Tentative Preliminary Plat; Tentative Approval Procedure.

- (1) A preliminary plat shall be referred to the Zoning Commission, which shall consider it and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Zoning Commission on the preliminary plat. For such hearing, notice shall be given no less than fifteen (15) days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current Township tax assessment rolls. (Ord. No. 85, eff. Mar. 16, 2007)

The preliminary plat, together with minutes showing the action of the Zoning Commission thereon, shall be referred to the Township Board.

- (2) The Township Board shall grant tentative approval of or shall disapprove the preliminary plat not later than 90 days after the preliminary plat was first submitted by the proprietor provided all information as required for submission of the preliminary plat has been submitted by the applicant. Such time period may be extended with the consent of the applicant.

If the preliminary plat is not approved, the Township Board shall set forth in writing its reasons for rejection. The Township Board shall record its approval or disapproval on the plat and return one copy to the Proprietor.

- (3) Tentative approval under this section shall confer upon the Proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Township Board.

Section 2.04 Preliminary Plat; Final Approval Procedure.

- (1) Following tentative approval of the preliminary plat by the Township Board, the Proprietor shall:**
 - a. Submit the preliminary plat to all other reviewing authorities as required by Act 288.**
 - b. Submit a list of all such authorities to the Township Clerk, certifying that the list shows all approving authorities as required by Act 288.**
 - c. Submit all approvals to the Township Clerk after they have been secured.**
- (2) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Township Board as soon as possible prior to the next regularly scheduled meeting.**
- (3) The Township Board shall, at its next regularly scheduled meeting or within 20 days following submission of the required materials shall:**
 - a. Consider and review the preliminary plat and approve it if the Proprietor has met all conditions specified for approval of the preliminary plat.**
 - b. Instruct the Township Clerk to notify the Proprietor of approval or rejection in writing.**
- (4) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. This period may be extended by the Township Board.**

ARTICLE III

Final Plat Application and Review Procedure

Section 3.01 Requirements.

- (1) Final plats shall be prepared and submitted as provided in Act 288.
- (2) A written application for approval and all recording and other Township and State fees shall accompany all final plats.
- (3) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Township.
- (4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

Section 3.02 Procedure: Final Plat.

- (1) The final plat shall be submitted not less than 20 days prior to the next regular meeting of the Township Board. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.
- (2) The Township Board shall examine the final plat at the next regularly scheduled meeting or within 20 days after submission of the plat, and the Board shall either approve or disapprove the plat.

Section 3.03 Improvements and Facilities.

- (1) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 3.04.
- (2) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.
- (3) Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk coincident with the submission of the final plat.

Section 3.04 Security for Completion.

- (1) In lieu of completion of some or all required improvements, the Township Board may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.

- (2) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.
- (3) Security shall remain in force for a time to be specified by the Township Board.
- (4) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.
- (5) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Township staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

Section 3.05 Certificates on Final Plat. The final plat shall include proper certificates for the Township Clerk to certify the approval of the plat by the Township Board, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

ARTICLE IV

Improvements and Regulations

Section 4.01 General. The following standards shall apply to all subdivisions within the Township.

Section 4.02 Lots.

- (1) All lots shall face upon, and have direct access to, a public or private street.
- (2) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- (3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the Zoning Ordinance. If public water and sewer are available, the provisions of the Township Zoning Ordinance shall override Section 186 of Act 288.
- (4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.
- (5) The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
- (6) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.
- (7) Lots in subdivisions bounded by existing streets shall only have access from internal streets constructed to serve the subdivision and not directly to such existing streets. The Township Board following a recommendation from the Zoning Commission may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth, topography or other natural features of the land to be subdivided or if the proposed subdivision is located on a local street which has a low volume of traffic.
- (8) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major arterial streets, expressways, or

railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts. The greenbelt shall contain plantings of sufficient size and number to provide a visual screen for subdivision residents. The greenbelt may contain an earthen berm in conjunction with plantings.

Section 4.03 Usable Land. All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Township. For private streets and other areas under the control of a subdivision property owners association or similar organization, the Township may require a recorded agreement whereby the Township may maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

Section 4.04 Dedication. Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards for private roads as required by the Township Zoning Ordinance, and shall include easements for public utilities within the street and at least fifteen feet on either side thereof.

Section 4.05 Street Names. Street names shall be approved by the Township Board with final approval by the Allegan County Road Commission before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

Section 4.06 Street Alignment and Layout.

- (1) The subdivision layout shall conform to the Master Plan of the Township.
- (2) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.
- (3) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.
- (4) The Township Board may require, upon a recommendation of the Zoning Commission, that the subdivision shall be served by a secondary means of access. This secondary access shall meet the minimum standards for

public or private roads, as the case may be, as required by applicable Martin Township Ordinances.

- (5) Intersections of subdivision streets shall be at least 250 feet from the intersection of a public or private street on either side of the road as measured from centerline to centerline.

Section 4.07 Street Design Standards. Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Allegan County Road Commission.

Section 4.08 Sidewalks.

- (1) Except as otherwise provided in this section, sidewalks at least five feet wide, on both sides of the street, shall be provided for and installed in all plats. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.
- (2) Such sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Township Board, following a recommendation of the Zoning Commission, approves an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.
- (3) Mid-block crosswalks shall be provided where blocks exceed 800 feet in length.
- (4) The following are exceptions from Section 4.08(1):
 - a. Sidewalks are required on only one side of the street if the other side clearly cannot be developed and if there are no existing or anticipated uses that would generate pedestrian trips on that side.
 - b. In residential subdivisions, sidewalks are required on one side only of a street intended primarily to provide access to abutting properties if the average lot width on the street is greater than or equal to 100 feet.
 - c. In residential subdivisions, no sidewalks are required adjacent to streets intended primarily to provide for access to abutting properties if the average lot width on the street is greater than or equal to 150 feet. Provided, however, that a sidewalk shall be required on one side of the street for such portions of any street located within 1,500 feet of a school site which may be on a walking route to the school.

- (5) Also in their discretion, the Zoning Commission may recommend and the Township Board may approve the waiving, in whole or in part, of the sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Zoning Commission and Township Board shall consider and make findings upon the following factors:
- a. Whether the installation of sidewalks would be a reasonably appropriate plat improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.
 - b. The likelihood that pedestrians will make reasonable use of sidewalks in the plat, currently and in the future.
 - c. Whether there are other sidewalks already installed on adjacent or nearby lands.
 - d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the platted lands.

Section 4.09 Street Lighting. Adequate street lights may be required to be provided and such lighting shall comply with the applicable requirements for lighting as contained in the Township Zoning Ordinance.

Section 4.10 Public Utilities.

- (1) Public electricity and telephone shall be furnished to each lot in the subdivision.
- (2) All utilities shall be installed and maintained underground and in appropriate easements.
- (3) Utility easements shall be provided adjacent to lot lines. The width of such easements shall be not less than ten feet.
- (4) When a proposed subdivision is to be served by a publicly-owned or privately-owned public water system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.
- (5) If there is no existing or available publicly-owned water supply system, the subdivider may be required to install a privately-owned public water supply system for drinking and fire protection purposes for the common use of the lots within the subdivision in accordance with the requirements of the Safe

Drinking Water Act, Act 399 of the Public Acts of Michigan of 1977, as amended, or successor statute of like import, and with the requirements of Township Ordinance.

Section 4.11 Natural Features. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.

Section 4.12 Drainage. An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

ARTICLE V

Variance

Section 5.01 A variance from the provisions of this Ordinance may be granted as follows:

- (1) If the Proprietor demonstrates that literal enforcement of this Ordinance would result in a practical difficulty, or would impose an unnecessary hardship in the use of the land, Township Board, upon recommendation of the Zoning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this Ordinance. The Township may attach conditions to the variance.
- (2) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land. Unnecessary hardship shall mean a condition of impracticability or unreasonableness that would result from the application of a provision of this Ordinance.
- (3) In determining whether to grant a variance under the terms of this subsection, the Township Board may depart from the recommendation thereon made by the Zoning Commission.
- (4) In considering whether a variance shall be recommended, in the case of the Zoning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:
 - (a) That there are special circumstances or conditions affecting the property, that would make the strict application of a provision of this Ordinance impracticable or unreasonable.
 - (b) That the granting of the requested variance would not be detrimental to the subdivision development or to adjacent or nearby lands.
 - (c) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this ordinance.
 - (d) That the granting of the requested variance would not violate any provision of the Michigan Land Division Act.
- (5) A petition for a variance shall be submitted together with the submission of the preliminary plat for consideration of a recommendation on tentative approval by the Zoning Commission. Notice that a request for a variance

that has been received shall be included in the notice of public hearing on the preliminary plat provided in Section 2.03, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Zoning Commission to the Township Board after public hearing following notice given in accordance with Section 2.03.

- (6) A variance from any provisions of the Martin Township Zoning Ordinance, not involving the Subdivision Ordinance, shall be considered by the Zoning Board of Appeals in accordance with the applicable provisions of this ordinance concerning the Zoning Board of Appeals.

ARTICLE VI

Enforcement

Section 6.01 No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Township Board in accordance with the requirements of this Ordinance.

Section 6.02 No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Allegan County Register of Deeds.

Section 6.03 No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

Section 6.04 Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

Section 6.05

- (1) A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 nor more than \$1,500 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense.
- (2) The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Land Division Act.

Section 6.06 In addition to any other available remedy, the Township may in its discretion bring an action in its own name to restrain or prevent any violation of this ordinance or any continuance of such violation. In such case the person found violating this ordinance shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

ARTICLE VII

Division of Platted Lots

Section 7.01 Prohibition. No lot or other parcel of land located within a recorded plat shall be further partitioned or divided, or a building permit issued for a partitioned or divided lot, unless such partition or division is first approved by the Township Board as provided in this article. No partition or division of a lot may result in the creation of a lot that does not satisfy the applicable minimum lot area and dimension requirements of the Township zoning ordinance, this ordinance or Act 288.

Section 7.02 Approval of Platted Division of Lots

- (1) Any proprietor or lot owner who desires to divide, partition or split a lot, outlot, or other parcel of land located in a recorded plat shall complete an application on a form provided by the Township and shall file the same with the Township Clerk, together with payment of any application fee that may be required. The application shall include a drawing, drawn to scale, showing the proposed division or partition and all adjoining lots, streets and other adjoining parcels. If the applicant proposes to construct a dwelling or other building on the resulting or remaining lot, or both of them, and if sanitary sewer service and/or water supply are proposed to be provided by an individual septic tank and/or water supply well, the application shall also include a written approval or other statement from the County Health Department indicating approval of the proposed septic tank and drain field system and/or water supply well.
- (2) Once the application and other materials are complete, the clerk shall forward the same to the Zoning Commission. The Commission shall review the application and other materials at a public meeting and shall make a recommendation thereon to the Township Board.
- (3) In reviewing the application, the Zoning Commission and Township Board shall consider whether the request is consistent with all applicable Township Ordinances, Act 288, and other applicable State laws, and whether the proposed division or partition is consistent with the general public health, safety and welfare.
- (4) On receiving the recommendation of the Zoning Commission, the Township Board shall either approve or deny the application. In approving the application, the Board may include such reasonable terms and conditions as it deems appropriate.

ARTICLE VIII

Other Matters

Section 8.01 Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

Section 8.02 Effective Date. This Ordinance shall take effect thirty days after its publication in the manner provided by law.

YEAS: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
Township Clerk

Ordinance becomes effective: March 28, 2007

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on February 14, 2007. Public notice of such meeting was given as provided by law.

Carrie Coburn
Township Clerk

**ORDINANCE #30
NEW TOWNSHIP ZONING
ORDINANCE
EFFECTIVE: SEPTEMBER 24, 1986**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE 616.335.4500

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LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT C. TRALL

ROXANNE C. SEEBER
JAMES W. PORTER

February 18, 1999 Martin Township

Tracie L. Mooren, Clerk
1850 10th Street
Martin, MI 49070-9732

Re: Township Officials form

Dear Tracie:

I have enclosed a copy of a form that we ask you to complete and return to me. This helps us to know who is involved on your various boards and/or commissions.

I have also enclosed a procedures list for rezonings, text amendments, and land use amendments. Be advised that whenever an ordinance is adopted state statutes require that said ordinance be published within 15 days of adoption. Because the Peninsula Globe publishes only on Mondays, we need plenty of lead time to get the notice published with the 15 day period. It would be a good idea to notify us the day after an ordinance has been adopted so we publish in a timely manner.

Thank you for your attention to these necessary details.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


John K. Lohrstorfer

JKL:bap
enclosures

**PROCEDURES FOR REZONINGS, AMENDMENTS TO THE LAND USE PLAN
AND FOR TEXT AMENDMENTS TO THE ZONING ORDINANCE**

GENERAL LAW TOWNSHIP

Planning Commission/Zoning Board

For text amendments, rezoning and land use amendment requests:

Send notice of public hearing before either the Planning Commission (Zoning Board) to a newspaper of general circulation within the Township for publication 20-30 days and again 1-8 days prior to said hearing. When a Land Use Plan amendment is also requested, the publication must be exactly 30 days and again not less than 7 days prior to the hearing. (Zoning Township text amendments).

For rezonings and land use amendment requests only:

1. Notice to all utilities and railroads not less than 20 days prior to the hearing. Complete Affidavit of Mailing for filing in the Ordinance book.
2. Mail notice to all property owners within 300 feet of subject property not less than 8 days prior to the hearing. Prepare Affidavit of Mailing for filing in the Ordinance book.
3. After the public hearing prepare a Recommendation to the Board of Trustees with a copy to the County Planning Commission/Zoning Board which has 30 days to comment.

Township Board

1. Within 15 days of approval of the Zoning Ordinance by the Township Board, publish a Notice of Adoption in a newspaper of general circulation within the Township.
2. Prepare a Certificate for the clerk showing how each trustee voted on the Ordinance.

Note: If a synopsis of the Ordinance is published rather than the full text, the full Ordinance must be posted within the Township in accordance with the law and statutes covering such postings. Prepare an Affidavit of Posting for filing in the Ordinance book.

PROCEDURE FOR REQUEST FOR SPECIAL EXCEPTION USE

1. Publish notice of public hearing before either the Planning Commission or the Zoning Board not more than 15 nor less than 5 days prior to the hearing. Only one publication is required.
 2. Mail notice to all property owners within 300 feet of the subject property not less than 8 days prior to the hearing. Prepare Affidavit of Mailing for your file.
-

PUBLICATION DEADLINES FOR SPECIAL ASSESSMENTS

1. First notice is to be published not less than 10 days prior to the hearing.
2. Second notice is to be published within 10 days of hearing.

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:**

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on February 10, 1999, the Board adopted an ordinance which rezones certain property located within the Township. The Township Board considered rezoning the following described parcel consisting of 37.59 acres from commercial to "R-3" Residential:

That part of the west fractional one half of the northwest fractional one quarter of Section 30, T2N, R11W, Martin Township, Allegan County, Michigan, lying east of the easterly right of way line of US Highway 131, commencing at the North one quarter corner of said Section 30.

PLEASE TAKE FURTHER NOTICE that the Board DENIED the rezoning of the front most northern 3.91+/- acres of the above described property adjacent to Michigan Route 222, which portion shall remain zoned for commercial use.

PLEASE TAKE FURTHER NOTICE that the Township Board APPROVED the rezoning of the remaining 33.68 acres of the above described property from a Commercial to an "R-3" Residential classification.

PLEASE TAKE FURTHER NOTICE that a full and complete copy of the Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, (616) 672-5027 during regular business hours of regular working days, and at such other times as may be arranged.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
114 Templeton
Martin, MI 49070**

FAXED
2-17-99

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 362-4500

FAX (616) 362-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SCHEER
JAMES W. PORTER

February 17, 1999

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Legal Notice for Martin Township

Ladies:

Please publish the enclosed Notice for Martin Township on Monday, February 22, 1999. Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, and forward one Affidavit of Publication to this office.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


John K. Lohrstorfer

JKL:bep
Enclosure
cc: Tracie Moored, Clerk

C:\WPDOCS\Martin Twp\Penasee Globe.wp4

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

122 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
-908-1872

JOHN M. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEELEN

June 25, 1998

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
113 Chestnut Street
Allegan, Mi 49010

Re: Review of Recommended Martin Township Zoning
Ordinance/Map and Land Use Plan Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing one proposed amendment to the Martin Township Zoning Ordinance/Map (rezoning) and a corresponding recommendation regarding the Land Use Plan, as recommended by the Martin Township Zoning Board pursuant to a public hearing held April 10, 1997.

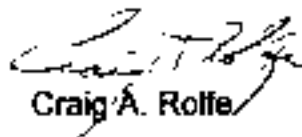
I am also enclosing a copy of the minutes of the Martin Township Zoning Board special meeting/public hearing held April 10, 1997 with respect to this matter.

Please have the Planning Commission indicate on the enclosed form its approval or disapproval of the Zoning Board recommendation, and return the form to this office for final action by the Martin Township Board.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

Allegheny County Planning Commission
June 25, 1998
Page 2

CAR:CKJ

Encs.

cc: Darl Evers
Terry Sturgis
Tracie Moored

PS: The April 10, 1997 Zoning Board public hearing date on this matter is correct. The Zoning Board recommendation on this matter could not be submitted until the owner of the property provided the Township with an accurate legal description of the area recommended for rezoning. The necessary information was only recently submitted to the Township, and then forwarded on to me by letter of June 17. Those materials are also enclosed.

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN M. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEGER

October 29, 1997

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, Michigan 49010

Re: Review of Recommended Martin Township Zoning
Ordinance/Map and Land Use Plan Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing one proposed amendment to the Martin Township Zoning Ordinance/Map (rezoning) and a corresponding recommendation regarding the Land Use Plan, as recommended by the Martin Township Zoning Board pursuant to a public hearing held April 10, 1997.

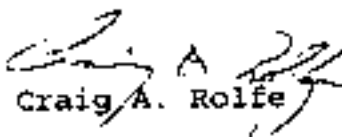
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Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: Darl Evers
Terry Sturgis
Tracie Moored

PS: You and the Planning Commission members will no doubt be curious as to the delay between the public hearing and the

submission of this recommendation. At the April 10 Zoning Board proceedings the Board also held a public hearing on another rezoning request, and recommended rezoning of a portion of the property. However, this recommendation cannot be submitted until the owner of the property provides the Township, and me, with an accurate legal description of the area recommended for rezoning. In anticipation that this legal description would be forthcoming I held-up the Section 36 rezoning recommendation so that I could submit both recommendations to you at the same time. Unfortunately, the property owner has not responded to repeated requests to submit the necessary accurate legal description. Accordingly, the Zoning Board recommendation on that matter will not be submitted to the Planning Commission unless and until I receive an accurate legal description of the area recommended for rezoning. None of this has any bearing whatsoever on the enclosed Zoning Board recommendation concerning property in land Section 36, but I thought you ought to know why there was such a delay in submitting this Section 36 recommendation for County Planning Commission review.

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-7040

HARRY F. SMITH
1906-1972

JOHN M. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

ROBERT E. THALL
ROXANNE C. SEEGER

October 29, 1997

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, Michigan 49010

Re: Review of Recommended Martin Township Zoning
Ordinance/Map and Land Use Plan Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing one proposed amendment to the Martin Township Zoning Ordinance/Map (rezoning) and a corresponding recommendation regarding the Land Use Plan, as recommended by the Martin Township Zoning Board pursuant to a public hearing held April 10, 1997.

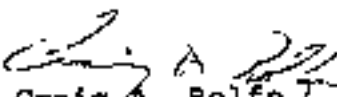
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Please have the Planning Commission indicate on the enclosed form its approval or disapproval of the Zoning Board recommendation, and return the form to this office for final action by the Martin Township Board.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le

Enclosures

cc: Darl Evers
Terry Sturgis
Tracie Moored

PS: You and the Planning Commission members will no doubt be curious as to the delay between the public hearing and the

submission of this recommendation. At the April 10 Zoning Board proceedings the Board also held a public hearing on another rezoning request, and recommended rezoning of a portion of the property. However, this recommendation cannot be submitted until the owner of the property provides the Township, and me, with an accurate legal description of the area recommended for rezoning. In anticipation that this legal description would be forthcoming I held-up the Section 36 rezoning recommendation so that I could submit both recommendations to you at the same time. Unfortunately, the property owner has not responded to repeated requests to submit the necessary accurate legal description. Accordingly, the Zoning Board recommendation on that matter will not be submitted to the Planning Commission unless and until I receive an accurate legal description of the area recommended for rezoning. None of this has any bearing whatsoever on the enclosed Zoning Board recommendation concerning property in land Section 36, but I thought you ought to know why there was such a delay in submitting this Section 36 recommendation for County Planning Commission review.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

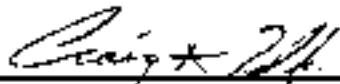
**RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD APRIL 10, 1997**

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Rezone the portion of land Section 22 shown and described as "Parcel B" on the attached survey map and legal description from the existing Agricultural District zoning classification to the R-2 Low Density Residential District zoning classification.

The Zoning Board also recommends a corresponding amendment of the Martin Township Land Use Plan to change the planning designation of the property described above from the Agricultural classification to the Low Density Residential classification.

MARTIN TOWNSHIP ZONING BOARD

By: 
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~approves~~-disapproves) the same for consideration by the Martin Township Board, subject to the following:

Date: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

Mr. Craig Rolfe, Esq.
132 W. South Street, #500
Kalamazoo, MI 49007

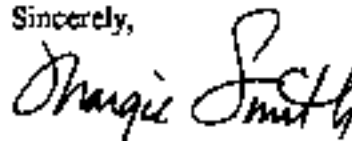
June 17, 1998

Re: Ronald Rooble's Survey

Dear Mr. Rolfe:

Enclosed for your records is the Survey of Ronald Rooble's property which he finally completed and delivered to Township Zoning Board Chairman Daryl Evers. Please call if you have any questions at (616)456-2404.

Sincerely,



Margaret A. Smith
Secretary
Martin Township Zoning Board

enclosure

NORTHWEST CORNER, SECTION 22,
TOWN 2 NORTH, RANGE 11 WEST

NORTH 1/4 POST, SEC. 22,
TOWN 2 NORTH, RANGE 11 WEST

P.O.B.
PARCEL "A"
N 89°26'26" E
735.13'

118TH AVENUE - 66' R/W

N 89°26'26" E
1307.21'

530.88'

6TH STREET - 66' R/W

PARCEL - A
HOUSE PARCEL
23.81 ACRES

P.O.B.
PARCEL "B"

NORTH SECTION LINE

S 89°28'28" W
483.00'

S 60°09'23" E
500.00'

NORTH & SOUTH 1/4 LINE

PARCEL - B
R-2 REZONING
44.65 ACRES

S 00°08'23" E
811.00'

N 89°28'26" E
590.88'

5TH STREET - 66' R/W

S 00°08'23" E
374.00'

S 89°25'25" W
823.88'

S 89°25'25" W
608.13'

483.00'

N 89°28'26" E

N 00°09'23" W
174.00'

S 89°25'25" W
517.00'

WEST SECTION LINE

E & W 1/8 LINE, NW 1/4

N 00°00'32" W
501.51'

S 00°08'23" E
491.96'

P.O.B.
PARCEL "C"

814.31'

1331.31'

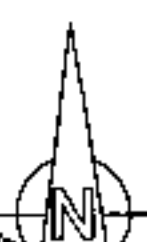
N 89°25'25" E

517.00'

PARCEL - C
20.06 ACRES

N 00°00'32" W
858.41'

S 00°08'23" E
658.01'



WEST 1/4 POST, SECTION 22,
TOWN 2 NORTH, RANGE 11 WEST

EAST & WEST 1/4 LINE

CENTER, SECTION 22,
TOWN 2 NORTH, RANGE 11 WEST

I, RAYMOND E. MOORED, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND DESCRIBED AND DELINEATED HERON; THAT SAID PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AS PERFORMED BY ME; AND THAT THERE ARE NO ENCROACHMENTS OTHER THAN THOSE SHOWN ON THE SURVEY; AND THAT THE SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE OF NOT GREATER THAN 1/10000 OF THE PERIMETER.

DATE: 4/22/78

Client: RON ROOBAL
Date: 4-21-78 Job Number: 97-1218

Raymond E. Moored

Surveyor: RAYMOND E. MOORED, State of Michigan, No. 28469

MOORED AND SURVEYING

1700 GREENWOOD AVENUE
ANN ARBOR, MICHIGAN 48106

BOONE
1700 GREENWOOD AVENUE
ANN ARBOR, MICHIGAN 48106

SKETCH OF DESCRIPTION

PARCEL - A (HOUSE PARCEL):

THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWN 2 NORTH, RANGE 11 WEST, DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 22; THENCE NORTH 89°-28'-25" EAST ON THE NORTH SECTION LINE, 735.13 FEET; THENCE SOUTH 3°-42'-24" EAST ALONG A FENCE, 1323.38 FEET TO THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4; THENCE SOUTH 89°-25'-25" WEST ON SAID 1/8 LINE, 623.89 FEET TO THE WEST SECTION LINE; THENCE NORTH 00°-05'-19" EAST ON SAID WEST SECTION LINE, 1321.72 FEET TO THE PLACE OF BEGINNING.
SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PART OF THE ABOVE PARCEL LYING WITHIN THE RIGHT-OF-WAY OF 6TH STREET AND 118TH AVENUE.

PARCEL - B (LEGAL DESCRIPTION FOR REZONING):

THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWN 2 NORTH, RANGE 11 WEST DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE NORTH 89°-28'-25" EAST ON NORTH SECTION LINE, 735.13 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING NORTH 89°-28'-25" EAST ON THE NORTH SECTION LINE, 1387.21 FEET TO A POINT SOUTH 89°-25'-25" WEST, 530.89 FROM THE NORTH 1/4 POST OF SAID SECTION; THENCE SOUTH 00°-09'-23" EAST PARALLEL TO THE NORTH AND SOUTH 1/4 LINE, 220.00 FEET; THENCE SOUTH 89°-26'-25" WEST PARALLEL TO THE NORTH SECTION LINE, 483.00 FEET; THENCE SOUTH 00°-09'-23" EAST, 911.00 FEET; THENCE NORTH 89°-25'-26" EAST, 483.00 FEET; THENCE NORTH 00°-09'-23" WEST, 174.00 FEET; THENCE NORTH 89°-25'-26" EAST, 530.89 FEET TO THE NORTH AND SOUTH 1/4 LINE; THENCE SOUTH 00°-09'-23" EAST ON SAID 1/4 LINE, 374.00 FEET; THENCE SOUTH 89°-25'-25" WEST PARALLEL TO THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4, 517.00 FEET; THENCE SOUTH 00°-09'-23" EAST, 491.36 FEET; THENCE SOUTH 89°-25'-25" WEST, 814.31 FEET; THENCE NORTH 00°-00'-32" WEST ON THE NORTH AND SOUTH 1/8 LINE OF THE NORTHWEST 1/4, 501.51 FEET; THENCE SOUTH 89°-25'-25" WEST ON THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4, 509.13 FEET; THENCE NORTH 03°-42'-24" WEST, 1323.38 FEET TO THE PLACE OF BEGINNING.
SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PART OF THE ABOVE PARCEL LYING WITHIN THE RIGHT-OF-WAY OF 118TH AVENUE AND 6TH STREET.

PARCEL - C:

THAT PART OF THE NORTHWEST 1/4 OF SECTION 22, TOWN 2 NORTH, RANGE 11 WEST DESCRIBED AS COMMENCING AT THE NORTH 1/4 POST OF SAID SECTION 22; THENCE SOUTH 00°-09'-23" EAST ON THE NORTH AND SOUTH 1/4 LINE, 1822.36 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00°-09'-23" EAST ON SAID 1/4 LINE, 859.01 FEET; THENCE SOUTH 89°-24'-25" WEST PARALLEL TO THE EAST AND WEST 1/4 LINE OF SAID SECTION, 1333.01 FEET; THENCE NORTH 00°-00'-32" WEST ON THE NORTH AND SOUTH 1/8 LINE OF THE NORTHWEST 1/4, 859.41 FEET; THENCE NORTH 89°-25'-25" EAST PARALLEL TO THE EAST AND WEST 1/8 LINE OF THE NORTHWEST 1/4, 1331.31 FEET TO THE PLACE OF BEGINNING.
SUBJECT TO THE RIGHTS OF THE PUBLIC IN THAT PART OF THE ABOVE PARCEL LYING WITHIN THE RIGHT-OF-WAY OF 6TH STREET.



I, RAYMOND E. MOORED, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN, HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND DESCRIBED AND DELINEATED HEREON; THAT SAID PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE SURVEY AS PERFORMED BY ME; AND THAT THERE ARE NO ENCROACHMENTS OTHER THAN THOSE AS SHOWN ON THE SURVEY; AND THAT THE SURVEY WAS PERFORMED WITH AN ERROR OF CLOSURE OF 1:7,500 OR GREATER.

DATE: 4/22/98

Client: RON ROOBAL
 Date: 4-21-98 Job Number: 87-1215
 Location: MARTIN Twp., ALLEGAN County
 Being In Section: 22, T: 2N, R: 11W

Raymond E. Moored
 Raymond E. Moored P.S. # 26463

MOORED LAND SURVEYING
 404 WATER STREET Telephone 1-616-673-6402
 P.O. BOX 291 Fax 1-616-673-8192
 ALLEGAN, MICHIGAN 49810

LEGEND
 ○ SET IRON
 ● FOUND IRON
 □ FLAT MONUMENT
 — MEASURED DISTANCE
 - - - RECORDED DISTANCE
 = FENCE

MARTIN TOWNSHIP ZONING BOARD
SPECIAL MEETING/PUBLIC HEARING

April 10, 1997

The Martin Township Zoning Board held a Special Meeting and Public Hearing on April 10, 1997 at the Martin Town Hall. Board members present were Chairman Evers, Secretary Smith, Members Brenner, Westendorp, MacVean, DeYoung, and Nobbs. Also in attendance was Ray Moore, David McBride, Ronald and Mrs. Rooble, Lynn and Deb Philley, Ellis and Marchain Marshall, Ferris Moore and Ron MacVean. The meeting was called to order at 7:30pm. The minutes from the previous meeting held on March 6, 1997, were read aloud in their entirety. No additions or corrections were made and the minutes were approved as read.

The public hearing portion of the meeting was then opened. A public hearing was requested by Mr. Ronald Rooble, 1777 6th Street, Martin for a zoning change of property located in the northwest corner of Section 22, near East Martin Reformed Church. He advised that the Church had bought 10 acres to build the school and he wished to divide his property to build some houses in a concentrated area. A plan was submitted to the board and much discussion followed. Ray Moore advised the Board that even if he was not granted a zoning change, Mr. Rooble would still be able to divide his property under the Land Division Act, Public Act 291, Senate Bill 112 which became effective on March 31, 1997. Mr. Rooble's 80 acres could be divided into about 13-15 parcels depending on the road frontage etc. Mr. Rooble proposed that a road would be built to give access to the school to run the busses. He hopes at this time to only develop about 40 of the acres and leave the rest for agricultural farming. Member Brenner moved that the portion of land identified by the Board be rezoned R-2 low density and it was seconded. Roll call vote proceeded: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Nobbs-yes, and Smith-no. Motion carried. Mr. Rooble will survey the area identified in order to give an exact measure so the Township records could be accurate as to the exact area rezoned.

The next item on the agenda was the public hearing noticed for a request by Mr. David McBride, 912 Barton Street, Otsago, MI for property owned by his mother, Mina McBride located at 1454 South 10th Street, Martin for a special use exception to build a private road on said property. Copies of his plat, and driveway rights was submitted to the Board. The plans include 30 lots on what will remain a private road for a subdivision called Sleepy Hollow. Discussion followed and secretary Smith moved that the Board approve the special exception use to build a private road and it was seconded. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Nobbs-yes, and Smith-yes. Motion carried.

Finally, There was a recommendation from the Martin Township that the East Half of the South Quarter of Section 36 be rezoned from Commercial to Residential. List of names from the residents in support were provided. Small discussion followed and a motion was made by Secretary Smith that the East half of the south Quarter of Section 36 be rezoned to R-2, Low Density. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-yes, DeYoung-yes, Evers-yes, Wobma-Yes, and Smith- yes. Motion carried.

No further business being brought before the Board, a motion to adjourn was made and carried. The meeting was adjourned at 8:36pm.

Margaret A. Smith, Secretary
Martin Township Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM PUBLIC HEARING HELD APRIL 10, 1997

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Rezone the east half of the south quarter of land Section 36 from the existing C-2 General Business District zoning classification to the R-2 Low Density Residential District zoning classification.

The Zoning Board also recommends a corresponding amendment of the Martin Township Land Use Plan to change the planning designation of the property described above from the General Business classification to the Low Density Residential classification.

MARTIN TOWNSHIP ZONING BOARD

10-29-97

By: Craig A. Rolfe
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Date: _____ ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP ZONING BOARD
SPECIAL MEETING/PUBLIC HEARING

April 10, 1997

The Martin Township Zoning Board held a Special Meeting and Public Hearing on April 10, 1997 at the Martin Town Hall. Board members present were Chairman Evers, Secretary Smith, Members Brenner, Westendorp, MacVean, DeYoung, and Wobma. Also in attendance was Ray Moore, David McBride, Ronald and Mrs. Rooble, Lynn and Deb Philley, Ellis and Marchain Marshall, Parris Moore and Ron MacVean. The meeting was called to order at 7:30pm. The minutes from the previous meeting held on March 6, 1997, were read aloud in their entirety. No additions or corrections were made and the minutes were approved as read.

The public hearing portion of the meeting was then opened. A public hearing was requested by Mr. Ronald Rooble, 1777 6th Street, Martin for a zoning change of property located in the northwest corner of Section 32, near East Martin Reformed Church. He advised that the church had bought 10 acres to build the school and he wished to divide his property to build some houses in a concentrated area. A plan was submitted to the board and much discussion followed. Ray Moore advised the board that even if he was not granted a zoning change, Mr. Rooble would still be able to divide his property under the Land Division Act, Public Act 351, Senate Bill 112 which became effective on March 31, 1997. Mr. Rooble's 80 acres could be divided into about 13-15 parcels depending on the road frontage etc. Mr. Rooble proposed that a road would be built to give access to the school to run the busses. He hopes at this time to only develop about 40 of the acres and leave the rest for agricultural farming. Member Brenner moved that the portion of land identified by the Board be rezoned R-2 low density and it was seconded. Roll call vote proceeded: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wobma-yes, and Smith-no. Motion carried. Mr. Rooble will survey the area identified in order to give an exact measure so the Township records could be accurate as to the exact area rezoned.

The next item on the agenda was the public hearing noticed for a request by Mr. David McBride, 912 Barton Street, Otsago, MI for property owned by his mother, Mina McBride located at 1454 South 10th Street, Martin for a special use exception to build a private road on said property. Copies of his plat, and driveway rights was submitted to the Board. The plans include 30 lots on what will remain a private road for a subdivision called Sleepy Hollow. Discussion followed and secretary Smith moved that the Board approve the special exception use to build a private road and it was seconded. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wobma-yes, and Smith-yes. Motion carried.

Finally, There was a recommendation from the Martin Township that the East Half of the South Quarter of Section 36 be rezoned from Commercial to Residential. List of names from the residents in support were provided. Small discussion followed and a motion was made by Secretary Smith that the East half of the south Quarter of Section 36 be rezoned to R-2, Low Density. A roll call vote followed: Branner-yes, Westendorp-yes, ManVaan-yes, DuYoung-yes, Evers-yes, Wabma-Yes, and Smith- yes. Motion carried.

No further business being brought before the Board, a motion to adjourn was made and carried. The meeting was adjourned at 8:36pm.

Margaret A. Smith, Secretary
Martin Township Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM PUBLIC HEARING HELD APRIL 10, 1997

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Rezone the east half of the south quarter of land Section 36 from the existing C-2 General Business District zoning classification to the R-2 Low Density Residential District zoning classification.

The Zoning Board also recommends a corresponding amendment of the Martin Township Land Use Plan to change the planning designation of the property described above from the General Business classification to the Low Density Residential classification.

MARTIN TOWNSHIP ZONING BOARD

10-29-97

By: Craig A. Rolfe
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Date: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

**MARTIN TOWNSHIP ZONING BOARD
SPECIAL MEETING/PUBLIC HEARING**

April 10, 1997

The Martin Township Zoning Board held a Special Meeting and Public Hearing on April 10, 1997 at the Martin Town Hall. Board members present were Chairman Evers, Secretary Smith, Members Brenner, Westendorp, MacVean, DeYoung, and Wobma. Also in attendance was Ray Moore, David McBride, Ronald and Mrs. Rooble, Lynn and Deb Philley, Ellis and Marobain Marshall, Farris Moore and Ron MacVean. The meeting was called to order at 7:30pm. The minutes from the previous meeting held on March 6, 1997, were read aloud in their entirety. No additions or corrections were made and the minutes were approved as read.

The public hearing portion of the meeting was then opened. A public hearing was requested by Mr. Ronald Rooble, 1777 6th Street, Martin for a zoning change of property located in the northwest corner of Section 22, near East Martin Reformed Church. He advised that the Church had bought 10 acres to build the school and he wished to divide his property to build some houses in a concentrated area. A plan was submitted to the board and much discussion followed. Ray Moore advised the Board that even if he was not granted a zoning change, Mr. Rooble would still be able to divide his property under the Land Division Act, Public Act 291, Senate Bill 112 which became effective on March 31, 1997. Mr. Rooble's 80 acres could be divided into about 13-15 parcels depending on the road frontage etc. Mr. Rooble proposed that a road would be built to give access to the school to run the busses. He hopes at this time to only develop about 40 of the acres and leave the rest for agricultural farming. Member Brenner moved that the portion of land identified by the Board be rezoned R-2 low density and it was seconded. Roll call vote proceeded: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wobma-yes, and Smith-no. Motion carried. Mr. Rooble will survey the area identified in order to give an exact measure so the Township records could be accurate as to the exact area rezoned.

The next item on the agenda was the public hearing noticed for a request by Mr. David McBride, 912 Barton Street, Otsego, MI for property owned by his mother, Mina McBride located at 1454 South 10th Street, Martin for a special use exception to build a private road on said property. Copies of his plat, and driveway rights was submitted to the Board. The plans include 30 lots on what will remain a private road for a subdivision called Sleepy Hollow. Discussion followed and secretary Smith moved that the Board approve the special exception use to build a private road and it was seconded. A roll call vote followed: Brenner-yes, Westendorp-yes, MacVean-no, DeYoung-yes, Evers-yes, Wobma-yes, and Smith-yes. Motion carried.

Finally, There was a recommendation from the Martin Township that the East Half of the South Quarter of Section 36 be rezoned from Commercial to Residential. List of names from the residents in support were provided. Small discussion followed and a motion was made by Secretary Smith that the East half of the south Quarter of Section 36 be rezoned to R-2, Low Density. A roll call vote followed: Branner-yes, Westendorp-yes, MacVean-yes, DeYoung-yes, Evers-yes, Wobma-Yes, and Smith- yes. Motion carried.

No further business being brought before the Board, a motion to adjourn was made and carried. The meeting was adjourned at 8:36pm.

Margaret A. Smith, Secretary
Martin Township Zoning Board

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH

-908-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN H. LOHRSTORFER

ROBERT E. THALL
ROMANNE C. SEEBER

November 18, 1997

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: Revised Land Division Ordinance

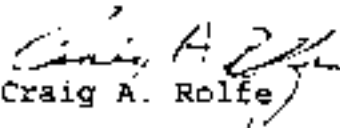
Dear Terry:

By letter of September 17 I provided you with an updated Land Division Ordinance designed to address the responsibilities of the Township under the new Land Division Act as amended by 1997 Public Act 87. I am not aware of any Township Board action on this proposed ordinance.

Because the amendments of the new Act were effective in late July, and significantly changed the legal requirements pertaining to local review and approval of a proposed land division, it is quite important for the Township to have an updated Land Division Ordinance in effect. Enclosed in this regard is another copy of the updated proposed Ordinance I sent to you in mid-September. Please advise me of Township Board action on this proposed Ordinance, including the date of adoption and the ordinance number, so I can timely attend to the post-adoption legal requirements. Thanks.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Tracie Moored (w/o enc)

#/

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD OCTOBER 18, 1995

The Martin Township Zoning Board hereby does not recommend the amendment of Section 11.4, subsection 6, of the Martin Township Zoning Ordinance proposed by the U.S. 131 Raceway so as to increase the maximum building or structure height requirement in the C-2 General Business zoning district from 35 feet to 65 feet; but the Zoning Board does recommend that light pole type structures and also press boxes and VIP suites attached to a grandstand structure, up to 55 feet in height, be exempted from the generally applicable height limitations in the various zoning districts by the appropriate amendment of Section 4.13 of the Martin Township Zoning Ordinance. (Note: although the initial recommendation regarding Section 11.4 of the Zoning Ordinance is properly before the County Planning Commission and Township Board, the Township Attorney has advised that the recommendation regarding an amendment of Section 4.13 of the Zoning Ordinance is not properly before the County Planning Commission or Township Board at this time, until that proposed amendment is submitted for a properly-noticed public hearing before the Township Zoning Board.)

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Rolfe* 10-29-95
Craig A. Rolfe Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP

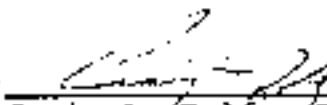
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD OCTOBER 18, 1995

The Martin Township Zoning Board hereby recommends the following amendments to the Martin Township Zoning Ordinance:

Delete Section 4.11 of the Martin Township Zoning Ordinance in its entirety. (This change is proposed to reconcile the definition of "Building or Structure Setback" with the other provisions of the zoning ordinance specifying the road setback requirements applicable in the various zoning districts, and to eliminate some conflict between those provisions and the provisions of Section 4.11 proposed to be deleted.)

MARTIN TOWNSHIP ZONING BOARD

By:  12.22.95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD OCTOBER 18, 1995

The Martin Township Zoning Board hereby recommends the following amendments to the Martin Township Zoning Ordinance:

Amend Section 11.2 of the Martin Township Zoning Ordinance so as to delete subsection 3 therein designating "amusement enterprises" as a permitted use in the C-2 General Business District; and amend Section 11.3 of the Martin Township Zoning Ordinance so as to add a new subsection 6 therein designating "amusement enterprises" as a special exception use in the C-2 General Business District; and further amend Section 11.2 of the Martin Township Zoning Ordinance so as to designate "automotive raceway" as a permitted use in the C-2 General Business District, as a new subsection 3 therein.

MARTIN TOWNSHIP ZONING BOARD

By:  10-19-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

/ / Enacted

/ / Denied

/ / Referred back to Zoning Board

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

117 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE 616 382 4500

FAX (616) 382-7040

HARRY F. SMITH
1906-1972

JOHN M. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA K. THOMSEN
JOHN K. LOHRSTORFER
THOMAS M. CANNY
ROBERT E. THALL

October 27, 1995

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, MI 49010

Re: Review of Martin Township Zoning Board Recommendations on
Zoning Ordinance Text Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing the recommendations of the Martin Township Zoning Board on three proposed amendments to the Martin Township Zoning Ordinance pursuant to a public hearing held October 18, 1995.

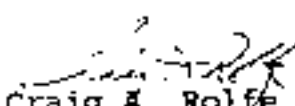
I am also enclosing a copy of the proposed minutes of the Martin Township Zoning Board Public Hearing/Special Meeting held October 18, 1995 with regard to these matters.

Please have the Planning Commission indicate on the enclosed forms its approval or disapproval of the Zoning Board recommendations, and return the forms to this office for final action by the Martin Township Board.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: John Schipper
Terry Sturgis
'Georgia Kraai'

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 392-4500
FAX (616) 392-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHREYSTER

THOMAS H. CANNY
ROBERT E. THALL

December 7, 1995

Mr. Lynn Fleming, Recording Secretary
Allegan County Planning Commission
Courthouse
113 Chestnut Street
Allegan, MI 49010

Re: Review of Recommended Martin Township Zoning Ordinance
Text Amendments and Rezoning/Land Use Plan Amendments

Dear Mr. Fleming:

Enclosed for the advisory review of the Allegan County Planning Commission please find materials referencing two proposed amendments to the Martin Township Zoning Ordinance, and two proposed rezonings/Land Use Plan amendments, as recommended by the Martin Township Zoning Board pursuant to a public hearing held December 6, 1995.

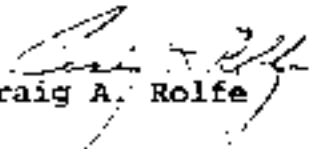
The proposed Minutes of the December 6 Zoning Board proceedings are not yet available, but the Zoning Board Secretary, John Schipper, will try to provide you with a draft of the proposed Minutes before the Planning Commission meeting on Monday. If this is not possible it is my understanding that Mr. Schipper may attend that meeting to be of assistance to the Commission on these matters.

Please have the Planning Commission indicate on the enclosed forms its approval or disapproval of the Zoning Board recommendations, and return the forms to this office for final action by the Martin Township Board.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: John Schipper
Terry Sturgis
Georgia Kraai

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance text:

Amend Section 4.13 as set forth in the Tentative Text (see attached).

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Rolfe* 12-7-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

TENTATIVE TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON DECEMBER 6, 1995

Amend Section 4.13 of the Martin Township Zoning Ordinance so as to add certain designated structures to the list of structures therein exempt from the generally applicable structure height limitations specified in the various zoning districts, causing Section 4.13 to read as follows:

"4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, light towers, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed fifty feet in height, and grandstand structures and attached press boxes and viewing suites which do not exceed fifty-five feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building."

Editorial Note: the proposed new language is underlined, and the language proposed to be deleted is lined-out.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance text:

Amend Section 6.3 as set forth in the Tentative Text (see attached).

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Rolfe* 12-7-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

Amend Section 6.3 of the Martin Township Zoning Ordinance, pertaining to the allowable special exception uses in the Agricultural District zoning classification, so as to revise existing subsection 18 therein to read as follows:

"18. Custom race car chassis assembly, and automotive engine or other component rebuilding, including minor fabrication, and sales of high performance automotive parts."

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone from the existing "C-2" General Business District zoning classification to the "R-1" Rural Estates District zoning classification the following described property in land Section 35 of the Township:

A parcel of land commencing 529 feet north of the southeast corner of Section 35, thence north 281 feet, thence west 297 feet, thence south to the north line of the Michigan Railway right-of-way, thence southeast along that right-of-way to the point of beginning; except the north 125 feet thereof.

The Martin Township Zoning Board also recommends amendment of the Martin Township Land Use Plan so as to change the planning designation of the subject property to be consistent with the R-1 Rural Estates District zoning classification.

MARTIN TOWNSHIP ZONING BOARD

By: Craig A. Kolfe 12-7-95
Craig A. Kolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD
RESULTING FROM PUBLIC HEARING HELD DECEMBER 6, 1995

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map (rezoning):

Amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone from the existing "R-1" Rural Estates District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 30 of the Township:

Commencing at a point 70 rods north of the southeast corner of Section 30, thence north 50 rods, thence west to the north and south 1/4 line of Section 30, thence south to the railroad right-of-way, thence southeasterly along the easterly side of the railroad right-of-way to a point due west of the point of beginning, thence east to the point of beginning; except the north 330 feet thereof.

The Martin Township Zoning Board also recommends amendment of the Martin Township Land Use Plan so as to change the planning designation of the subject property to be consistent with the R-2 Low Density Residential District zoning classification.

MARTIN TOWNSHIP ZONING BOARD

By: Craig A. Rolfe 12-7-95
Craig A. Rolfe, Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (approves--disapproves) the same for consideration by the Martin Township Board, subject to the following:

Dated: _____

ALLEGAN COUNTY PLANNING COMMISSION

By: _____

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP ZONING BOARD
PUBLIC HEARING/QUARTERLY MEETING

The Martin Township Zoning Board held a public hearing/quarterly meeting on Sept. 5, 1995 at the Martin Town Hall. Board members in attendance were Brenner, DeYoung, Evers, Schipper, Westendorp, and Wobma. Also in attendance were Ron and Brenda Conley, John Grivins, Gordy Lyons, Jim Martin, and Ferris Moorehead Jr.

Chairman Evers opened the public hearing at 7:30 p.m. The public hearing was noticed for a special exception use permit for Ron and Brenda Conley of 2104 6th st. Shelbyville to conduct a health food store on their property as a family business. Brenda Conley stated they would primarily be selling vitamins and herbs delivered to schools out of their garage and would be open to the public by appointment and possibly have open hours in the future as the business grows. Little discussion on the matter with no opposition to the business brought forth. Public hearing closed.

The regular quarterly meeting of the zoning board was then opened at 7:40 p.m. with the reading of the minutes from the previous meeting on June 6, 1995. No additions or corrections made and minutes approved as presented.

The first item of business was the special exception use request by Ron and Brenda Conley for a family business on their property. Member DeYoung made a motion to approve the request with support from member Wobma. No further discussion on the matter. Roll call vote: Brenner-Yes, DeYoung-Yes, Evers-Yes, Schipper-Yes, Westendorp-Yes, and Wobma-Yes. Motion carried.

Member Schipper made a motion to approve the site plan review also presented by the Conley's for their business. Motion supported by member DeYoung. Little discussion on the plan. Roll call vote: DeYoung-Yes, Evers-Yes, Schipper-Yes, Westendorp-Yes, Wobma-Yes, and Brenner-Yes. Motion carried.

The next item of business was the rezoning request by Mr. Tom Greene to rezone a piece of property in Section 30 of Martin township that lies between 12th st. and US-131 from C-2 General Business to R-2 Low Density Residential. A public hearing/special meeting was held on April 27, 1995 on this matter in which the zoning board recommended approval of the rezoning to the Allegan County Planning Commission and to the Martin Township Board. The county planning commission also approved the rezoning but the township board denied the request on July 12, 1995, and has now referred this matter back to the zoning board. The secretary then read a letter from the township attorney dated July 14, 1995 reflecting the action the township board took on this matter and the fact that this business could be handled at our next regular zoning meeting and then must go back to the township board for final action on the matter.

The chairman stated the board would take brief statements pertaining to this matter at this time. Mr. Gordon Lyons spoke for Mr. Greene who could not make the meeting and gave a list of reasons why the applicant felt the property should be rezoned which mostly dealt with the need for residential property in the area and the reasons why this property would be well suited for residential use. Mr. John Grivins spoke on behalf of the US-131 Dragway and stated they felt the majority of the surrounding property was zoned commercial so it should stay commercial.

Motion by member Wobma to recommend approval of the rezoning from C-2 to R-2 to the township board, Motion supported by member Brenner. Some discussion followed. Member Evers stated the property would make good building sites. Member Westendorp said she would not want to live in the area with the dragstrips and would like to see it stay commercial. Member DeYoung said he felt the township board had failed to give any direction to the zoning board in support of their decision to deny the rezoning request and did not know of any new information that should make him change his position on the matter. Member Schipper stated he could not visualize the property being used for commercial purposes in the near future and felt it would be suited for residential use. Member Schipper also said that whatever decision was made, a list of reasons should be sent to the township board, to support that decision. No other discussion. Roll call vote on the motion on the floor to recommend approval of the rezoning to the township board: Evers-Yes, Schipper-Yes, Westendorp-No, Wobma-Yes, Brenner-Yes, and DeYoung-Yes. List of reasons from the zoning board to support this decision:

1. Good building sites on a paved road with mature trees and future access to natural gas and cable TV.
2. Property not in PA-116 and not in an area susceptible to dust or odor from an agricultural or livestock use.
3. Large amount of commercial property around the interchange would be more attractive for commercial use.

(4) The next item of business was a request from Mr. John Grivins of the US-131 Dragway to make application to amend the zoning ordinance to change the maximum permitted height of structures in the C-2 zoning district from 35 feet to 55 feet. Mr. Grivins stated many of their current light fixtures and scoreboards are over the permitted height and they would like to put in new light fixtures and some press boxes and VIP suites over the grandstand area. A variance was suggested by the zoning board secretary but Mr. Grivins said the bank would not grant a loan on the full value of the property, because they felt a variance was only a temporary and not a permanent solution, according to Mr. Grivins. Some of the zoning board members felt some concern with allowing all structures in all of the C-2 zoning districts to be allowed this much of a change with a text ordinance but stated a public hearing and special meeting could be scheduled at the applicants request sometime in October. It was the consensus of the board to try and hold it on October 18, 1995.

The next item of business was a site plan review request by Mr. Jim Martin of Martin Tire. He is planning to build a 40'x80' building on a lot north of their current business in Section 19 of Martin township for an autobody shop business. After review of the plan a motion was made by member Wobma and supported by member Westendorp to approve the site plan review. No further discussion. Roll call vote: Schipper-Yes, Westendorp-Yes, Wobma-Yes, Brenner-Yes, DeYoung-Yes, and Evers-Yes. Motion carried.

(2) Member Schipper said he would like to put a motion on the floor to make some other text amendments as long as a public hearing was to be scheduled. The first was that the front yard dwelling setback was defined differently in different places in the ordinance which made it confusing, so he would like to have the township attorney come up with the appropriate language to make it less confusing. The next item was that he felt some of the permitted uses in the ordinance were possibly too broad in their classification and should be defined better or made as a special exception use. (3) One area of concern was that of amusement enterprises in the C-2 zoning district and that there were possibly other ones to consider as well. Member DeYoung supported the motion to have the township attorney come up with the possible language alternatives to these areas of the zoning ordinance and suggested other areas of the ordinance be looked into at another time. Voice vote on the motion. All support and motion carried.

No other business brought forth. Motion to adjourn by member Wobma. All support and meeting adjourned at 9:35 p.m.

John Schipper, Secretary
Martin Township Zoning Board

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

COPY

HARRY F SMITH 1906-1978
JOHN H BAUCKHAM
KENNETH G SPARKS
CRAIG A ROLFE
LYNDA C THOMSEN
JOHN K LOHRSTORFER
EILEEN W WICKLUND
THOMAS M CANNY
ROBERT E THALL

TELEPHONE
616-387-4500
TELECOPIER
616-382-2040

March 18, 1994

Penasee Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township (4/12/94 Zoning Board Public
Hearing/Meeting)

Ladies:

Enclosed please find a Martin Township Notice of Zoning Public
Hearing and Meeting for publication in the Penasee Globe on:

Wednesday, March 23, 1994

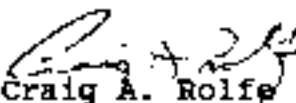
Wednesday, April 6, 1994

Please forward two Affidavits of the publication to this
office, and your bill for the publication to the Martin Township
Clerk: Georgia Kraai, 1399 10th Street, Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:bj

Enclosure

c: Mr. John Schipper
Georgia Kraai

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Tuesday, April 12, 1994 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The proposed amendment of Section 10.3 of the Martin Township Zoning Ordinance, pertaining to special exception uses in the "C-1" Neighborhood Business District, so as to renumber existing subsection 3 of same to be subsection 4, and add a new subsection 3 designating the residential permitted uses in the "R-2" Low Density Residential District as special exception uses in the "C-1" Neighborhood Business District.

2. The proposed amendment of Section 10.4 of the Martin Township Zoning Ordinance, pertaining to the density, area, height, bulk and placement requirements in the "C-1" Neighborhood Business District, so as to add language making the density, area, height, bulk and placement requirements in the "R-2" Low Density Residential District applicable to residential uses proposed to be allowed in the "C-1" Neighborhood Business District as special exception uses.

3. The proposed amendment of Section 11.2 of the Martin Township Zoning Ordinance, pertaining to permitted uses in the "C-2" General Business District, so as to revise existing subsection 1 of same to clarify that all permitted uses allowed in the "C-1" Neighborhood Business District are also allowed permitted uses in the "C-2" General Business District.

4. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Secretary of the Zoning Board: John Schipper, 1675 11th Street, Martin, MI 49070 (672-7010) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

Martin Township will provide necessary reasonable auxiliary aids and services at the meeting/hearing to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon reasonable notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Clerk.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
(616) 672-7010

Martin Township Board
By: Georgia Kraai, Clerk

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH G. SPARKS
CRAG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
THOMAS M. GANNY

TELEPHONE
616-362-4800
TELECOPIER
616-362-2040

January 4, 1993

Mrs. Stella Mills
996 118th Avenue
Martin, MI 49070

Re: Proposed Amendment of Martin Township
Zoning Ordinance

Dear Mrs. Mills:

By way of introduction, this office serves as legal counsel for Martin Township. The Township Zoning Board Secretary, John Schipper, has provided me with a copy of your letter of December 30, and asked that I correspond with you.

Your letter requests pursuant to the Freedom of Information Act "all information (including all reasons for this proposed amendment) related to the proposed amendment" of the Zoning Ordinance scheduled for public hearing on January 6. There is very little information in the form of public records to share with you at this time. The only public records I have in my possession in this regard are the materials relating to the processing of the legal notice for the January 6 Zoning Board proceedings. A copy of these materials is enclosed. However, it is possible that the Zoning Board briefly discussed this proposal at a previous meeting, to decide whether to put the text amendment proposal up for a public hearing. By copying this letter to John Schipper I am requesting that he provide you with copies of the minutes for any such Zoning Board meetings.

Your letter will certainly be brought to the attention of the Zoning Board at the public hearing January 6, but we feel it may be helpful at this time to provide you with some additional information about the matter scheduled for consideration at that time.

As you know, the January 6 public hearing and meeting before the Township Zoning Board is to consider whether the Zoning Ordinance should be amended so as to provide for certain earth material activities in the I-1 Industrial District, as a "special exception use". The designation of a land use as a "special exception use" in a zoning district is a recognition that the use

Mrs. Stella Mills
January 4, 1993
Page 2

has unique characteristics which might cause it to be incompatible with the other uses allowed in the zoning district without proper controls and limitations. Where a use is recognized by a zoning ordinance as a special exception use in a particular zoning district, that use is nevertheless not allowed on specific property unless and until the Zoning Board determines, after a public hearing on the particular situation, whether the land use can be undertaken on that property in complete compliance with the various conditions and controls established in the Zoning Ordinance for all special exception uses, generally, and also in compliance with the standards established in the Zoning Ordinance for the particular land use.

Thus, this is really a two step process. The first step is to determine whether a land use, by its nature, may be appropriate in a particular zoning district, as a special exception use. This is the step of the process with which the January 6 Zoning Board public hearing/meeting is concerned: determining whether earth removal activities are, by their general nature, sufficiently consistent with the other land uses allowed in the I-1 Industrial zoning district to be recognized as an allowed use in that zone, as a special exception use. The approval of such a text change does not indicate, one way or another, whether it is possible for earth removal uses to be undertaken on a particular piece of property in compliance with the various conditions and limitations. That brings us to the second step of the process.

If it is determined that it is appropriate to change the text of the Zoning Ordinance so as to recognize earth removal activities as a potentially appropriate land use on some I-1 zoned property (by designating that use as a special exception use), then the next step is for the property owner to make application to the Township for special exception use approval for earth removal activities on that particular piece of property. As indicated above, this requires an evaluation of whether the pertinent conditions and limitations in the Zoning Ordinance can be met with respect to that particular land use on that particular property. If the required conditions and limitations can be met, then state law indicates that the special exception use must be approved. If the conditions and limitations cannot be met then the request for special exception use approval would generally be denied. By the way, the Zoning Board's decision on a special exception use request for a particular piece of property is also required to be preceded by a public hearing. Notice of such a public hearing would be published in the newspaper, and the law also requires that a copy of the public hearing notice be sent to property owners within 300 feet of the subject property.


Mrs. Stella Mills
January 4, 1993
Page 3

Thus, at the January 6 public hearing the issue before the Zoning Board is not whether a particular piece of property is appropriate to be used for earth removal activities. The issue before the Zoning Board on January 6 is whether, more generally speaking, the Zoning Ordinance should be amended to designate earth removal activities as a land use which could possibly be allowed somewhere on I-1 zoned property. The propriety of that type of land use on any particular piece of property is not properly considered at the January 6 proceedings.

I hope this information will be helpful to you as you participate in the consideration of this matter. I encourage you to attend the January 6 public hearing and to express your views about the proposed text amendment.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jlh

Enclosures

c: John Schipper
Georgia Kraai
Bert Schipper

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

**MARTIN TOWNSHIP ZONING ORDINANCE
(Ordinance No. 30, as amended)
Adopted Date: September 10, 1986
Effective Date: September 24, 1986**

**REVISED THROUGH ORDINANCE NO. 43
ADOPTED OCTOBER 14, 1992
EFFECTIVE OCTOBER 21, 1992**

APPENDIX A

CLASSIFICATION OF LANDS

1. Section 1, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District and the "C-2" General Business District.

"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.

"C-2" General Business District: The portion of the northeast quarter of Section 1 that runs along 124th Avenue from the center of 124th Avenue south, to a depth of 231 feet, and also Lots 25 - 26 of the Martha Lapham Lakeview lots estates; also

Beginning 40 feet west of the north quarter post of Section 1, thence west 300 feet, thence south 575 feet, thence east 300 feet, thence north 575 feet to the place of beginning, consisting of approximately 4 acres; also

Beginning 340 feet west of the north quarter post of Section 1, thence west 230 feet, thence south 575 feet, thence east 230 feet, thence north 575 feet to the place of beginning, consisting of approximately 3 acres.

2. Section 2, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.

3. Section 3, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 3.

4. Section 4, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 4.

5. Section 5, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.

6. Section 6, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

7. Section 7, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 7.

8. Section 8, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 8.

9. Section 9, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.

10. Section 10, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 10.

11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.

"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.

"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.

17. Section 17, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.

18. Section 18, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Veau property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.

19. Section 19, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.

"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.

"C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.

20. Section 20, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.

21. Section 21, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.

22. Section 22, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 22.

23. Section 23, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.

24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.

30. Section 30, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.

"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.

"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.

31. Section 31, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.

"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.

"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.

32. Section 32, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.

"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.

33. Section 33, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.

34. Section 34, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 34.

35. Section 35, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.

"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.

36. Section 36, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.

"C-2" General Business District: The south quarter of Section 36.

(Revised October 1992)

MARTIN TOWNSHIP LAND USE PLAN

The Martin Township Land Use Plan consists of a land use plan map and this brief textual summary of the nature and characteristics of Martin Township. The land use plan, and the Martin Township Zoning Ordinance based thereon, are designed to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

Martin Township lies east of Allegan and north of Plainwell. US-131 runs along the western edge of the Township and Gun Lake just enters the northeast corner of the Township. Land uses in the Township are mostly agricultural and rural residential. There are small concentrations of residential uses in Shelbyville, Hooper and around Gun Lake and Lake Sixteen. The only large commercial use in the Township is the "US-131 Dragway", which is a heavy traffic generator during periods of operation.

The population in Martin Township in 1980, including the Village of Martin, was around 2,300 people. A projected population of around 2,600 people has been established for the year 1990. The Village of Martin has adopted and administers its own zoning ordinance.

There are no major influences on future growth in Martin Township. US-131 Dragway draws many people-but is isolated from the rest of the Township by the expressway. Gun Lake is a development attraction but most of its attraction is in Wayland Township and Barry County. The Village of Martin may attract some growth, but since it lacks large employment sources, it probably will not be a significant influence. The three small lakes - Lake Sixteen, Fenner Lake and Pratt Lake - have limited potential for future development. The two US-131 interchanges in the Township both provide attractive sites for highway oriented commercial business. Although the paved county primary and local road system is not extensive, it does provide convenient access to most of the Township.

The general concept and goal of this plan is to direct future growth into planned service centers in and around the community center and conserve agricultural and rural open space areas through the adoption and implementation of these developmental guidelines:

1. Prime Agricultural Areas

Goal: Preserve and maintain prime agricultural land in bona fide agricultural uses only.

2. Rural Estates and Open Space Areas

Goal: Encourage single family home sites on large lots and selected land sites only.

3. Residential

Goal: Direct future intensive residential developments into and around community service centers.

4. Commercial

Goal: Encourage future commercial uses to locate in major community service centers with full public utilities.

5. Industrial

Goal: Encourage future intensive industrial uses into major community service centers with full public utilities and away from residential and prime agricultural areas.

The following is a sectional listing of all of the land areas in Martin Township (not including the Village of Martin), setting forth the current zoning designation of such lands, and noting planning proposals for certain areas, all in relation to the guidelines set forth in this land use plan:

1. Section 1, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.

"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.

Planning proposal: Rezone to "C-2" General Business District the northeast quarter of Section 1; also beginning 40 feet west of the north quarter post of Section 1, thence west 530 feet, thence south 575 feet, thence east 530 feet, thence north 575 feet to the place of beginning, consisting of approximately 7 acres.

2. Section 2, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.

3. Section 3, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 3.

4. Section 4, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 4.

5. Section 5, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.

Planning Proposal: Rezone to "I-1" Industrial District the west one-eighth of Section 5.

6. Section 6, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.

16. Section 16, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.

"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.

"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.

17. Section 17, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.

Planning Proposal: Rezone to "I-1" Industrial District the northwest quarter of the southwest quarter of Section 17.

18. Section 18, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Vean property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.

Planning Proposal: Rezone to "R-1" Rural Estates District that land along the east border of Section 18 from the Consumers Power right-of-way to 10th Street.

19. Section 19, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.

"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.

"C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.

Planning Proposal: Rezone to "R-1" Rural Estates District that land between the Consumers Power right-of-way and 10th Street in the southeast quarter of the northeast quarter of Section 19.

20. Section 20, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.

Planning Proposal: Rezone to "R-1" Rural Estates District the northeast quarter of the southeast quarter of Section 20.

21. Section 21, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.

Planning Proposal: Rezone to "R-1" Rural Estates District that land in Section 21 on the east side of 6th Street from 116th Avenue north to the jog in the road, with a property depth of 217.8 feet.

Planning Proposal: Rezone to "C-2" General Business District that land in the northwest quarter of Section 21 along the east side of 8th Street north from the east-west half section line to the east-west quarter section line, then east three-quarters of the way to the north-south half section line, excluding that land considered part of the cemetery.

22. Section 22, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 22.

23. Section 23, Town 2 North, Range 11 West
- "AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
- "R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
- "AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
- "AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
- "AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
- "AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
- "AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
- "R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
- "AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.

"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.

Planning Proposal: Rezone to "I-1" Industrial District that property in Section 29 along the west side of the railroad tracks right-of-way from 114th Avenue north to the Martin Village limits to a depth of 500 feet; also that land in Section 29 along the east side of the railroad tracks right-of-way, east to the north-south quarter section line and north from 114th Avenue to the Martin Village limits.

30. Section 30, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.

"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.

"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.

31. Section 31, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.

"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.

"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.

32. Section 32, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.

"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.

33. Section 33, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.

34. Section 34, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 34.

35. Section 35, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.

"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.

36. Section 36, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.

"C-2" General Business District: The south quarter of Section 36.

COPY

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
300 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1977
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN H. LOHRSTORFER
EILEEN W. WICKLUND
THOMAS M. CANNY

TELEPHONE
616-392-4300
TELECOPIER
616-392-2040

December 8, 1992

Mr. John Schipper
Secretary, Martin Township
1849 11th Street
Martin, MI 49070

Re: Materials for January 6, 1993
Zoning Board Public
Hearing/Meeting

Dear John:

Enclosed are various materials pertaining to the Zoning Board public hearing/meeting scheduled for January 6, 1993.

Firstly, I have enclosed the original legal Notice for you to use to make the copies necessary for the required mailings and posting.

Secondly, I am enclosing an Affidavit of Posting for you to complete after posting a copy of the Notice at the Township Hall. The Notice may be posted at your earliest convenience, but in any event at least 18 hours before the scheduled time of the public hearing/meeting. The completed Affidavit of Posting (with attached copy of Notice) should be filed with the Township records concerning this matter.

Thirdly, I am enclosing an Affidavit of Service of Notice pertaining to the utilities and railroads. Please mail copies of the Notice to the public utilities and railroads as referenced in the Affidavit at least 20 days before the date of the public hearing/meeting. The completed Affidavit with your attached mailing list (and attached copy of Notice) should then be filed with the Township records concerning this matter.

Fourthly, I am enclosing a copy of my letter to the Penasee Globe arranging for the required newspaper publications of the Notice.

Fifthly, I am enclosing a copy of the tentative text of the proposed text amendments, which you are required by law to have available for public examination.

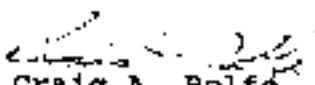
Mr. John Schipper
December 8, 1992
Page 2

Finally, please arrange to have the existing Zoning Ordinance, Zoning Map and Land Use Plan Text and Map available for public examination at the Township offices from and after the first publication of the legal Notice and up to and including the time of the public hearing/meeting, as referenced in the Notice and as required by law.

Please give me a call if you have any questions or problems.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.



Craig A. Rolfe

CAR:jlh

Enclosures

c: Bert Schipper
Georgia Kraai

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING
ON ZONING ORDINANCE TEXT AMENDMENT

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Wednesday, January 6, 1993 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 12.3 of the Martin Township Zoning Ordinance so as to add a new subsection 5 designating the "Removal and processing of topsoil, sand, gravel, or other such materials or earth materials, in accordance with Section 4.27 of this Ordinance" as a special exception use in the "I-1" Industrial District.

2. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendment(s), and the Martin Township Zoning Ordinance/Map/Land Use Plan may be obtained by contacting the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be obtained at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

Martin Township will provide necessary reasonable auxiliary aids and services at the meeting/hearing to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon reasonable notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Clerk.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103

Martin Township Board
By: Georgia Kraai, Clerk

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

AFFIDAVIT OF POSTING

STATE OF MICHIGAN)
 ss
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on _____, I conspicuously posted at the Martin Township Hall a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township, stating the time, place and date of such proceedings to be January 6, 1993, at 7:30 p.m., to be held at the Martin Township Hall, said time of posting being at least 18 hours prior to the public hearing/meeting.

John Schipper

Subscribed and sworn to before me on _____.

*, Notary Public
Allegan County, Michigan
My Commission Expires: _____

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

AFFIDAVIT OF SERVICE OF NOTICE

STATE OF MICHIGAN)
 ss
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Zoning Public Hearing and Meeting scheduled for January 6, 1993 upon the following public utilities and railroads, as directed by the Supervisor of the Township of Martin;

1. Conrail
2. Consumers Power Company
3. O & A Electric Company
4. Michigan Bell Telephone Company
5. AT & T
6. Wolverine Power Supply Cooperative, Inc.
7. Michigan Gas Utilities
8. Tri-City Cable

by placing the copies in envelopes addressed as shown on the attached mailing list, with postage prepaid thereon, sealing the envelopes and mailing the same, First Class mail, from a United States post office box in Martin, Michigan on _____.

John Schipper

Subscribed and sworn to before me on _____.

_____, Notary Public
Allegan County, Michigan
My Commission Expires: _____

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
300 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
THOMAS M. CANNY

TELEPHONE
616-382-4500
TELECOPIER
616-382-2040

December 8, 1992

Penasee Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township

Ladies:

Enclosed please find a Martin Township Notice of Zoning
Public Hearing and Meeting for publication in the Penasee Globe
on:

Wednesday, December 16, 1992

Wednesday, December 30, 1992

Please forward two Affidavits of the publication to this
office, and send one Affidavit and your bill for the publication
to the Martin Township Clerk: Georgia Kraai, 1399 10th Street,
Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jlh
Enclosure

c: Mr. John Schipper
Mrs. Georgia Kraai

TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON JANUARY 6, 1993

1. Amend Section 12.3 of the Martin Township Zoning Ordinance, designating the various special exception uses allowed in the "I-1" Industrial District of Martin Township, so as to add a new subsection 5 designating a new such special exception use reading as follows:

"5. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance."

Gravel Pit

Disadvantages

1. affect on property value
at least 20% less
2. dust
3. noise
4. Truck traffic
thru town
5. damage to roads
6. drinking water
7. No tax benefit
mobile equipment
8. 1 pit opens more
will follow
9. gravel pits are hard
to regulate
10. mined land is good
for _____?
11. gravel pits go against
the industrial zoning
ordinance

Advantages

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1908-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHSTORFER
EILEEN W. WICKLUND
CAROL L.J. KUSTOLES

TELEPHONE
616-362-4500

TELECOMER
616-362-2040

June 14, 1991

Mr. John Schipper
1849 11th Street
Martin, MI 49070

Re: Tentative Text of Site Plan Review Provisions

Dear John:

Following up on our telephone conversation of June 12, 1991 I have made the necessary style, form and substantive changes in the site plan review provisions from the Schoolcraft Township Zoning Ordinance, with these revised provisions now set-up as proposed Section 4.28 of the Martin Township Zoning Ordinance.

It is my understanding that the Zoning Board will be reviewing this tentative text at its convenience, and will perhaps schedule these zoning ordinance amendments for the required public hearing at a later date. Please let me know when I can provide any further assistance in this regard, or if any further revisions are necessary prior to a public hearing.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:klm

Enclosures

c: Bert Schipper
Georgia Kraai

P.S. Most of the stylistic changes involved changing "Planning Commission" to "Zoning Board". I think I have caught all of these but if you find any that I missed please do let me know so I can make the correction and send you out a new document for distributing to the Zoning Board members.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend the Martin Township Zoning Ordinance so as to add a new Section 4.28 relating to site plan review; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN
ORDAINS:

SECTION I

AMENDMENT TO ADD NEW SECTION 4.28
PERTAINING TO SITE PLAN REVIEW

The Martin Township Zoning Ordinance is hereby amended so as to add a new Section 4.28, reading as follows:

4.28 SITE PLAN REVIEW

1. - Purpose: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Zoning Board in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

2. - Scope: The Building Inspector shall not issue a building permit for the construction of any of the following buildings, structures or uses until a site plan has been submitted to, and approved by, the Zoning Board in accordance with this section:

- A. Mobile home parks.
- B. Industrial buildings or developments.
- C. Multi-family dwellings.
- D. All office and commercial buildings and developments.
- E. Special exception use applications.
- F. Churches.
- G. Planned unit developments, including site condominium projects.

3. - Sketch Plan Review: Preliminary sketches of site and development plans may be submitted to the Zoning Board. The purpose of the sketch stage is to allow discussion between the developer and the Zoning Board as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:

- A. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
- B. Legal description of the property.
- C. Drawings showing tentative plans.

4. - Formal Site Plan Review: All formal site plan review applications shall include, in addition to A and B above, the following:

- A. The date, north arrow and scale [the scale shall be not less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more].

- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking spaces (including basis of calculation), loading and unloading areas and recreation areas, etc.
- E. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
- F. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
- G. The name and address of the property owner or petitioner.
- H. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- I. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
- J. Location of all fire hydrants.
- K. Lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
- L. Size and location of all surface drainage facilities.
- M. Property survey by registered surveyor.
- N. Existing and proposed contour shall be shown on all site plans [two (2) foot intervals, minimum].
- O. Elevations and floor plans for all buildings and the location of all buildings on the property.

- P. A description of the land use and activities proposed in sufficient detail to indicate the effects of same in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
- Q. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
- R. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- S. Any other information deemed necessary by the Zoning Board.
- T. The Zoning Board may waive any of the above enumerated requirements whenever the Zoning Board determines that such requirement is not necessary for a specific site plan due to the fact that:
 - (1) The Zoning Board finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
 - (2) The Zoning Board finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the condition, and the Zoning Board finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

5. - Submittal: The site plan and all related information specified above shall be presented to the Zoning Board Chairman in eight (8) copies by the property owner or petitioner. Copies shall be distributed to the following parties for review and information:

- A. Seven (7) copies to the Zoning Board.
- B. One (1) copy to the Township Building Inspector.

6. - Approval

- A. The Zoning Board shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and after allowing reasonable time as determined by the Zoning Board for receipt from and for consideration of comments and recommendations from the Building Inspector.

- B. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Zoning Board upon a finding that:

- (1) The proposed use will not have a harmful effect on the surrounding neighborhood development. Fencing, walls and/or landscaping may be required as a screening device to minimize adverse affects upon surrounding development.
- (2) There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- (3) The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
- (4) The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.

- (5) The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.
- (6) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

C. Security Deposit:

- (1) To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Zoning Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Zoning Board, covering one hundred twenty-five percent (125%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.
- (2) The Zoning Board shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Zoning Board based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.

- (3) If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Zoning Board shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- (4) As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Zoning Board to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

7. - Modifications: Any modifications of the site plan desired by the Township shall be so stated in writing to the applicant. Site plan approval may then be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Zoning Board. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Zoning Board of Appeals. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Zoning Board Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Zoning Board of Appeals.

8. - Disposition: If approval is granted by the Zoning Board, the following conditions shall apply:

- A. In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plats for the proposed development for approval in compliance with Acts 288, Public Acts of 1967, as amended, and with all Ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the Township Board.

- B. Such plats shall be in strict conformity with the approved site plan, the conditions attached thereto, and the provisions of this Ordinance.

9. - Fee: Any application for site plan approval shall be accompanied by a fee as may be determined from time to time by the Township Board.

10. - Revocation: Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Zoning Board shall give the applicant notice of intention to revoke such approval at least ten (10) days prior to review by the Zoning Board. After conclusion of such review, the Zoning Board may revoke its approval of the development if the Zoning Board feels that a violation in fact exists and has not been remedied prior to such hearing.

11. - Term of Approval: The site plan approval shall be valid for a period of one (1) year. One (1) six-month time extension may be granted after complete review of the application by the Zoning Board and the Building Inspector. At the end of the six-month extension, if no building permit has been obtained and on-site development actually begun, the site plan approval becomes void, and the developer shall submit a new application for approval.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township



This week...

DO YOU HAVE VISION PROBLEMS? Can't see well enough to read a book, to sign your name? Do you need a closer look at a plat map or a cross-stitch pattern? Well, Hendra Public Library has the answer for you. A vision amplifier magnifies by 200 percent so those with very poor eyesight to see things they never been able to see for years. It also allows persons to once again sign checks or other legal papers. The new device was suggested as a gift by Wayland Lions Club member Bob Cook, and funded through a \$1,000 grant from the Allegan Foundation obtained by the local Lions club. Librarian Lynn Manderville said, "The machine has many, many uses and makes life good for people." Manderville authorized the grant as a Lions member. Donations by Wayland VFW and Auxiliary, and the Wayland American Legion also contributed to the \$1,700 purchase cost. Manderville expressed her appreciation to the local clubs and pointed out that the new house is planned for Dec. 13 from 11:30 p.m. when residents may try out the new device.

Next week...

This column is a regular feature in the Penasee Globe, offering a spot where civic groups and charitable organizations may announce meetings, activities, special projects, bazaars, etc. Commercial notices are placed in the regular advertising section of the paper.

Items for publication should be submitted seven days in advance of Wednesday's publication date.

For more information, please call the Penasee Globe at 752-2271.

THURSDAY, NOVEMBER 28

THANKSGIVING DAY

A PROGRAM OF THANKS at Christ Memorial Church, 595 Graafschap Rd., Holland. Join Lynnelle Pierce, Randy Bouwer, Ade & Sharon VanHouten, plus the Holland Area Youth Chorale in a program of thanks. Sponsored by Watson Glen Ministries for abused teens.

SATURDAY, NOVEMBER 30

BUGGY DAY AT HENIKA LIBRARY - Hear about a very hungry caterpillar and make a pair of buggy eyes. Open to all preschoolers to third graders. One-half hour programs. 10 a.m.

DORR'S HOLIDAY PARADE 1 p.m. starting at the American Legion Hall. Buggy rides all day, refreshments served at the fire station throughout the day. Beginning at 5:30 p.m. is a Christmas Walk, Caroling, Candlelighting ceremony, and a visit from Santa.

MONDAY, DECEMBER 2

WAYLAND CITY COUNCIL meets at 7:30 p.m. at city hall, 160 W. Superior St., Wayland.

ALLEGAN CO. PARKS & RECREATION COMMISSION meets at 8:30 a.m. at the Allegan Co. Building annex, 108 Chestnut St., Wayland.

WAYLAND TOWNSHIP BOARD meets at 7:30 p.m. at the township hall on 129th Street in Bradley.

WAYLAND ATHLETIC BOOSTERS meets at 7 p.m. Wayland Community Education building, 316 Pearl St.

MONTREY TOWNSHIP BOARD meets at 8 p.m., Community Building on corner of 130th and 30th.

TUESDAY, DECEMBER 3

ORANGEVILLE TOWNSHIP BOARD meets at 7:30 p.m., Township Hall, Boulter Road, Orangeville.

LADIES LIBRARY CLUB meets at Hendra Public Library. Christmas program by Helen Gambee. Bring gift for the nursing home.

HAM DINNER by Wayland VFW, at the hall on South Main Street, 6 p.m.

WEDNESDAY, DECEMBER 4

GLSA meets at 4 p.m. at 12588 Marsh Road, Shelbyville.

FLU VACCINATIONS 9 a.m. until noon, Dorr Township Hall, 18th Street.

THURSDAY, DECEMBER 5

DORR TOWNSHIP BOARD meets at 7:30 p.m. at the Township Hall, 1807-142nd Ave.

WATSON TOWNSHIP BOARD meets at 7:30 p.m., Township Hall, 1897-108th Ave.

SATURDAY, DECEMBER 7

WAYLAND CHRISTMAS PARADE, beginning at 11 a.m.

SUNDAY, DECEMBER 8

1991 HOLIDAY HOME TOUR sponsored by the Allegan General Hospital Service League, from 11 a.m. to 5 p.m. Tickets \$6 available from AGH's Marketing Dept. and McFarland's Jewelers or the hospital's general store. Lighting of the Trees of Life at 5 p.m. in the hospital yard.

INTRODUCING LOCALLY OWNED AUTOMOBILE GLASS REPLACEMENT SERVICE



AutoGlass
1-800-974-9800
792-2735

- Mobile Service - on site replacement in your area.
- Experienced installers
- Free Ice Scraper with glass replacement

FREE gift wrapped Holiday Turkey with replacement Nov thru December 31, 1991

MARTIN TOWNSHIP ZONING BOARD ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON ZONING ORDINANCE TEXT AMENDMENT (S) AND SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Wednesday, December 4, 1991 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of the Martin Township Zoning Ordinance so as to add a new subsection 1B to Section 6.3 relating to the special exception uses in the Agricultural zoning district, so as to allow as a special exception use in that zone 'custom race car chassis assembly, including minor fabrication, and sales of high performance automotive parts'.
2. The request of Jeff Covey 2643 Oakleigh, Middleville, Michigan for a special exception use permit to operate the type of facility proposed for inclusion in the Zoning Ordinance pursuant to item number 1 above, on property located at 362 118th Avenue, Martin, Michigan, in Martin Township. (Note: consideration and any approval of this special exception use request is completely conditional on eventual Township Board approval of the Zoning Ordinance text amendment referenced in item number 1 above).
3. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendment (s), and more information about the special exception use request, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be obtained by contacting the Secretary of the Zoning Board: John Schipper, 1849 11th street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be obtained at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment (s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103
Martin Township Board
By: Georgia Kraal, Clerk

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton st. in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing and meeting include, in brief, the following:

1. The request by 4-L Farms Inc. for a special exception use permit at 1904 second street in Martin Township for a potato chip testing station and Ag-related sales.

2. The request by 4-L Farms Inc. for a special exception use permit at 111 112th ave. in Martin Township for sales of Ag. products.

3. The request by Mr. Stan Leep for a special exception use permit at 1785 second street in Martin Township for sales of Ag-related equipment and supplies.

4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd ave. in Martin Township for sales of feed and Ag. products.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing and meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the public hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined at the residence of the Secretary of the Zoning Board at such times as may be arranged in advance, and may further be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraai, Clerk

Martin Township Zoning Board
Quarterly Meeting, March 20, 1990

The Martin Township Zoning Board held its quarterly meeting on March 20, 1990 at the Martin Township Community Building. Board members present were MacVean, Brenner, Evers, DeYoung and Schipper.

Chairman DeYoung called the meeting to order at 7:35 p.m. The secretary then read the minutes from the meeting on 12/05/89. Motion made by member Evers, to accept the minutes as read. Support by member MacVean. Motion carried. The main item of business was the request for special exception use permits that were presented at the public hearing on 3/06/90 at which the zoning board did not have a quorum present which presented the need for the meeting on this date. The secretary then read the minutes from the public hearing on 3/06/90.

The first request was by 4-L Farms Inc. for a special exception use permit in an Ag Zoning District for a potato chip testing station and sales of Ag related farm products at the property which is described as: The South 300 ft. of the East 300 ft. of the East 3/4 of the NorthEast 1/4 of Section 14, T2N, R11W. Motion was made by member Evers, with support by member Brenner, that the request be approved subject to the following conditions:

1. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
2. All such activities or business shall at all times be conducted and operated so as to comply with Section 13.1 (Special Exception Use Standards), and all other applicable provisions of the Martin Township Zoning Ordinance.
3. The Martin Township Zoning Board does administratively reserve the right of annual review of compliance.

No other comments were brought forth from the public hearing. Roll call vote on the motion, Evers-Aye, MacVean-Aye, Brenner-Aye, DeYoung-Aye, and Schipper-Aye. Motion Carried.

The second request by 4-L Farms for a special exception use permit at 111 112th ave. in Martin Township was determined by the board, to not be needed as the property was already in a commercial type zone.

The next request was by Mr. Stan Leep for a special exception use permit in an Ag Zoning District for sales and service of Farm Machinery and Ag-related supplies, at the property which is described as: A parcel of land commencing at a point on the West line of Section 24, at a point 58 Rods South of the NorthWest corner as a place of beginning, then East 33 rods, then South approximately 22½ rods to center of first East and West drainage ditch lying South thereof, then Westerly along center line of drainage ditch to West section line, then North approximately 22½ rods to P.O.B. of T 2 N, R 11 W. Motion was made by member Brenner, with support by member Evers, that the request be approved subject to the following conditions:

1. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat

condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.

2. Stockpiling of any materials shall not be allowed above the height of eight feet or above the height of the containing fence or screen.
3. All such activities or business shall at all times be conducted and operated so as to comply with Section 13.1 (Special Exception Use Standards), and all other applicable provisions of the Martin Township Zoning Ordinance.
4. The Martin Township Zoning Board does administratively reserve the right of annual review of compliance.

Some discussion then commenced as board members voiced their concern that this type of business could turn into an equipment junkyard if not properly maintained, but it was noted that if the conditions of this permit were not met then the permit would be revoked. No other comments from the public hearing were brought forth. Roll call vote on the motion; Evers-Aye, MacVean-Aye, Brenner-Aye, DeYoung-Aye, and Schipper-Aye. Motion Carried.

The next request was by Mr. Terry Smit for a special exception use permit for sales of feed and Ag products at 1125 122nd ave. which is on a parcel of land described as: The East 1/2 of the SouthWest 1/4, also the West 1/2 of the SouthWest 1/4 of the SouthEast 1/4 of Section 6, T2N R11W. Motion was made by member Evers, with support from member MacVean, that the request be approved subject to the following conditions:

1. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
2. All such activities or business shall at all times be conducted and operated so as to comply with Section 13.1 (Special Exception Use Standards), and all other applicable provisions of the Martin Township Zoning Ordinance.
3. The Martin Township Zoning Board does administratively reserve the right of annual review of compliance.

No other comments were brought forth from the public hearing. Roll call vote on the motion, Evers-Aye, MacVean-Aye, Brenner-Aye, DeYoung-Aye, and Schipper-Aye. Motion Carried.

In other business it was noted by the secretary that the township attorney was to prepare the notices for the public hearing to amend the zoning ordinance because of the statutory mandate to provide for family day care facilities and homes as permitted uses in the Ag, R-1, R-2, and R-3 zoning districts. This meeting is scheduled for June 5, 1990.

Motion to adjourn by member Evers, All support. Meeting adjourned 8:50 p.m.

John Schipper, Secretary
Martin Township Zoning Board

Martin Township Zoning Board
Public Hearing, March 6, 1990

The Martin Township Zoning Board held a public hearing at the Martin Town Hall on March 6, 1990. The hearing was opened at 7:30 p.m. Board members present were DeYoung, Brenner, and Schipper. Also present were a few members from the community.

The secretary then individually read through each of the requests being made for a special exception use permit. After each request was read the chairman asked for comments on the request. None were made concerning any of the requests. It was also noted that no comments were received prior to the hearing concerning any of the requests.

One of the members from the audience thought that these type of requests should be treated as variances instead of exceptions as the general public usually doesn't respond well to exceptions to zoning. The board members thought that maybe the wording was a little misleading but our zoning ordinance says that a variance deals primarily with dimensional type problems and this deals with types of uses in a zoning district,

No other comments were made pertaining to this matter. Since the zoning board did not have a quorum present the regular meeting was rescheduled for Tuesday March 20, 1990 at 7:30 p.m. at the town hall. Public Hearing was adjourned at 7:55 p.m.

John Schipper, Secretary
Martin Township Zoning Board

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

STATE OF MICHIGAN)
 : SS AFFIDAVIT OF MAILING OF NOTICE
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on the 22 day of February, 1980, I mailed a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township for March-6, 1980, to the owner(s) of each property proposed for rezoning consideration in said Notice, to the applicant(s) for said rezoning, to all persons to whom any real property is assessed within 300 feet of any property proposed in said Notice for rezoning consideration as shown on the last assessment role of the Township, and to the occupants of all single-family and two-family dwellings located within 300 feet of any property therein proposed for rezoning consideration, all as shown on the attached list, by properly addressing an envelope to each person or to "occupant" where a tenants name was not known, placing a copy of the Notice in each envelope, and sealing the envelopes and mailing the same, First Class Mail, with postage fully prepaid, from a United States Post Office box in Martin, Michigan, all in accordance with MCLA 125.284.

John Schipper
John Schipper

⁹⁰ Subscribed and sworn to before me this 20th day of February, 1980.

Sandra K. Raab
Sandra K. Raab
Notary Public

Allegan County, Michigan
My Commission Expires:
SANDRA K. RAAB
Notary Public, Allegan County, Michigan
My Commission Expires February 24, 1990

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton st. in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing and meeting include, in brief, the following:

1. The request by 4-L Farms Inc. for a special exception use permit at 1904 second street in Martin Township for a potato chip testing station and Ag-related sales.

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4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd ave. in Martin Township for sales of feed and Ag. products.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing and meeting.

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All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraal, Clerk

State of Michigan, County of Allegan

In the Matter of MARTIN TOWNSHIP/PUBLIC NOTICE/HEARING ZONING BOARD 3/6/90
COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Peninsula/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to-wit:

*Notary Public, Barry County, Mi.
Acting in Allegan County
My Commission Expires
September 20, 1992*

Feb. 21 _____ A.D. 19⁹⁰ _____ A.D. 19 _____
_____ A.D. 19 _____ A.D. 19 _____
_____ A.D. 19 _____ A.D. 19 _____



Subscribed and sworn before me this twenty-fifth
day of February A.D. 19⁹⁰.

Catherine M. Heringer
Notary Public, Barry County, Michigan
Acting in Allegan County

My Commission Expires Sept. 20 A.D. 19⁹²



THREE WAYLAND JUNIOR HIGH school students were local winners in the America & Me essay contest. First place honors went to Melissa Keil, right, who will have her name engraved on a plaque for permanent display in the school. Earning second place honors was Shannon Spencer, center, and coming in third was Erin Marsh.

Local trio 'America & Me' essay winners

by Pat Staley

Three Wayland Junior High School students are local winners in the 21st annual "America and Me" essay contest. Melissa Keil, Shannon Spencer and Erin Marsh all received award certificates for their achievement.

Keil placed first; Spencer, second; and Marsh, third in the contest sponsored by Farm Bureau Insurance.

Keil's entry now advances to state competition where ten of the top essays will

be selected. Winners in that contest will be announced in May. A banquet will be held in Lansing to honor the victors, who will be awarded plaques and U.S. savings bonds valued from \$500 to \$1,000.

A team of finalist judges, which includes Gov. James Blanchard and Lt. Gov. Martha Griffiths, will determine the top statewide winners.

Several thousand eighth grade students from almost 500 Michigan schools participated in the 1989-90 contest. The topic of this year's competition was "America and Me—How We Will Work Together."

until smooth. Blend in flour mixture; stir in cereal and raisins. Drop by tablespoons, 2 inches apart, onto lightly greased baking sheets. Bake at 350°F for 8 to 11 minutes or until lightly browned. Cool slightly. Remove from baking sheets; cool on wire rack.

Makes 3 dozen cookies.

PEANUT BUTTER RAISIN BARS

1/2 cup firmly packed light brown sugar
1/2 cup corn syrup
1/2 cup chunky peanut butter
2 cups shredded wheat, coarsely crushed
3/4 cup seedless raisins

In large saucepan, over medium heat, stir together brown sugar and corn syrup until sugar dissolves. Remove from heat; blend in peanut butter. Stir in cereal and raisins until well coated. Press into lightly greased 8x8x2-inch baking pan. Cool until firm. Cut into 24 bars. Store in airtight container.

Chef's Choice

CONTINUED FROM PAGE 11

CHEWY COFFEE JUMBLES

1 1/2 cups all-purpose flour
3 tablespoons instant coffee granules
1 teaspoon baking soda
1/2 cup margarine, softened
1/2 cup sugar
1/2 cup honey
1/2 cup cholesterol-free egg product
1 teaspoon vanilla extract
4 shredded biscuits or 1 1/2 cups shredded wheat, finely crushed
3/4 cup seedless raisins

Mix flour, instant coffee and baking soda; set aside.

With electric mixer at medium speed, beat margarine and sugar until creamy. Beat in honey, egg product and vanilla

MARTIN TOWNSHIP ZONING BOARD ALLEGAN COUNTY, MICHIGAN

— NOTICE —

OF ZONING PUBLIC HEARING AND MEETING ON SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton St. in the Village of Martin, Michigan.

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1. The request by 4-L Farms Inc. for a special exception use permit at 1904 Second Street in Martin Township for a potato chip testing station and Ag-related sales.
2. The request by 4-L Farms Inc. for a special exception use permit at 111 112th Ave., in Martin Township for sales of Ag. products.
3. The request by Mr. Stan Leep for a special exception use permit at 1785 Second Street in Martin Township for sales of Ag-related equipment and supplies.
4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd Ave., in Martin Township for sales of feed and Ag. products.
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All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraai, Clerk

M 2/21 (Legal-4)

NOTICE

Hopkins Township BOARD OF REVIEW

Monday & Tuesday
March 12 & 13, 1990

9:00 a.m. to 12 Noon and
1:00 to 4:00 p.m.

HOPKINS TOWNSHIP HALL LIBRARY ANNEX

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in the Township of Hopkins are: Agricultural, 1.09746; Commercial, 1.02775; Industrial, 1.04688; Residential, 1.11434.

Or protest by letter made out to Hopkins Township Supervisor, 1960 - 128th Ave., Hopkins, MI 49326.

Bill Punches,
Supervisor

— NOTICE —

WATSON TOWNSHIP PROPERTY OWNERS

1990 BOARD OF REVIEW
WILL MEET
ON THE FOLLOWING DATES:

March 6, 1990

5 p.m. — Organizational Meeting

March 12, 1990

9 a.m. to 12 Noon and 1 p.m. to 4 p.m.

March 13, 1990

1 p.m. to 4 p.m. and 6 p.m. to 9 p.m.

for the purpose of hearing appeals
on assessments at:

WATSON TOWNSHIP HALL
1895 118th Ave.

Catherine Pardee, Clerk

W-2 2/21 (Legal-4)

NOTICE

Township of Martin 1990 Board of Review

To all township taxpayers: The 1990 Board of Review for the Township of Martin will meet at the Martin Township Hall on March 6 and 7 (organizational days).

Monday, March 12

9:00 a.m. to Noon and 1:00 to 4:00 p.m.

Tuesday, March 13

8 a.m. to Noon and 7:00 p.m. to 9:00 p.m.

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in the Township of Martin are: Agricultural, 1.02628; Commercial, 1.06028; Industrial, .84988; Residential, 1.08833.

You may call for an appointment if you desire -672-5408.

Property assessment records may be reviewed by appointment.

Andrew Leep,
Martin Township
Supervisor, Assessor

W-2 2/21

THURS. NIGHT BINGO
First Time - Sept. 7
(Then every Thurs. Night)
CALEDOONIA AMERICAN
LEONOR POST BOX
Cherry Valley, Caladonia 49016

BINGO
Our American Legion, Post 127
★ **MONDAY NIGHT** ★
Early Bird - 5:30 p.m.

BINGO
Sunday afternoon, 3 pm
Wayland VFW,
S. Main Street

MONTEREY TOWNSHIP PLANNING COMMISSION

— NOTICE — OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held on Monday, March 19, 1990, at 7:00 p.m. at the Monterey Community Building at the corner of 30th Street and 130th Avenue, Monterey Township, Allegan County, Michigan, to consider a request submitted by Dandel Orchards, of 2860 127th Ave., Allegan, MI 49010, (legal description on record) for a re-zoning of their property from Agricultural to Rural Estates in Section 27, T3N, R13W, Monterey Township, Allegan County, Michigan.

The further purpose of this meeting will be to consider the request of Bruce & Gary Weick of 220 Selby Street, P.O. Box 41, Hopkins, MI 49328, (legal description on record) for a re-zoning of their property from Rural Estates to Low Density Residential in Section 34, T3N, R13W, Monterey Township, Allegan County, Michigan.

Also such other and further matters as may come before said public hearing.

PLEASE TAKE FURTHER NOTICE that the Monterey Township Planning Commission hereby specifically reserves the right to recommend changes in the zoning ordinance other than as proposed herein.

Questions, comments or requests to review any zoning ordinances, maps or other related documents may be directed to:

MONTEREY TOWNSHIP PLANNING COMMISSION
by: Earl Collier, Chairman
2674 - 127th Ave.
Route #5
Allegan, MI 49010
(616) 793-3378

Coming March 5th & 7th

LAND & LAKE HOMES

Local information about real estate,
home financing, and home improvement

A SPECIAL SUPPLEMENT TO...

PENNSAEE
GLOBE  **ORBIT**

Advertising Information: 616-792-2271

Mailed to over 21,000 Homes in
the desirable and growing communities
between Grand Rapids and Kalamazoo



SEMI-FINALISTS in the Class B state debate competitions on Feb. 14 included the Wayland team. From left, the debaters are Matt Fletcher, forensics director Denise King, James Doane and Branden Wallace. The finish were in Noon. The state Class B champion was East Grand Rapids. Three hundred students from 55 high schools debated whether or not the federal government should adopt a nationwide policy to decrease overcrowding in prisons and jails in the United States.



Yesteryears

A Look Into Our Past...

YESTERYEARS 100 Years Ago

February 27, 1890

Two entertainments next week.
Great is the railroad talk at Allegan.
George Ward has opened a barber shop at Martin.
The Wayland Charter election occurs on the 31st of March.
Hein Lankeet of Allegan started yesterday for a trip to Mexico for his health.
Several of our town's people are discussing the question of emigrating to Tallapoosa, GA., to better their condition.

Prof. F.A. Bacon, principal of the Middleville Union School, has purchased the Republican of that place of Horace Watkins. Success to the new management.

February 19, 1915 75 Years Ago

There will be no school Monday and Tuesday on account of the Teacher's Institute.
The Primary children celebrated Lincoln's birthday and Valentine's Day last Friday afternoon.
The Seniors and Sophomores are making a thorough review of arithmetic.
Beatrice Brog has a new piano.
Ollie Hendrixma will work his father's farm the coming year.

H.W. Curie and J.E. Adams attended the Auto Show in Grand Rapids Tuesday. Birney Barber is at Byron Center taking the place of A. Frary in the depot for a few days.

Seth Conrad has been suffering from sunec poisoning for a few days.
Deputy Sheriff Delbert Fortney of Grand Haven was here Tuesday night and arrested Bert Hunt, on a charge of deserting his wife. Bert says there is nothing to it.

50 Years Ago

February 23, 1940

There will be no third term presidential announcements today, we are sure.
Freezing nights and thawing daytimes will soon bring activity to the sugar camps in this vicinity.
Roads are in unusually good condition for this time of year.
Plenty of snow on the ground is good for the wheat and should enable the farmers to get at their spring work early, because of the small amount of frost on the ground.
Mrs. Orpha Herrington of Hopkins has opened a new beauty shop in the Hilbert building, formerly occupied by Vivian's Beauty Shoppe, on West Superior Street. New equipment has been installed, the interior decorated, and is now open for business.

1 YEAR WARRANTY!

1988 FORD MUSTANG
Auto, air, cruise, cd, dark
blu, 34,000 miles

\$6,995

1988 PONTIAC G800

Air, auto, cruise

\$5,995

1988 BUICK SKYLARK

Auto, air, cruise

\$5,750

1988 FORD ESCORT WAGON

Automatic

\$3,495

1988 VOLKSWAGEN GOLF

GT, 30,000 miles

\$5,750

BROADMOOR
MOTOR SALES

"Specializing in Quality
Pre-Owned Cars"

8090 Broadmoor S.E.,
80th Street and East Building
Al Payera (616) 698-2565

NOTICE WAYLAND TOWNSHIP BOARD OF REVIEW

Organizational Day March 8 in preparation for
hearings to be held

Monday, March 12

9 a.m. - 12 noon & 1 - 4:30 p.m.

Tuesday, March 13

1 - 4:30 p.m. & 6 - 8 p.m.

Wayland Township Hall

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Wayland Township are Agricultural, 1.08787; Commercial, 1.03542; Industrial, 1.01917; Residential, 1.12669.

Erwin Doublestein,
Supervisor

Phyllis DeGlopper,
Assessor

WAYLAND PRINTING, INC.
P.O. BOX 4415
WAYLAND, MA 02348

John Schipper
1675 11th St.
Martinez, MA 04070

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
AFFIDAVIT OF POSTING

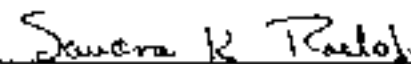
STATE OF MICHIGAN)
 SS
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on the 22 day of February, 1988, I conspicuously posted at the Martin Township Hall a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township, stating the time, place and date of such proceedings to be March 6, 1988, at 7:30 p.m., to be held at the Martin Township Hall, said time of posting being at least 18 hours prior to the public hearing/meeting.



John Schipper

Subscribed and sworn to before me this 22nd day of February, 1988.



Notary Public
Allegan County, Michigan
My Commission Expires:

SANDRA K. RCELOF
Notary Public, Allegan County, Michigan
My Commission Expires February 24, 1990

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 6, 1990 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton st. in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing and meeting include, in brief, the following:

1. The request by 4-L Farms Inc. for a special exception use permit at 1904 second street in Martin Township for a potato chip testing station and Ag-related sales.

2. The request by 4-L Farms Inc. for a special exception use permit at 111 112th ave. in Martin Township for sales of Ag. products.

3. The request by Mr. Stan Leep for a special exception use permit at 1785 second street in Martin Township for sales of Ag-related equipment and supplies.

4. The request by Mr. Terry Smit for a special exception use permit at 1125 122nd ave. in Martin Township for sales of feed and Ag. products.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing and meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1675 11th Street, Martin, MI 49070 at any time prior to the public hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined at the residence of the Secretary of the Zoning Board at such times as may be arranged in advance, and may further be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1675 11th Street
Martin, MI 49070
616/672-7010

Martin Township Board
By: Mrs. Georgia Kraai, Clerk

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/meeting on Tuesday, June 6, 1989 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to add a new subsection 10 designating "governmental administration or service buildings" as permitted uses in the "C-1" Neighborhood Business District of the Township.

2. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-1" Neighborhood Business District any of the non-residential uses designated as allowed uses in the "R-2" Low Density Residential District or the "R-3" Medium Density Residential and Mobile Home Park District, whether designated as permitted uses or special exception uses.

3. The amendment of Section 11.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-2" General Business District all uses designated as allowed uses in the "C-1" Neighborhood Business District, whether designated as permitted uses or special exception uses.

4. The proposed amendment of the Martin Township Zoning Map, and Appendix A of the Martin Township Zoning Ordinance, so as to rezone the north 1/2 of the northeast 1/4 of land Section 1 of the Township from the existing "R-3" Medium Density Residential and Mobile Home Park District to the "C-2" General Business District or the "C-1" Neighborhood Business District.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500 and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103


Martin Township Board
By: Georgia Kraai, Clerk

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

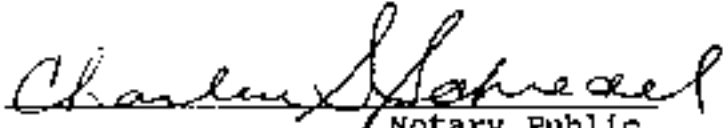
STATE OF MICHIGAN)
 : as AFFIDAVIT OF MAILING OF NOTICE
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that on the 17 day of May, 1989, I mailed a true and correct copy of the attached Notice of Public Hearing/Meeting of the Zoning Board of Martin Township for June 6, 1989, to the owner(s) of each property proposed for rezoning consideration in said Notice, to the applicant(s) for said rezoning, to all persons to whom any real property is assessed within 300 feet of any property proposed in said Notice for rezoning consideration as shown on the last assessment role of the Township, and to the occupants of all single-family and two-family dwellings located within 300 feet of any property therein proposed for rezoning consideration, all as shown on the attached list, by properly addressing an envelope to each person or to "occupant" where a tenants name was not known, placing a copy of the Notice in each envelope, and sealing the envelopes and mailing the same, First Class Mail, with postage fully prepaid, from a United States Post Office box in Martin, Michigan, all in accordance with MCLA 125.284.



John Schipper

Subscribed and sworn to before me this 17 day of May, 1989.



Notary Public
Allegan County, Michigan
My Commission Expires:

CHARLENE S. SCHEDEL
Notary Public, Allegan County, Michigan
My Commission Expires October 16, 1989

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN


AFFIDAVIT OF SERVICE OF NOTICE

STATE OF MICHIGAN)
 ss
COUNTY OF ALLEGAN)

I, John Schipper, being first duly sworn, depose and say that I served a true and correct copy of the attached Notice of Zoning Public Hearing and Meeting scheduled for June 6, 1989 upon the following public utilities and railroads, as directed by the Supervisor of the Township of Martin;

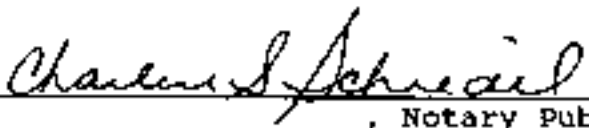
1. Conrail
2. Consumers Power Company
3. O & A Electric Company
4. Michigan Bell Telephone Company
5. AT & T
6. Wolverine Power Supply Cooperative, Inc.
7. Michigan Gas Utilities
8. Tri-City Cable

by placing the copies in envelopes addressed as shown on the attached mailing list, with postage prepaid thereon, sealing the envelopes and mailing the same, First Class mail, from a United States post office box in Martin, Michigan on the 17 day of May, 1989.



John Schipper

Subscribed and sworn to before me this 17 day of May, 1989.



Notary Public
Allegan County, Michigan
My Commission Expires:

CHARLENE S SCHIEDEL
Notary Public, Allegan County, Michigan
My Commission Expires October 16, 1989

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/meeting on Tuesday, June 6, 1989 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to add a new subsection 30 designating "governmental administration or service buildings" as permitted uses in the "C-1" Neighborhood Business District of the Township.

2. The amendment of Section 10.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-1" Neighborhood Business District any of the non-residential uses designated as allowed uses in the "R-2" Low Density Residential District or the "R-3" Medium Density Residential and Mobile Home Park District, whether designated as permitted uses or special exception uses.

3. The amendment of Section 11.2 of the Martin Township Zoning Ordinance so as to revise existing subsection 1 to allow in the "C-2" General Business District all uses designated as allowed uses in the "C-1" Neighborhood Business District, whether designated as permitted uses or special exception uses.

4. The proposed amendment of the Martin Township Zoning Map, and Appendix A of the Martin Township Zoning Ordinance, so as to rezone the north 1/2 of the northeast 1/4 of land Section 1 of the Township from the existing "R-3" Medium Density Residential and Mobile Home Park District to the "C-2" General Business District or the "C-1" Neighborhood Business District.

5. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500 and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103

Martin Township Board
By: Georgia Kraai, Clerk

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY P. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500
—
TELECOMICA
616-382-2040

March 20, 1989

Mr. John Schipper
Secretary, Martin Township
1849 11th Street
Martin, MI 49070

Re: Materials for April 18, 1989
Zoning Board Public
Hearing/Meeting

Dear John:

Enclosed are various materials pertaining to the Zoning Board public hearing/meeting scheduled for April 18, 1989.

Firstly, I have enclosed the original legal Notice for you to use to make the copies necessary for the required mailings and posting.

Secondly, I am enclosing an Affidavit of Posting for you to complete after posting a copy of the Notice at the Township Hall. The Notice may be posted at your earliest convenience, but in any event at least 18 hours before the scheduled time of the public hearing/meeting. The completed Affidavit of Posting (with attached copy of Notice) should be filed with the Township records concerning this matter.

Thirdly, I am enclosing an Affidavit of Service of Notice pertaining to the utilities and railroads. Please mail copies of the Notice to the public utilities and railroads as referenced in the Affidavit at least 20 days before the date of the public hearing/meeting. The completed Affidavit with your attached mailing list (and attached copy of Notice) should then be filed with the Township records concerning this matter.

Fourthly, I am enclosing a copy of my letter to the Wayland Globe arranging for the required newspaper publications of the Notice.

Mr. John Schipper
March 20, 1989
Page 2

Fifthly, I am enclosing a copy of the tentative text of the proposed text amendments, which you are required by law to have available for public examination.

Finally, please arrange to have the existing Zoning Ordinance, Zoning Map and Land Use Plan Text and Map available for public examination at the Township offices from and after the first publication of the legal Notice and up to and including the time of the public hearing/meeting, as referenced in the Notice and as required by law.

Please give me a call if you have any questions or problems.

Sincerely,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb

Enclosures

c: Andrew Loop
Georgia Kraai

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING AND MEETING ON
ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Tuesday, April 18, 1989, at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The amendment of Section 4.5, subsection 2, of the Martin Township Zoning Ordinance so as to provide that all dwellings shall have a minimum width of 20 feet for the entire length of the dwelling.

2. The amendment of Section 6.3 of the Martin Township Zoning Ordinance so as to add a new subsection 16 designating agriculture-related sales or service businesses as special exception uses in the "AG" Agricultural District of the Township, subject to certain conditions and limitations.

3. The amendment of Section 7.3 of the Martin Township Zoning Ordinance so as to add a new subsection 8 designating agricultural-related sales or service businesses as special exception uses in the "R-1" Rural Estates District of the Township, subject to certain conditions and limitations.

4. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at the hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the complete text of the proposed amendments, and the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500 and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

The Township Zoning Board reserves the right to modify or alter the proposed amendment(s) to the Zoning Ordinance and/or Map and/or Land Use Plan at or following the hearing/meeting and to make its recommendation accordingly to the County Planning Commission and Township Board.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616) 672-5103

Martin Township Board
By: Georgia Kraai, Clerk

TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON APRIL 18, 1989

1. Amend Section 4.5 of the Martin Township Zoning Ordinance, pertaining to dwelling standards, so as to revise subsection 2 of same to read as follows:

"It shall have a minimum width or depth of 20 feet for the entire length of the dwelling;"

2. Amend Section 6.3 of the Martin Township Zoning Ordinance designating the various special exception uses allowed in the "AG" Agricultural zoning district of Martin Township so as to add a new such special exception use at subsection 16, reading as follows:

"16. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals."

3. Amend Section 7.3 of the Martin Township Zoning Ordinance designating the various special exception uses allowed in the "R-1" Rural Estates zoning district of Martin Township so as to add a new such special exception use at subsection 8, reading as follows:

"8. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals."

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
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RICHARD D. REED
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CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA B. MASON
GILLEN W. WICKLUND
CAROL L.J. MUSTOLES

TELEPHONE
616-332-4500
—
TELECOPIER
616-332-2040

March 20, 1989

Wayland Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township

Ladies:

Enclosed please find a Martin Township Notice of Zoning
Public Hearing and Meeting for publication in the Wayland Globe
on:

Wednesday, March 29, 1989

Wednesday, April 12, 1989

Please forward two Affidavits of the publication to this
office, and your bill for the publication to the Martin Township
Clerk: Georgia Kraai, 1399 10th Street, Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb
Enclosure

cc: Mr. John Schipper
Georgia Kraai
Andrew Leep

COPY TO ROBERT BOYLE

Nov. 11, 1987

Motion by Fenner, supported by Sipple, to pay bill for Fireworks upon receipt receiving same. Roll-call

" Motion by Sipple, supported by Fenner, to amend Martin Twp zoning Ordinance as follows: Amend appendix A/Classification of Land, and to remove from the existing R-3 Medium Density Residential and Mobile Home Park District to "C-2 General Bus. District" the 4 property in lots 27-28-29-30 of the Lapham Tabernacle Plat in Section 1 of Martin Twp. Roll-call. all Page "

The above motion is a true and exact copy of a motion offered at our regular Board Meeting held Nov. 11, 1987.

Ayes

Jack Sipple
Gerald Fenner
LaVerne Young
Andy Leep

Nays--None

LaVerne Young
LaVerne Young
Martin Twp. Clerk

copy I send to Robert Boyle
4381 Bluff Lagoon
Shelby 49844

11-13-87

copy to Robert Boyle

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD September 4, 1987

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map:

Amendment of Appendix A/Classification of Lands of Martin Township Zoning Ordinance/Map so as to come from existing "R-3" Medium Density Residential to "C-2" General Business that property in Lots 27, 28, 29, 30 of Latham Lakeview Plat in Section 1, (T2N, R11W) of Martin Township.

MARTIN TOWNSHIP ZONING BOARD

By: *John Dubigan*
Zoning Board Secretary

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) approves the same for consideration by the Martin Township Board, subject to the following:

Approved, unanimously, on Sept. 15, 1987

Dated: 9/15/87

ALLEGAN COUNTY PLANNING COMMISSION

By: *Lynd B. Fleming*
Lynd B. Fleming, Secretary

ACTION BY TOWNSHIP BOARD:

- Enacted
- Denied
- Referred back to Zoning Board

sent copy to Robert Boyle

Copy to Robert Boyle
11-13-87



COUNTY OF ALLEGAN

PLANNING COMMISSION

LYNN B. FLEMING, Recording Secretary
108 Chestnut St., County Building Annex
Phone 673-8471, Ext. 377
TINUS VANDER WOUDE, Chairman

ALLEGAN COUNTY PLANNING COMMISSION MINUTES - SEPTEMBER 15, 1987

1. Call to order - 2:30 P.M.
2. Members presents: Anderson, Brower, Chado, Hansen, Kammeraad, Maxwell, Nielsen, Vander Woude, and Recording Secretary Fleming.
Members absent: Brakus, Cornell, and Whitney.
3. Minutes of the August 10, 1987 meeting were presented and approved with the following correction made, as requested by Gun Plain Township Planning Commission: Item # 14 - "\$200.00 for rezoning requests."

STANDING COMMITTEE REPORTS:

4. Allegan County Promotional Alliance - Vander Woude
Four new members have been elected to the Executive Board.
5. Recreation/Tourism Advisory Council - Hanson
The Pioneer Picnic was held in August and considered the greatest success to-date.
6. Board of Commissioners - Nielsen, Kammeraad
The County Board went on record disapproving the raising of State Park Fees; appointed an Emergency Planning Commission for Right To Know; rescinded action of July 27th which was a Resolution in regard to dams which asked for an Environmental Impact Statement from DNR regarding the PCB level in the lake as a result of their destruction of dams in the Kalamazoo River.
7. Dept. of Public Works - Fleming, Sec.
Two-thirds of the pipe has been installed for the Lake Dexter Water System project; the base has been poured for the water storage tank which is expected to be erected this fall. The Fennville Water System project is moving slowly ahead.
8. Park Commission - Fleming, Sec.
An offer has been received and being considered to develop the ball diamonds at Littlejohn Lake for softball league use. It has been learned that the County Parks Rules will have to be made a County Ordinance to allow enforcement by the Sheriff Department.
9. Region B - Vander Woude
No report.

10. Resource Recovery - Nielsen
Director, Mary Jones, will be performing in the Community Tent at the County Fair this year as opposed to renting booth space as has been done in past years. The Allegan Recycling Station will have to be moved from the Industrial Park and a new location found. Mary will take responsibility for updating the County Solid Waste Plan for presentation to the Solid Waste Committee.
11. Allegan/Ottawa Community Growth Alliance - Vander Woude
No report.
12. Ground Water Quality Committee
The organizational meeting will be held Wednesday, Sept. 18.

NEW BUSINESS:

13. The Board of Commissioners granted a request by Trowbridge Township to waive County Planning Commission review of the proposed zoning amendment which would allow the Township to build township buildings on land in Trowbridge Township zoned Agricultural.
14. Clyde Township Zoning Ordinance 23 - Nielsen
An ordinance to regulate the setting of fires, and to provide penalties for the violation thereof, and to provide a method for the collection of costs and expenses of the township caused by the setting of fires; approved by Township Planning Commission. A motion by Nielsen, supported by Maxwell to approve the action of the Clyde Township Planning Commission. Motion carried unanimously.
15. Martin Township Zoning Ordinance Amendment - Whitney
Secretary Fleming read Martin Township's request to amend Appendix A/Classification of Lands, and to rezone from the existing R-3 Medium Density Residential and Mobile Home Park District to C-2 General Business District that property in Lots 27, 28, 29, and 30, of the Lapham Lakeview Plat in Section 1. Approved by Martin Township Planning Commission. A motion was made by Maxwell and supported by Brower to approve the action of the Martin Township Planning Commission. Motion carried unanimously.
16. Laketown Township Zoning Ordinance Amendment - Hanson
A proposed amendment to Chapter 10, Sec. 20.01, which would increase the members on the Zoning Board of Appeals from the present four to five members was approved by the Township Planning Commission. A motion was made by Kommerod and supported by Anderson to approve the action of the Laketown Township Planning Commission. Motion carried unanimously.
17. Monterey Township Zoning Ordinance Amendment - Hanson
A request to rezone, from Agricultural to Rural Estate; SE 1/4 SE 1/4 except the S 208.71 ft of the E 208.71 ft, also except the N 10 Acres, Sec. 2. Approved by Township

Planning Commission. A motion to approve the action of the Monterey Township Planning Commission was made by Hanson and supported by Kammeraad. Motion carried unanimously.


18. Fillmore Township Zoning Ordinance Amendment - Brower
Request to rezone from Agricultural to Commercial: part of the SW 1/4 Sec. 29, beginning at a point on the south line of Section 29, West 231 ft. of the S 1/4 corner thence north 620 ft. thence west 450 ft., thence south 620 ft., thence east to job. Approved by Township Planning Commission. A motion was made by Brower and supported by Chada to approve the action of the Fillmore Township Planning Commission. Motion carried.

OLD BUSINESS:

19. Planning & Zoning Workshop - 1987
Discussion led to the following decisions:
- a) The program will be devoted to answering questions and addressing topics presented by the audience to a panel.
 - b) Date: October 29th or November 30th.
 - c) Place: Allegan County Intermediate School Building, if available.
 - d) Registration Fee: \$10.00
 - e) Letter and Registration Forms mailed to local Governmental Units, Press Releases sent to news media.
 - e) Panelists suggested: Ken Detloff, Mark Wycof, John Bauckhem, Robert Hotelling.

There being no further business a motion to adjourn was made by Chada and supported by Hanson. Motion carried.

Tinus Vander Woude
Chairman


Lynn B. Fleming
Recording Secretary

THE NEXT REGULAR MEETING OF THE ALLEGAN COUNTY PLANNING COMMISSION
WILL BE HELD OCTOBER 5, 1987 AT 2:30 P.M. IN THE OFFICES OF THE
ALLEGAN COUNTY BUILDING ANNEX, 108 CHESTNUT ST., ALLEGAN, MICHIGAN

BAUCKHAN, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

**ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007**

HARRY F. SMITH 1808-1872
JOHN H. BAUCKHAN
RICHARD D. REED
RICHARD L. LANG
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 11, 1987

AREA CODE 616
TELEPHONE
382-4800

*ZONING - JAGER
MAY 24*

Mr. John Schipper
Secretary, Martin Township
1849 11th Street
Martin, MI 49070

Re: Notices for May 26, 1987
Zoning Board Public Hearing/
Meeting

Dear John:

NOTICE HT B. BOARD

Enclosed please find the original of the Notice of Zoning Public Hearing/Meeting for the Zoning Board proceedings to be held May 26, 1987. A copy of the Notice must be posted at the Township Hall at least 18 hours before the time scheduled for the proceedings. After posting the Notice please complete the enclosed Affidavit of Posting accordingly and return either the original or a copy of the completed Affidavit to me for my file.

I am also enclosing an Affidavit of Mailing for you to complete after mailing a copy of the Notice to the applicants, the owners of the property, if different than the applicants, and to all persons to whom any real property is assessed within 300 feet of the boundaries of the property, and to the occupants of all structures located within 300 feet of the property. The Notices must be mailed at least 5 days before the hearing/meeting date, but not more than 15 days prior to that date. Please attach to this Affidavit a list of the names and addresses to which the Notice was mailed.

I have arranged for the required publication of the Notice in the Wayland Globe, and have enclosed a copy of my letter to the Globe for your file.

It is my understanding that my attendance will not be required at the May 26 proceedings. Please be sure that the minutes of the proceedings reference the applicable section of the Zoning Ordinance designating the proposed use as a special

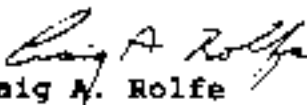
Mr. John Schipper
May 11, 1987
Page Two

exception use in the relevant zoning district. Please also take a refresher look at Article XIII of the Zoning Ordinance and ensure that the minutes of the proceedings adequately reference the consideration of and compliance with the various standards and other provisions spelled out therein for special exception use matters.

As usual, if you have any questions or problems please give me a call.

Sincerely,

BAUCKREAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jmw

cc: LaVerne Young
Andy Leap

BAUCKHAM, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
300 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1808-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 7, 1987

BD APPEALS
MAY 27

AREA CODE 616
TELEPHONE
366-4800

Wayland Globe
Wayland, MI 49344

Re: Publication of Zoning
Notice for Martin Township

Ladies:

NOTICE AT E. BOARD

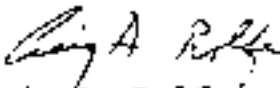
Enclosed please find a Martin Township Notice of Zoning Public Hearing and Meeting for publication in the Wayland Globe on Wednesday, May 20, 1987.

Please forward two Affidavits of the publication to this office, and your bill for the publication to the Martin Township Clerk: Mr. LaVerne Young, 981 Lee Street, Martin, MI 49070.

Thank you for your attention to this request.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jaw

cc: Mr. John Schipper
Mr. LaVerne Young

MARTIN TOWNSHIP ZONING BOARD
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING AND MEETING ON
SPECIAL EXCEPTION USE REQUEST

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Martin Township Zoning Board will hold a public hearing/special meeting on Tuesday, May 26, 1987 at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

PLEASE TAKE NOTICE that the items to be considered at this public hearing/meeting include, in brief, the following:

1. The request of Ken and Barb Jager for a special exception use permit, as provided in the Martin Township Zoning Ordinance, to conduct an adult foster care facility or similar facility providing care for more than 6 persons on a parcel of land located at 2234 7th Street, Shelbyville, MI 49344 in Section 4 of Martin Township.

2. Such other and further matters as may properly come before the Zoning Board at the public hearing/meeting.

PLEASE TAKE FURTHER NOTICE that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070 at any time prior to the hearing/meeting, and may further be submitted to the Zoning Board at said hearing/meeting.

PLEASE TAKE FURTHER NOTICE that the Martin Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Township Attorneys, Bauckham, Reed, Lang, Sparks, Rolfe & Thomsen, P.C., 500 Park Building, 132 W. South Street, Kalamazoo, MI 49007, 616/382-4500, and may also be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (616/672-5103) at such times as may be arranged in advance with Mr. Schipper from and after the publication of this Notice and until and including the day of the hearing/meeting, and further may be examined at the hearing/meeting.

All interested persons are invited to be present at the aforesaid time and place and to participate in the hearing/meeting.

MARTIN TOWNSHIP ZONING BOARD
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
616/672-5103

Martin Township Board
By: LaVerne Young, Clerk

ORD. # 33
MADE CHANGES

CHANGES IN ORD # 30 EFFECTIVE 9-24-86
.. EFFECTIVE MAY 27, '87

- E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:
No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

*Changes on ordinance
to replace pages on 3 ring binder*

8
CHANGES - EFFECTIVE MAY 27, '87 : PM, #33

✓ IN ORD ADOPTED 9-10-86
EFFECTIVE 9-24-86 = ORD.#30

- E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:
No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

- 9
6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:

No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.

- 10
6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:

No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:

- A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
- B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.

2. Minimum lot width:

- A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.

- 12
- B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
 4. Minimum front yard: 30 feet.
 5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
 6. Minimum side yard: 10 feet.
 7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

13

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

- 9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.
- 9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Multi-family dwellings.
 4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
 6. Signs in accordance with Article XIV of this Ordinance.
- 9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.
1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site, subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.
- 9.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

NOTICE

The family of Dr. Anthony D'Amico is pleased to announce that it has located an excellent young chiropractor, Dr. Robert L. Harrison, who was previously practicing in Lowell, Michigan, and wishes to continue in the footsteps of Dr. D'Amico. Regular office hours will continue in the Byron Center office under Dr. Harrison's direction.

Mrs. D'Amico & Dr. Harrison invite all current and former patients to stop in and meet Dr. Harrison.

MARTIN TOWNSHIP ZONING BOARD

Allegan County, Michigan

Notice of Public Hearing and Meeting on Zoning Ordinance Text Amendments

To: The Residents and Property Owners of the Township of Martin, Allegan County, Michigan, and All Other Interested Persons:

Please Take Notice that the Martin Township Zoning Board will hold a public hearing and meeting on **Tuesday, March 17, 1987, at 7:30 o'clock p.m.** at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

Please Take Notice that the items to be considered at this public hearing include, in brief, the following:

1. The amendment of Section 6.3 of the Martin Township Zoning Ordinance so as to add a new subsection 15 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "AG" Agricultural District of the Township, subject to certain conditions and limitations.

2. The amendment of Section 7.3 of the Martin Township Zoning Ordinance so as to add a new subsection 7 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-1" Rural Estates District of the Township subject to certain conditions and limitations.

3. The amendment of Section 8.3 of the Martin Township Zoning Ordinance so as to add a new subsection 8 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-2" Low Density Residential District of the Township subject to certain conditions and limitations.

4. The amendment of Section 9.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the "R-3" Medium Density Residential and Mobile Home Park District of the Township so as to change existing subsection 4 to read as follows:

"Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities."

5. Such other and further matters as may properly come before the Zoning Board at this public hearing.

Please Take Further Notice that any persons who have an interest in the Township or other persons interested therein, or their duly authorized representatives or agents may appear at this hearing and be heard as to any matters that may properly come before the Zoning Board.

Please Take Further Notice that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070, at any time prior to this hearing.

Please Take Further Notice that the complete text of the proposed amendments, and the zoning ordinance and map, may be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (672-5103), at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until and including the day of said hearing/meeting, and further may be examined at said hearing/meeting.

Martin Township Zoning Board
By: John Schipper, Secretary
1849 11th Street
Martin, MI 49070
(616)672-5103
Martin Township Board
By: LaVerne Young, Clerk



THE Neighborhood KITCHEN

with Margaret DeGroot

Last week we received a request for Sweden House Bread Pudding from Ann Minzee of Wayland. She wrote that she found it several years ago in a former recipe column, but since then has lost or misplaced it.

Several readers saved that recipe, printed below. Thanks for bringing them in.

I was almost raised on bread pudding. Growing up during the Depression years took a lot of stretching to feed 12 children. My mother baked all the bread for our table. We never knew what "store bought" bread tasted like.

Living on a farm, we usually had milk and eggs; combined with the bread scraps, Mother would bake large pans of bread pudding. Sometimes she'd add raisins, apples and top it with meringue, which made it extra special.

Often when we came home from country school (walking two miles), our snack would be a square of cold bread pudding. I am still fond of it. Following are several versions of an old favorite.

Sweden House Bread Pudding

4 eggs
2 cups milk
1 cup sugar
1 cup boiling water
1 tsp vanilla
6 slices bread
1/4 cup raisins
cinnamon

Beat eggs until running smooth. Add milk and beat well. Dissolve sugar in boiling water; add to egg mixture. Add vanilla and beat. Dice bread and place in loaf pan. Add raisins and pour egg mixture over all to soak bread. Sprinkle with cinnamon. Place in pan of warm water and bake in preheated 350°F oven for 1-1 1/2 hours until firm.

Bread Pudding

2 cups milk
2 tbsps butter
2 cups dry bread cubes
1/2 cup sugar
2 eggs, slightly beaten
1 tsp cinnamon
1 tsp vanilla
1/4 tsp salt
1/2 cup raisins

Scald milk, add butter. Pour over bread cubes. Soak about 5 minutes. Add sugar, slightly beaten eggs, cinnamon, vanilla, salt and raisins. Pour into buttered 9x11-inch baking dish or casserole. Set the dish into a pan of hot water. Bake in 350°F oven for 1 hour and 15 minutes or until knife comes out clean.

Raisin Meringue Bread Pudding

2 cups milk
2 cups dry bread cubes
1/4 cup brown sugar
1/4 cup white sugar
1/4 tsp salt
2 tbsps melted butter

1 tsp cinnamon
1 tsp vanilla
2 beaten egg yolks
1/2 cup raisins, light or dark
1 apple, pared and chopped

Scald milk, pour over bread cubes. Add sugars, salt, melted butter, cinnamon, vanilla, beaten egg yolks, raisins and chopped apple. Toss to blend. Pour into a buttered 1 1/2-qt casserole or 9x11-inch baking dish. Set dish in shallow pan of water. Bake in 350°F oven 1 hour. Remove from oven, spread with meringue. Then bake about 10 minutes longer or until meringue is lightly browned.

Meringue
2 egg whites
1/4 tsp salt
3 tbsps sugar
1/2 tsp vanilla

Beat egg whites and salt until soft peaks form. Gradually add sugar until stiff peaks form. Add vanilla. Spread on baked bread pudding. Return to oven.

Chocolate Bread Pudding

1/2 cup cocoa
1/2 cup sugar
1/2 tsp salt
2 eggs, beaten
1 1/2 tps vanilla
2 cups milk
6 slices white bread

Remove crusts from bread and cube the rest. Set aside. Combine cocoa, sugar and salt; add eggs and vanilla. Scald the milk and add cubed bread. Stir to moisten. Add to the chocolate mixture. Mix and pour into buttered 1 1/2-qt casserole. Place in a pan of hot water and bake in 350°F oven for 50-60 minutes or until set. Serve with cream or whipped topping.

Caramel Bread Pudding

2 tbsps butter
1 cup packed brown sugar
6 slices white bread, cubed
6 eggs
1/2 cup packed brown sugar
1 12-oz can evaporated milk
1/2 cup water
1 tsp vanilla
1/8 tsp salt

Generously butter shallow 1 1/2-qt baking dish. Dot bottom with remaining butter. Sprinkle 1 cup brown sugar over bottom. Top with bread cubes. Beat eggs with wire whisk. Stir in 1/2 cup brown sugar, evaporated milk, water, vanilla and salt. Pour over bread cubes (Do not stir). Place baking dish in larger pan. Pour hot water into pan 1 inch deep. Bake in 325°F oven 50 minutes or until knife comes out clean. Serve warm or cold.

To share a recipe or search out a long-lost favorite, write to The Neighborhood Kitchen, C/o The Globe, P.O. Box 445, Wayland, MI 49348.

LARGE SELECTION

of
Tractor,
Combine &
Farm
Equipment
PARTS
New and Used
Goodyear Farm Tires
STAMM
EQUIPMENT
Phone 792-6204
Wayland

NOTICE

Wayland City Voters

Absentee Voter Ballots
will be available beginning
Monday, March 16, 1987
until 2:00 p.m.

Saturday, April 4, 1987

at City Hall H.A. Stull,
City Clerk

Wayland's Grigsby advances to regional wrestling competition



WILDCAT HEAVYWEIGHT Rob Grigsby was the sole Wayland grappler to qualify for the regional meet this Saturday at Delton. Grigsby placed second in his class last Saturday during district competition.

Heavyweight wrestler Rob Grigsby will represent Wayland Saturday at the state regional wrestling competition at Delton.

Grigsby earned the spot last Saturday by placing second in the district competition at Lakewood High School.

In his first match of the day, Grigsby pinned Hudsonville's Jim VanderKolk at 53 seconds, and disposed of West Catholic's Stan Truskosky at 36 seconds. Grigsby moved into the finals with a pin at 1:40 over Brian Gorby of Ionia.

In the finals, Grigsby lost to last year's state runner-up, Lowell's Jim Johnson by pin at 3:14.

Overall, the Wildcats placed 11th in the district with 36 points. John Whitley at 112 and Troy Schalb at 155 both bowed out early to the top seeded grapplers, while Tim Graves at 98 and Mark Troy at 128 bowed to the second seeded fighters.

Todd Kunst at 167 and Tom Klump at 132 each won one match before bowing out, while Kevin Kotrba at 119, Frank Pagan at 138, Jim Britton at 145 and Ken Klump at 185 all fell in their first matches.

Foul trouble helps Cat cagers bury themselves at FHN game

Jerry Czarniecki and Ron Burmanica combined for a meager four points in the first half Friday at the Wildcats buried themselves at Forest Hills Northern.

Both the players got into early foul trouble in the 67-52 loss, taking the inside game away and opening things up for the Huskies.

"Forest Hills hit everything they throw up in the first half," said Wayland Coach Cliff Sage. "We got down by 18 at the half, and had our chances to climb back in, but they kept us out of it."

The difference in the first half, besides being in foul trouble, was that Forest Hills hit the free throws they were given. They sank 21 in the first half.

Forest Hills also banged the boards fiercely with the tallest Cats on the bench. They grabbed 51 to Wayland's 36.

"We are a little bigger than them, but they really hit the boards," Sage said.

Roger Meyerink led the team scoring with 11 points, while Czarniecki added 10, as did Mike Salisbury, who Sage said deserves some credit for his play of late.

"Mike has scored in double figures the last four games," Sage said. "He's accepted his role as point guard and has done a nice job in running the offense, yet he's still scoring."

Despite Salisbury's play, the Cats need the inside power Czarniecki provides. He led the team rebounding with six, but is averaging 11 per game on the year.

"Forest Hills is a good team," Sage said, "but we buried ourselves Friday."

JUNIOR VARSITY

Brian Medendorp could do no wrong last Friday in leading the Cat jayvees to a 88-52 win over Forest Hills Northern, according to Coach Scott Hall.

Medendorp grabbed 18 rebounds and scored 12 points, and played his best game of the year by far, Hall said.

"Brian has improved to the point

where he's playing unreal basketball," Hall said. "He's getting more and more confidence, and that is helping the team confidence."

Hall said his team is peaking at this point, and wishes there were more than just two games left.

Hall also noted that Elmer Straub kept the Cats in the first half of the game with 13 of his 19 points, but the team as a whole compiled a balanced scoring attack.

Willie Barker, just pulled up from the freshman squad, pumped in 12 points, while Rick Dunkle added 10 and Dan Ainsworth scored nine, and Todd Tiglerman four.

Besides Medendorp's rebounding total, Ainsworth grabbed 10 caroms, and Barker six as the Cat team total soared to 45.

"We really dominated the boards," Hall said. "It was an excellent game, and was nearly mistake-free."

Wayland moved up to a 5-13 overall record with the win.

FRESHMEN

With Barker on the jayvee squad, the freshman lose about 20 points a game, according to Coach Tom Dunkle, whose team bowed to Forest Hills Northern 55-53 Friday.

Dunkle noted that the rest of his team responded well, however, but just didn't have enough to take control of the game.

Dave Farley, who Dunkle said has come a long way this year, stepped in to score 18 points, 18 of which came in the first half Friday.

"They doubled him in the second half, but other players came through well," Dunkle said.

"I was really pleased with Dave's play," Dunkle said. "He's the most improved player the last couple weeks."

With Farley shut down, Jeff Kazanowski scored 13 points, while Rick Merzen, who holds a school freshman record of 37 points in one game, added five.

Wayland's last frosh game of the year was slated for Tuesday. They entered that game with a 7-9 overall record.

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MARTIN TOWNSHIP ZONING BOARD

Allegan County, Michigan

Notice of Public Hearing and Meeting on Zoning Ordinance Text Amendments

To: The Residents and Property Owners of the Township of Martin, Allegan County, Michigan, and All Other Interested Persons:

Please Take Notice that the Martin Township Zoning Board will hold a public hearing and meeting on Tuesday, March 17, 1987, at 7:30 o'clock p.m. at the Martin Township Hall located at 114 Templeton in the Village of Martin, Michigan.

Please Take Notice that the items to be considered at this public hearing include, in brief, the following:

1. The amendment of Section 6.3 of the Martin Township Zoning Ordinance so as to add a new subsection 15 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "AG" Agricultural District of the Township, subject to certain conditions and limitations.
2. The amendment of Section 7.3 of the Martin Township Zoning Ordinance so as to add a new subsection 7 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-1" Rural Estates District of the Township subject to certain conditions and limitations.
3. The amendment of Section 8.3 of the Martin Township Zoning Ordinance so as to add a new subsection 8 designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "R-2" Low Density Residential District of the Township subject to certain conditions and limitations.
4. The amendment of Section 9.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the "R-3" Medium Density Residential and Mobile Home Park District of the Township so as to change existing subsection 4 to read as follows:

"Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities."

5. Such other and further matters as may properly come before the Zoning Board at this public hearing.

Please Take Further Notice that any persons who have an interest in the Township or other persons interested therein, or their duly authorized representatives or agents may appear at this hearing and be heard as to any matters that may properly come before the Zoning Board.

Please Take Further Notice that written comments concerning the above matters may be mailed to the Secretary of the Martin Township Zoning Board, Mr. John Schipper, 1849 11th Street, Martin, MI 49070, at any time prior to this hearing.

Please Take Further Notice that the complete text of the proposed amendments, and the zoning ordinance and map, may be examined at the residence of the Secretary of the Zoning Board: John Schipper, 1849 11th Street, Martin, MI 49070 (616)672-5103, at such times as may be arranged in advance with Mr. Schipper from and after the publication of this notice and until including the day of said hearing/meeting, and further may be examined at said hearing/meeting.

Martin Township Zoning Board

By: John Schipper, Secretary

1849 11th Street

Martin, MI 49070

(616)672-5103

Martin Township Board

By: LaVerne Young, Clerk

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Hopkins coach amazed at his team's victory Friday night

One of the hardest jobs for a coach to accomplish is to get the team to peak at just the right time. For high school basketball teams, the mountaintop should be in sight right about now, with March Madness looming in the very near future.

Hopkins Coach Scott Palczewski has accomplished that task, if Friday night's big win over Grand Rapids Baptist was any indication. The win gave the Vikings new hope as the "second season" approaches, and that is good for the team.

It will indeed be good for the team to forget the 14 games that were lost this year. Past records mean nothing once the tourney starts. And past performances will mean nothing if the team can hold onto its consistency.

"I was amazed," Palczewski said after the 61-48 parents' night victory. "We played our most consistent game of the year, and they really amazed me with how well they could play."

Baptist defeated the Vikings by a point in overtime earlier in the year, but Friday was Hopkins' night from the get-go.

Showing nice inside movement without the ball, the Vikings jumped off to an 8-0 lead before going up 16-8 after the first frame.

Good rebounding kept the lead intact at the half, and cold Baptist shooting, along with three and four shots at the bucket for Hopkins, obviously frustrated the Mustangs.

The Vikings slowed the tempo a bit in the final stanza, and the way his team worked the ball inside pleased Palczewski.

"I wanted them to go through their paces," the coach said. "We needed to control the ball and look for the layup."

When the layup wasn't there, Hopkins didn't lose much. Ray Rifenberg was hot from all parts of the floor, and sustained his fire en route to a team-high 20 points.

"We're starting to peak," Palczewski said. "We're playing as well as we've played all year."

With Alan Smith starting to come back strongly, the Vikings get a little boost inside. Smith scored 11 points and snatched 10 rebounds. Jack Pogodzinski also scored 11 points in a fine performance, while Mike Mooney grabbed 10 boards and scored nine points.

Hopkins will seek to fine-tune the squad with two more games before March Madness begins.

Last Tuesday, the Vikings were downed by a state-ranked Martin squad 76-53.

Smith scored 18 and grabbed six rebounds to pace the Vikings, but Martin outscored Hopkins 28-8 in the third frame to ice the victory.

Clipper Matt Blanchard scored 18 points in that contest, followed by Bob Merrill with 12 and Chad Kraal with 10.

Besides Smith, Hopkins got 12 points from Rifenberg and 10 from Mooney.

JUNIOR VARSITY

Hopkins' jayvees did a good job against Baptist Friday night, according to Coach Tom MacArthur, but it was not quite enough to upend the tough Mustangs.

"I have to give Baptist credit," MacArthur said of the 61-54 loss. "They are the best team we've faced this year, and while we played a good game, they played better."

Dale Kraft pumped in 15 points for Hopkins in the loss, followed by Mike Rynearson with 14 points, five assists and five steals. Kraft also snatched eight rebounds, as did Kris Knobloch, who added eight points.

Last Tuesday, the Viking jayvees upended Martin 68-53 with a balanced scoring attack.

Knobloch and Casey Pogodzinski each scored 13 points in the win, while Rynearson and Kraft added 12 each. Curtis Channels carded 10 points, followed by Joe Beck with six and Jon Tew with two.

"It was a close game," MacArthur said. "We came out stronger in the second half, and we created some turnovers with good defense and were able to capitalize on it."

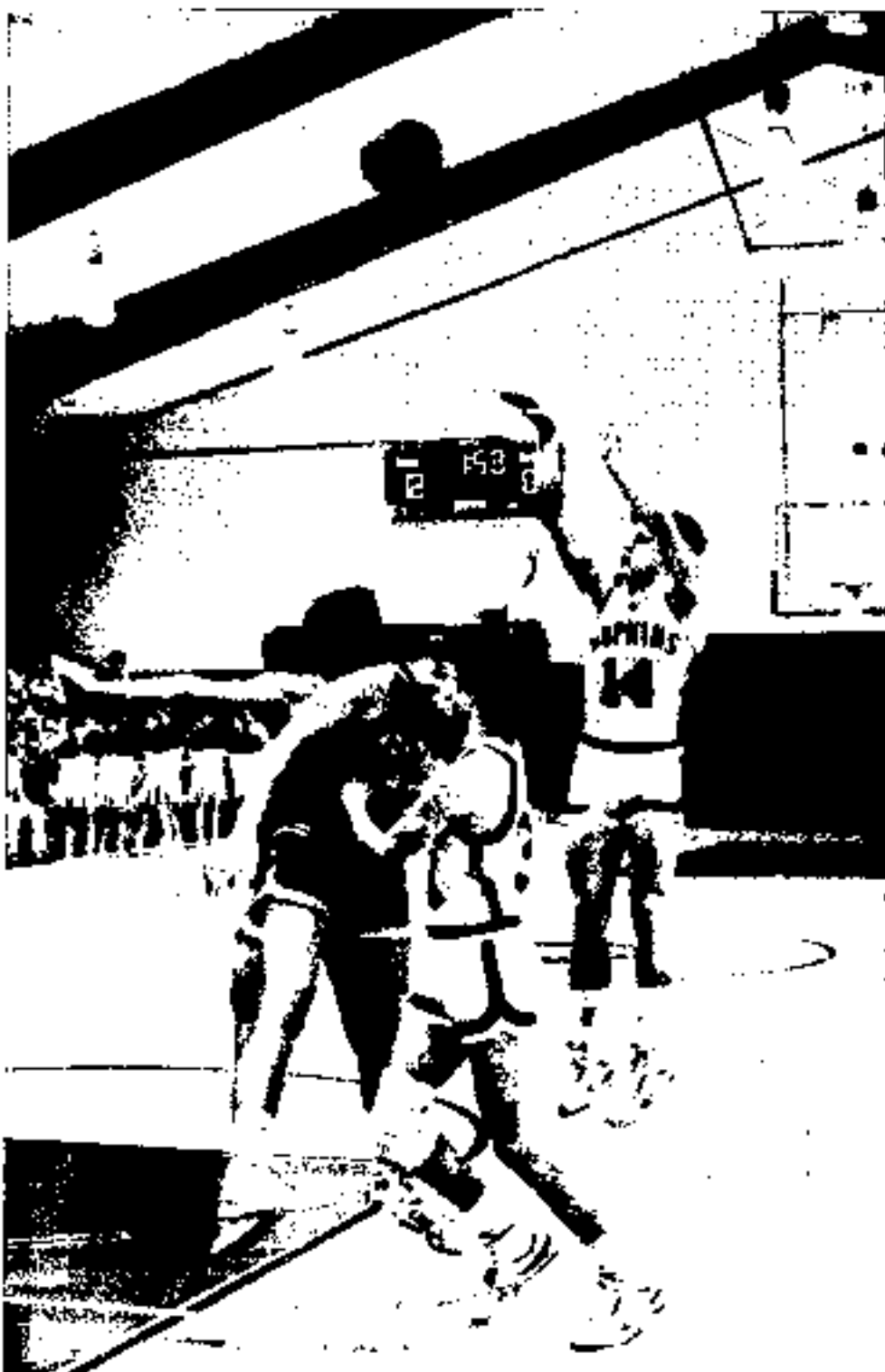
Hopkins also got good rebounding balance, with Channels grabbing eight caroms and Knobloch seven. Kraft snatched six boards, while Beck added five.

Hopkins moved to a 12-6 season mark with two games left, while Martin stood at 5-13.

FRESHMEN

The Viking frosh finished the year with a 5-9 record after dropping the final two games of the year.

"Overall, we showed improvement



MUSCLING FOR POSITION inside, Hopkins cager Alan Smith proved he could be forceful Friday night, as his Grand Rapids Baptist air-born opponent found. Smith got inside for 10 rebounds, while outside shooter Ray Rifenberg, 14, scored 20 points in the 61-48 Viking win.

and did well," said Coach Jim Balding. "There were a couple of games we could have won, but the second half of the year we played better."

Evidence of that statement is shown by the Viking 41-40 loss Friday to Grand Rapids Baptist, which defeated Hopkins by 27 the first half of the year.

"We came back well in the fourth quarter," Balding said. "Ford Ablett scored 13 points in the fourth, and we had a last second shot stop on the rim."

Ablett ended the game with 22

points, while Jeff Gilder added nine. Gilder also pulled down 11 rebounds, and Mike Diekevers grabbed six. Randy Welek scored eight points.

Last Tuesday, the Vikings were upended by Martin's frosh 39-32 despite Ablett's 16 points. Gilder added nine points and got nine rebounds, while Butch Misner snatched five boards.

Martin was paced to the win by J. J. Goodrich with 16 points and Donnie Shook with 10.

NOTICE

Township Of Wayland BOARD OF REVIEW

March 10, 1987

9:00-12:00 & 1:00-4:00

March 11

1:00-4:00 & 6:00-8:00

Wayland Township Hall

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Wayland Township are Agricultural, .90337; Commercial, 1.01359; Industrial, 1.00301; Residential, 1.06451.

Erwin Doubtstein, Supervisor

NOTICE

Township Of Salem BOARD OF REVIEW

Monday & Tuesday

March 9 & 10, 1987

9:00-12:00 & 1:00-4:00

Salem Township Hall

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Salem Township are Agricultural, .83857; Commercial, 1.00061; Industrial, .99266; Residential, 1.00041.

Bob Jones, Supervisor

NOTICE

DORR TOWNSHIP BOARD OF REVIEW

March 9, 1987

1 p.m. to 4 p.m., 5 p.m. to 8 p.m.

March 10, 1987

9:00 a.m. to 12 noon
and 1:00 to 4:00 p.m.

AT DORR TOWNSHIP HALL

The tentative recommended equalization ratios and estimated multipliers (factors) necessary to compute individual state equalized values of real property in Dorr Twp. are Agricultural, .87467; Commercial, .99246; Industrial, 1.00000; Residential, 1.05397.

Donald Kaczanowski, Supervisor

MARTIN TOWNSHIP LAND USE PLAN

The Martin Township Land Use Plan consists of a land use plan map and this brief textual summary of the nature and characteristics of Martin Township. The land use plan, and the Martin Township Zoning Ordinance based thereon, are designed to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

Martin Township lies east of Abegan and north of Plainwell. US-131 runs along the western edge of the Township and Gun Lake just enters the northeast corner of the Township. Land uses in the Township are mostly agricultural and rural residential. There are small concentrations of residential uses in Shelbyville, Hooper and around Gun Lake and Lake Sixteen. The only large commercial use in the Township is the "US-131 Dragway", which is a heavy traffic generator during periods of operation.

The population in Martin Township in 1980, including the Village of Martin, was around 2,300 people. A projected population of around 2,600 people has been established for the year 1990. The Village of Martin has adopted and administers its own zoning ordinance.

There are no major influences on future growth in Martin Township. US 131 Dragway draws many people but is isolated from the rest of the Township by the expressway. Gun Lake is a development attraction but most of its attraction is in Wayland Township and Barry County. The Village of Martin may attract some growth, but since it lacks large employment sources, it probably will not be a significant influence. The three small lakes - Lake Sixteen, Fenner Lake and Pratt Lake - have limited potential for future development. The two US-131 interchanges in the Township both provide attractive sites for highway oriented commercial business. Although the paved county primary and local road system is not extensive, it does provide convenient access to most of the Township.

The general concept and goal of this plan is to direct future growth into planned service centers in and around the community center and conserve agricultural and rural open space areas through the adoption and implementation of these development guidelines:

1. Prime Agricultural Areas
Goal: Preserve and maintain prime agricultural land in bona fide agricultural uses only.
2. Rural Estates and Open Space Areas
Goal: Encourage single family home sites on large lots and selected land sites only.
3. Residential
Goal: Direct future intensive residential developments into and around community service centers.
4. Commercial
Goal: Encourage future commercial uses to locate in major community service centers with full public utilities.
5. Industrial
Goal: Encourage future intensive industrial uses into major community service centers with full public utilities and away from residential and prime agricultural areas.

The following is a sectional listing of all of the land areas in Martin Township (not including the Village of Martin), setting forth the current zoning designation of such lands, and noting planning proposals for certain areas, all in relation to the guidelines set forth in this land use plan:

1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
Planning proposal: Rezone to "C-2" General Business District the northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District. "I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
Planning Proposal: Rezone to "I-1" Industrial District the west one-eighth of Section 5.
6. Section 6, Town 2 North, Range 11 West

- "AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.
- "C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.
7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 634 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 6th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
Planning Proposal: Rezone to "I-1" Industrial District the northwest quarter of the southwest quarter of Section 17.
18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moorad property where it joins the Mac Veen property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.
Planning Proposal: Rezone to "R-1" Rural Estates District that land along the east border of Section 18 from the Consumers Power right-of-way to 10th Street.
19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter

- of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.
- "R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.
- "C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.
Planning Proposal: Rezone to "R-1" Rural Estates District that land between the Consumers Power right-of-way and 10th Street in the southeast quarter of the northeast quarter of Section 19.
20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
Planning Proposal: Rezone to "R-1" Rural Estates District the northeast quarter of the southeast quarter of Section 20.
21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
Planning Proposal: Rezone to "R-1" Rural Estates District that land in Section 21 on the east side of 8th Street from 116th Avenue north to the jog in the road, with a property depth of 217.8 feet.
Planning Proposal: Rezone to "C-2" General Business District that land in the northwest quarter of Section 21 along the east side of 8th Street north from the east-west half section line to the east-west quarter section line, then east three-quarters of the way to the north-south half section line, excluding that land considered part of the cemetery.
22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies west of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
Planning Proposal: Rezone to "I-1" Industrial District that property in Section 29 along the west side of the railroad tracks right-of-way from 114th Avenue north to the Martin Village limits to a depth of 500 feet; also that land in Section 29 along the east side of the railroad tracks right-of-way, east to the north-south quarter section line and north from 114th Avenue to the Martin Village limits.

30. Section 30, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
 "R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
 "R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
 "C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest

quarter of Section 30.
 31. Section 31, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
 "R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
 "C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
 32. Section 32, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
 "R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
 33. Section 33, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 166 feet, thence south 792 feet, thence west 166 feet to point of beginning.
 34. Section 34, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 34.
 35. Section 35, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
 36. Section 36, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The south quarter of Section 36.

MARTIN TOWNSHIP ALLEGAN COUNTY MICHIGAN

MARTIN TOWNSHIP ZONING ORDINANCE (ORDINANCE NO. 30)

ADOPTED DATE SEPTEMBER 10, 1986 - EFFECTIVE DATE SEPTEMBER 24, 1986

TABLE OF CONTENTS

ARTICLE I — SHORT TITLE, PURPOSE AND SCOPE . . . SS2
 ARTICLE II — CONSTRUCTION OF LANGUAGE SS2
 ARTICLE III — DEFINITIONS SS2
 ARTICLE IV -- GENERAL PROVISIONS SS4
 ARTICLE V — CLASSIFICATION AND USE DISTRICTS . . . SS6
 ARTICLE VI — AG AGRICULTURAL DISTRICT SS8
 ARTICLE VII — R-1 RURAL ESTATES DISTRICT SS8
 ARTICLE VIII — R-2 LOW DENSITY
 RESIDENTIAL DISTRICT SS7
 ARTICLE IX — R-3 MEDIUM DENSITY RESIDENTIAL
 AND MOBILE HOME PARK DISTRICT SS7
 ARTICLE X -- C-1 NEIGHBORHOOD
 BUSINESS DISTRICT SS7
 ARTICLE XI — C-2 GENERAL BUSINESS DISTRICT . . . SS8
 ARTICLE XII — I-1 INDUSTRIAL DISTRICT SS8
 ARTICLE XIII — SPECIAL EXCEPTION USES
 GENERAL PROVISIONS SS8
 ARTICLE XIV — SIGNS SS9
 ARTICLE XV -- PARKING AND LOADING SPACES . . . SS9
 ARTICLE XVI — NONCONFORMING USES, BUILDINGS
 OR STRUCTURES SS9
 ARTICLE XVII -- ZONING BOARD SS10
 ARTICLE XVIII — ZONING BOARD OF APPEALS SS10
 ARTICLE XIX — ADMINISTRATION AND
 ENFORCEMENT SS10
 ARTICLE XX — VIOLATION AND PENALTIES SS10
 ARTICLE XXI — AMENDMENT OF ORDINANCE SS11
 ARTICLE XXII — MISCELLANEOUS PROVISIONS SS11
 APPENDIX A — CLASSIFICATION OF LANDS SS11

sions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

THE TOWNSHIP OF MARTIN,
 ALLEGAN COUNTY, MICHIGAN,
 ORDAINS:

ARTICLE I
 SHORT TITLE, PURPOSE AND SCOPE

1.1 SHORT TITLE. This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance."

1.2 PURPOSE. This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous use of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general land appropriate trend and character of land, building and population development.

1.3 SCOPE AND INTERPRETATION. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

ARTICLE II
 CONSTRUCTION OF LANGUAGE

2.1 The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, condi-

tions, provisions or events shall apply; and,

B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

3. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

ARTICLE III
 DEFINITIONS

3.1 DEFINITIONS. For the purpose of interpreting and enforcing this Ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. Accessory Building or Structure: A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.

2. Accessory Use: A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.

3. Agriculture Production: The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.

4. Alley: A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.

5. Alteration, Structural: Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.

6. Automotive Repair Shop: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.

A. Automotive Repair, Major: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.

B. Automotive Repair, Minor: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons capacity; provided, however, there is excluded any repair or work included in the definition of A above.

7. Automotive Service Station: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.

8. Basement: A portion of a building which is partially or

MARTIN TOWNSHIP ZONING ORDINANCE
 ORDINANCE NO. 30
 ADOPTED: SEPTEMBER 10, 1986
 EFFECTIVE: SEPTEMBER 24, 1986

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Martin; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provi-

wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.

9. Board or Township Board; The Marin Township Board.

10. Board of Appeals or Zoning Board of Appeals: The Marin Township Zoning Board of Appeals.

11. Boarding House or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.

12. Building: An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.

13. Building Code/Township Building Code: The nationally recognized model building, construction, plumbing and electrical codes duly adopted by the Marin Township Board.

14. Building Height: The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

15. Building Inspector: The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.

16. Building or Structure Setback: The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.

17. Building/Occupancy Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.

18. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.

19. County Board; The Allegan County Board of Commissioners.

20. Dwelling or Residence: A building, mobile home, premanufactured or pre-cut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run; or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.4 of this ordinance.

A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.

B. Dwelling, Private: A building occupied by but one family alone.

C. Dwelling, Single-Family: A building containing not more than one dwelling unit designed for residential use.

D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.

E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.

21. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, non-profit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, society, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.

22. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 14.2 of this ordinance.

23. Farm: Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.

24. Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

25. Filling: The depositing or dumping of any matter onto or into the ground, except residue from common household gardening and general farm care.

26. Floor Area:

A. Floor Area, Gross: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

B. Floor Area, Net or Usable: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.

27. Garage, Private: A garage with capacity for not more than three vehicles, for parking and storage only.

28. Garage, Public: Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

29. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially uneven ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

30. Home Occupation: Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.20 of this ordinance.

31. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practically unusable for the purposes for which the product was manufactured or designed.

32. Junk-Salvage Yard: Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.

33. Kennel: Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.

34. Lot: A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right of way or any legal easement, and separated from other parcels by legal description, deed or subdivision plat. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".

A. Lot Area, Net: The total horizontal area within the lot lines of a lot.

B. Lot Area, Gross: The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Board.

C. Lot, Depth: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

D. Lot, Corner: A lot situated at the intersection of two (2) or more streets.

E. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.

F. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.

G. Lot, Lake: A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

H. Lot, Lines: Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.

I. Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.

J. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.

K. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

L. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by notes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.

M. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

35. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained

in the structure. A recreational vehicle, as defined herein, is not a mobile home.

36. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).

37. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.

38. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

39. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

40. Motor Vehicle: Every vehicle which is self-propelled.

41. Non-Conforming Use, Building or Lot of Record:

A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. set-backs, height, lot coverage, parking) of this ordinance in the zoning district in which it is located.

C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).

42. Occupancy Load: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

43. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

44. Parking Area, Space or Lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

45. Principal or Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

46. Principal or Main Use: The primary or predominant use of a lot.

47. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.

48. Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.

49. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging.

This term includes folding campers, truckmounted campers, travel trailers, and motor homes, but does not include mobile homes.

50. Recreational Vehicle Parks: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.

51. Roadside Market Stand: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

52. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.

53. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.

A. Sign, Accessory: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

B. Sign, Area Surface: The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

C. Sign, Billboard: Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

D. Sign, Business: Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

E. Sign, Identifying: Any structure on the same premises it identifies which serves only (1) to tell the name or

use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to list the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.

F. Sign, Nameplate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

G. Sign, Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

H. Sign, Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

54. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

A. Street, Major: A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.

B. Street, Minor or Local: A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.

55. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.

56. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in this same building, including the family of the same.

B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.

C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

57. Structure: Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

58. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

59. Tourist Home: A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in his home for compensation, inanity for transients.

60. Township: Martin Township, Allegan County, Michigan.

61. Variance: A modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

62. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.

A. Yard, Front: An open space extending across the full width of a lot, the depth of which is the distance between the front wall of the main building or structure and the front property line, lot line, or street right-of-way line. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

B. Yard, Rear: An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.

C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.

63. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.

64. Zoning Board or Township Zoning Board: The Martin Township Zoning Board.

ARTICLE IV GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

4.1 ZONING EFFECTS ALL STRUCTURES AND LAND

AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

4.2 RESTORING UNSAFE BUILDINGS: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

4.3 BUILDING PERMITS: No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:

A. The location and actual dimensions of the lot or premises to which the permit is to apply.

B. The kind of buildings or structures to which the permit is to apply.

C. The width of all abutting streets.

D. The area, size and location of all buildings or structures to which the permit is to apply.

E. The type of use to be made of the building or structure to which the permit is to apply.

F. The use of buildings or structures on adjoining lands.

G. The estimated cost of the building or structure.

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

2. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.

3. Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) of cause(s) for denial shall be transmitted to the owner or the owner's agent.

4. A building permit issued by the Building Inspector is non-transferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.

5. A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.

6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Board for such special exception use.

7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.

8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.

4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.6 feet;

2. It shall have a minimum width or depth of 20 feet for at least 20 feet of the length of the longest side of the dwelling;

3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality workmanship and of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.

4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.

5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department;

6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

8. The dwelling and all additions or rooms or other areas shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

4.6 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.

4.7 PRINCIPAL USE: No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, and the "R-2" Low Density Residential District; or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District.

4.8 ACCESSORY USE: Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.

4.9 ACCESSORY BUILDING OR STRUCTURE:

1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures

shall be compatible with and similar to the principal building.

2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that porches may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occur more than 20% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a driveway, portico, covered porch, or other similar architectural device.

4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.

5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-2" Low-Density Residential zoning district.

4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance. If already less than the minimum required, it shall not be further divided, altered or reduced.

4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan", as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- 1. Major County Primary - 100 feet
- 2. Minor County Primary - 60 feet

3. Collector Streets - 66 feet

4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 60 feet of frontage on a public street.

4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator shafts, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lifts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical apparatuses, and television and radio reception and transmission antennas and towers which do not exceed fifty feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

4.14 TEMPORARY USES OR STRUCTURES:

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth in Section 4.5 of this ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months. If all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:

A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth in Section 4.5 of this ordinance;

B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department;

C. All yard and setback requirements of the applicable zoning district are met;

D. The temporary dwelling has at least 475 square feet of usable floor area, and complies with all permanent construction and fire codes;

E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area;

F. The Town Meeting, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area;

G. The temporary dwelling shall not have a substantially detrimental effect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or other factors.

H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension that construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days of the issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction

materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.

3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:

- A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.
- B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
- C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.
- D. Such a recreational vehicle or tent may not be leased or rented to the occupants.

E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.

F. Such a recreational vehicle or tent must be stored neatly by or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

4.15 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE VIBRATION AND ODOR: Every use shall be so conducted and operated that it is not detrimental or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental utility, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collector, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, public call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pumps and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- 1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

4.17 DOUBLE FRONTAGE AND CORNER LOTS: Buildings on lots having frontage on two intersecting streets shall conform with the general character of the architecture of the surrounding neighborhood.

4.18 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone, other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees which is over 30 inches in height) shall be erected or maintained within 20 feet of an intersection right-of-way. In order to prevent traffic hazards arising from inadequate visibility:

4.19 HOME OCCUPATIONS: A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein;

2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners;

3. The dwelling shall not have any exterior signage, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling;

4. The occupation shall be clearly incidental and secondary to the residential use of the building;

5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot; and

6. The home occupation shall not utilize more than 35% of the gross floor area of the single unit dwelling.

4.20 FAMILY BUSINESSES: A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building;
- 2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties;
- 3. There shall be no expansion of the business facilities without the prior approval of the Zoning Board;

4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbances, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbances or lighting that not be discernible beyond the boundaries of the property from which the occupation is conducted.

5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.

6. The business shall be located on the same parcel with the family's residence.

7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.

8. The Zoning Board may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Board may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located;
- 2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 600 square feet. The height of the building or structure shall not exceed one story;
- 3. The building or structure shall be located at least 150 feet from any pre-existing dwellings located upon adjoining property under different ownership;
- 4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway;
- 5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand;
- 6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors;
- 7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental effect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All kennels shall be operated in conformance with all applicable county and state regulations;
- 2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs;
- 3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any pre-existing dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area;
- 4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel;
- 5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located; and with the principal uses of adjoining properties;
- 6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Board shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations;

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NON-PROFIT ORGANIZATION: A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. The minimum lot area upon which a church or school may be constructed shall be two acres;
 - 2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare;
 - 3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area;
 - 4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements;
- 4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automobile repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital, or residential district boundary;
2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance;
3. No drive or curb opening shall be located within 25 feet

of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.

4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.

5. No more than one curb cut shall be permitted for every 60 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

6. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.

9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Board and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.

12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Board to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 JUNK/SALVAGE YARDS: A junk/salvage yard, where allowed shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.

2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Board, and shall not be open for business or conducted on Sundays or holidays.

3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.

4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.

5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.

6. The setback requirements for all industrial uses shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.

7. All such activities or business shall be currently licensed by the State of Michigan.

8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section 4.10.

4.26 DRIVE-IN THEATERS: A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.

2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.

3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.

4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.

5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.

4.27 REMOVAL AND PROCESSING OF TOP SOIL,

SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations.

1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area;

2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas;

3. Earth removal operations shall not cause a permanent adverse effect to the environment, the natural topography, and any natural resource, other than the earth materials involved;

4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible;

5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity;

6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.

7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property;

8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion;

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 ZONE DISTRICTS: The Township of Martin is hereby divided into the following zoning districts:

- 1. AG Agricultural District
- 2. R-1 Rural Estate District
- 3. R-2 Low Density Residential District
- 4. R-3 Medium Density Residential District
- 5. C-1 Neighborhood Business District
- 6. C-2 General Business District
- 7. I-1 Industrial District

5.2 USE DISTRICT BOUNDARIES AND ZONING MAP:

The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this ordinance (Classification of Land), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.

4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.

6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

ARTICLE VI

AG AGRICULTURAL DISTRICT

6.1 STATEMENT OF PURPOSE: This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.

6.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary

facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.

- 2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
- 3. Riding stables, where horses are boarded and/or rented.
- 4. Single family dwellings.
- 5. Parks, public recreational areas or golf courses.
- 6. Home occupations, in accordance with Section 4.19 of this Ordinance.

7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.

8. Cemeteries.

9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

10. Signs in accordance with Article XIV of this Ordinance.

6.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
- 2. Recreational vehicle campgrounds.
- 3. Horse or dog racing tracks.
- 4. Slaughter houses and meat processing facilities.
- 5. Family businesses, in accordance with Section 4.20 of this Ordinance.
- 6. Two family dwellings.
- 7. Roadside stands, in accordance with Section 4.21 of this Ordinance.
- 8. Funeral parlors and mortuaries.
- 9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
- 10. Survival games or similar paramilitary recreational activities.
- 11. Conservation/skate shooting clubs or similar activities.
- 12. BMX, motorcycle, go-kart racetracks or similar activities.
- 13. Commercial communication towers.
- 14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.
- 4. Minimum front yard: 50 feet.
- 5. Minimum rear yard: 50 feet.
- 6. Minimum side yard: 20 feet.
- 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

7.1 STATEMENT OF PURPOSE: This zoning district is intended for large rural residential estates and farming.

7.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses.

- 1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.
- 2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
- 3. Single family dwellings.
- 4. Home occupations, in accordance with Section 4.19 of this Ordinance.
- 5. Parks and public recreational areas.
- 6. Cemeteries.
- 7. Signs in accordance with Article XIV of this Ordinance.

7.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
- 2. Roadside stands, in accordance with Section 4.21 of this Ordinance.
- 3. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

- 4. Family business, in accordance with Section 4.20 of this Ordinance.
- 5. Funeral parlors and mortuaries.
- 6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.
- 4. Minimum front yard: 50 feet.
- 5. Minimum rear yard: 50 feet.
- 6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
- 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

8.1 STATEMENT AND PURPOSE: This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.

8.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Single family dwellings.
 - 2. Two family dwellings.
 - 3. Home occupations, in accordance with Section 4.19 of this Ordinance.
 - 4. Signs in accordance with Article XIV of this Ordinance.
- 8.3 SPECIAL EXCEPTION USES:** Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.
- 1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
 - 2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
 - 3. Governmental administration or service buildings.
 - 4. Churches, in accordance with Section 4.23 of this Ordinance.
 - 5. Family business, in accordance with Section 4.20 of this Ordinance.
 - 6. Funeral parlors and mortuaries.
 - 7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area:
 - A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
- 2. Minimum lot width:
 - A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.

- 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
- 4. Minimum front yard: 30 feet.
- 5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
- 6. Minimum side yard: 10 feet.
- 7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.

9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Single family dwellings.
- 2. Two family dwellings.
- 3. Multi-family dwellings.
- 4. Nursing homes, senior citizen housing and similar convalescent or group housing.
- 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
- 6. Signs in accordance with Article XIV of this Ordinance.

9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
- 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

9.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area:
 - A. Single family dwelling (not in mobile home park): 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 4,500 square feet for lots served with public sewer and water; 10,000 square feet for lots not served with public water and sewer.
 - E. All other allowed uses: 15,000 square feet.
- 2. Minimum lot width:
 - A. Single family dwelling (not in mobile home park): 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 100 feet for lots served with public sewer and water; 100 feet for lots not served with public water and sewer.
 - E. All other allowed uses: 100 feet.
- 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling (not in mobile home park): 820 square feet.
 - B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 660 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.
- 4. Minimum front yard:
 - A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
- 5. Minimum rear yard:
 - A. All allowed uses (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
- 6. Minimum side yard:
 - A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park): 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.
- 7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

10.1 STATEMENT OF PURPOSE: This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

10.2 PERMITTED USES: Land, buildings, and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Any non-residential permitted use in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.
- 2. Bakery goods stores.
- 3. Banks, loan and/or finance offices.
- 4. Barber or beauty shop.
- 5. Book, stationery or gift store.
- 6. Candy store, soda fountain and/or ice cream store.
- 7. Clothes cleaning and/or laundry pick-up station.
- 8. Clothing and dry goods store.
- 9. Delicatessen store.
- 10. Dress shop.
- 11. Drug store.
- 12. Florist and gift shop without nursery.
- 13. Funeral parlor or mortuary.
- 14. Grocery store and meat market.
- 15. Hardware store.
- 16. Household appliance store.
- 17. Jewelry store.
- 18. Laundromats.
- 19. Liquor store including beer and wine sales.
- 20. Nursery school and day nurseries.
- 21. Paint and wallpaper store.
- 22. Parking lots.
- 23. Photography shops and studios.
- 24. Radio and television store.
- 25. Restaurants and/or cafes without dancing, floor shows or drive-in service.
- 26. Shoe repair shop.
- 27. Tailor and/or dress maker.
- 28. Variety store.
- 29. Signs in accordance with Article XIV of this Ordinance.

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.
- 2. Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.
- 3. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed use on light and air circulation of adjoining properties.
 - D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 15,000 square feet.
- 2. Minimum lot width: 100 feet.
- 3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 60% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
- 4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
- 5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
- 6. Maximum building or structure height: 35 feet.

10.5 OTHER GENERAL REQUIREMENTS: All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. All uses permitted in the C-1 district.
2. Ambulance services.
3. Amusement enterprises.
4. Antique shop, provided all articles for sale are displayed or stored within the shop.
5. Automotive and other vehicle sales.
6. Automotive repair shop or garage, including major repair operations.
7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
8. Bank, loan and finance offices including drive-in branches.
9. Bowling alley, including bars and restaurant.
10. Bus station and travel agency.
11. Business or trade school.
12. Car wash facility.
13. Catering service, delicatessen and confectionery store.
14. Clinic - dental and medical including laboratory.
15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.
16. Crating and packing service.
17. Dance studio and photographic studio.
18. Diaper, linen and towel supply service.
19. Dry cleaning and laundry - custom and self-service.
20. Eating place - including grill or "drive-in" restaurant.
21. Electrical supplies - wholesale and storage.
22. Exterminator service.
23. Factory and mill supplies.
24. Florist and gift shop including nursery.
25. Frozen food locker.
26. Funeral parlor or mortuary.
27. Hotels and motels.
28. Juice box and vending machine service and distribution.
29. Laboratory - medical or dental.
30. Liquor store.
31. Locksmiths.
32. Lodge hall, private clubs, veterans' clubs.
33. Malt beverage, liquor and wine distribution.
34. Marina.
35. Offices.
36. Office machines, sales and service.
37. Office supply store.
38. Ornamental iron work and fence service.
39. Parcel delivery station.
40. Pet shop, not including treatment or boarding of animals.
41. Printing and publishing including processes related thereto.
42. Professional studio.
43. Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.
44. Radio and TV sales and repair shops.
45. Broadcasting studios.
46. Resale shops including "auction houses".
47. Resort including seasonal cabins.
48. Shoe repair.
49. Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.
50. Special tools and gauges - checking and service.
51. Taxidermist.
52. Theater, indoor.
53. Trade schools.
54. Travel agencies.
55. Warehousing and storage structures.
56. Wholesale sales facilities.
57. Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
58. Signs in accordance with Article XIV of this Ordinance.

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Commercial communication towers.
2. Bar, cocktail lounge or nightclub.
3. Theater, drive-in, in accordance with Section 4.28 of this Ordinance.
4. Landing and take-off areas for rotor craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.

B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed use on light and air circulation of adjoining properties.

D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-

MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setbacks shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. Maximum building or structure height: 35 feet.

ARTICLE XII

I-1 INDUSTRIAL DISTRICT

12.1 STATEMENT OF PURPOSE: This district permits compounding, assembling, or treatment of articles or materials, this district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.

12.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
4. Petroleum storage located at least 500 feet from any residentially zoned property.
5. Automotive repair shops, in accordance with Section 4.24 of this Ordinance.
6. Bottling plants and dairies.
7. Car wash facilities.
8. Contractor yards.
9. Crating and packing service.
10. Dry cleaning and laundry.
11. Machine shop.
12. Printing shop.
13. Sign painting and servicing shops.
14. Taxidermist.
15. Warehouses and storage buildings.
16. Wholesale sales facilities.

Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.

17. Landing and take-off areas for rotor crafts and airports.

18. Parking lots.

19. Commercial communication towers.

20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.

21. Signs in accordance with Article XIV of this Ordinance.

12.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
 - B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood.
 - C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties.

borhood properties.

G. Required yards and other open spaces.

H. General compatibility with adjacent properties and the surrounding neighborhood.

4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.

B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed use on light and air circulation of adjoining properties.

D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

12.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-

MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

ARTICLE XIII

SPECIAL EXCEPTION USES
GENERAL PROVISIONS

13.1 SPECIAL EXCEPTION STANDARDS: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without property controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Board, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;

2. The use will be compatible with the natural environment of the area;

3. The use will not adversely effect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;

4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this Ordinance;

5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;

6. The use will not adversely effect the public health, safety, and general welfare of the community;

7. The use will be in accordance with the character and adaptability of the land at issue;

8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;

9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Board and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.

2. The Township Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.

3. Following such hearing, said Zoning Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Board in its decision and shall be filed with the Zoning Administrator of the Township.

Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the community.

Continued Next Page

16 munity as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. The Township Zoning Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Zoning Board after a hearing upon application of any aggrieved party.

5. The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.

6. Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months, (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Board) for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.

ARTICLE XIV
SIGNS

14.1 Signs in the AG, R-1, R-2 and R-3 Districts: In the Ag, R-1, R-2 and R-3 districts, the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.

14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 120 square feet in area.

14.4 Signs in the I-1 District: In the I-1 district the following signs are allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

1. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.

2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.

3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVII pertaining to nonconforming structures.

4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.

5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

- 1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
3. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
5. Placards posted to control or prohibit hunting within the Township.
6. Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.
7. One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.

B. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.

9. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.

10. Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.

11. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:

- A. The size, character and nature of the display or sign.
B. The duration or time period during which the display or sign will be utilized.
C. The purpose(s) for which the sign display is to be erected.
D. The arrangements made for the removal of the sign or display after the termination of its usefulness.
E. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
F. Whether or not the sign or display will constitute a traffic hazard.
G. The effect of the sign or display on the surrounding neighborhood.

ARTICLE XV

PARKING AND LOADING SPACES

15.1 GENERAL: In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

Table with 2 columns: Use, Minimum Parking Spaces Required. Lists various building types and their corresponding parking requirements.

Table with 2 columns: Use, Minimum Parking Spaces Required. Lists business offices, manufacturing, and other uses with their parking requirements.

15.2 JOINT USE OF FACILITIES: Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

15.3 LOCATION OF FACILITIES: Off-street parking facilities shall be located as hereafter specified:

- 1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

15.4 SIZE OF PARKING SPACE: Each off-street parking space shall have an area of not less than 200 square feet exclusive of access drives or aisles and shall be a minimum of 10 feet in width.

15.5 REQUIREMENTS FOR PARKING AREAS: Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- 1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.
2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.
3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.
5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

- 1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 60,000 square feet or fraction thereof.
Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

16.1 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any...

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land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Article, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such buildings or structure does not conform with the provisions of this Ordinance or any amendment thereto.

16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater area for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

16.3 RESTORATION AND REPAIR: All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/2 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/2 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.

16.4 CHANGE OR DISCONTINUANCE: The nonconforming use of a building or structure or of any land or premises shall not be:

1. Re-established after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months;
2. Re-established after it has been changed to a conforming use;
3. Changed to any other nonconforming use, unless the Zoning Board determines that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

16.5 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE: Any building or structure shall be considered existing and lawful and for purposes of Section 17.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefor, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

16.8 UNLAWFUL USE NOT AUTHORIZED: Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

ARTICLE XVII

ZONING BOARD

17.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board, consisting of not less than four nor more than seven members, constituted and appointed as provided by said Act.

17.2 JURISDICTION AND POWERS: The Zoning Board shall have all powers and jurisdiction granted by Public Act 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.

2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.

17.3 MEETINGS: The Zoning Board shall hold at least two regular meetings annually, at which any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Board. Additional meetings may be held at other times as the Zoning Board deems necessary for the efficient conduct of its business. All meetings shall be open to the public, unless properly closed in accordance with law.

17.4 FEES: Upon filing of an application to the Zoning Board for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Board, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

17.5 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Board may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 184 of 1943, as amended.

17.6 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board shall keep minutes of Zoning Board proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

ARTICLE XVIII

ZONING BOARD OF APPEALS

18.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act.

18.2 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.

3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

18.3 VARIANCES: Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for dimension variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the Municipality in carrying out of the provisions of this ordinance; or,

2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulties or would cause undue hardship; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or,

3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or,

- B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,

- C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,

2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,

3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

18.6 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).

18.6 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board of Appeals shall elect a chairman and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 184 of 1943, as amended.

18.7 MEETINGS: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

18.8 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

18.9 FEES: Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

19.1 ZONING ADMINISTRATION: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

19.2 ZONING ADMINISTRATOR: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

ARTICLE XX

VIOLATION AND PENALTIES

20.1 PENALTIES: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term of provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.

20.2 AUTHORITY TO COMMENCE LEGAL ACTION:

The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this Ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

21.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance may be initiated by the Zoning Board or Township Board by Resolution, or by any interested person or persons by petition to the Township Board.

21.2 AMENDMENT PETITION PROCEDURE: All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:

- 1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
2. The nature and effect of the proposed amendment.
3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

21.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 184 of 1943, as amended.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

22.1 SEVERABILITY: This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

22.2 REPEAL: This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1978, and supercedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

22.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board and will take immediate effect on September 24, 1986.

22.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Zoning Board, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

APPENDIX A

CLASSIFICATION OF LANDS

- 1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
6. Section 6, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 6, except that

- part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northwest corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.
7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.06 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moore property where it joins the Mac Vean property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.
19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District land except for that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 680 feet and with a depth of 200 feet.
"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.
20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that

- part located within the "R-2" Low Density Residential District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
30. Section 30, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.
31. Section 31, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
32. Section 32, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
33. Section 33, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 782 feet, thence east 185 feet, thence south 782 feet, thence west 185 feet to point of beginning.
34. Section 34, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 34.
35. Section 35, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
36. Section 36, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
"C-2" General Business District: The south quarter of Section 36.

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

MARTIN TOWNSHIP ZONING ORDINANCE
(Ordinance No. 30, as amended)
Adopted Date: September 10, 1986
Effective Date: September 24, 1986

**REVISED THROUGH ORDINANCE NO. 38,
ADOPTED AUGUST 13, 1990,
EFFECTIVE AUGUST 22, 1990**

TABLE OF CONTENTS

ARTICLE I - SHORT TITLE, PURPOSE AND SCOPE . . . . .	.1
ARTICLE II - CONSTRUCTION OF LANGUAGE. . . . .	.3
ARTICLE III - DEFINITIONS. . . . .	.4
ARTICLE IV - GENERAL PROVISIONS.	19
ARTICLE V - CLASSIFICATION AND USE DISTRICTS	43
ARTICLE VI - AG AGRICULTURAL DISTRICT.	45
ARTICLE VII - R-1 RURAL ESTATES DISTRICT	50
ARTICLE VIII - R-2 LOW DENSITY RESIDENTIAL DISTRICT.	54
ARTICLE IX - R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT.	58
ARTICLE X - C-1 NEIGHBORHOOD BUSINESS DISTRICT. . . . .	.61
ARTICLE XI - C-2 GENERAL BUSINESS DISTRICT. . . . .	.65
ARTICLE XII - I-1 INDUSTRIAL DISTRICT.	70
ARTICLE XIII - SPECIAL EXCEPTION USES GENERAL PROVISIONS. . . . .	.74
ARTICLE XIV - SIGNS.	77
ARTICLE XV - PARKING AND LOADING SPACES . . . . .	.81
ARTICLE XVI - NONCONFORMING USES, BUILDINGS OR STRUCTURES . . . . .	.86
ARTICLE XVII - ZONING BOARD	89
ARTICLE XVIII - ZONING BOARD OF APPEALS.	91
ARTICLE XIX - ADMINISTRATION AND ENFORCEMENT.	95
ARTICLE XX - VIOLATION AND PENALTIES . . . . .	.96
ARTICLE XXI - AMENDMENT OF ORDINANCE . . . . .	.97
ARTICLE XXII - MISCELLANEOUS PROVISIONS	98
APPENDIX A - CLASSIFICATION OF LANDS. . . . .	.99

MARTIN TOWNSHIP ZONING ORDINANCE

ORDINANCE NO. 30

ADOPTED: September 10, 1986

EFFECTIVE: September 24, 1986

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Martin; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN,

ORDAINS:

ARTICLE I

SHORT TITLE, PURPOSE AND SCOPE

- 1.1 SHORT TITLE. This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance".
- 1.2 PURPOSE. This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning

district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

- 1.3 SCOPE AND INTERPRETATION. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

ARTICLE II

CONSTRUCTION OF LANGUAGE

- 2.1 The following rules of construction apply to the text of this Ordinance:
1. The particular shall control the general.
 2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
 5. A "building" or "structure" includes any part thereof.
 6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
 7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, conditions, provisions or events shall apply; and,
 - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 9. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

ARTICLE III

DEFINITIONS

3.1 DEFINITIONS. For the purpose of interpreting and enforcing this Ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. Accessory Building or Structure: A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
2. Accessory Use: A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.
3. Agriculture Production: .The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
4. Alley: A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
5. Alteration, Structural: Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.
6. Automotive Repair Shop: A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.

- A. Automotive Repair, Major: General repair, rebuilding, or reconditioning of engines, or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating.
- B. Automotive Repair, Minor: Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two tons capacity; provided, however, there is excluded any repair or work included in the definition of A above.
7. Automotive Service Station: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
8. Basement: A portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.
9. Board or Township Board: The Martin Township Board.
10. Board of Appeals or Zoning Board of Appeals: The Martin Township Zoning Board of Appeals.
11. Boarding House or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.
12. Building: An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on

of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.

13. Building Code/Township Building Code: The nationally recognized model building, construction, plumbing and electrical code(s) duly adopted by the Martin Township Board.
14. Building Height: The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.
15. Building Inspector: The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.
16. Building or Structure Setback: The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.
17. Building/Occupancy Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.
18. Child Day Care Home (Family). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
19. Child Day Care Home (Group). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

20. Child Day Care Center or Child Care Center. A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center or Child Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center or Child Care Center shall not, however, include any of the following:
- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
 - (2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
21. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.
22. County Board: The Allegan County Board of Commissioners.
23. Dwelling or Residence: A building, mobile home, pre-manufactured or precut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run, or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.5 of this ordinance.

- A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.
 - B. Dwelling, Private: A building occupied by but one family alone.
 - C. Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use.
 - D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.
 - E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.
24. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.

25. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 4.20 of this ordinance.
26. Farm. Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.
27. Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.
28. Filling: The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.
29. Floor Area:
- A. Floor Area, Gross: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.
- B. Floor Area, Net or Usable: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.
30. Garage, Private: A garage with capacity for not more than three vehicles, for parking and storage only.
31. Garage, Public: Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
32. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

33. Home Occupation: Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.19 of this ordinance.
34. Junk. Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
35. Junk-Salvage Yard: Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.
36. Kennel. Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.
37. Lot. A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".
- A. Lot Area, Net: The total horizontal area within the lot lines of a lot.
- B. Lot Area, Gross: The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Board.

- C. Lot, Depth: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lakefront lot, it is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.
- D. Lot, Corner: A lot situated at the intersection of two (2) or more streets.
- E. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.
- F. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.
- G. Lot, Lake: A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.
- H. Lot, Lines: Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.
- I. Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.
- J. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.

- K. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- L. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.
- M. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.
38. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A recreational vehicle, as defined herein, is not a mobile home.
39. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).
40. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.
41. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.
42. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

43. Motor Vehicle: Every vehicle which is self-propelled.
44. Non-Conforming Use, Building or Lot of Record:
- A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
 - B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of the ordinance or amendment thereto, and which does not conform to the provisions (e.g. setback, height, lot coverage, parking) of the ordinance in the zoning district in which it is located.
 - C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).
45. Occupancy Load: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.
46. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.
47. Parking Area, Space or Lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.
48. Principal or Main Building: A building in which is conducted the principal use of the lot upon which it is situated.
49. Principal or Main Use: The primary or predominant use of a lot.
50. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.

51. Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.
52. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term includes folding campers, truckmounted campers, travel trailers, and motor homes, but does not include mobile homes.
53. Recreational Vehicle Parks: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.
54. Roadside Market Stand: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.
55. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.
56. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.
 - A. Sign, Accessory: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
 - B. Sign, Area Surface: The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

- C. Sign. Billboard: Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.
- D. Sign. Business: Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or product primarily sold, manufactured, processed, or fabricated on such land.
- E. Sign. Identifying: Any structure on the same premises it identifies which serves only (1) to tell the name or use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.
- F. Sign. Nameplate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.
- G. Sign. Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- H. Sign. Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.
57. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.

58. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.
- A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.
 - B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.
 - C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.
59. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.
- A. Street, Major: A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.
 - B. Street, Minor or Local: A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.
60. Structure: Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

61. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.
62. Tourist Home: A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
63. Township: Martin Township, Allegan County, Michigan.
64. Variance: A modification of the literal provision of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the individual property on which the variance is granted.
65. Yard, Required, Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.
 - A. Yard, Front: An open space extending across the full width of a lot, the depth of which is the distance between the front wall of the main building or structure and the front property line, lot line, or street right-of-way line. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.
 - B. Yard, Rear: An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.
 - C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.

66. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.
67. Zoning Board or Township Zoning Board: The Martin Township Zoning Board.

ARTICLE IV

GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

- 4.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

- 4.2 RESTORING UNSAFE BUILDINGS: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

- 4.3 BUILDING PERMIT: No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:
 - A. The location and actual dimensions of the lot or premise to which the permit is to apply.
 - B. The kind of buildings or structures to which the permit is to apply.
 - C. The width of all abutting streets.
 - D. The area, size and location of all buildings or structures to which the permit is to apply.
 - E. The type of use to be made of the building or structure to which the permit is to apply.

- F. The use of buildings or structures on adjoining lands.
- G. The estimated cost of the building or structure.

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

- 2. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.
- 3. Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or the owner's agent.
- 4. A building permit issued by the Building Inspector is nontransferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.

5. A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.
 6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Board for such special exception use.
 7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.
 8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.
- 4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.
- 4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.5 feet.
2. It shall have a minimum width or depth of 20 feet for the entire length of the dwelling.
3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality workmanship and of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.
4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.
5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
8. The dwelling and all additions or rooms or other areas shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

- 4.6 **BASEMENT DWELLING:** The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.
- 4.7 **PRINCIPAL USE:** No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, and the "R-2" Low Density Residential District; or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District.
- 4.8 **ACCESSORY USE:** Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot; provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.
- 4.9 **ACCESSORY BUILDING OR STRUCTURE:**
1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures shall be compatible with and similar to the principal building.
 2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that pumphouses may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occupy more than 30% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
 4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.
 5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-2" Low Density Residential zoning district.
- 4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.
- 4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan, as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.
1. Major County Primary - 100 feet
 2. Minor County Primary - 80 feet
 3. Collector Streets - 66 feet.
- 4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and television and radio reception and transmission antennas and towers which do not exceed fifty feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

4.14 TEMPORARY USES OR STRUCTURES:

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth at Section 4.5 of this Ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months, if all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:

A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth at Section 4.5 of this Ordinance.

B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department.

C. All yard and setback requirements of the applicable zoning district are met.

D. The temporary dwelling has at least 475 square feet of usable floor area, and complies with all pertinent construction and fire codes.

E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area.

F. The Township, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area.

G. The temporary dwelling shall not have a substantially detrimental affect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or otherwise.

H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension the construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days after issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.
3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and

shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:

A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.

B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.

C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.

D. Such a recreational vehicle or tent may not be leased or rented to the occupants.

E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.

F. Such a recreational vehicle or tent must be stored neatly or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

- 4.15 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODOR: Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

- 4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants,

towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
- 4.17 DOUBLE FRONTAGE AND CORNER LOTS: Buildings on lots having frontage on two intersecting streets (corner lots) or nonintersecting streets (double frontage lots) shall comply with the front yard requirements on both such streets.
- 4.18 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.
- 4.19 HOME OCCUPATIONS: A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein.
 2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners.
 3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling.

4. The occupation shall be clearly incidental and secondary to the residential use of the building.
5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot.
6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.20 FAMILY BUSINESSES: A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.
3. There shall be no expansion of the business facilities without the prior approval of the Zoning Board.
4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.
6. The business shall be located on the same parcel with the family's residence.
7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.
8. The Zoning Board may limit the family business to a particular type of business; it may require the particular business to be operated only by the present

owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Board may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located.
2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 800 square feet. The height of the building or structure shall not exceed one story.
3. The building or structure shall be located at least 150 feet from any preexisting dwellings located upon adjoining properties under different ownership.
4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway.
5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand.
6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors.
7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental affect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. All kennels shall be operated in conformance with all applicable county and state regulations.

2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs.
3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any preexisting dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel.
5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.
6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Board shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations.

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NONPROFIT ORGANIZATION:

A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The minimum lot area upon which a church or school may be constructed shall be two acres.
2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area.
4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements.

4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automotive repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot shall be located so that it is at least 500 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital, or residential district boundary.
2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.
3. No drive or curb opening shall be located within 25 feet of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.
4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
5. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.
9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by

affixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.
11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Board and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.
12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.
13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Board to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 JUNK/SALVAGE YARDS: A junk/salvage yard, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.

2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Board, and shall not be open for business or conducted on Sundays or holidays.
 3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.
 4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.
 5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.
 6. The setback requirements for all industrial uses shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.
 7. All such activities or business shall be currently licensed by the State of Michigan.
 8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section.
- 4.26 DRIVE-IN THEATERS: A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:
1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.
 2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.
 3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.

4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.
5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.

4.27 REMOVAL AND PROCESSING OF TOP SOIL, SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area.
2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas.
3. Earth removal operations shall not cause a permanent adverse affect to the environment, the natural topography, and any natural resource, other than the earth materials involved.
4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible.
5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity.
6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.
7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property.
8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the

natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion.

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

4.28 SITE PLAN REVIEW

1. - Purpose: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Zoning Board in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

2. - Scope: The Building Inspector shall not issue a building permit for the construction of any of the following buildings, structures or uses until a site plan has been submitted to, and approved by, the Zoning Board in accordance with this section:

- A. Mobile home parks.
- B. Industrial buildings or developments.
- C. Multi-family dwellings.
- D. All office and commercial buildings and developments.
- E. Special exception use applications.
- F. Churches.

natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion.

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 ZONE DISTRICTS: The Township of Martin is hereby divided into the following zoning districts:

1. AG Agricultural District
2. R-1 Rural Estate District
3. R-2 Low Density Residential District
4. R-3 Medium Density Residential District
5. C-1 Neighborhood Business District
6. C-2 General Business District
7. I-1 Industrial District

5.2 USE DISTRICT BOUNDARIES AND ZONING MAP: The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this ordinance (Classification of Lands), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.
6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

ARTICLE VI

AG AGRICULTURAL DISTRICT

- 6.1 STATEMENT OF PURPOSE: This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.
- 6.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.
 2. Greenhouses, nurseries, orchards, vineyards, apiaries, chicken hatcheries, blueberry and poultry farms.
 3. Riding stables, where horses are boarded and/or rented.
 4. Single family dwellings.
 5. Parks, public recreational areas or golf courses.
 6. Home occupations, in accordance with Section 4.19 of this Ordinance.
 7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.
 8. Cemeteries.
 9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.
 10. Signs in accordance with Article XIV of this Ordinance.
 11. Child Day Care Home (Family).

6.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
2. Recreational vehicle campgrounds.
3. Horse or dog racing tracks.
4. Slaughter houses and meat processing facilities.
5. Family businesses, in accordance with Section 4.20 of this Ordinance.
6. Two family dwellings.
7. Roadside stands, in accordance with Section 4.21 of this Ordinance.
8. Funeral parlors and mortuaries.
9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
10. Survival games or similar paramilitary recreational activities.
11. Conservation/skeet shooting clubs or similar activities.
12. BMX, motorcycle, go-kart racetracks or similar activities.
13. Commercial communication towers.
14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.

- C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
- 16. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.
- 17. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):

- (1) Another state licensed group day care home;

- (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended ---MCLA 400.701 et seq);
- (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
- (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.

4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

- 7.1 STATEMENT OF PURPOSE: This zoning district is intended for large rural residential estates and farming.
- 7.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.
 2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.
 3. Single family dwellings.
 4. Home occupations, in accordance with Section 4.19 of this Ordinance.
 5. Parks and public recreational areas.
 6. Cemeteries.
 7. Signs in accordance with Article XIV of this Ordinance.
 8. Child Day Care Home (Family).
- 7.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.
 2. Roadside stands, in accordance with Section 4.21 of this Ordinance.
 3. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.
 4. Family business, in accordance with Section 4.20 of this Ordinance.
 5. Funeral parlors and mortuaries.

6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
 - B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
 - D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
 - E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
8. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals.
9. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 219, as amended ---MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.
- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.
4. Minimum front yard: 50 feet.
5. Minimum rear yard: 50 feet.
6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.13 of this Ordinance.

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

- 8.1 STATEMENT AND PURPOSE: This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.
- 8.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Home occupations, in accordance with Section 4.19 of this Ordinance.
 4. Signs in accordance with Article XIV of this Ordinance.
 5. Child Day Care Home (Family).
- 8.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
 2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
 3. Governmental administration or service buildings.
 4. Churches, in accordance with Section 4.23 of this Ordinance.
 5. Family business, in accordance with Section 4.20 of this Ordinance.
 6. Funeral parlors and mortuaries.
 7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The affect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The affect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

- 8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
- 9. Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended ---MCLA 400.701 et seq);

(3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);

(4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.

C. It maintains the property consistent with the visible characteristics of the neighborhood.

D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.

E. It meets all applicable sign regulations set forth in this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:

A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.

B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.

2. Minimum lot width:

- A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
3. Minimum usable floor area per dwelling unit:
- A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
4. Minimum front yard: 30 feet.
5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
6. Minimum side yard: 10 feet.
7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

- 9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.
- 9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Single family dwellings.
 2. Two family dwellings.
 3. Multi-family dwellings.
 4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.
 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
 6. Signs in accordance with Article XIV of this Ordinance.
 7. Child Day Care Home (Family).
- 9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

9.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:

- A. Single family dwelling (not in mobile home park): 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
- B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
- C. Two family dwelling (not in mobile home park): 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
- D. Multi-family dwelling (not in mobile home park): 4,500 square feet for lots served with public sewer and water; 10,000 square feet for lots not served with public water and sewer.
- E. All other allowed uses: 15,000 square feet.

2. Minimum lot width:

- A. Single family dwelling (not in mobile home park): 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
- B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
- C. Two family dwelling (not in mobile home park): 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
- D. Multi-family dwelling (not in mobile home park): 100 feet for lots served with public sewer and water; 100 feet for lots not served with public water and sewer.
- E. All other allowed uses: 100 feet.

3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling (not in mobile home park): 820 square feet.
 - B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 650 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.

4. Minimum front yard:
 - A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.

5. Minimum rear yard:
 - A. All allowed uses: (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.

6. Minimum side yard:
 - A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park): 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.

7. Maximum building or structure height: the lesser of 35 feet or 2-1/2 building stories.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

- 10.1 STATEMENT OF PURPOSE: This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.
- 10.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. Any non-residential use allowed in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.
 2. Bakery goods store.
 3. Bank, loan and/or finance office.
 4. Barber or beauty shop.
 5. Book, stationery or gift store.
 6. Candy store, soda fountain and/or ice cream store.
 7. Clothes cleaning and/or laundry pick-up station.
 8. Clothing and dry goods store.
 9. Delicatessen store.
 10. Dress shop.
 11. Drug store.
 12. Florist and gift shop without nursery.
 13. Funeral parlor or mortuary.
 14. Grocery store and meat market.
 15. Hardware store.
 16. Household appliance store.
 17. Jewelry store.
 18. Laundromats.

19. Liquor store including beer and wine sales.
20. Child Day Care Center or Child Care Center.
21. Paint and wallpaper store.
22. Parking lots.
23. Photography shop and studio.
24. Radio and television store.
25. Restaurant and/or cafe without dancing, floor shows or drive-in service.
26. Shoe repair shop.
27. Tailor and/or dress maker.
28. Variety store.
29. Signs in accordance with Article XIV of this Ordinance.
30. Governmental administration or service buildings.

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.
2. Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.
3. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.

- B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The affect of the proposed use on light and air circulation of adjoining properties.
- D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.
4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.

6. Maximum building or structure height: 35 feet.

10.5 OTHER GENERAL REQUIREMENTS: All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

- 11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.
- 11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. All uses allowed in the C-1 Neighborhood Business district.
 2. Ambulance services.
 3. Amusement enterprises.
 4. Antique shop, provided all articles for sale are displayed or stored within the shop.
 5. Automotive and other vehicle sales.
 6. Automotive repair shop or garage, including major repair operations.
 7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
 8. Bank, loan and finance offices including drive-in branches.
 9. Bowling alley, including bars and restaurant.
 10. Bus station and travel agency.
 11. Business or trade school.
 12. Car wash facility.
 13. Catering service, delicatessen and confectionery store.
 14. Clinic - dental and medical including laboratory.
 15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.

16. Crating and packing service.
17. Dance studio and photographic studio.
18. Diaper, linen and towel supply service.
19. Dry cleaning and laundry - custom and self-service.
20. Eating place - including grill or "drive-in" restaurant.
21. Electrical supplies - wholesale and storage.
22. Exterminator service.
23. Factory and mill supplies.
24. Florist and gift shop including nursery.
25. Frozen food locker.
26. Funeral parlor or mortuary.
27. Hotels and motels.
28. Juke box and vending machine service and distribution.
29. Laboratory - medical or dental.
30. Liquor store.
31. Locksmith.
32. Lodge hall, private clubs, veterans' clubs.
33. Malt beverage, liquor and wine distribution.
34. Marinas.
35. Offices.
36. Office machines, sales and service.
37. Office supply store.
38. Ornamental iron work and fence service.
39. Parcel delivery station.
40. Pet shop, not including treatment or boarding of animals.

41. Printing and publishing including processes related thereto.
42. Professional studio.
43. Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.
44. Radio and TV sales and repair shops.
45. Broadcasting studios.
46. Resale shops including "auction houses".
47. Resort including seasonal cabins.
48. Shoe repair.
49. Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.
50. Special tools and gauges - checking and service.
51. Taxidermist.
52. Theater, indoor.
53. Trade schools.
54. Travel agencies.
55. Warehousing and storage structures.
56. Wholesale sales facilities.
57. Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
58. Signs in accordance with Article XIV of this Ordinance.

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Commercial communication towers.
2. Bar, cocktail lounge or nightclub.

3. Theater, drive-in, in accordance with Section 4.26 of this Ordinance.
4. Landing and take-off areas for roto-craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENT: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.

4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. Maximum building or structure height: 35 feet.

ARTICLE XII

I-1 INDUSTRIAL DISTRICT

- 12.1 STATEMENT OF PURPOSE: This district permits compounding, assembling, or treatment of articles or materials. This district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.
- 12.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
 2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
 3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
 4. Petroleum storage located at least 500 feet from any residentially zoned property.
 5. Automotive repair shops, in accordance with Section 4.24 of this ordinance.
 6. Bottling plants and dairies.
 7. Car wash facilities.
 8. Contractor yards.
 9. Crating and packing service.
 10. Dry cleaning and laundry.
 11. Machine shop.
 12. Printing shop.

13. Sign painting and servicing shops.
14. Taxidermist.
15. Warehouses and storage buildings.
16. Wholesale sales facilities.

Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.

17. Landing and take-off areas for roto craft and airports.
 18. Parking lots.
 19. Commercial communication towers.
 20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
 21. Signs in accordance with Article XIV of this Ordinance.
- 12.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:
1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
 2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
 3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.

- B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic, noise, glare, or odor affects of the use on adjoining properties and the surrounding neighborhood.
 - C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic affect, and compatibility and harmony with adjoining and surrounding neighborhood properties.
 - G. Required yards and other open spaces.
 - H. General compatibility with adjacent properties and the surrounding neighborhood.
4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

12.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

ARTICLE XIII

SPECIAL EXCEPTION USES GENERAL PROVISIONS

- 13.1 SPECIAL EXCEPTION STANDARDS: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Board, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;

6. The use will not adversely affect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;
9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION USE PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Board and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Township Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.
3. Following such hearing, said Zoning Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Board in its decision and shall be filed with the Zoning Administrator of the Township.

Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the community as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities

affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. The Township Zoning Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Zoning Board after a hearing upon application of any aggrieved party.
5. The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.
6. Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Board) for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.

ARTICLE XIV

SIGNS

- 14.1 Signs in the AG, R-1, R-2 and R-3 Districts: In the Ag, R-1, R-2 and R-3 districts, the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.
 3. Nameplate signs, not exceeding one square foot in area.
- 14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.
 3. Nameplate signs, not exceeding one square foot in area.
 4. Business signs, not exceeding 32 square feet in area.
- 14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.
 3. Nameplate signs, not exceeding one square foot in area.
 4. Business signs, not exceeding 32 square feet in area.
 5. Billboards, not exceeding 120 square feet in area.
- 14.4 Signs in the I-1 District: In the I-1 district the following signs shall be allowed:
1. Real estate signs, not exceeding 10 square feet in area.
 2. Identifying signs, not exceeding 18 square feet in area.

3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

1. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.
2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.
3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVI pertaining to nonconforming structures.
4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.
5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.

3. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only.
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
5. Placards posted to control or prohibit hunting within the Township.
6. Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.
7. One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.
8. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
9. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.
10. Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.
11. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:
 - A. The size, character and nature of the display or sign.
 - B. The duration or time period during which the display or sign will be utilized.
 - C. The purpose(s) for which the sign display is to be erected.

- D. The arrangements made for the removal of the sign or display after the termination of its usefulness.
- E. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
- F. Whether or not the sign or display will constitute a traffic hazard.
- G. The affect of the sign or display on the surrounding neighborhood.

ARTICLE XV

PARKING AND LOADING SPACES

15.1 GENERAL: In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
1. Dwellings	Two for each dwelling unit
2. Lodging, rooming and boarding houses	Two for each three guest rooms or each six beds for guests, whichever amount is greater
3. Private clubs and lodges	One for each five active members and one for each employee with a minimum of one for each 100 square feet of floor area
4. Hospitals, institutions and clinics	Two for each patient bed
5. Sanitariums or convalescent or nursing homes	One for each two beds
6. Homes for senior citizens	One for each three beds
7. Hotels	One for each two guest rooms
8. Motels and tourist homes	One for each sleeping room
9. Theaters, auditoriums and stadiums	One for each four seats, based on maximum seating capacity
10. Bowling alleys	Eight for each alley
11. Private, elementary and junior high schools	Two for each three employees normally engaged in or about the buildings and grounds plus one for each eight auditorium seats

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|-----|---|---|
| 12. | Senior high schools and institutions of higher learning | Two for each three employees normally engaged in or about the buildings and grounds, and one additional for each four enrolled students |
| 13. | Churches | One for each four seats in the main worship unit |
| 14. | Community center | One for each 100 square feet of assembly floor area |
| 15. | Libraries, museums and post office | One for each 100 square feet of floor area |
| 16. | Professional offices and buildings | One for each 200 square feet of floor area |
| 17. | Restaurants, grills, dining rooms, dairy bar, soda fountain | One for each two seats |
| 18. | Medical doctors office or dental clinic | Eight for each doctor plus one for each employee. |
| 19. | Banks, business offices and public buildings not specifically mentioned elsewhere | One for each 150 square feet of floor area |
| 20. | Funeral parlors or mortuaries | One for each 50 square feet of floor area used for services |
| 21. | Bars, cocktail lounges and night clubs | Two for each three seats but no less than 40 spaces in any event |
| 22. | Marinas | Two for each slip or mooring |
| 23. | "Drive-in" establishments | Eight for each 125 square feet of ground floor area |

24. Use groupings

A. Retail stores, supermarkets, department stores, personal service shops-general business

One for each 100 square feet of floor area in the basement and on the first floor used for retail sales and one for each 400 square feet of floor area on the second floor used for retail sales and one for each 600 square feet of floor area on the third floor used for retail sales, and one for each 800 square feet of floor area on any additional floors used for retail sales

B. Business offices and/or research laboratories and/or similar uses

One for each employee on the maximum shift or peak employment period

C. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building

One for each three employees on the maximum shift or peak employment period

D. Other uses not specifically mentioned

In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply

E. Mixed uses in the same building

In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use

shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein

- 15.2 JOINT USE OF FACILITIES: Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.
- 15.3 LOCATION OF FACILITIES: Off-street parking facilities shall be located as hereafter specified:
1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
 2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.
- 15.4 SIZE OF PARKING SPACE: Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of 10 feet in width.
- 15.5 REQUIREMENTS FOR PARKING AREAS: Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:
1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.

2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.
3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 50,000 square feet or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

16.1 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Article, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendment thereto.

16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or

enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

16.3 RESTORATION AND REPAIR: All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/2 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/2 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.

16.4 CHANGE OR DISCONTINUANCE: The nonconforming use of a building or structure or of any land or premises shall not be:

1. Reestablished after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months.
2. Reestablished after it has been changed to a conforming use.
3. Changed to any other nonconforming use, unless the Zoning Board determines that such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

16.5 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE: Any building or structure shall be considered existing and lawful and for purposes of Section 16.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

16.6 UNLAWFUL USE NOT AUTHORIZED: Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

ARTICLE XVII

ZONING BOARD

- 17.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board, consisting of not less than four nor more than seven members, constituted and appointed as provided by said Act.
- 17.2 JURISDICTION AND POWERS: The Zoning Board shall have all powers and jurisdiction granted by Public Act 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:
1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.
 2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.
- 17.3 MEETINGS: The Zoning Board shall hold at least two regular meetings annually, at which any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Board. Additional meetings may be held at other times as the Zoning Board deems necessary for the efficient conduct of its business. All meetings shall be open to the public, unless properly closed in accordance with law.
- 17.4 FEES: Upon filing of an application to the Zoning Board for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Board, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

17.5 ELECTION OF OFFICERS. ADOPTION OF RULES OF PROCEDURE: The Zoning Board shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Board may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 184 of 1943, as amended.

17.6 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board shall keep minutes of Zoning Board proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

ARTICLE XVIII

ZONING BOARD OF APPEALS

- 18.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act.
- 18.2 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:
1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.
 2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
 3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- 18.3 VARIANCES: Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for dimension variances in the following situations:
1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in the carrying out of the provisions of this ordinance; or,

2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulties or would cause undue hardship; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or,
3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. **Standards:** No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:
 - A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or,
 - B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,
 - C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

- 18.5 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).
- 18.6 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board of Appeals shall elect a chairman and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 184 of 1943, as amended.

18.7 MEETINGS: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

18.8 MINUTES AND RECORDS: The secretary or acting secretary of the zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

18.9 FEES: Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

- 19.1 ZONING ADMINISTRATION: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.
- 19.2 ZONING ADMINISTRATOR: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

ARTICLE XX

VIOLATION AND PENALTIES

- 20.1 PENALTIES: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.
- 20.2 AUTHORITY TO COMMENCE LEGAL ACTION: The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this Ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

- 21.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance may be initiated by the Zoning Board or Township Board by resolution, or by any interested person or persons by petition to the Township Board.
- 21.2 AMENDMENT PETITION PROCEDURE: All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:
1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
 2. The nature and affect of the proposed amendment.
 3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
 4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
 5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
- 21.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 184 of 1943, as amended.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

- 22.1 SEVERABILITY: This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
- 22.2 REPEAL: This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1976, and supersedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.
- 22.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board on September 10, 1986 and is ordered to take immediate effect.
- 22.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Zoning Board, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

APPENDIX A

CLASSIFICATION OF LANDS

1. Section 1, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District and the "C-2" General Business District.

"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.

"C-2" General Business District: The portion of the northeast quarter of Section 1 that runs along 124th Avenue from the center of 124th Avenue south, to a depth of 233 feet, and also Lots 25 - 26 of the Martha Lapham Lakeview lots estates.

2. Section 2, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.

3. Section 3, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 3.

4. Section 4, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 4.

5. Section 5, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.

6. Section 6, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 6, except that part located within the "C-1" Neighborhood Business District.

"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.

7. Section 7, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 7.

8. Section 8, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 8.

9. Section 9, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.

10. Section 10, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 10.

11. Section 11, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 11.

12. Section 12, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 12.

13. Section 13, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 13.

14. Section 14, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 14.

15. Section 15, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.

16. Section 16, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.

"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.

"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.

17. Section 17, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.

18. Section 18, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Vean property, then south along the west side of 10th Street for a distance of 1,800 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.

19. Section 19, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District (and except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.

"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.

"C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence

south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.

20. Section 20, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.

21. Section 21, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.

22. Section 22, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 22.

23. Section 23, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.

"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.

24. Section 24, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 24.

25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
30. Section 30, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the Incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).

"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.

"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.

"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.

31. Section 31, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.

"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.

"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.

32. Section 32, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.

"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.

33. Section 33, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.

34. Section 34, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 34.

35. Section 35, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.

"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.

36. Section 36, Town 2 North, Range 11 West

"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.

"C-2" General Business District: The south quarter of Section 36.

3rd quarter safety eases Broncos past Wayland, 2-0

A bad snap flying over a Wayland punter's head and through the endzone for a safety was the only score in Friday night's varsity football game. The loss took place at Coopersville as the Broncos defeated the Wildcats 2-0.

"I believe we played an exceptional game, this is the team we lost 40-8 last year and it was our first shutout in two years," said Wildcat Coach Jeff Salisbury. "Seven of our starters were out and if we would have had a few of our regular guns in, the game would have been totally different. We had 15 defensive goals going into the game and we completed 11."

Things started to look up for Wayland midway through the first quarter when runningback Tom Tate got to the outside and went 85 yards before being pulled down behind at the six yardline. But Wayland could not get the ball into the endzone after three straight passes fell incomplete. Wayland had two other chances to score in the contest driving to the 14 in the second quarter and to the 19 in the third, but both attempts were stopped by the Bronco defense.

In the third quarter the home team had driven to the 19, but the 'Cat defense held tight and forced them to turn over the ball. The Broncos then shut down Wayland three straight plays and forced them to punt, setting up the only points of the game.

The Wildcats defense held tight through the contest as they stopped the winners from scoring six times when they were inside the 20 yardline.

"Our field goal kicker is out, and we really believed that was the difference in the game," added coach Salisbury. "We were not intimidated by them at all and we should be ready for Hudsonville on Friday night as they and Coopersville are about the same caliber

of teams."

Tate had the best performance of any Wildcat running back so far this year as he picked up 88 yards on 12 carries. Mike Schaefer completed three of 15 passes for 48 yards, in his debut as quarterback, but saw pass after pass dropped by his receivers. Tim Henkel caught two for 35 yards and Dave Stallard pulled in one for 11 yards.

Defensive standouts according to Coach Salisbury were, Henkel at cornerback, Pat Caughlin at middle linebacker, and outside linebackers Todd Kunst and Jim Hooker.

The Wildcats, now 0-3 overall and 0-2 in the OK Gold, will be at home Friday night looking for their first win of the season against Hudsonville.

FRESHMEN ACTION

The Wayland freshmen football team played most of Thursday night's game on offense but could not find the end zone, or when they did, the play was nullified because of a penalty. At the final gun, the Wildcats lost to visiting Coopersville 12-0.

Wayland had two touchdowns called back because of penalties in the first half: a 29-yard and a 39-yard run by Rick Dunkle. Coopersville used two touchdowns to get by the 'Cats even though the Wayland squad was on offense most of the game.

The Wildcats had a total of 239 yards offense in the contest. Dunkle hit his second game of 100-or-more yards rushing when he carried for 147. Quarterback Rex Winger rushed for 32 and passed for 63 yards. Scott Marquard caught 50 yards in passes.

The freshmen, now 1-2 overall and 0-1 in the Gold, will travel to Hudsonville Thursday night for a contest with the Eagles.



Wildcat running back Tom Tate (20) breaks through the line in Friday night's 2-0 loss to Coopersville. Tate got outside on the play to run 85 yards before he was tackled at the six yard line.

NOTICE Martin Township, Allegan County, MI

To: The residents and property owners of Martin Township, Allegan County, Michigan, and any other interested persons.

PLEASE TAKE NOTICE that a new zoning ordinance regulating the development and use of land has been adopted by the Township Board of Martin Township at a regular meeting of the Board held September 10, 1986. The new Martin Township Zoning Ordinance repeals in its entirety the previous Martin Township Zoning Ordinance and any amendments thereto, and completely replaces the previous zoning ordinance and any amendments thereto.

PLEASE TAKE FURTHER NOTICE that a new zoning map and land use plan (text and map) were also adopted by the Martin Township Board at said September 10, 1986 regular meeting. The new Martin Township Zoning Map and Land Use Plan (text and map) repeals in their entirety any previous Martin Township Zoning Map and Land Use Plan, and any amendments to either, and completely replaces any previous zoning map and land use plan and any amendment to either.

PLEASE TAKE FURTHER NOTICE that the new Martin Township Zoning Ordinance, zoning map and land use plan (text and map) are effective immediately upon publication of this notice, and upon publication of said zoning ordinance.

PLEASE TAKE FURTHER NOTICE that the complete text of the new Martin Township Zoning Ordinance is published hereinafter, and additional copies of said new zoning ordinance, and land use plan (text) may be purchased or inspected at the Martin Township Hall located at 114 Templeton in the Village of Martin, or by contacting the Township Clerk LaVerne Young, at 981 Lee Street, Martin, Michigan 49070, (616) 672-5076, or by contacting the Secretary of the Zoning Board, John Schipper, 1849 11th Street, Martin, Michigan 49070, (616) 672-5103. The new zoning map and land use plan map may also be inspected at the Martin Township Hall, and by contacting Mr. Young or Mr. Schipper at any reasonable time.

LaVerne Young, Clerk
Martin Township
981 Lee Street
Martin, Michigan 49070
(616) 672-5076

HOPKINS HAPPENINGS

Marge Hodgson 793-7542

Ken and Alice Brenner served as hosts Sept. 6 to some of Alice's former classmates from Highland Park High School. Five couples visited and enjoyed a tour of the Brenner farm, as well as a day of feasting and reminiscing. Two of the couples stayed overnight in Grand Rapids, and Ken and Alice joined them for Sunday brunch and more remembering.

Happy birthday to Dolores Pichlik and Norma Henry, who share Sept. 17. Norma was Rose Trumbull's guest for lunch and a movie to celebrate.

Oct. 6 is the day to renew your membership in the Hopkins 4-H, or to sign up as a new member. Mary Arndt will be at home on that day to accept memberships, but please call her first at 793-5571. Enrollment is open to everyone. New leaders and parents are also urged to contact Mary as soon as possible.

Congratulations to Jeff and Vicky Van Dyke who are very proud new parents. Little Jeremy Jr., was born Saturday, Sept. 13. Vicky's parents, Casey and Jackie Lubberts, are equally happy about becoming first-time grand-parents.

Sheryl Whipple got into the spirit of the Allegan County Fair parade theme, "The Roaring 20s" by entering a four-

wheeled buggy pulled by a single black horse "Jet Star." Her three weeks of work restoring the buggy was rewarded with a 2nd place ribbon in the single horse classification.

Harold and Venila Hoffmaster recently took a 1-day trip to the Baldwin and White Cloud area to observe the flood damage, which they say was worse than shown on television. In Ludington, they stopped for a visit with former neighbors, Mr. and Mrs. Jim McCarthy, and their two boys. The group then toured the flood-damaged area around Hart and Pontwater, a sad sight according to Mrs. Hoffmaster.

Mr. and Mrs. Gaylord Caszatt, of Houston, Texas, were guests of Jim and Vivian Brinkert last week. Mr. Caszatt was superintendent of Hopkins Schools in the 1950's when Vivian started working there.

A tour to the old one-room schoolhouse brought back many happy memories. The couples also traveled to Indiana for dinner. The Brinkert's grandson, 5-year-old Benjamin, visited them over this weekend. Next week, Jim and Vivian are expecting more company, Mr. and Mrs. Eddie Arehart, formerly of Hopkins and now living in Houston, Texas.

MARTIN TOWNSHIP LAND USE PLAN

The Martin Township Land Use Plan consists of a land use plan map and this brief textual summary of the nature and characteristics of Martin Township. The land use plan, and the Martin Township Zoning Ordinance based thereon, are designed to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

Martin Township lies east of Allegan and north of Plainwell. US-131 runs along the western edge of the Township and Gun Lake just enters the northeast corner of the Township. Land uses in the Township are mostly agricultural and rural residential. There are small concentrations of residential uses in Shelbyville, Hooper and around Gun Lake and Lake Sixteen. The only large commercial use in the Township is the "US-131 Dragway", which is a heavy traffic generator during periods of operation.

The population in Martin Township in 1980, including the Village of Martin, was around 2,300 people. A projected population of around 2,600 people has been established for the year 1990. The Village of Martin has adopted and administers its own zoning ordinance.

There are no major influences on future growth in Martin Township. US-131 Dragway draws many people but is isolated from the rest of the Township by the expressway. Gun Lake is a development attraction but most of its attraction is in Wayland Township and Barry County. The Village of Martin may attract some growth, but since it lacks large employment sources, it probably will not be a significant influence. The three small lakes - Lake Sixteen, Fenner Lake and Pratt Lake - have limited potential for future development. The two US-131 interchanges in the Township both provide attractive sites for highway oriented commercial business. Although the paved county primary and local road system is not extensive, it does provide convenient access to most of the Township.

The general concept and goal of this plan is to direct future growth into planned service centers in and around the community center and conserve agricultural and rural open space areas through the adoption and implementation of these development guidelines:

1. **Prime Agricultural Areas**
Goal: Preserve and maintain prime agricultural land in bona fide agricultural uses only.
2. **Rural Estates and Open Space Areas**
Goal: Encourage single family home sites on large lots and selected land sites only.
3. **Residential**
Goal: Direct future intensive residential developments into and around community service centers.
4. **Commercial**
Goal: Encourage future commercial uses to locate in major community service centers with full public utilities.
5. **Industrial**
Goal: Encourage future intensive industrial uses into major community service centers with full public utilities and away from residential and prime agricultural areas.

The following is a sectional listing of all of the land areas in Martin Township (not including the Village of Martin), setting forth the current zoning designation of such lands, and noting planning proposals for certain areas, all in relation to the guidelines set forth in this land use plan:

1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
Planning proposal: Rezone to "C-2" General Business District the northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District. "I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
Planning Proposal: Rezone to "I-1" Industrial District the west one-eighth of Section 5.
6. Section 6, Town 2 North, Range 11 West

7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 9.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 119th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.88 feet, thence north 722.8 feet to 119th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northeast quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
Planning Proposal: Rezone to "I-1" Industrial District the northwest quarter of the southwest quarter of Section 17.
18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Vaan property, then south along the west side of 10th Street for a distance of 1,600 feet, then west 183 feet, then north 1,800 feet, then east 183 feet to the point of beginning.
Planning Proposal: Rezone to "R-1" Rural Estates District that land along the east border of Section 18 from the Consumers Power right-of-way to 10th Street.
19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District land except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northwest quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter

- of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 660 feet and with a depth of 200 feet.
- "R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.
- "C-2" General Business District: That land that lies between the westerly right-of-way of US-131 and 12th Street in the southwest quarter of Section 19; also that land starting in the northeast corner of the intersection of 11th Street and 116th Avenue, thence north along the east side of 11th Street approximately 660 feet, thence east 200 feet, thence south 660 feet, thence west 200 feet to point of beginning; also that land starting in the northwest corner of the intersection of 11th Street and 116th Avenue thence north along the west side of 11th Street 441 feet, thence west 581 feet, thence north 210 feet, thence west to the east right-of-way of US-131, thence south along this easterly right-of-way to 116th Avenue, thence east to point of beginning.
Planning Proposal: Rezone to "R-1" Rural Estates District that land between the Consumers Power right-of-way and 10th Street in the southwest quarter of the northeast quarter of Section 19.
20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that part located within the "R-2" Low Density Residential District land except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
Planning Proposal: Rezone to "R-1" Rural Estates District the northeast quarter of the southeast quarter of Section 20.
21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
Planning Proposal: Rezone to "R-1" Rural Estates District that land in Section 21 on the east side of 8th Street from 116th Avenue north to the jog in the road, with a property depth of 217.8 feet.
Planning Proposal: Rezone to "C-2" General Business District that land in the northwest quarter of Section 21 along the east side of 8th Street north from the east-west half section line to the east-west quarter section line, then east three-quarters of the way to the north-south half section line, excluding that land considered part of the cemetery.
22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
Planning Proposal: Rezone to "I-1" Industrial District that property in Section 29 along the west side of the railroad tracks right-of-way from 114th Avenue north to the Martin Village limits to a depth of 500 feet; also that land in Section 29 along the east side of the railroad tracks right-of-way, east to the north-south quarter section line and north from 114th Avenue to the Martin Village limits.

30. Section 30, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
 "R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
 "R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
 "C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest

quarter of Section 30.
 31. Section 31, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
 "R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
 "C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
 32. Section 32, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
 "R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
 33. Section 33, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.

"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southeast quarter of Section 33; thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.
 34. Section 34, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 34.
 35. Section 35, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
 36. Section 36, Town 2 North, Range 11 West
 "AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
 "C-2" General Business District: The south quarter of Section 36.

MARTIN TOWNSHIP ALLEGAN COUNTY MICHIGAN

MARTIN TOWNSHIP ZONING ORDINANCE (ORDINANCE NO. 30)

ADOPTED DATE SEPTEMBER 10, 1986 - EFFECTIVE DATE SEPTEMBER 24, 1986

TABLE OF CONTENTS

ARTICLE I - SHORT TITLE, PURPOSE AND SCOPE ... SS2
 ARTICLE II - CONSTRUCTION OF LANGUAGE ... SS2
 ARTICLE III - DEFINITIONS ... SS2
 ARTICLE IV - GENERAL PROVISIONS ... SS4
 ARTICLE V - CLASSIFICATION AND USE DISTRICTS ... SS6
 ARTICLE VI - AG AGRICULTURAL DISTRICT ... SS6
 ARTICLE VII - R-1 RURAL ESTATES DISTRICT ... SS6
 ARTICLE VIII - R-2 LOW DENSITY RESIDENTIAL DISTRICT ... SS7
 ARTICLE IX - R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT ... SS7
 ARTICLE X - C-1 NEIGHBORHOOD BUSINESS DISTRICT ... SS7
 ARTICLE XI - C-2 GENERAL BUSINESS DISTRICT ... SS8
 ARTICLE XII - I-1 INDUSTRIAL DISTRICT ... SS8
 ARTICLE XIII - SPECIAL EXCEPTION USES GENERAL PROVISIONS ... SS8
 ARTICLE XIV - SIGNS ... SS8
 ARTICLE XV - PARKING AND LOADING SPACES ... SS8
 ARTICLE XVI - NONCONFORMING USES, BUILDINGS OR STRUCTURES ... SS9
 ARTICLE XVII - ZONING BOARD ... SS10
 ARTICLE XVIII - ZONING BOARD OF APPEALS ... SS10
 ARTICLE XIX - ADMINISTRATION AND ENFORCEMENT ... SS10
 ARTICLE XX - VIOLATION AND PENALTIES ... SS10
 ARTICLE XXI - AMENDMENT OF ORDINANCE ... SS11
 ARTICLE XXII - MISCELLANEOUS PROVISIONS ... SS11
 APPENDIX A - CLASSIFICATION OF LANDS ... SS11

ions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of Act 184 of the Public Acts of 1943, as amended.

**THE TOWNSHIP OF MARTIN,
 ALLEGAN COUNTY, MICHIGAN,
 ORDAINS:**

**ARTICLE I
 SHORT TITLE, PURPOSE AND SCOPE**

1.1 **SHORT TITLE.** This Ordinance shall be known and may be cited as the "Martin Township Zoning Ordinance."

1.2 **PURPOSE.** This Ordinance is based upon the Martin Township Comprehensive Land Use Plan and is designed (1) to promote the public health, safety, morals and general welfare; (2) to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; (3) to avoid the overcrowding of population; (4) to provide adequate light and air; (5) to lessen congestion on the public roads and streets; (6) to reduce hazards to life and property; (7) to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and (8) to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous use of land, resources and properties. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

1.3 **SCOPE AND INTERPRETATION.** This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon (1) the use of buildings, structures, or land; (2) the height of buildings or structures; (3) lot coverage; (4) lot areas; (5) yards or other open spaces; or (6) any other use or utilization of land than are imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

**ARTICLE II
 CONSTRUCTION OF LANGUAGE**

2.1 The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either or", the conjunction shall be interpreted as follows:
 - A. "And" indicates that all the connected items, condi-

tions, provisions or events shall apply; and, B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

9. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard meaning.

**ARTICLE III
 DEFINITIONS**

3.1 **DEFINITIONS.** For the purpose of interpreting and enforcing this Ordinance the following definitions shall apply unless otherwise specifically stated to the contrary:

1. **Accessory Building or Structure:** A building or structure on the same premises with a main building, and of a nature customarily incidental and subordinate to the main building. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
2. **Accessory Use:** A use customarily, naturally or normally incidental and subordinate to a principal use on the same premises.
3. **Agriculture Production:** The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, fur-bearing animals, or honey bees; or for dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables.
4. **Alley:** A dedicated public way other than a street which provides only secondary access to abutting property and is not intended for general traffic circulation.
5. **Alteration, Structural:** Any change in the supporting members of a building or structure, such as load bearing walls, columns, beams or girders, and any substantial change in the roof of any building, and any addition to, diminution of or change in use or conversion of a structure or building, or the removal of a building or structure from one location to another.
6. **Automotive Repair Shop:** A garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration.
 - A. **Automotive Repair, Major:** General repair, rebuilding, or reconditioning of engines, or vehicles, collision service including body repair and frame straightening, painting or upholstery; or vehicle steam cleaning and undercoating.
 - B. **Automotive Repair, Minor:** Minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding two-ton capacity; provided, however, there is excluded any repair or work included in the definition of A above.
7. **Automotive Service Station:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.
8. **Basement:** A portion of a building which is partially or

Continued Next Page

ZONING

wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling of said area is greater than one-half of the total height of the area, said area shall not be considered a basement.

9. Board or Township Board: The Marsh Township Board.

10. Board of Appeals or Zoning Board of Appeals: The Marsh Township Zoning Board of Appeals.

11. Boarding House or Rooming House: A dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the family occupying such dwelling.

12. Building: An independent structure which is constructed or erected having a roof supported by columns, walls, or other supports, and which is used or intended for use for the shelter or enclosure of persons, animals, or personal property, or carrying on of business activities or other similar uses. This term includes both temporary and permanent structures, and tents, sheds, garages, stables, greenhouses, or other accessory structures.

13. Building Code/Township Building Code: The nationally recognized model building, construction, plumbing and electrical codes duly adopted by the Marsh Township Board.

14. Building Height: The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

15. Building Inspector: The person or persons appointed by the Township Board to inspect buildings for conformance to the building codes and administer the building codes of this Township.

16. Building or Structure Setback: The measurement from the property line or street right-of-way line to the nearest point of the main wall of a building or structure, including porches but not including steps.

17. Building/Occupancy Permit: The written authority issued by the Building Inspector/Zoning Administrator of the Township, permitting the construction, removal, moving, alteration, or use of a building.

18. Convalescent or Nursing Home: A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for.

19. County Board: The Allegan County Board of Commissioners.

20. Dwelling or Residence: A building, mobile home, premanufactured or pre-cut dwelling structure designed and used for the complete living accommodations of a single family, but not including a travel trailer, automobile chassis, tent or portable building. In case of mixed occupancy where a building is occupied in part as a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for area requirements.

This definition shall also include energy-saving earth sheltered homes which are either: Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run; or, constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run; and in each case containing at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 24 feet in width designed and constructed thereto and without any accommodation for any dwelling units above ground.

All dwellings shall comply with the standards set forth in Section 4.4 of this ordinance.

A. Dwelling, Multi-Family: A building containing three or more dwelling units designed for residential use.

B. Dwelling, Private: A building occupied by but one family alone.

C. Dwelling, Single-Family: A building containing not more than one dwelling unit designed for residential use.

D. Dwelling, Two-Family: A dwelling containing not more than two separate dwelling units designed for residential use.

E. Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living facilities for not more than one family having cooking facilities.

21. Family: One or more persons related by blood or marriage or adoption including those related as foster children and servants, occupying a dwelling unit and living as a single, non-profit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary as resort-seasonal in character or nature.

22. Family Business: An occupation, business or activity which is incidental to the principal residential use of the property (but which is not a home occupation), and subject to the conditions and limitations set forth at Section 14.2 of this ordinance.

23. Farm: Any parcel of land which is primarily used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm includes a farm dwelling and necessary accessory farm structures within the property boundaries and the storage of crops produced thereon, as well as equipment used in farming operations.

24. Farm Buildings: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

25. Filling: The depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.

26. Floor Area:

A. Floor Area, Gross: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings.

B. Floor Area, Net or Usable: The sum of the gross horizontal areas of the floor or several floors of a building, measured from the interior faces of the exterior walls, not including the basement area.

27. Garage, Private: A garage with capacity for not more than three vehicles, for parking and storage only.

28. Garage, Public: Any building or premises used for parking, housing or care of more than three vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

29. Grade: Any building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially uneven ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

30. Home Occupation: Any gainful occupation or activity carried on in a residential dwelling unit as a use incidental and subordinate to the principal residential use of the dwelling unit, and subject to the conditions and limitations set forth in Section 4.20 of this ordinance.

31. Junk: Any motor vehicles, machinery, appliances, products, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.

32. Junk-Salvage Yard: Any place where junk, waste, or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials.

33. Kennel: Any lot or premises on which five or more dogs or cats are kept either permanently, or temporarily boarded for persons other than the owner, or on which five or more dogs or cats are kept for commercial breeding purposes. All kennels shall comply with all applicable Township, County and State regulations.

34. Lot: A parcel of land adjoining a dedicated public street or a perpetual recorded private street, but exclusive of any adjoining street right-of-way or any legal easement, and separated from other parcels by legal description, deed or subdivision plot. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. The latter parcel is then often referred to as a "Zoning Lot".

A. Lot Area, Net: The total horizontal area within the lot lines of a lot.

B. Lot Area, Gross: The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, plus any portion of adjoining public lands deemed proper to be included by the Zoning Board.

C. Lot, Depth: The depth of a lot is the mean horizontal distance from the center of the front street line to the center of the rear lot line. In the case of a lot fronting on a lake, the distance is from the lake frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

D. Lot, Corner: A lot situated at the intersection of two (2) or more streets.

E. Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.

F. Lot, Interior: A lot other than a corner lot with one (1) lot line fronting on a street.

G. Lot, Lake: A lot having frontage directly upon a natural or man-made lake, river, pond, or other impoundment of water. The portion adjacent to the water shall be designated the lake frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

H. Lot, Lines: Any line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot.

I. Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a Zoning Compliance Permit.

J. Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.

K. Lot Line, Side: Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

L. Lot, of Record: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the Office of the Register of Deeds for Allegan County, or a lot or parcel described by notes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded on file with the county.

M. Lot, Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

35. Mobile Home: A transportable structure which is built on a chassis and designed to be used as a dwelling when connected to the required utilities, and which includes the plumbing, heating, air conditioning and electrical systems contained

in the structure. A recreational vehicle, as defined herein, is not a mobile home.

36. Mobile Home Park: A parcel of land upon which three or more mobile homes are located for continual residential, non-recreational use (also known as a trailer court or trailer coach park).

37. Mobile Home Site or Lot: A plot of ground within a mobile home park designed to accommodate and support one mobile home. It is not the same as a building lot.

38. Modular, Prefab, Pre-cut and Sectional Homes: A dwelling unit consisting of two (2) or more transportable factory fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

39. Motel: A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for or occupied by travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

40. Motor Vehicle: Every vehicle which is self-propelled.

41. Non-Conforming Use, Building or Lot of Record:

A. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

B. Non-Conforming Building: A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. set-backs, height, lot coverage, parking) of this ordinance in the zoning district in which it is located.

C. Non-Conforming Lot of Record: A lot or parcel lawfully existing at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).

42. Occupancy Load: The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

43. Occupied: The word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

44. Parking Area, Space or Lot: An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, or as an accommodation to clients, customers, visitors, or employees. Parking area shall include access drives within the actual parking area.

45. Principal or Main Building: A building in which is conducted the principal use of the lot upon which it is situated.

46. Principal or Main Use: The primary or predominant use of a lot.

47. Public Utility: Any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.

48. Quarry Excavation: Any breaking of the ground to hollow out by cutting or digging or removing any earth matter, except common household gardening and general farm care.

49. Recreational Vehicle: A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging.

This term includes folding campers, truck-mounted campers, travel trailers, and motor homes, but does not include mobile homes.

50. Recreational Vehicle Parks: A family recreational oriented facility for the overnight or short term (not to exceed 15 days consecutively) use of travelers.

51. Roadside Market Stand: A permanent or temporary building or structure designed or used for the display and/or sale of agricultural products produced on the premises upon which the stand is located.

52. Separate Ownership: Ownership of a parcel of property wherein the owner does not own adjoining vacant property, provided that the owner of any number of contiguous lots of record may be considered as the owner of a single lot of record for the purpose of this Ordinance, as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof. The "owner" of a property may include dual or multiple ownership by a partnership, corporation, or other group.

53. Sign: Any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons.

A. Sign, Accessory: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

B. Sign, Area Surface: The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

C. Sign, Billboard: Any structure, or any portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

D. Sign, Business: Any structure, or portion thereof, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment conducted on the land where the structure is located, or products primarily sold, manufactured, processed, or fabricated on such land.

E. Sign, Identifying: Any structure on the same premises it identifies which serves only (1) to tell the name or

use of any public or semi-public building or recreation space, club, lodge, church, or institution; (2) only to tell the name or address of an apartment house, hotel, or motel; or (3) only to inform the public as to the use of a parking lot.

F. Sign, Nameplate: A structure affixed flat against the wall of a building which serves solely to designate the name or the name and profession or business occupation of a person or persons occupying the building.

G. Sign, Number: For the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

H. Sign, Real Estate: Any temporary structure used only to advertise with pertinent information the sale, rental, or leasing of the premises upon which it is located.

54. Street: A publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, lane, boulevard, highway, road, or other thoroughfare, except an alley.

A. Street, Major: A street or highway so designated on the Major Road Plan of the Allegan County Master Plan and which is designed and intended to carry heavy traffic volumes.

B. Street, Minor or Local: A dedicated public way or recorded private street affording access to abutting properties, and designed primarily to serve immediate neighborhood needs.

55. Soil Removal: Removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except common household gardening and general farm care residuals.

56. Story: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

A. Story, Basement: Shall be counted as a story if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

B. Story, Half: That part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (1/2) the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches.

C. Story, Mezzanine: May be counted as a story if it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

57. Structure: Anything except a building, constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground.

58. Swimming Pool: Any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

59. Tourist Home: A building, other than a hotel, boarding house, lodging house, or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

60. Township: Martin Township, Allegan County, Michigan.

61. Variance: A modification of the literal provisions of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

62. Yard, Required Side-Rear-Front: An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves provided that an eight foot height clearance is provided above the adjacent ground level.

A. Yard, Front: An open space extending across the full width of a lot, the depth of which is the distance between the front wall of the main building or structure and the front property line, lot line, or street right-of-way line. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

B. Yard, Rear: An open space extending across the full width of a lot, the depth of which is the distance between the rear wall of the main building or structure and the rear lot line or street right-of-way line.

C. Yard, Side: An open space between a main building or structure and the side lot line, extending from the front yard to the rear yard, the width of which is measured from the nearest point of the side lot line to the nearest part of the main building or structure.

63. Zoning Administrator: The person or persons appointed by the Township Board to administer and enforce this ordinance. May also be known as the Ordinance Enforcement Officer.

64. Zoning Board or Township Zoning Board: The Martin Township Zoning Board.

ARTICLE IV GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless expressly made applicable to only specific zoning districts.

4.1 ZONING EFFECTS ALL STRUCTURES AND LAND

AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with the regulations set forth herein and the Township Building Code.

The provisions of this Ordinance and the Township Building Code shall be applicable to the Township itself and all other federal, state or local governmental agencies and units.

4.2 RESTORING UNSAFE BUILDINGS: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any legally rebuildable structure declared unsafe by the Building Inspector, in accordance with the Building Code.

4.3 BUILDING PERMITS: No structure shall hereafter be erected, enlarged, altered or reconstructed until a building permit has been obtained in accordance with the Township Building Code and the regulations set forth in this Ordinance including, but not limited to, the following:

1. An application for a building permit shall be in writing and upon duplicate printed forms furnished by the Township. Each application shall include such reasonable information as may be requested by the Building Inspector in order to determine compliance with the terms and provisions of this Ordinance and shall include, at a minimum, the following information:

- The location and actual dimensions of the lot or premises to which the permit is to apply.
- The kind of buildings or structures to which the permit is to apply.
- The width of all abutting streets.
- The area, size and location of all buildings or structures to which the permit is to apply.
- The type of use to be made of the building or structure to which the permit is to apply.
- The use of buildings or structures on adjoining lands.
- The estimated cost of the building or structure.

The Building Inspector, at his discretion, may waive the inclusion of any of the foregoing information in an application if he determines that such information is not reasonably necessary for him to determine compliance with the terms and provisions of this Ordinance.

The Building Permit requirement of this Section shall not apply to non-dwelling farm buildings and structures in the "AG" Agricultural District, nor to construction or alteration of buildings and structures involving a cost or value of \$1,000 or less, in any zoning district. Builders of such non-dwelling farm buildings and structures shall, however, obtain a Building Approval Card from the Zoning Administrator, indicating that the building or structure will comply with all setback and location requirements imposed by this ordinance. A fee for a Building Approval Card may be established by the Township Board.

2. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises; but shall not be required for accessory buildings or structures erected, moved, placed, reconstructed, extended, enlarged or altered, at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building.

3. Within 10 days after the receipt of an application for a building permit the Building Inspector shall either issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance and the Township Building Code; or deny issuance of a permit and state the reason(s) or cause(s) for such denial in writing. The permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or the owner's agent.

4. A building permit issued by the Building Inspector is non transferable, and must be obtained before any work, excavation, construction, erection, alteration or movement is commenced.

5. A building permit for which all construction work has not been completed within one year from the date of its issuance shall expire automatically, but may, upon application, be renewable once for an additional one year term on payment of an additional fee equal to one-half of the original permit fee.

6. No building permit shall be issued where the construction or other activity for which a building permit is required involves a building or land use designated as a special exception use in the applicable use district provisions of this Ordinance, unless the owner or owner's agent has first obtained the authorization of the Township Zoning Board for such special exception use.

7. No permit shall be issued for the construction of a building or structure which is to have drinking water and/or sanitary facilities located therein, and which is to be located on a lot which is not served by both public water and sewer facilities, if its water supply and/or sewer disposal facilities does not comply with the rules and regulations of Allegan County and any other government authority governing waste and sewage disposal.

8. The Building Inspector may revoke and cancel any building permit in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance, the Township Building Code, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such cancellation and revocation shall be provided to the permit holder by securely posting same on the premises; and no further work shall be undertaken or permitted upon such construction until a new permit is issued for such work.

4.4 CERTIFICATES OF COMPLIANCE AND USE: No building or structure which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used in whole or in part until the owner thereof has made arrangements with the Building Inspector for a final inspection, upon completion of all work, and is issued a certificate by the Building Inspector affirming that such building or structure conforms in all respects to the provisions of this Ordinance and the Township Building Code.

4.5 DWELLING STANDARDS: A dwelling or residence shall comply with the following standards:

1. It shall have a minimum gross floor area in accordance with the requirements of the zone district in which it is located, and shall have a minimum floor to ceiling height of 7.5 feet;

2. It shall have a minimum width or depth of 20 feet for at least 20 feet of the length of the longest side of the dwelling;

3. The dwelling and all additions or rooms or other areas shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, and constructed with similar quality workmanship and of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 419 of the Public Acts of 1976, as amended.

4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and any wheels shall be removed. Any space that may exist between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.

5. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the local health department;

6. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same;

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this provision and the definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

7. The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

8. The dwelling and all additions or rooms or other areas shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

9. All construction required herein shall be commenced only after a building permit has been obtained in accordance with this ordinance and the Township Building Code.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except to the extent required by state or federal law, or otherwise specifically required in any ordinance of the Township pertaining to such parks.

4.6 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement more than four feet below grade in a completed building for sleeping quarters or a dwelling unit is prohibited unless there are two means of direct access to the outside. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this Ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements, and otherwise complies with this Ordinance.

4.7 PRINCIPAL USE: No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, and the "R-2" Low Density Residential District, or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District.

4.8 ACCESSORY USE: Accessory uses incidental only to a permitted use are allowed in any zoning district when located on the same lot, provided, however, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise allowed as provided in this Ordinance.

4.9 ACCESSORY BUILDING OR STRUCTURE:

1. In any zoning district, an accessory building or structure may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building. The architectural character of all accessory buildings and structures

Continued Next Page

shall be compatible with and similar to the principal building.

2. Accessory buildings and structures shall not be located closer than five feet to the rear lot line or closer than 40 feet to the water's edge in the case of a waterfront lot (except that pumphouses may be located within 40 feet of the water's edge if they do not exceed three feet in height); shall not occupy more than 30% of any required rear yard space; and shall not be closer to any side lot line or front lot line than the principal building is permitted.

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solely covered by a breezeway, portico, covered colonnade or similar architectural device.

4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.

5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estates or "R-2" Low Density Residential zoning district.

4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.

4.11 SETBACKS FOR STRUCTURES ADJACENT TO STREETS: Notwithstanding any other provision of this Ordinance, no building or structure shall be hereafter constructed, erected or enlarged on a lot abutting a street designated as a major thoroughfare on the "Martin Township Land Use Plan", as the same shall be amended from time to time, unless the following minimum building setbacks measured from the street centerline are maintained.

- 1. Major County Primary - 100 feet
- 2. Minor County Primary - 80 feet
- 3. Collector Streets - 60 feet -

4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical apparatuses, and television and radio reception and transmission antennas and towers which do not exceed fifty feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building.

4.14 TEMPORARY USES OR STRUCTURES:

1. Upon application, the Zoning Administrator may issue a permit for the temporary residential use of a dwelling failing to comply with the dwelling standards set forth at Section 4.5 of this ordinance, provided that such a temporary use permit may be issued only for a period of not to exceed one year, and an extension of not to exceed six months, if all the following conditions are determined to exist at the time of the determination on the initial application or request for extension thereof:

- A. The applicant for the temporary use permit has submitted plans for, and received, a building permit for the construction or reconstruction of a permanent dwelling upon the same premises conforming with the dwelling standards set forth at Section 4.5 of this ordinance;
- B. The temporary dwelling is connected to a water supply and septic tank system complying with the requirements of the local health department;
- C. All yard and setback requirements of the applicable zoning district are met;
- D. The temporary dwelling has at least 475 square feet of usable floor area, and complies with all pertinent construction and fire codes;
- E. The location of the proposed dwelling will not interfere with or substantially hinder any existing or likely potential future farming operations or activity within the immediate area;
- F. The Township, County and school district have the present and future ability to provide adequate vehicular access, schools, public safety, public sewers, and other necessary public services at a level comparable to that provided to other dwellings in the surrounding area;
- G. The temporary dwelling shall not have a substantially detrimental effect on adjacent properties and the surrounding neighborhood, with regard to property values, aesthetics, or otherwise.

H. An extension of the permit may be approved by the Zoning Administrator, upon request, for a period of not to exceed six months, only if the Zoning Administrator determines that the conditions set forth hereinabove were complied with throughout the duration of the initial permit, that the construction of the permanent dwelling upon the premises was pursued with due diligence during the initial period of the permit and, in consultation with the Building Inspector, that within the requested period of extension that construction of the permanent dwelling will likely be completed and an occupancy permit issued for same.

The temporary use permit shall be subject to revocation if construction or reconstruction of the permanent dwelling has not commenced within 90 days after issuance of the building permit for said dwelling, or if any of the conditions set forth hereinabove are at any point not complied with.

2. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction

materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.

3. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

4. A recreational vehicle or tent may be situated upon premises within any zone classification established in this ordinance and occupied for temporary recreational purposes, subject to the following conditions and limitations:

- A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.
- B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
- C. Such a recreational vehicle or tent may not be situated upon any parcel or occupied for more than 30 days, calculated cumulatively, within any calendar year.
- D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
- E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.
- F. Such a recreational vehicle or tent must be stored neatly or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.

4.15 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE VIBRATION AND ODOR: Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

4.16 ESSENTIAL SERVICE: The erection, construction, alteration or maintenance by public utilities or governmental units, boards or commissions of overhead or underground gas, electrical, steam or water distribution, transmission, collection, communication, or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any zoning district.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- 1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- 2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.

4.17 DOUBLE FRONTAGE AND CORNER LOTS: Buildings on lots having frontage on two intersecting streets (corner lots) or non-intersecting streets (double frontage lots) shall comply with the front yard requirements on both such streets.

4.18 TRAFFIC VISIBILITY AND CORNER CLEARANCE: On any corner lot in any zone, other than a commercial zoning district where no yard space is required, no fence, structure or planting (except deciduous trees) which is over 30 inches in height shall be erected or maintained within 20 feet of an intersection right-of-way, in order to prevent traffic hazards arising from inadequate visibility.

4.19 HOME OCCUPATIONS: A home occupation, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. It shall be operated in its entirety within a single dwelling unit, and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein;
- 2. It shall not have any employees or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners;
- 3. The dwelling shall not have any exterior evidence, other than a permissible sign, to indicate that the building is being utilized for any purpose other than that of a dwelling;
- 4. The occupation shall be clearly incidental and secondary to the residential use of the building;
- 5. Noise and other objectionable characteristics incident to the home occupation shall not be discernible beyond the boundaries of the lot; and,
- 6. The home occupation shall not utilize more than 35% of the gross floor area in the single unit dwelling.

4.20 FAMILY BUSINESSES: A family business, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All work in connection with any family business permitted hereunder shall be conducted solely within an enclosed building.
- 2. No outdoor storage shall be allowed unless same can not be reasonably stored within a building or structure. Such outdoor storage area shall be located to the rear of the residence and shall be adequately screened to effectively block all view from adjoining roads or properties.
- 3. There shall be no expansion of the business facilities without the prior approval of the Zoning Board.

4. No services shall be sold or conducted upon or from the premises which shall constitute a nuisance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

5. There shall be a minimum distance of 150 feet between any existing residence on adjoining property and the building where the business is located.

6. The business shall be located on the same parcel with the family's residence.

7. In addition to those family members of a residence who reside on the parcel, no more than four other individuals may work on the premises in connection with the family business.

8. The Zoning Board may limit the family business to a particular type of business; it may require the particular business to be operated only by the present owner and not by future owners or tenants; it may allow the business to operate for only a specific period of months or years unless an additional permit is granted. The Zoning Board may impose additional conditions and regulations as it deems necessary to adequately protect adjoining residents and property owners and the values of adjoining properties.

4.21 ROADSIDE MARKET STANDS: A roadside market stand, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All products offered for sale shall be agricultural products or goods produced on the premises upon which the roadside market stand is located.
- 2. The gross floor area of a building or structure used as a roadside market stand shall be at least 150 square feet, but shall not exceed 800 square feet. The height of the building or structure shall not exceed one story.
- 3. The building or structure shall be located at least 150 feet from any pre-existing dwellings located upon adjoining properties under different ownership.
- 4. The building or structure shall be located at least 50 feet from the nearest traveled portion of the roadway.
- 5. An off-street parking area shall be established and maintained sufficient to provide adequate parking facilities for the roadside market stand, and prevent traffic congestion or hazards which could result from the roadside market stand.
- 6. Suitable containers for rubbish shall be placed on the premises for use by customers of the roadside market stand, and such containers shall be maintained and periodically emptied so as to prevent unnecessary odors.
- 7. All roadside market stands shall be operated at such times and in such a manner so as to not create a detrimental effect on adjoining properties and the surrounding neighborhood.

4.22 KENNELS: A kennel, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. All kennels shall be operated in conformance with all applicable county and state regulations.
- 2. For dog kennels, the minimum lot size shall be two acres for the first three dogs, and an additional one acre for each three additional dogs.
- 3. Kennel buildings or structures, animal runs, and/or exercise areas shall be located at least 150 feet from any pre-existing dwelling, or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.
- 4. Sufficient off-street parking shall be provided upon the premises upon which the kennel is operated so as to prevent traffic congestion as a result of the kennel.
- 5. The nature and character of buildings and structures utilized for kennel activities shall be aesthetically compatible with the principal use of the premises upon which the kennel is located, and with the principal uses of adjoining properties.
- 6. Kennel facilities shall be subject to such other conditions and limitations as the Zoning Board shall deem necessary, in the specific circumstances at issue, to protect adjoining property owners and the area in general, such as fencing, sound proofing, sanitary requirements, and other reasonable conditions and limitations.

4.23 CHURCHES AND PARISH HOUSES, PUBLIC AND PAROCHIAL SCHOOLS AND EDUCATIONAL INSTITUTIONS, AND OTHER SIMILAR USES OWNED AND OPERATED BY A GOVERNMENTAL AGENCY OR NON-PROFIT ORGANIZATION: A church and parish house, public and parochial school and educational institution, and other similar use owned and operated by a governmental agency or nonprofit organization, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. The minimum lot area upon which a church or school may be constructed shall be two acres.
- 2. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
- 3. The off-street parking area required by Section 15.1 of this ordinance shall not be located within the required front yard setback area.
- 4. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side or rear yard setback shall be provided beyond the minimum setback requirements.

4.24 AUTOMOTIVE SERVICE STATIONS AND AUTOMOTIVE REPAIR SHOPS: An automotive service station and automotive repair shop, where allowed, shall be operated in accordance with all of the following conditions and limitations:

- 1. The lot shall be located so that it is at least 600 feet from an entrance or exit to any property on which is situated a public library, public school, private school, playground, playfield, park, church, hospital, or residential district boundary.
- 2. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this ordinance.
- 3. No drive or curb opening shall be located within 25 feet

of an intersection or adjacent residential property line. No drive shall be located within 30 feet, as measured along the property line, from any other drive on the premises.

4. A raised curb of six inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.

5. No more than one curb cut shall be permitted for every 50 feet of frontage along any street, and a curb cut shall not be permitted where, in the opinion of the Building Inspector, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

6. The entire lot, including the area occupied by a building, shall be hard surfaced with concrete or a plant mixed bituminous material, except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.

7. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

8. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building.

9. When adjoining residentially used or zoned property, a five foot screening wall shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All such screening walls shall be protected by a fired curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Zoning Administrator.

10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five foot screening wall and shall comply with the requirements for location of accessory buildings as specified in this ordinance. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises, and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five days.

11. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Zoning Board and upon such terms and conditions as may be imposed by said Board to insure adequate ingress and egress and to insure adequate traffic safety.

12. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

13. With the application for a special exception use permit for such a use the applicant shall submit a diagram showing the configuration and design of the exterior of the building from front, side and rear elevation views, and shall submit a site plan for the site sufficient to show that the regulations imposed by this ordinance can and will be met, and sufficient to enable the Zoning Board to determine that the buildings and other related improvements will be architecturally and otherwise compatible with the surrounding area.

4.25 JUNK/SALVAGE YARDS: A junk/salvage yard, where allowed shall be operated in accordance with all of the following conditions and limitations:

1. Any such activity or business shall be carried on entirely within a building or buildings or fully enclosed structure, or within a fenced in area, entirely surrounded by a solid fence or natural screen at least eight feet in height, constructed of new materials or of natural shrubbery or trees, which shall effectively screen the activities conducted within same from view from surrounding properties or adjoining roads.

2. Such business or activity shall be conducted only between such hours and on such days as shall be established by the Zoning Board, and shall not be open for business or conducted on Sundays or holidays.

3. All premises upon which such activities or business is conducted shall be kept and maintained in a clean, sanitary, and neat condition. The owner/operator shall maintain the premises so that rats, vermin, and fire hazards are kept to a minimum, and so that rubbish or garbage are not present on the premises other than in normal containers pending removal.

4. Stockpiling of any materials shall not be allowed above the height of the fence or solid screen.

5. There shall be no burning of any items upon the premises other than the normal burning of trash made of paper products or wood.

6. The setback requirements for all industrial use shall be required regardless of the zone in which such activity or business is being conducted. Where a fence or other solid screen is used pursuant to subsection 1 herein, same shall not be located within the setback area.

7. All such activities or business shall be currently licensed by the State of Michigan.

8. All such activities or business shall at all times be conducted and operated so as to comply with Section 4.15 of this ordinance, and all other applicable provisions of this ordinance not specifically referenced in this Section 4.10.

4.26 DRIVE-IN THEATERS: A drive-in theater, where allowed, shall be operated in accordance with all of the following conditions and limitations:

1. The lot location shall be such that at least one property line abuts a major street, and shall be at least 500 feet from any residentially zoned area or residentially used premises.

2. The premises shall be enclosed with a solid screen fence of at least seven feet in height.

3. All points of entrance or exit shall be located at least 250 feet from any street or road intersection as measured to the nearest intersection right-of-way line.

4. Sufficient space shall be provided on the premises for 50 waiting vehicles to stand at the entrance to the facility.

5. The theater screen shall not face, directly or obliquely, by less than a 75° angle, a major street or any residentially zoned or used area.

4.27 REMOVAL AND PROCESSING OF TOP SOIL,

SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, where allowed, shall be operated in accordance with all of the following conditions and limitations.

1. Earth removal operations shall not cause a safety hazard, create erosion problems, or alter the ground water table of the area;

2. Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or swampy areas;

3. Earth removal operations shall not cause a permanent adverse effect to the environment, the natural topography, and any natural resource, other than the earth materials involved;

4. Earth removal operations shall not cause traffic congestion, and all trucks or other vehicles shall be directed away from residential streets and shall utilize county primary roads whenever possible;

5. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any persons having reason to be within the area of activity;

6. No storage, or truck or other vehicle or equipment parking or storage shall be located within 50 feet of any adjacent property, or within 200 feet of any adjacent residence.

7. All earth removal operations shall be screened with a wire screen or uniformly painted wood fence at least six feet in height, with evergreen screen planting on any side adjacent to residentially zoned property;

8. As the earth materials are being removed, the property shall be restored by the replacement of top soil where feasible, and all excavations shall be sloped to a gradient with not more than a 30° slope and the contour be caused to blend as nearly as possible with the natural surroundings. As restored, the excavated areas shall be planted with a suitable ground cover sufficient to control erosion;

9. The Zoning Board may require such bond as is deemed necessary to insure that the restoration and other requirements herein are fulfilled, and may revoke permission to operate at any time the conditions specified herein are not maintained.

The foregoing provisions shall not be applicable where top soil, sand or other earth material is to be removed from a lot for the purpose of erecting or constructing a building, structure, or pond on the lot, provided that not more than 500 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot without complying with the foregoing provisions, provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the ground water table, or damage to adjoining properties.

ARTICLE V

CLASSIFICATION AND USE DISTRICTS

5.1 ZONE DISTRICTS: The Township of Martin is hereby divided into the following zoning districts:

1. AG Agricultural District
2. R-1 Rural Estate District
3. R-2 Low Density Residential District
4. R-3 Medium Density Residential District
5. C-1 Neighborhood Business District
6. C-2 General Business District
7. I-1 Industrial District

5.2 USE DISTRICT BOUNDARIES AND ZONING MAP:

The locations and boundaries of the zoning districts are hereby established as set forth in Appendix A of this ordinance (Classification of Lands), and as shown on a map, as the same may be amended from time to time, entitled "The Zoning Map of Martin Township, Allegan County, Michigan", which accompanies and is hereby made a part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply.

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.

4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of 200 feet from the front lot line.

6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereof.

ARTICLE VI

AG AGRICULTURAL DISTRICT

6.1 STATEMENT OF PURPOSE: This zoning district is intended for large tracts of land used or preserved for farming, animal husbandry, dairying, horticultural, or other agricultural activities, and may include large vacant areas, fallow land and wooded areas.

6.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. Farms for both general and specialized farming, together with farm dwellings and buildings and other installations necessary to such farms including temporary housing for migratory workers provided such housing and its sanitary

facilities are in conformance with all requirements of the Allegan County Health Department and/or any other federal, state and/or local regulating agency having jurisdiction.

2. Greenhouses, nurseries, orchards, vineyards, aparies, chicken hatcheries, blueberry and poultry farms.

3. Riding stables, where horses are boarded and/or rented.

4. Single family dwellings.

5. Parks, public recreational areas or golf courses.

6. Home occupations, in accordance with Section 4.19 of this Ordinance.

7. Churches and parish houses, public and parochial schools and educational institutions and other publicly owned and operated community buildings, structures or uses, in accordance with Section 4.23 of this Ordinance.

8. Cemeteries.

9. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

10. Signs in accordance with Article XIV of this Ordinance.

6.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

2. Recreational vehicle campgrounds.

3. Horse or dog racing tracks.

4. Slaughter houses and meat processing facilities.

5. Family businesses, in accordance with Section 4.20 of this Ordinance.

6. Two family dwellings.

7. Roadside stands, in accordance with Section 4.21 of this Ordinance.

8. Funeral parlors and mortuaries.

9. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.

10. Survival games or similar paramilitary recreational activities.

11. Conservation/skeet shooting clubs or similar activities.

12. BMX, motorcycle, go-kart racetracks or similar activities.

13. Commercial communication towers.

14. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.

B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.

C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.

D. The effect of any increased density on the surrounding neighborhood caused by the intended use.

E. The availability of adequate off-street parking for the intended use.

Note: this special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 1 acre.
2. Minimum lot width: 165 feet.
3. Minimum usable floor area per dwelling unit: 820 square feet.

4. Minimum front yard: 50 feet.

5. Minimum rear yard: 50 feet.

6. Minimum side yard: 20 feet.

7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

ARTICLE VII

R-1 RURAL ESTATES DISTRICT

7.1 STATEMENT OF PURPOSE: This zoning district is intended for large rural residential estates and farming.

7.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses.

1. Farms for both general and specialized farming, except livestock feed lots and poultry farms, together with farm dwellings and buildings and other installations necessary to such farms, not including temporary housing for migratory workers.

2. Greenhouses, nurseries, orchards, vineyards, or blueberry farms.

3. Single family dwellings.

4. Home occupations, in accordance with Section 4.19 of this Ordinance.

5. Parks and public recreational areas.

6. Cemeteries.

7. Signs in accordance with Article XIV of this Ordinance.

7.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

1. Removal and processing of topsoil, sand, gravel, or other such minerals or earth materials, in accordance with Section 4.27 of this Ordinance.

2. Roadside stands, in accordance with Section 4.21 of this Ordinance.

3. Animal hospitals and kennels, in accordance with Section 4.22 of this Ordinance.

4. Family business, in accordance with Section 4.20 of this Ordinance.

5. Funeral parlors and mortuaries.

6. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 1 acre.
- 2. Minimum lot width: 165 feet.
- 3. Minimum usable floor area per dwelling unit: 820 square feet.
- 4. Minimum front yard: 50 feet.
- 5. Minimum rear yard: 50 feet.
- 6. Minimum side yard: 20 feet for residential buildings and structures; 50 feet for all other buildings and structures.
- 7. Maximum building or structure height: 35 feet for residential buildings or structures; all other buildings and structures shall not exceed their usual and customary heights and, further, subject to Section 4.14 of this Ordinance.

ARTICLE VIII

R-2 LOW DENSITY RESIDENTIAL DISTRICT

8.1 STATEMENT AND PURPOSE: This zoning district is intended for low density residential uses together with required recreational, religious and educational facilities.

8.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Single family dwellings.
- 2. Two family dwellings.
- 3. Home occupations, in accordance with Section 4.19 of this Ordinance.

8.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Private and public schools, libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization, in accordance with Section 4.23 of this Ordinance.
- 2. Parks, playgrounds and community centers owned and operated by a governmental agency or a non-profit commercial organization.
- 3. Governmental administration or service buildings.
- 4. Churches, in accordance with Section 4.23 of this Ordinance.
- 5. Family business, in accordance with Section 4.20 of this Ordinance.
- 6. Funeral parlors and mortuaries.

7. Single family dwellings, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the dwelling and accessory buildings to be erected and constructed on the lot.
- B. The effect of the single family dwelling use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed single family dwelling use on light and air circulation of adjoining properties.
- D. The effect of any increased density on the surrounding neighborhood caused by the intended use.
- E. The availability of adequate off-street parking for the intended use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area:
 - A. Single family dwelling: 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Two family dwelling: 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
- 2. Minimum lot width:
 - A. Single family dwelling: 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Two family dwelling: 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.

- 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling: 820 square feet.
 - B. Two family dwelling: 720 square feet.
- 4. Minimum front yard: 30 feet.
- 5. Minimum rear yard: 25 feet; 50 feet for lakefront lots.
- 6. Minimum side yard: 10 feet.
- 7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE IX

R-3 MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

9.1 STATEMENT OF PURPOSE: This zoning district is intended for medium density one and two family residential and related uses, and low density multi-family residential and related uses, and mobile home parks.

9.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Single family dwellings.
- 2. Two family dwellings.
- 3. Multi-family dwellings.
- 4. Nursing homes, senior citizen housing and similar convalescent or group housing.
- 5. Home occupations, in accordance with Section 4.19 of this Ordinance.
- 6. Signs in accordance with Article XIV of this Ordinance.

9.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Any use allowed in the R-2 Low Density Residential District as a special exception use.
- 2. Mobile home parks, together with accessory buildings and uses customarily incidental thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject to compliance with requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations and rules promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

9.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area:
 - A. Single family dwelling (not in mobile home park): 8,500 square feet for lots served with public water and sewer; 15,000 square feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 15,000 square feet for lots served with public water and sewer; 30,000 square feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 4,500 square feet for lots served with public sewer and water; 10,000 square feet for lots not served with public water and sewer.
 - E. All other allowed uses: 15,000 square feet.
- 2. Minimum lot width:
 - A. Single family dwelling (not in mobile home park): 85 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - B. Single family dwelling (in mobile home park): In accordance with the standards set by the Michigan Mobile Home Commission.
 - C. Two family dwelling (not in mobile home park): 100 feet for lots served with public water and sewer; 100 feet for lots not served with public water and sewer.
 - D. Multi-family dwelling (not in mobile home park): 100 feet for lots served with public sewer and water; 100 feet for lots not served with public water and sewer.
 - E. All other allowed uses: 100 feet.
- 3. Minimum usable floor area per dwelling unit:
 - A. Single family dwelling (not in mobile home park): 820 square feet.
 - B. Single family dwelling (in mobile home park): In accordance with the regulations of the Michigan Mobile Home Commission.
 - C. Two family dwelling: 720 square feet.
 - D. Multi-family dwelling: 650 square feet for one bedroom unit; 750 square feet for two bedroom unit; 900 square feet for three bedroom unit; additional 100 square feet for each additional bedroom.
- 4. Minimum front yard:
 - A. All allowed uses (not in mobile home park): 30 feet.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
- 5. Minimum rear yard:
 - A. All allowed uses (not in mobile home park): 25 feet; 50 feet for lakefront lots.
 - B. Uses allowed in mobile home park: In accordance with the standards set by the Michigan Mobile Home Commission.
- 6. Minimum side yard:
 - A. Single family dwelling (not in mobile home park): 10 feet.
 - B. Two family dwellings (not in mobile home park): 10 feet.
 - C. Multi-family dwellings: 20 feet.
 - D. Uses allowed in mobile home parks: In accordance with the Michigan Mobile Home Commission.
 - E. All other allowed uses: 20 feet.
- 7. Maximum building or structure height: the lesser of 35 feet or 2 1/2 building stories.

ARTICLE X

C-1 NEIGHBORHOOD BUSINESS DISTRICT

10.1 STATEMENT OF PURPOSE: This zoning district is for neighborhood convenience shopping including retail businesses or service establishments which supply commodities or perform services which meet the daily needs of the neighborhood.

10.2 PERMITTED USES: Land, buildings, and structures in this zoning district may be used for the following purposes only, as permitted uses:

- 1. Any non-residential permitted use in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.
- 2. Bakery goods stores.
- 3. Banks, loan and/or finance offices.
- 4. Barber or beauty shop.
- 5. Book, stationery or gift store.
- 6. Candy store, soda fountain and/or ice cream store.
- 7. Clothes cleaning and/or laundry pick-up station.
- 8. Clothing and dry goods store.
- 9. Delicatessen store.
- 10. Dress shop.
- 11. Drug store.
- 12. Florist and gift shop without nursery.
- 13. Funeral parlor or mortuary.
- 14. Grocery store and meat market.
- 15. Hardware store.
- 16. Household appliance store.
- 17. Jewelry store.
- 18. Laundromats.
- 19. Liquor store including beer and wine sales.
- 20. Nursery school and day nurseries.
- 21. Paint and wallpaper store.
- 22. Parking lots.
- 23. Photography shops and studios.
- 24. Radio and television store.
- 25. Restaurants and/or cafes without dancing, floor shows or drive-in service.
- 26. Shoe repair shop.
- 27. Tailor and/or dress maker.
- 28. Variety store.
- 29. Signs in accordance with Article XIV of this Ordinance.

10.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance.

- 1. Automotive service stations, including minor auto repair shop facilities, in accordance with Section 4.24 of this Ordinance.
- 2. Retail business or service establishments which supply convenience commodities or perform services primarily for residents of the surrounding neighborhood, and which do not involve any manufacturing activities or the treatment of articles or materials.

3. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:

- A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
- B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
- C. The effect of the proposed use on light and air circulation of adjoining properties.
- D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

10.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

- 1. Minimum lot area: 15,000 square feet.
- 2. Minimum lot width: 100 feet.
- 3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 60 feet.
- 4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setback shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
- 5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
- 6. Maximum building or structure height: 35 feet.

10.5 OTHER GENERAL REQUIREMENTS: All business, service or processing activities, except parking, associated with any permitted use or special exception use in this zoning district, shall be conducted entirely within a completely enclosed building.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.

11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. All uses permitted in the C-1 district.
2. Ambulance services.
3. Amusement enterprises.
4. Antique shop, provided all articles for sale are displayed or stored within the shop.
5. Automotive and other vehicle sales.
6. Automotive repair shop or garage, including major repair operations.
7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
8. Bank, loan and finance offices including drive-in branches.
9. Bowling alley, including bars and restaurant.
10. Bus station and travel agency.
11. Business or trade school.
12. Car wash facility.
13. Catering service, delicatessen and confectionery store.
14. Clinic - dental and medical including laboratory.
15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.
16. Crating and packing service.
17. Dance studio and photographic studio.
18. Diaper, linen and towel supply service.
19. Dry cleaning and laundry - custom and self-service.
20. Eating place - including grill or "drive-in" restaurant.
21. Electrical supplies - wholesale and storage.
22. Exterminator service.
23. Factory and mill supplies.
24. Florist and gift shop including nursery.
25. Frozen food locker.
26. Funeral parlor or mortuary.
27. Hotels and motels.
28. Juke box and vending machine service and distribution.
29. Laboratory - medical or dental.
30. Liquor store.
31. Locksmiths.
32. Lodge hall, private clubs, veterans' clubs.
33. Malt beverage, liquor and wine distribution.
34. Marinas.
35. Offices.
36. Office machines, sales and service.
37. Office supply store.
38. Ornamental iron work and fence service.
39. Parcel delivery station.
40. Pet shop, not including treatment or boarding of animals.
41. Printing and publishing including processes related thereto.
42. Professional studio.
43. Plumbing and heating shop, provided all operations and storage are completely enclosed in a building.
44. Radio and TV sales and repair shops.
45. Broadcasting studios.
46. Retail shops including "auction houses".
47. Resort, including seasonal cabins.
48. Shoe repair.
49. Sign painting and servicing shops provided all operations and storage are completely enclosed in a building.
50. Special tools and gauges - checking and service.
51. Taddermist.
52. Theater, indoor.
53. Trade schools.
54. Travel agencies.
55. Warehousing and storage structures.
56. Wholesale sales facilities.
57. Any other retail business or service establishment of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.
58. Signs in accordance with Article XIV of this Ordinance.

11.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Commercial communication towers.
2. Bar, cocktail lounge or nightclub.
3. Theater, drive-in, in accordance with Section 4.26 of this Ordinance.
4. Landing and take-off area for roto craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed use on light and air circulation of adjoining properties.
 - D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

MENTY REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 60% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 60 feet.
4. Minimum rear yard: Where the rear of a lot in a commercial zoning district abuts upon the side yard of a lot in any residential zoning district or agricultural zoning district, there shall be a rear yard of not less than 25 feet; in all other cases the rear yard setbacks shall be at least 10 feet for principal buildings and structures, and 5 feet for accessory buildings and structures.
5. Minimum side yard: Where the side of a lot in a commercial zoning district abuts upon the side of any lot in any residential or agricultural zoning district, each side yard setback shall be a minimum of 25 feet; and the side yard setback for the street side of a corner lot shall be a minimum of 40 feet. Notwithstanding the foregoing no side yard setback shall be required when directly abutting other commercial uses or land included in a commercial or industrial zoning district.
6. Maximum building or structure height: 35 feet.

ARTICLE XII

I-1 INDUSTRIAL DISTRICT

12.1 STATEMENT OF PURPOSE: This district permits compounding, assembling, or treatment of articles or materials, this district also allows as a special use heavy manufacturing, processing of raw materials, and other similar industrial uses.

12.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:

1. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products, except the rendering or refining of fats and oils.
2. The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, shell, rubber, tin, iron, steel, tobacco, wood, and yarn.
3. The manufacture, only by electricity or gas, of pottery and figurines or other ceramic products, using only previously pulverized clay.
4. Petroleum storage located at least 500 feet from any residentially zoned property.
5. Automotive repair shops, in accordance with Section 4.24 of this Ordinance.
6. Bottling plants and dairies.
7. Car wash facilities.
8. Contractor yards.
9. Crating and packing service.
10. Dry cleaning and laundry.
11. Machine shop.
12. Printing shop.
13. Sign painting and servicing shops.
14. Taxidermist.
15. Warehouses and storage buildings.
16. Wholesale sales facilities.

Note: All the above uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six feet in height; provided further, that no goods, materials, or objects shall be stacked higher than the fence or wall; and provided further, that all business will be conducted in such a manner that no noise, smoke, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining residential properties.

17. Landing and take-off areas for roto crafts and airports.
18. Parking lots.
19. Commercial communication towers.
20. Other light industrial uses of the same general character as the above enumerated uses, as determined, if necessary, by the Zoning Board of Appeals.

12.3 SPECIAL EXCEPTION USES: Land, buildings and structures in this zoning district may be used for the following purposes with the authorization of the Township Zoning Board and in accordance with Article XIII of this Ordinance:

1. Drive-in theaters, in accordance with Section 4.26 of this Ordinance.
2. Junk/salvage yards, in accordance with Section 4.25 of this Ordinance.
3. Other industrial uses, subject to consideration and satisfactory provision for the following, where applicable:
 - A. Ingress and egress to the lot and the proposed buildings and structures thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophes.
 - B. Off-street parking and loading areas where required, with particular attention to the items in subparagraph A above and the economic, noise, glare, or odor effects of the use on adjoining properties and the surrounding neighborhood.
 - C. Refuse and service areas, with particular reference to the items in subparagraphs A and B above.
 - D. Utilities, with reference to locations, availability, and compatibility.
 - E. Screening and buffering, with reference to type, dimensions, and character.
 - F. Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining and surrounding neighborhood properties.

borhood properties.

- G. Required yards and other open spaces.
- H. General compatibility with adjacent properties and the surrounding neighborhood.
4. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The effect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The effect of the proposed use on light and air circulation of adjoining properties.
 - D. The effect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

12.4 DENSITY, AREA, HEIGHT, BULK AND PLACE-

MENT REQUIREMENTS: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: 50 feet.
4. Minimum rear yard: 50 feet.
5. Minimum side yard: 10 feet where the side yard abuts the side of a lot in the industrial zone; 50 feet in all other cases.
6. Maximum building or structure height: The lesser of 45 feet or three building stories.

ARTICLE XIII

**SPECIAL EXCEPTION USES
GENERAL PROVISIONS**

13.1 SPECIAL EXCEPTION STANDARDS: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Township Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without property controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, a Special Exception Use is not allowed to be engaged in within the particular zone in which it is listed unless and until the Township Zoning Board, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board determines as follows:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely effect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this Ordinance;
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely effect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards hereinabove required for the allowance of such a Special Exception Use can and will, in the Board's judgment, be met at all times by the applicant;
9. The specific requirements, conditions and limitations applicable to particular uses as set forth in Article IV of this ordinance can and will, in the Board's judgment, be complied with at all times.

13.2 SPECIAL EXCEPTION PROCEDURE:

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Board and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
 2. The Township Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification, as required by law. The burden of proof for issuance of the Special Exception Use Permit shall at all times be on the applicant.
 3. Following such hearing, said Zoning Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Board in its decision and shall be filed with the Zoning Administrator of the Township.
- Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto, and of the community.

munity as a whole; shall constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; shall be consistent with the intent and purpose of the zoning ordinance; shall be designed to insure compatibility with adjacent uses of land and the natural environment; and shall be designed to insure that public services and facilities affected by a proposed land use or activity be capable of accommodating increased service and facility loads caused by the land use or activity.

4. The Township Zoning Board shall have the right to limit the duration of a special exception use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Zoning Board after a hearing upon application of any aggrieved party.

5. The plot plan and specifications and all conditions, limitations and requirements imposed by the Zoning Board shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the Special Exception Use Permit. Violation thereof at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.

6. Any property which is the subject of a Special Exception Use Permit which has not been used for a period of six months (without just cause being shown, which is beyond the control of the owner and which is acceptable to the Township Zoning Board) for the purposes for which such Special Exception Use Permit was granted, shall thereafter be required to be used for only permitted uses set forth in the particular zoning classification and the permit for such Special Exception Use shall be deemed terminated by abandonment.

ARTICLE XIV

SIGNS

14.1 Signs in the AG, R-1, R-2 and R-3 Districts: In the Ag, R-1, R-2 and R-3 districts, the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.

14.2 Signs in the C-1 District: In the C-1 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.

14.3 Signs in the C-2 District: In the C-2 district the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 120 square feet in area.

14.4 Signs in the I-1 District: In the I-1 district the following signs are allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
2. Identifying signs, not exceeding 18 square feet in area.
3. Nameplate signs, not exceeding one square foot in area.
4. Business signs, not exceeding 32 square feet in area.
5. Billboards, not exceeding 300 square feet in area.

14.5 General Provisions and Requirements: The following provisions and requirements shall be applicable to signs in all zoning districts, unless stated to the contrary:

1. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign.

2. Banners, pendants, balloons, light strings, flashing or blinking lights, and other similar devices used to attract the attention of the public are prohibited; provided, however, that this provision shall not prohibit the display of a governmental or organizational flag in the manner prescribed by law for such display.

3. All signs shall be maintained in good condition and repair, subject to the provisions of Article XVII pertaining to nonconforming structures.

4. No permanent business sign, billboard, or other type of permanent sign shall be constructed, erected, or attached to a building prior to the issuance of a permit therefor by the zoning administrator or building inspector.

5. All signs may be illuminated if the source of light is not visible. Flashing type signs of any kind are prohibited.

14.6 Exempted Signs: The following signs are exempt from the provisions of this Ordinance with respect to permits, heights, area, and location, unless otherwise specified herein:

- 1. Highway signs erected by the State of Michigan, County of Allegan or the Township.
2. Governmental use signs erected by the governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings;
3. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed four square feet in area and is limited to traffic control functions only;
4. Historic signs designating sites recognized by the State Historical Commission as Centennial Farms and Historic Landmarks.
5. Placards posted to control or prohibit hunting within the Township.
6. Subdivision signs not exceeding 32 square feet in area; provided, however, that such signs shall be removed at such times as 50% or more of the lots in such subdivisions are sold or after five years, whichever shall first occur.
7. One construction sign per project of no more than 32 square feet in area denoting architects, engineers, or contractors in conjunction with the work under construction, other than one and two family dwellings.

8. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.

9. Memorial signs or tablets which are either (1) cut into the face of a masonry surface; or (2) constructed of bronze or other incombustible material when located flat on the face of a building.

10. Signs in the agricultural district that serve only to identify the name of a farm, farm owner or crops or livestock produced thereon.

11. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Township Board or other governmental body with jurisdiction over the matter. In considering such authorization, the Board shall consider the following factors:

- A. The size, character and nature of the display or sign.
B. The duration or time period during which the display or sign will be utilized.
C. The purposes for which the sign display is to be erected.
D. The arrangements made for the removal of the sign or display after the termination of its usefulness.
E. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
F. Whether or not the sign or display will constitute a traffic hazard.
G. The effect of the sign or display on the surrounding neighborhood.

ARTICLE XV

PARKING AND LOADING SPACES

15.1 GENERAL: In all zoning districts, there shall be provided, before any building or structure is occupied or is enlarged or increased in capacity, off-street parking spaces for motor vehicles as follows:

Table with 2 columns: Use and Minimum Parking Spaces Required. Lists various uses like Dwellings, Lodging, Private clubs, Hospitals, etc. with corresponding parking requirements.

B. Business offices and/or research laboratories and/or similar uses. One for each employee on the maximum shift or peak employment period.

C. Manufacturing, processing and/or fabricating, manufacturing buildings and/or business offices and/or research laboratories and/or other facilities related but not necessarily connected to a manufacturing or industrial building. One for each three employees on the maximum shift or peak employment period.

D. Other uses not specifically mentioned. In the case of buildings which are used for uses not specifically mentioned, these provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.

E. Mixed uses in the same building. In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

15.2 JOINT USE OF FACILITIES: Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the maximum individual requirements.

15.3 LOCATION OF FACILITIES: Off-street parking facilities shall be located as hereafter specified:

- 1. For all residential buildings and for all nonresidential buildings and uses in residential zoning districts, required parking shall be provided on the lot with the building or use it is required to serve.
2. For commercial and all nonresidential buildings and uses in Commercial and Industrial zoning districts, required parking shall be provided within 300 feet walking distance, as measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

15.4 SIZE OF PARKING SPACE: Each off-street parking space shall have an area of not less than 200 square feet (exclusive of access drives or aisles) and shall be a minimum of 10 feet in width.

15.5 REQUIREMENTS FOR PARKING AREAS: Every parcel of land hereafter established as an off-street public or private parking area for more than five vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for multiple dwellings, businesses, public assembly, and institutions, shall be developed and maintained in accordance with the following requirements:

- 1. The parking lot and its driveways shall be effectively screened on each side which adjoins or faces premises situated in any Residential or Agricultural zoning district by a greenbelt 10 feet in width, landscaped with lawn and low shrubbery clumps backed up by a solid planting of evergreen trees at least five feet in height and five feet wide after one growing season; or other suitable screening device.
2. The parking lot and its driveway shall be designed to provide adequate drainage; surfaced with concrete or asphalt pavement; and maintained in good condition, free of dust, trash and debris.
3. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
4. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestions.
5. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties.
6. No part of any public or private parking area regardless of the number of spaces provided shall be closer than 10 feet to the street right-of-way.

15.6 OFF-STREET LOADING SPACES: For every building or addition to an existing building hereafter erected to be occupied by storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition an area or means adequate for maneuvering and ingress and egress for delivery vehicles; and off-street loading spaces in relation to floor areas as follows:

- 1. Up to 20,000 square feet - one space.
2. 20,000 or more but less than 50,000 square feet - two spaces; and
3. One additional space for each additional 50,000 square feet or fraction thereof.
Each such loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height. No such space shall be located closer than 50 feet to any lot in any Residential zoning district.

ARTICLE XVI

NONCONFORMING USES, BUILDINGS OR STRUCTURES

16.1 CONTINUANCE OF NONCONFORMING USES, BUILDINGS OR STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, the lawful use of any building or structure or of any

land or premises which is existing and lawful on the effective date of this Ordinance, or in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto. In addition, except where specifically provided to the contrary and subject to the provisions of this Article, a building or structure which is existing and lawful on the effective date of this Ordinance, or, in the case of an amendment of this Ordinance, then on the effective date of such amendment, may be maintained and continued although such buildings or structures does not conform with the provisions of this Ordinance or any amendment thereto.

16.2 EXPANSION: Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled or modernized provided there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and the Zoning Administrator determines that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged unless all extensions or enlargements do not exceed 50% of the area of the original nonconforming use, and such extensions or enlargements are authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether the extension or enlargement will substantially extend the probable duration of such nonconforming use, and whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance.

16.3 RESTORATION AND REPAIR: All repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of such building or structure beyond its natural life. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed 1/3 of the value of the nonconforming building or structure after the rebuilding or restoration is complete. In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds 1/3 of the value of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board as a special exception use. In considering such authorization, the Zoning Board shall consider whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use, and whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable zoning district.

16.4 CHANGE OR DISCONTINUANCE: The nonconforming use of a building or structure or of any land or premises shall not be:

- 1. Re-established after discontinuance, vacancy, lack of operation or otherwise unused for a period of six months.
- 2. Re-established after it has been changed to a conforming use.
- 3. Changed to any other nonconforming use, unless the Zoning Board determines that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this Article.

16.5 BUILDING OR STRUCTURE UNDER CONSTRUCTION ON EFFECTIVE DATE OF ORDINANCE: Any building or structure shall be considered existing and lawful and for purposes of Section 17.1 to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore, if required, and a substantial start has been made toward construction and construction is thereafter pursued diligently to conclusion.

16.6 UNLAWFUL USE NOT AUTHORIZED: Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of regulations in effect immediately prior to the date of this Ordinance.

ARTICLE XVII

ZONING BOARD

17.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board, consisting of not less than four nor more than seven members, constituted and appointed as provided by said Act.

17.2 JURISDICTION AND POWERS: The Zoning Board shall have all powers and jurisdiction granted by Public Act 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear requests for special land uses, and approve, deny, or approve with conditions, such special exception use requests, in accordance with Article XIII of this ordinance, and any other applicable provision of this ordinance.

2. The jurisdiction and power to hear and act upon requests for amendment of the text of this ordinance, or an amendment of the zoning map (rezoning), or an amendment of the land use plan, pursuant to Article XXI of this ordinance.

17.3 MEETINGS: The Zoning Board shall hold at least two regular meetings annually, at which any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Board. Additional meetings may be held at other times as the Zoning Board deems necessary for the efficient conduct of its business. All meetings shall be open to the public, unless properly closed in accordance with law.

17.4 FEES: Upon filing of an application to the Zoning Board for a special exception use permit, or for a rezoning or amendment to the text of the zoning ordinance, zoning map, or land use plan, or other matter properly heard before the Zoning Board, the applicant shall pay a fee as established by the Township Board. Said fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, and the change shall take effect 30 days after adoption of such change.

17.5 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The Zoning Board may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 184 of 1943, as amended.

17.6 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board shall keep minutes of Zoning Board proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

ARTICLE XVIII

ZONING BOARD OF APPEALS

18.1 CREATION: There is hereby created under Public Act 184 of 1943, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act.

18.2 JURISDICTION AND POWERS: The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 184 of 1943, as amended, all powers and jurisdiction prescribed in other Articles of this Ordinance, and the following specific powers and jurisdiction:

1. The jurisdiction and power to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.

3. The jurisdiction and power to authorize, upon appeal and subject to Sections 16.3-16.5 of this Article, a variance or modification of this Ordinance where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

18.3 VARIANCES: Subject to the provisions of Section 16.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after public hearing, shall have the power to decide applications for dimension variances in the following situations:

1. Where it is alleged that there is error or misinterpretation in any order, requirement, decision or refusal made by the Building Inspector or other administrative agency of the municipality in carrying out of the provisions of this ordinance; or

2. Where it is alleged that by reason of the exceptional narrowness, shallowness of shape of a specific piece of property or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulties or would cause undue hardship; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or

3. Where it is alleged that there is practical difficulty or unnecessary hardship in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed; public safety secured and substantial justice done.

18.4 VARIANCE STANDARDS AND CONDITIONS:

1. Standards: No variance in the provision or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds from reasonable evidence that such variance will not be of substantial detriment to adjoining property and will not materially impair the intent and purpose of this ordinance or of the public health, safety and welfare, and further, that two of the following facts and circumstances exist in addition to the above:

A. That there are exceptional or extraordinary circumstances or conditions applying to the specific property that do not apply generally to other properties in the same zone, provided that hardships based solely on economic considerations shall not be grounds for a variance; or

B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the zone, provided that increased financial return shall not be deemed sufficient to warrant a variance; or,

C. That the condition or situation of the specific property or the intended use is not of so general or recurrent a nature as to make reasonably practical a general regulation as part of this zoning ordinance.

2. Conditions: The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

1. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,

2. That the condition or limitation is related to the valid exercise of the police power, and purposes which are affected by the proposed variance; and,

3. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

18.5 LAND USE VARIANCE: The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).

18.6 ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE: The Zoning Board of Appeals shall elect a chairman and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 184 of 1943, as amended.

18.7 MEETINGS: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and at such other times as the Board in its rules of procedure may specify. All meetings shall be open to the public.

18.8 MINUTES AND RECORDS: The secretary or acting secretary of the Zoning Board of Appeals shall keep minutes of the proceedings of the Zoning Board of Appeals showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall also keep records of all official actions of the Zoning Board of Appeals. A copy of said minutes and records shall be filed with the Township Clerk and be a public record.

18.9 FEES: Upon filing of any appeal or application to the Zoning Board of Appeals, the applicant shall pay a fee as established by the Township Board. The fee shall be paid to the Township Treasurer before any action is taken on said application. Fees may be changed by the Township Board at any regular meeting, which change shall take effect 30 days after adoption of such change.

ARTICLE XIX

ADMINISTRATION AND ENFORCEMENT

19.1 ZONING ADMINISTRATION: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator.

19.2 ZONING ADMINISTRATOR: The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the position of Zoning Administrator, the applicant must be generally informed of the provisions of this Ordinance, have a general knowledge of the building arts and trades, and be in good health and physically capable of fulfilling the duties of the Zoning Administrator. Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility or device entering into or used in connection with building construction.

ARTICLE XX

VIOLATION AND PENALTIES

20.1 PENALTIES: Any building or structure which is erected, moved, placed, reconstructed, taxed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term of provision of this Ordinance, is hereby declared to be a nuisance per se. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any term or provision of this Ordinance or any amendment thereof shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Allegan County jail for not more than 90 days or both such fine and imprisonment in the discretion of the court. Each and every day during which any violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. Further, the foregoing penalties shall not preclude the Township from commencing a civil suit and seeking injunctive relief and any such other appropriate relief as may be provided by law, either before, during or after a criminal prosecution for violation of this Ordinance.

20.2 AUTHORITY TO COMMENCE LEGAL ACTION:

The duly authorized attorney for the Township, the Township Supervisor or the Zoning Administrator/Ordinance Enforcement Officer may institute such criminal and/or civil legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or punish any violation of this Ordinance.

ARTICLE XXI

AMENDMENT OF ORDINANCE

21.1 INITIATION OF AMENDMENTS: Amendments to this Ordinance may be initiated by the Zoning Board or Township Board by Resolution, or by any interested person or persons by petition to the Township Board.

21.2 AMENDMENT PETITION PROCEDURE: All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board, and shall be accompanied by such amendment application fee as may be established by the Martin Township Board; no action shall be taken on any amendment request until such fee is paid in full. Such petitions shall include the following:

- 1. The petitioner's name, address, and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned.
2. The nature and effect of the proposed amendment.
3. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned.
4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
5. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

21.3 AMENDMENT PROCEDURE: After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 184 of 1943, as amended.

ARTICLE XXII

MISCELLANEOUS PROVISIONS

22.1 SEVERABILITY: This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

22.2 REPEAL: This Ordinance shall be deemed an amendment to the existing Martin Township Zoning Ordinance which was effective March 17, 1976, and supersedes and replaces the existing Martin Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

22.3 EFFECTIVE DATE: This Ordinance was approved by the Township Board and will take immediate effect on September 24, 1986.

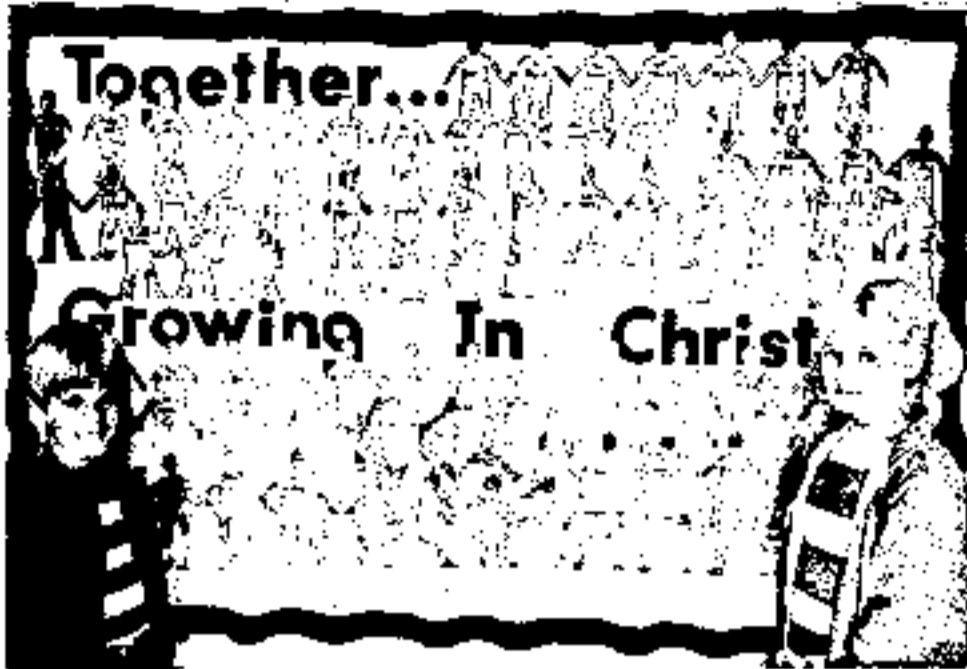
22.4 ADMINISTRATIVE LIABILITY: No officer, agent, employee, or member of the Zoning Board, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

APPENDIX A CLASSIFICATION OF LANDS

- 1. Section 1, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 1, except that part located within the "R-3" Medium Density Residential and Mobile Home Park District.
"R-3" Medium Density Residential and Mobile Home Park District: The northeast quarter of Section 1.
2. Section 2, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 2, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southeast quarter of Section 2.
3. Section 3, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 3.
4. Section 4, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 4.
5. Section 5, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 5, except that part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: That portion of the Village of Shelbyville located within Section 5 along the south side of 124th Avenue from the west section line to the half section line with a depth of 330 feet.
6. Section 6, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 6, except that

- part located within the "C-1" Neighborhood Business District.
"C-1" Neighborhood Business District: The north half of the northwest quarter of the northwest quarter of Section 6; and from the northeast corner of Section 6 west to the Consumers Power right-of-way, then south 330 feet, then east to the section line, then north to the point of beginning.
7. Section 7, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 7.
8. Section 8, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 8.
9. Section 9, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 9, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The south half of the southeast quarter of the southwest quarter of Section 9; and the southwest quarter of the southwest quarter of the southeast quarter of Section 8.
10. Section 10, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 10.
11. Section 11, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 11.
12. Section 12, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 12.
13. Section 13, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 13.
14. Section 14, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 14.
15. Section 15, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 15, except that portion located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in Section 15, to a depth of 200 feet, bordering the meander line of Pratt Lake; also the northeast quarter of the southwest quarter of Section 15; also the south half of the southeast quarter of the northwest quarter of Section 15; also the four Fenner Lake Plats in Section 15 as of December, 1979; also that piece of land in Section 15 going south from 118th Avenue along the west side of Fenner Lake Road to the north boundary of Fenner Lake Plat No. 4, thence westerly along the north line of Plat No. 4 474.86 feet, thence north 722.8 feet to 118th Avenue, thence east 534 feet to the point of beginning; also that piece of land in the northwest quarter of the southwest quarter of Section 15 starting along the northwest corner of Fenner Lake Plat No. 4, Lot No. 20, and going in a southwesterly direction along the west lot line of Lot No. 20 to the quarter section line, thence east along the quarter section line to 5th Street.
16. Section 16, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 16, except those portions located within the "R-2" Low Density Residential District and the "R-3" Medium Density Residential and Mobile Home Park District.
"R-2" Low Density Residential District: The northeast quarter of the northwest quarter of Section 16; and the west three-quarters of the northwest quarter of the northwest quarter of Section 16.
"R-3" Medium Density Residential and Mobile Home Park District: The southeast quarter of the northwest quarter of the northwest quarter of Section 16.
17. Section 17, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 17, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: The southwest quarter of the southwest quarter of Section 17.
18. Section 18, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 18, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The northeast quarter of Section 18 commencing at the north line of the Moored property where it joins the Mac Veas property, then south along the west side of 10th Street for a distance of 1,600 feet, then west 183 feet, then north 1,600 feet, then east 183 feet to the point of beginning.
19. Section 19, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 19, except those areas located within the "R-2" Low Density Residential District, "R-3" Medium Density Residential and Mobile Home Park District, and "C-2" General Business District land except for that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: That land on the west side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19; also that land in the southeast quarter of the southwest quarter of Section 19 except for a piece of ground starting in the southwest corner and thence north along 11th Street for approximately 680 feet and with a depth of 200 feet.
"R-3" Medium Density Residential and Mobile Home Park District: That land that lies along 10th Street on the east side of Consumers Power right-of-way in the northeast quarter of the southeast quarter of Section 19.
20. Section 20, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 20, except that

- part located within the "R-2" Low Density Residential District land except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-2" Low Density Residential District: The southeast quarter of the southeast quarter of Section 20.
21. Section 21, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 21, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: That land in the southwest quarter of Section 21 along 116th Avenue to a depth of 200 feet north from the south section line.
22. Section 22, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 22.
23. Section 23, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 23, except for that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The southeast quarter of the southwest quarter of Section 23.
24. Section 24, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 24.
25. Section 25, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 25.
26. Section 26, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 26.
27. Section 27, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 27.
28. Section 28, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 28, except that part located within the "R-2" Low Density Residential District.
"R-2" Low Density Residential District: The north quarter of the northwest quarter of the northwest quarter of Section 28.
29. Section 29, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 29, except those parts located within the "R-1" Rural Estates District and the "R-2" Low Density Residential District land except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin.
"R-1" Rural Estates District: That land in Section 29 that lies east of 10th Street to the Consumers Power right-of-way line and north from 114th Avenue to the Martin Village limits.
"R-2" Low Density Residential District: The northeast quarter of the northeast quarter of Section 29.
30. Section 30, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 30, except those parts located in the "R-1" Rural Estates District, the "R-2" Low Density Residential District, and the "C-2" General Business District (and except that part located within the incorporated Village of Martin, which is zoned in accordance with the zoning ordinance of the Village of Martin).
"R-1" Rural Estates District: The northeast quarter of Section 30 except for that part in the Village of Martin; also the southeast quarter of Section 30; also the southwest quarter of Section 30 east of US-131 right-of-way; also the southeast quarter of the northwest quarter of Section 30.
"R-2" Low Density Residential District: The east three-quarters of the northeast quarter of the northwest quarter of Section 30.
"C-2" General Business District: That land that lies west of US-131 expressway right-of-way in Section 30; also that land east of the expressway in the northwest quarter of Section 30 to the north-south quarter section line; also the west quarter of the northeast quarter of the northwest quarter of Section 30.
31. Section 31, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 31, except those parts located within the "R-1" Rural Estates District and the "C-2" General Business District.
"R-1" Rural Estates District: All that property that lies east of the US-131 expressway right-of-way in Section 31.
"C-2" General Business District: All that land that lies west of the US-131 expressway right-of-way in Section 31.
32. Section 32, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 32, except that part located within the "R-1" Rural Estates District.
"R-1" Rural Estates District: That land east of 10th Street to the north-south Consumers Power right-of-way north from 112th Avenue to 114th Avenue in Section 32.
33. Section 33, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 33, except that part located within the "I-1" Industrial District.
"I-1" Industrial District: That property starting in the southwest corner of the southeast quarter of the southwest quarter of Section 33, thence north 792 feet, thence east 165 feet, thence south 792 feet, thence west 165 feet to point of beginning.
34. Section 34, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 34.
35. Section 35, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 35, except that part located within the "C-2" General Business District.
"C-2" General Business District: The southeast quarter of the southeast quarter of Section 35.
36. Section 36, Town 2 North, Range 11 West
"AG" Agricultural District: All of Section 36, except that part located within the "C-2" General Business District.
"C-2" General Business District: The south quarter of Section 36.



Craig Smith, third grade, left, and Shert Potter, fifth grade, check out the bulletin board which greeted the 185 students of Moline Christian School on the first day of school. Mrs. Sneller, fifth grade teacher, put together the bulletin board which included each student by name and also stated the goal for the 1981-82 school year.

MOLINE MUSINGS

Mrs. Carol Smith, 702-2221

The Smiths have been on vacation so the news in this column is not as current as could be.

The Ken Smiths traveled to upper Michigan to spend a long weekend at Mullet Lake. Since rain is not good for sitting on the beach or swimming they traveled to the upper peninsula to see the sights there. At the Soo Locks they met Nancy Smith and her family. The next day they took a cruise down the Tauquemanon River to the Falls. The weather cleared for all these activities. A Sunday evening vesper cruise under the Mackinaw Bridge proved very inspirational.

Northern Michigan was a vacation attraction for several Nolinites this summer. Sam and Margaret Tjepkema toured around Lake Superior and also visited various sites in the upper Michigan area.

John and Linda Bouterse and family toured Mackinac Island recently. We understand Julie had a hard time finding her way around there. Glad you made it home OK, Julie!

R. W. Willard DeVries and family enjoyed a vacation visiting in the state of Washington. Made the trip home safely and upon arrival here, Margaret broke her leg. Some people will do anything to lengthen their vacations!

Dave VanderWoude broke both of his wrists when he fell from a roof while at work. He is doing as well as can be expected and glad to have escaped more serious injuries.

Randy Smith had a rather abrupt end to his summer job when he injured his leg in a work related accident. He is able to be about and is recovering nicely.

Gary and Mary Vandenberg enjoyed having many of their friends and relatives come to their open house to help them celebrate their

25th wedding anniversary. A special guest, their new grandson, was present and completed five generations of family at the party. Congratulations to John and Rita Wychers in the birth of a second son whom they have named Corey James. He arrived on September 2.

Cal and Judy Idema spent the Labor Day weekend camping.

Jim and Betty VanderWoude joined Bob and Marie Vandenberg for a camping holiday weekend.

Did everyone see our local "T.V. stars" Don and Judy Chappell were featured on a local segment of the Jerry Lewis Telethon on Labor Day. They presented a check for \$1200 for Muscular Dystrophy earned in activities held in Wayland recently. Congratulations on a job well done.

Al and Hattie VanderWoude and Fern and Onnie Brink traveled to northern Michigan on Thursday and plan to include in their trip their annual trek across the Mackinaw Bridge on Labor Day.

Other Moline residents aiming to take the annual Labor Day walk across the Mackinaw Bridge are: Fran and Les DeHaan, John and Nellie Glupker, Cris and Lena Vandenberg, and the Arnie Groenevelds.

Dennis and Sheryl Alwood are spending a few weeks with relatives in the area while on leave from the navy. Dennis is stationed in Florida. Sheryl is the former Sheryl Vandenberg.

For those of you who have been following this column to see if Duane Door has returned home from the hospital... He has!... two weeks ago. Glad to hear you are back on the mend, Duane.

Walter Steiger Dies Unexpectedly At Home

Walter S. Steiger, age 74, Wayland, passed away unexpectedly at his home Tuesday morning.

Mr. Steiger was employed in the

photographic department by the Detroit Free Press until his retirement in 1970.

He is survived by his wife, Katherine.

Services were held Thursday afternoon at the Archer-Hampel Funeral Home, with Reverend Richard Barker officiating. Burial was in Elmwood Cemetery.

Short Illness Takes Willard A. Wolff

A short illness claimed Willard A. Wolff at age 81. The Wayland man passed away Wednesday afternoon at Grand Rapids Osteopathic Hospital.

He is survived by his children and their spouses: Clara and Laura Seplinski of Wayland, Robert and Sharon Wolf of Osago, Ray and Geraldine Clary of Martin, Donald and Mary Wolf of Hopkins, David and Joyce Hunter of Saranac; eight grandchildren, one great-grandchild.

Services were held Saturday morning at the Archer-Hampel Funeral Home, with Floyd Jackson officiating. Burial was in Germond Cemetery, Wayland.

Mother of Wayland Woman Passed Away

The mother of Mrs. Herm Herrera of Wayland passed away Friday, September 4.

Mrs. Hattie Verburg, of Grandville, was 81.

Surviving are her other children, Harold Verburg, Mrs. Clifford Norden of Kentwood, Mrs. Peter Chumma of Grandville, Mrs. Vern Johnson of Holland and Barbara Verburg; 14 grandchildren; 20 great-grandchildren; a sister, Mrs. Bertha Olds of Grand Rapids.

Services for Mrs. Verburg were held Tuesday at 11 a.m. at the Hanley Christian Reformed Church in Grandville, with Rev. Wesley Timmer officiating. Interment was in Grandville Cemetery.

Dorr Man's Brother Died Unexpectedly

James W. Frary, brother of Patrick Frary of Dorr, passed away unexpectedly Thursday, September 3. The Wyoming man was 34.

Surviving are his wife, Sylvia; three sons, James W., Jared Wade, Kenneth Ivan; a daughter, Mary Lynn; his mother, Mrs. Robert Goodwin of Michigan City, Indiana, one other brother, Robert Frary of Wyoming; three sisters, Mrs. William West, Mrs. Ronald Schwanke both of Michigan City, Indiana, Mrs. Katherine Westrate of Grand Rapids; several nieces, nephews, aunts, uncles and cousins.

Services were held Saturday at the Vanderpool-Stegenga Funeral Chapel, 3131 S. Division, with the Rev. Wayne Benson officiating. Interment was in Chapel Hill Memorial Gardens.

Ed and Triah Jager cancelled a rainy weekend camping trip at the end of August but they and the children did enjoy a day at the Detroit Zoo on Monday, August 31. Adam had a family party last week Friday to help him celebrate his 14th birthday.

On Labor Day John and Linda Bouterse took son, John, Rob Wiersma, Mark Grusinski and David Niemczek up to Central Michigan university at Mt. Pleasant where they will be students this year. John will be on the school newspaper staff and will be working as a dark room technician for the paper.

Kevin Groeneveld went a few days earlier to the same college where he has enrolled as a junior this year.

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To Residents Of The Township Of Martin

Please Take Notice That The
Martin Township Planning Commission
Will Hold A

PUBLIC HEARING

September 21, 1981 at 7:30 p.m.

on a proposed amendment to the Township Zoning Ordinance. The hearing will be held at the Martin Township Hall.

The proposed amendment establishes standards to be met by mobile homes not located in licensed trailer parks.

The proposal would amend Section 3, 12 of the Ordinance by adding a category:

(D) Premanufacture - A building, mobile home, pre-manufactured, or pre-cut dwelling designed to be used for the complete living accommodations of a single family.

The amendment further proposes that the minimum living area be 720 sq. ft. for one and two bedroom units and an additional 150 sq. ft. for each bedroom beyond two; a floor to ceiling height of 7.5 feet, firm attachment to a solid foundation not less in area than the perimeter of the dwelling; provide for storage capability equal to 10 per cent of the floor area; a roof drainage system; and that the design of the dwelling be aesthetically compatible with other residence in the neighborhood and that there be no exposed towing mechanism, undercarriage or chassis.

A complete copy of the proposed amendment is available for examination at the Martin Township Library.

Robert Brandon,
Chairman

To The Residents Of The Village of Martin The Martin Village Commission

On
JULY 13, 1981

adopted amendments to Section 3:04, Article 3, and Section 4:04, Article 4, to permit multi-family housing meeting the following minimum requirements: one bedroom units, 650 sq. ft. of floor space; two bedroom units, 750 sq. ft.; additional bedrooms an additional 100 sq. ft. per additional bedroom.

The Village commission also rezoned Lot 72 from Agricultural to R2 Residential classification.

Said changes in the Zoning Ordinance will be effective with the publication of this notice.

Mary Beth Porter,
Martin Village Clerk

See Our Heavenly Wedding Stationery

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SHELBYVILLE United Meth.
Gerald I. Welch, Pastor
SUNDAY:
9:45 a.m. Sunday School
11:00 a.m. Morning Worship

BURNIPS WESLEYAN CH.
Burnips, Mich.
Rev. Wm. Osborne, Pastor
SUNDAY:
11:00 a.m. Sunday School
11:00 a.m. Worship
6:45 p.m. Youth Service
7:30 p.m. Evening Service
WEDNESDAY:
8:00 p.m. Prayer Service

EAST MARTIN CHR. REF.
Gilmer Compean, Pastor
SUNDAY:
9:30 a.m. Morning Worship
10:50 a.m. Sunday School
7:15 p.m. Evening Worship
SATURDAY:
10:00-11:00 a.m. Bible Club for children and adults.

MARTIN REFORMED
Rev. Marvin Meeter
10:00 a.m. Morning Worship
11:20 a.m. Sunday School
6:45 p.m. Jr. Youth
7:30 p.m. Evening Worship
WEDNESDAY:
7:00 p.m. Sr. Youth
7:30 p.m. Family Night

BURNIPS WESLEYAN CH.
Burnips, Mich.
Rev. Wm. Osborne, Pastor
SUNDAY:
10:00 a.m. Sunday School
11:00 a.m. Worship
6:45 p.m. Youth Service
7:30 p.m. Evening Service
WEDNESDAY:
8:00 p.m. Prayer Service

SACRED HEART MISSION
Watson Township
Rev. Dennis Boylan, pastor
8:30 a.m. Sundays
8:00 p.m. Holy Days

ST. STANISLAUS CHURCH
Rev. Dennis Boylan, pastor
7:30 p.m. Saturday Mass
9:00 a.m. Sunday Mass
11:00 a.m. Sunday Mass
Daily Mass-See bulletin
CONFESSIONS:
Saturdays 5-6 p.m.
After all masses

S.S. CYRIL & METHODIUS
Rev. Father Joseph Thachet
5:00 p.m. Saturday
8:00 p.m. Sunday
11:00 a.m. Sunday
9:00 Daily Masses
11:00 Holy Days

ST. TERESE CATHOLIC
Wayland, Rev. Charles Fischer
MASSES:
5:00 p.m. Saturday
8:30, 10:00, 11:30 a.m. Sunday
9:00 a.m. Weekdays
11:00 a.m. Friday
8:30, 12:10, 7:30 Holy Days
CONFESSIONS:
4:00-4:45, 7:00 until all are heard Saturday

ST. PETER LUTHERAN
Don, Rev. Stephen Olio
9:45 a.m. Sunday School
9:45 a.m. Worship Service
9:55 a.m. Bible Class
10:45 a.m. Worship Service

HOPKINS FIRST BAPTIST
SUNDAY:
James Owens, Pastor
10:00 a.m. Sunday School
11:00 a.m. Morning Worship
8:00 p.m. Evening Service
WEDNESDAY:
7:00 p.m. Prayer and Bible Study

CHURCH OF GOD
100th St., S.E.
(Between Eastern & Kalamazoo)
Rev. Don Turner, pastor
877-4371
10 a.m. Sunday School
11:00 a.m. Morning Worship
8:00 p.m. Evening Service
'Come! Help us grow!'

MOLINE BEREAN BIBLE
Rev. Timothy Conkin, Pastor
SUNDAY:
10:00 a.m. Morning Worship
11:15 a.m. Sunday School
7:30 p.m. Evening Worship
WEDNESDAY:
8:00 p.m. Prayer meeting

CHURCH OF CHRIST
Bradley
LeVonne Lussenden, Pastor
SUNDAY:
10:00 a.m. Sunday School
11:00 a.m. Church

CALVARY BAPTIST CHURCH
Baker Elementary School Gym
Co-pastors Ron Cooper and John Lindsay
10:00 a.m. Services

WAYLAND CALVARY
Rev. Kenneth McGee
SUNDAY:
9:45 a.m. Morning Worship
11:00 a.m. Sunday School
8:00 p.m. Jai Cadote, Jr. & Sr. Young People
7:00 p.m. Evening Service
WEDNESDAY:
6:45 p.m. AWANA
7:30 p.m. Bible Study
Prayer, Family Night

GREEN LAKE CALVARY
Rev. Wm. Kirkade, Pastor
SUNDAY:
10:00 a.m. Morning Worship
11:10 a.m. Sunday School
6:00 p.m. Evening Worship
Evening Drive-In Service
7:00 p.m. (June-1st Sun. in Sept.)
WEDNESDAY-Family time
6:30-8:30 p.m. AWANA & Child Evangelism (Oct.-May)
7:30-8:30 p.m. Adult Bible Study and Word of Life Clubs.

ST. PAUL LUTHERAN
Hopkins, Rev. D. Westendorf
9:30 a.m. Sunday School
10:45 a.m. Worship Service

MARTIN UNITED METH.
Rev. Gerald Welsh
SUNDAY:
9:30 a.m. Morning Worship
10:30 a.m. Church School
7:30 p.m. Jr. & Sr. Youth
WEDNESDAY:
7:00 p.m. Jr. Choir prac
7:45 p.m. Adult Choir prac

MOLINE BAPTIST CHURCH
4428 Chappell, 877-4843
Rev. Steven DeKok, pastor
SUNDAY:
9:45 a.m. Morning Worship
11:00 a.m. Sunday School
7:00 p.m. Evening Worship
WEDNESDAY:
7:00 p.m. Adult Prayer-Bible Study
Nursery provided at all services

UNITED CHURCH OF WAYLAND
Rev. Rebecca Kutz Marks
Rev. Charles Kutz Marks, co-pastors.
9:45 a.m. Church School
11:00 a.m. Worship
Christian Church (Disciples of Christ)
United Church of Christ (Congregational)

DORR BAPTIST CHURCH
1504 - 142nd Street
Richard Helderop, Pastor
SUNDAY:
10:00 a.m. Sunday School
11:00 a.m. Morning Worship
8:00 p.m. Evening Service
5:00 p.m. Young People
WEDNESDAY:
7:00 p.m. Hour Power

TRINITY LUTHERAN
Rev. Daniel Westendorf
SUNDAY:
10:00 a.m. Sunday School and Bible Class
8:00 a.m. Worship Service

MOLINE CHRISTIAN REF.
Rev. Ward H. DeVries
4341 Chappell Ave. Moline
877-4703
9:30 a.m. Morning Worship
10:45 a.m. Sunday School
6:00 p.m. Evening Worship

WAYLAND CHRISTIAN REF.
Hubert Speik, Pastor
SUNDAY:
9:30 a.m. Church School
10:30 a.m. Morning Worship
8:00 p.m. Evening Worship

DORR CHRISTIAN REF.
Rev. Gy Voortman
SUNDAY:
10:00 a.m. Morning Worship
11:15 a.m. Sunday School
7:00 p.m. Evening Worship

HOPKINS COMMUNITY REFORMED CHURCH
Rev. Dirk J. Kramer, Pastor
SUNDAY:
9:45 a.m. Sunday School
11:00 a.m. Morning Worship
7:00 p.m. Evening Worship

ASSEMBLY OF GOD
Pastor R.L. Gary
3610 Garden Street, Wayland
9:45 a.m. Sunday School
11:00 a.m. Morning Worship
8:00 p.m. Evening Worship
7:00 p.m. Wed. Prayer & Bible Study

HOPKINS UNITED METHODIST CHURCH
Rev. David G. Knapp, Pastor
SUNDAY:
9:45 a.m. Church School
11:00 a.m. Morning Worship

ST. FRANCIS OF ASSISI
Episcopal Church of Orangeville
SUNDAY:
8:00 a.m. Mass
9:00 a.m. Church School
10:00 a.m. Family Eucharist
10:00 a.m. Nursery
Midweek services as announced
Kurt Fish, Vicar 664-4345

REFORMED CHURCH OF CORINTH
58 - 100th St S.W.
Byron Center
Jim Goldschmieding, Pastor
8:30 a.m. Morning Worship
9:45 a.m. Sunday School
10:50 a.m. Morning Worship
8:00 p.m. Evening Worship
7:15 p.m. Wednesday Family Night

WATSON CORNERS CHURCH OF GOD
Pastor Rev. Tommy Clark
Services-Saturday night at 7 p.m.
SUNDAY:
10:00 a.m. Sunday School
11:00 a.m. Worship Service
6:00 p.m. Worship Service
WEDNESDAY:
7:00 p.m. Young People Endeavor

MONTEREY METHODIST
Rev. Wesley E. Smith
SUNDAY:
10:00 a.m. Sunday School
11:00 a.m. Morning Worship
WAYLAND FREE METH.
602 W. Superior St.
Rev. Joseph Noon
SUNDAY:
10:00 a.m. Sunday School
11:00 a.m. Morning Worship
7:00 p.m. Evening Worship
WEDNESDAY:
7:00 p.m. Family Night

YANKEE SPRINGS CHURCH
Rev. John Boers
South of Gun Lake Rd.
SUNDAY:
10:00 a.m. Morning Service
11:00 a.m. Sunday School
7:30 p.m. Evening Service
TUESDAY:
7-8 p.m. Youth Meeting
WEDNESDAY:
7:45-8:45 Prayer Meeting and Bible Study

ORANGEVILLE BAPTIST
R No. 3, Plainwell
Don Johnson, pastor
SUNDAY:
9:45 a.m. Sunday School
11:00 a.m. Morning Worship
6:00 p.m. Evening Service
WEDNESDAY:
8:30 p.m. Family night service

UNITED METHODIST SALEM INDIAN MISSION
Rev. Lewis Church, Pastor
10:00 a.m. Sunday Service
11:00 a.m. Sunday School
WEDNESDAY:
7:30 p.m. Prayer meeting

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WAYLAND FIRST BAPTIST
Richard Dix, Pastor
792-2540 793-7484
SUNDAY:
9:45 a.m. Sunday School
11:00 a.m. Morning Worship
6:00 p.m. Evening Service
7:15 Youth Fellowship
WEDNESDAY:
7:00 p.m. Family Night
Bible Study & Prayer
Children's meetings
Nursery is provided at all services

WATSON COMMUNITY BIBLE CHURCH
Bob Single, Pastor
SUNDAY:
9:45 a.m. Sunday School
11:00 a.m. Morning Worship
7:00 Evening Worship
WEDNESDAY:
7:00 Prayer meeting
Cottage prayer meetings in winter at 7:00 on Wed

WATSON CHURCH OF GOD
(Pentecostal)
Rev. Laura C. Yager
SUNDAY:
10:00 a.m. Sunday School
11:00 a.m. Morning Worship
7:00 p.m. Evening Worship
SATURDAY:
7:30 p.m. Evening Worship

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Richard Beukema 792-9338
Steve Loop 872-5782

CHURCH OF CHRIST
(Wayland congregation)
Presently meeting at Steeby School, 435 E. Superior Street.
Minister: George Filipanski
793-7543

ST. MARY'S New Salem
5:00 p.m. Saturday
10:30 a.m. Sunday
VISITATION, North Door
Rev. Michael Hazard
8:30 a.m. Sunday
Confessions before Masses

SOUTH MONTEREY UNITED METHODIST CHURCH
Rev. David G. Knapp, Pastor
SUNDAY:
9:30 a.m. Morning Worship
10:45 a.m. Church School

LEIGHTON UNITED METH.
Corner of 142nd and 2nd
Rev. Dick McClain
SUNDAY:
10:00 a.m. Worship
11:00 a.m. School of the Church
7:00 p.m. Evening Worship
WEDNESDAY:
7:30 p.m. Mid-week Service for all ages

HOPKINS BIBLE CHURCH
corner of Baker & Jefferson Sts
Non-denominational
10:00 a.m. Family Bible Hl.
11:00 a.m. Morning Service
6:00 p.m. Evening Service
WEDNESDAY:
7:00 p.m. Prayer Meeting

WAYLAND UNITED METH. SURDAY:
9:30 a.m. Sunday School
10:45 a.m. Morning Worship
5:30 p.m. Youth Fellowship
THURSDAY:
(2nd & 4th) Bible Study 7 p.m.
Barrier Free

UNITED METHODIST
Bradley Indian Mission
Rev. Lewis W. Church
11:30 a.m. Sunday Service
12:30 a.m. Sunday School

NOTICE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF WAYLAND, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Wayland Township Ordinance No. 1 of 1981 was adopted by the Wayland Township Board at its regular meeting held September 8, 1981, said Ordinance to become effective on September 8, 1981.

WAYLAND TOWNSHIP ALLEGAN COUNTY, MICHIGAN ORDINANCE NO. 1 of 1981

ADOPTED: September 8, 1981
EFFECTIVE: September 8, 1981

An ordinance to amend the Wayland Township Zoning Ordinance, Section 4 pertaining to the zoning of land in Land Sections 8, 18 and 29; the amendment of Section 4 pertaining to family businesses as special exception uses in the "A" Agricultural District zoning classification; the amendment of the definition of "building" and the amendment of certain regulations in the "A" Agricultural District classification, "R-1" Residential District classification, "R-2" Residential District classification, Section 9C1 and Section 16-31 pertaining to mobile homes; and to repeal all parts or portions of ordinances which are in conflict herewith.

THE TOWNSHIP OF WAYLAND

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

The zoning map, which is a part of the zoning ordinance, as incorporated by Section 4 of the zoning ordinance, is hereby amended as to its zoning property as follows:

Land Section 8: Land described as the south 900 feet of the west 480 feet of the southwest quarter of the northwest quarter of Section 8, consisting of approximately 11 acres, is hereby rezoned from an "A" Agricultural zoning classification to an "R-2" Residential District (medium density) zoning classification.

Section 18: Property owned by Fred Schwartz (Fred's Country Store) which is located to the rear of Fred's Country Store and consisting of about 4.5 acres, extending from a point 143 feet westerly of 18th Street westerly to the property line (approximately 857 feet) and extending southerly to the quarter line of the Section, excluding the south 600 feet of the east 770 feet and excluding all property easterly of a line 143 feet west of 18th Street, together with a 17 foot wide access extending westerly from 18th Street to the subject property approximately 143 feet which access is approximately 16 feet northerly of Fred's Country Store building, from the present "C" Commercial District zoning classification to an "R-4" Residential Recreational District zoning classification.

Section 29: Property described as that part of the northeast quarter of Section 29 described as beginning at the intersection of the south line of said northeast quarter and the water's edge of Lake Geneva; thence easterly 200 feet along the south line of said northeast quarter; thence northerly 500 feet; thence north 10° 0' west 250 feet; thence north 30° 0' west 900 feet; thence north 30° 0' west 400 more or less to the north and south quarter line of said Section 29; thence southerly 200 feet more or less along the north and south quarter line of said Section to the water's edge of Lake Geneva; thence southerly 2,100 feet more or less along the water's edge of Lake Geneva to the place of beginning which is hereby rezoned from the present "A" Agricultural District zoning classification to an "R-1" Residential District zoning classification.

SECTION II

Section 6 entitled "A" Agricultural District zoning classification, subsection C-6 pertaining to family business as a special exception use is hereby amended so that subsection c shall have an additional sentence to read as follows:

"Business hours specified herein shall not prevent a family member from working on his or her personal property at the site during other hours."

SECTION III

The definition of "dwelling" is hereby amended to read as follows:

"Dwelling: A building, mobile home, pre-manufactured or pre-cut residential structure designed and used for the complete living accommodations of a family.

1. It complies with the minimum square footage requirements of Section 14, subsection 1 of this ordinance.

2. The dwelling shall have a core with a minimum width of twenty feet on all four sides.

3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable Building Code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required herein.

4. It does not have exposed wheels, towing mechanisms, undercarriage or chassis.

5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

6. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

7. The dwelling complies with all pertinent Building Codes and Fire Codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 2200, and as from time to time such standards may be amended.

8. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township Building Code provisions and requirements.

The foregoing standards shall not apply to a mobile home located in a licensed



**THE NEWS
IN BRIEF**
The Wayland Globe 782-2271

Labor Day weekend guests of the Arnold Wilds were Mr. and Mrs. Dennis Boger and family of Bremen, Indiana and on Monday all the Wilds family gathered for dinner.

Miss Mary MacKenzie, daughter of the

William Hookers accompanied two other young women last week on a motor trip to California where they have employment. Mr. and Mrs. F.L. Hooker and Helen Hooker were hosts at a family gathering at their Gun Lake cottages on the Saturday of Labor Day weekend. This was a farewell party for the girls who left next day. Mary began her new job Monday. She is a counselor at the Family Life Center, a residential treatment center for adolescent boys in Petaluma. Phone calls en route and upon arrival reported a fine trip West.

To Residents Of The Township Of Martin

Please Take Notice That The
Martin Township Planning Commission
Will Hold A

PUBLIC HEARING

September 21, 1981 at 7:30 p.m.

on a proposed amendment to the Township Zoning Ordinance. The hearing will be held at the Martin Township Hall.

The proposed amendment establishes standards to be met by mobile homes not located in licensed trailer parks.

The proposal would amend Section 3, 12 of the Ordinance by adding a category:

(D) Pre-manufacture - A building, mobile home, pre-manufactured, or pre-cut dwelling designed to be used for the complete living accommodations of a single family.

The amendment further proposes that the minimum living area be 720 sq. ft. for one and two bedroom units and an additional 150 sq. ft. for each bedroom beyond two; a floor to ceiling height of 7.5 feet, firm attachment to a solid foundation not less in area than the perimeter of the dwelling; provide for storage capability equal to 10 per cent of the floor area; a roof drainage system; and that the design of the dwelling be aesthetically compatible with other residences in the neighborhood and that there be no exposed towing mechanism, undercarriage or chassis.

A complete copy of the proposed amendment is available for examination at the Martin Township Library.

Robert Brandon,
Chairman

mobile home park except to the extent required by state law or otherwise specifically required in the ordinance of the Township pertaining to such parks."

SECTION IV

The first paragraph of Section 8B1 of the Township Zoning Ordinance is hereby amended to read as follows:

"1. Single-family dwellings and the accessory structures and uses normally auxiliary thereto providing that all residences in the "A" Agricultural District classification shall be at least 500 feet from any other residence in the "A" Agricultural District classification."

SECTION V

Section 18B1 of the Township Zoning Ordinance is hereby amended to read as follows so as to eliminate the exclusion of mobile homes in the "R-1" Residential District classification:

"1. Private single family dwellings."

SECTION VI

Section 8B2 of the Township Zoning Ordinance is hereby amended to read as follows so as to eliminate the exclusion of mobile homes in the "R-2" Residential District classification:

"2. Private two-family dwellings."

SECTION VII

Section 9C1 of the Township Zoning Ordinance which did provide for the elimination of mobile homes outside of mobile home parks is hereby repealed and eliminated in full.

SECTION VIII

Section 16-31 of the zoning ordinance is hereby amended to read as follows:

"1. Mobile homes not qualifying as a "dwelling" as defined in this ordinance shall only be allowed in licensed mobile home parks, however, the Board of Appeals shall have the authority to allow such a mobile home to be placed temporarily upon agricultural or residential property for a period of up to six (6) months during which a permanent dwelling is being constructed on the same property, providing a building permit for the permanent dwelling has been issued. Such mobile home shall be constructed to adequate water and sanitary sewer facilities."

SECTION IX

This ordinance shall take effect on September 2, 1981. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

HELEN GAMBEE, Township Clerk

Kathy Cooke Takes YFU Spanish Vacation

by Carol Smith

Kathy Cooke of Durr has had a unique summer vacation which she will not soon forget. The 17 year old daughter of Mr. and Mrs. Clifford Cooke spent two months in Spain with the Youth For Understanding Program.

Y.F.U. has a year program and a 2 month summer student exchange program. The aim of the unit is to promote good relations between nations and to generate an interest in the various cultures. High school aged young people spend time with a host family who are responsible for their board, food and entertainment. Several young folk from other countries have stayed in our readership area also in this cultural exchange.

Kathy, a senior at South Christian High School, had one year of Spanish which she found was a great help in communicating. She spoke the Spanish language most of the two month stay with the Santos family. The family, besides the mother and father, included a 17 year old son, Paco, and two 14 year old twin daughters, Pilar and Margarita.

It was definitely summer when the local visitor arrived for her visit and the Spanish people had settled into their vacation routines. Mr. Santos is a dentist in the city of Elche and his wife is a teacher of philosophy at the university. The entire summer was spent at their summer home in Santa Pola, 20 miles away on the eastern coast of Spain on the Mediterranean Sea.

Because of the vacation time, much of the activity the family engaged in was of the leisure time variety. It was not "early to bed, early to rise" during the summer in Spain for rarely did they go to bed before 1:00 a.m. and get up before 10:00 a.m. The life style is more relaxed there, Kathy noted. "Time is not as important there as it is here. When we were told 'we have to go now', we could always figure we had about 15 minutes more because someone always was not ready yet."

Mealtimes also were on less of a schedule because of the summertime. Breakfast was "fix-your own" whenever family members got up. Dinner during this season was served sit down family style around three or four o'clock. Supper could be a light meal served any time from nine to 11 p.m.

"We ate lots of rice in Spain," Kathy said, "but it wasn't the white rice that we eat here in the States." Usually it was cooked along with the meat or sauces. Chicken also was served often and the bread was purchased fresh every day from the bakery.

The Santos family did not do much traveling while Kathy was visiting there so most of her impressions were of the sea coast. Santa Pola is a vacation town for Spanish families and not too much tourism was evident there. She enjoyed swimming in the Mediterranean Sea which was just across the street from her summer home.

The dress codes were not relaxed in this area than in other parts of Spain. "We could wear shorts in Santa Pola" she explained while other YFU visitors who stayed in nor-

thern Spain could not do so. The girls wore skirts more there.

The young people did not have jobs and therefore did not have much money to spend. "It appeared one needs less money to survive the summer there than here. I spent much less money there than I would have back home," she said. Assisting Kathy in the money department was the fact that the dollar was gaining on the market while she was in Spain. The young people do not seem to take on responsibilities at an early age as they do in the States.

Movies cost only \$1, she went on to say. The young people do not drive because it is so expensive to get one's license, so they depend a great deal on the good bus service or either walk or ride bikes.

"It is normal for kids to hang around in groups at bars in Spain, Kathy recalled. But it doesn't have the same stigma it does back in the States. It is just something to do."

Dating is limited more to those who are serious about each other and considering marriage. It is very unusual for a couple to go steady at age 18 or 17. The average age for marriage for men is 28 and 23 for women.

One of the highlights of the local girl's trip was a fiesta held in Elche. Although the festivities went on for weeks the big day of celebration was August 13. Each city in Spain, which is largely Catholic, has a particular saint whom they honor at the fiestas. In the evening activities at Elche, there was a giant fireworks display. The symbol of the city is a palm tree and the fireworks took on the shape of that tree. Once the display began, the fireworks were supposed to explode once every five seconds for an hour which they really didn't do exactly she said. At midnight all the lights of the city are turned off and an enormous firework is sent up from the Cathedral and its splendor lights the entire city. Passion plays and midways are also part of the celebrations. An image of the city's saint, Dama De Elche, was a gift to Kathy from her host mother.

The attitude toward Americans was not as good as she thought it might be but she found she was soon accepted as a person and not necessarily as an American.

Although school was not in session while the SCHS senior visited, an exchange of school news found them to be quite different. While school starts approximately at the same time as here, 8:30-9:00 a.m., the similarities ends here. School is harder in Spain and once classes begin the students have no time to play, spending at least four hours a day on homework. There is a siesta time from one to three in the afternoon and then the students return to class from three to five. Students begin to take foreign languages at an early age in Spain. They have a choice between taking French or English as a mandatory language. One of Kathy's host sisters elected to take French and her other sister and brother took English which helped the local girl over the rough spots in her Spanish translations. Mr. and Mrs. Santos spoke very little English.

While the culture is a religious one, with Catholic the dominant religion, the people are not necessarily a practicing religious people. Each day of the year has its own saint which is important to young and old alike in Spain.

A three day orientation by the YFU counselors taught the American visitors some of the Spanish customs. One which Kathy found rather interesting was that Spaniards greet each other with a kiss on each cheek. Although she didn't really know the reason why, shoes were always worn in the house. She did observe that there wasn't as much carpeting in the homes as often seen here. Another thing she noticed is that it was polite to eat with both hands leaning on the table and not like in the States where it is better to keep one hand in one's lap during meals.

Paco Santos returned to the States with Kathy and will spend a year with YFU in New Hampshire. He hopes to visit the Cooke family sometime during his stay in this country.

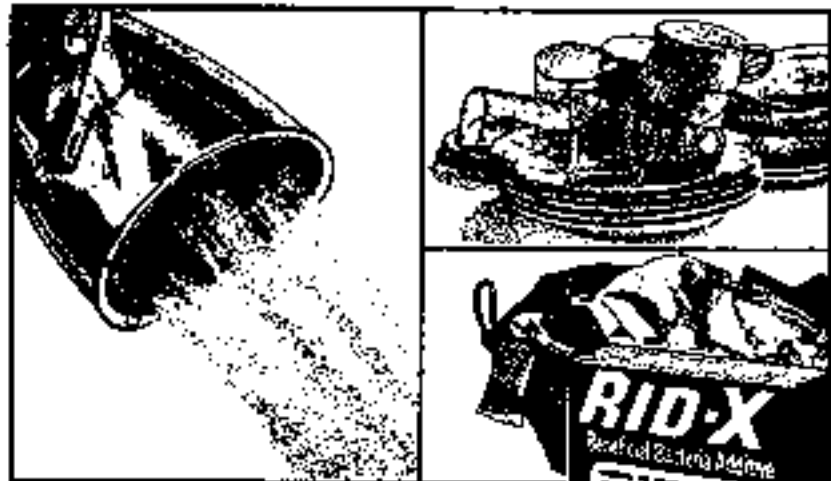
When questioned if she would have liked to have stayed a year in Spain instead of on the two month program with YFU, Kathy hesitated, voicing concern about becoming

homesick. Would she like to go back some day? No doubt about it! "I'd surely like to see the rest of Spain I didn't see when I go back," she smiled.



Kathy Cooke of Durr poses with memorabilia of her trip to Spain. These include posters, maps, comic books, a gift from her host family and other gifts for family members.


If you wash dishes, clothes or yourself, use RID-X in your septic system.



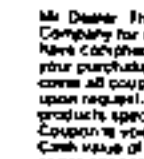
LESS THAN 65¢ A MONTH HELPS KEEP SEPTIC TANKS AND CESSPOOLS FROM BACKING UP AND BREAKING DOWN

Every time you do a wash, your detergent, soap and bleach wash away some of the bacteria your septic tank or cesspool needs to work. That can mean back up and break down. And costly repairs. Rid-X helps prevent all of that by putting back the bacteria. Rid-X and one extra flush of your toilet a month may be the only attention your septic system needs.

RID-X KEEPS YOUR SEPTIC SYSTEM IN ITS PLACE.

25¢

25¢

25¢ OFF

25¢

25¢

Save 25¢ off you help save your septic tank or Cesspool from back up and break down. Just redeem this coupon at your local supermarket or hardware store for 25¢ off on a box of RID-X.

Mr. Dealer: This coupon will be redeemed by the d-Con Company for its face value plus 7¢ handling provided you have complied with the terms of the offer. Invoices showing your purchase of sufficient boxes of d-Con products to cover all coupons submitted for redemption must be shown upon request. This coupon is valid only toward purchase of products specified. Any other use complies with d-Con Company's void where listed, restricted or prohibited by law. Cash value of 1¢. 20 of 1¢ coupons may not be transferred or assigned to a third party. Mail all coupons to RESCO, P.O. Box 1500, White Plains, NY 10622. This coupon expires December 31, 1981. Customers must pay sales tax.

LHM one coupon per box. NH 11

STORE COUPON



Thursday morning Mrs. Fockler gave a program at the Kalamazoo County Extension Council. The occasion was the annual Kick-Off Day for 22 Extension Clubs in the Kalamazoo area. Mrs. Fockler's book review was "A Most Uncommon Union" by Elizabeth Dodds.

Mrs. Howard Tanner of Kalamazoo was the guest of her brother-in-law and sister, Mr. and Mrs. Harry Werners several days last week. The three spent Tuesday and Wednesday in Traverse City and Bellaire. A granddaughter, Miss Enally Hooker, and a friend were their dinner guests at their motel in Traverse City Tuesday evening. This was a birthday dinner for Mrs. Tanner. Breakfast guests next day were grandson David Hooker and a friend, on a vacation from Law School in East Lansing.

State of Michigan, County of Allegan

In the Matter of Martin Township-Zoning Ordinance Amendment

COUNTY OF ALLEGAN—51

To The Residents of
**MARTIN
TOWNSHIP**

The Martin Township Board of Trustees, October 14, 1981, adopted an amendment to the Township Zoning Ordinance establishing standards for mobile homes not located in licensed trailer parks.

Section 3.12 of Chapter III was amended by adding a paragraph (d) Pre-Manufactured Homes - a building, pre-manufactured or pre-cut designed for the complete living accommodations of a single family.

The amendment sets forth minimum floor space requirements, room heights, foundation specifications, construction requirements and that the structure be compatible with other residences in the neighborhood.

The amendment becomes effective with the publication of this notice.

LaVerne Young
Clerk, Martin Twp.

being duly sworn, says: I am
nd Globe, a weekly newspaper
said county. The annexed is
ce which was published in said
dates, to-wit:

81 ----- A.D. 19

----- A.D. 19

----- A.D. 19

B. O. Helms
for me this 10th

----- A.D. 19 81

L. Lee
Public, Allegan County, Michigan

July 12 A.D. 1981

BETTY L. LEE

Notary Public, Allegan County, Michigan
My Commission Expires July 12, 1982

**ORDINANCE #31
AMENDMENT TO G.L.A.S.A.
ORDINANCE
EFFECTIVE: OCTOBER 8, 1986**

COPY

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO. _____
ADOPTED: _____

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO. _____
ADOPTED: _____

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. _____
ADOPTED: _____

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 31
ADOPTED: 10-8-86

EFFECTIVE: _____

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance to amend Exhibit A of the Gun Lake Area Sewage Disposal System Ordinance pertaining to metering for nonsingle family residential users in establishing rates, and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN,

EACH ORDAIN:

SECTION I

Exhibit A of the Gun Lake Area Sewage Disposal System Ordinance is hereby amended so as to number the first "note" at the bottom of the Exhibit as "Note No. 1" and to provide for an additional note to be known as "Note No. 2" which is to read as follows:

"Note No. 2. The authority may, in its discretion, require any user of the system, other than single family residences, to install a water or sewage meter to measure sewage use and to determine residence-equivalent factors at 250 gallons per unit. In this event, the meter reading shall be averaged for at least a three month period as determined by the Authority and then divided by the number of days metered which resulting answer shall be divided by 250 gallons per day to determine the residence-equivalent. The metering of the water or sewer flow for this purpose shall be accomplished by a meter approved by the Authority and all installation, repairs and maintenance expense shall be the responsibility of the owner."

SECTION II

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this Ordinance which can be given effect without such invalid part or parts.

SECTION III

This Ordinance shall take effect _____.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

Martin Township Clerk

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on _____, 1986, at _____ o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. _____, hereinbefore recorded, to become effective _____, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

I do further certify that said Ordinance No. _____ was duly published in the _____, a newspaper printed in _____, Michigan, and circulated in the Township of Martin on _____, 1986, and further that said Ordinance No. _____ was recorded in said Ordinance book on the _____ day of _____, 1986.

Dated:

LaVerne Young, Clerk

**ORDINANCE #32
AMENDMENT TO G.L.A.S.A.
ORDINANCE (CONNECTION
CHARGES FOR COMMERCIAL AND
INDUSTRIAL)
EFFECTIVE: OCTOBER 8, 1986**

HOLD
PER HANDY

YANKEE SPRINGS TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO. _____
ADOPTED: _____

ORANGEVILLE TOWNSHIP
BARRY COUNTY, MICHIGAN
ORDINANCE NO. _____
ADOPTED: _____

WAYLAND TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. _____
ADOPTED: _____

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 32
ADOPTED: _____

EFFECTIVE: _____

AMENDMENT TO GUN LAKE AREA SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance to amend the Gun Lake Area Sewage Disposal System Ordinance pertaining to Article V, subsection D, as to connection charges for commercial and industrial users having more than one residential equivalent unit; and to repeal any parts or portions of the ordinance which are inconsistent herewith.

THE TOWNSHIPS OF YANKEE SPRINGS,
ORANGEVILLE, WAYLAND AND MARTIN,

EACH ORDAIN:

SECTION I

The Gull Lake Area Sewer Sewage Disposal System Ordinance is amended so that Article V pertaining to "Rates, Connection Fee, and User Fee", subsection D entitled "Connection Fee Payments: How Computed", is amended to read as follows:

"Each house, building or structure required to connect to the system shall pay a direct or indirect connection fee multiplied by a factor representing a ratio of sewage use by such user to normal single family residential use, as reflected in Exhibit A. However, in calculating the connection fee for uses having a factor of more than one residential equivalent unit/units in excess of one shall be charged at a reduced connection charge where the connection is a "direct connection" as provided in Article V, subsection F below."

Article V, subsection F, entitled "Connection Fees", subsection 1 pertaining "Direct Connection" is hereby amended to read as follows:

"1. Direct Connection: For each single family residential house connecting directly to the lines of the system, there shall be charged a connection fee of \$3100 as reflected in Exhibit A of this Ordinance, plus the cost of service stub installation where necessary. For the connection of other types of buildings or structures connecting directly to the lines of the system, where the residential-equivalent unit factor exceeds 1.00, there shall be charged a connection fee of \$3100 plus \$1980 for each additional single family residential-equivalent in excess of one as reflected in Exhibit A of this Ordinance, plus the cost of service stub installation where necessary."

SECTION II

If any section, clause, sentence or provision is determined to be invalid, said invalidity shall not affect the validity of any other part or portion of this Ordinance which can be given effect without such invalid part or parts.

SECTION III

This Ordinance shall take effect _____.

Yankee Springs Township Clerk

Orangeville Township Clerk

Wayland Township Clerk

Laverne Young

Martin Township Clerk

CERTIFICATE

I, LAVERNE YOUNG, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on _____, 1986, at _____ o'clock p.m., at the Martin Township Hall, located within the Township of Martin, at which the following members were present, the Board enacted and passed Ordinance No. ____, hereinbefore recorded, to become effective _____, and that the members of said Board present at said meeting voted on the adoption of said ordinance as follows:

I do further certify that said Ordinance No. _____ was duly published in the _____, a newspaper printed in _____, Michigan, and circulated in the Township of Martin on _____, 1986, and further that said Ordinance No. _____ was recorded in said Ordinance book on the ____ day of _____, 1986.

Dated:

LaVerne Young, Clerk

**ORDINANCE #33
AMENDMENT TO ZONING
ORDINANCE (NURSING HOMES,
SENIOR CITIZEN HOUSING, &
SIMILAR CONVALESCENT OR
GROUP HOUSING, INCLUDING
ADULT FOSTER CARE FACILITIES)
EFFECTIVE: MAY 27, 1987**

RECEIVED
ALLEGAN COUNTY CLERK
Russell Sill, Clerk

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENT

JUN 1 1987

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the May 13, 1987 meeting of the Martin Township Board the following Ordinance (No. 33) was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, LaVerne Young, at 981 Lee Street, Martin, MI 49070, 616/672-5076 during regular business hours of regular working days, and at such other times as may be arranged.

MARTIN TOWNSHIP ORDINANCE NO. 33

ADOPTED: May 13, 1987

EFFECTIVE: May 27, 1987

An Ordinance to amend Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance so as to add a new subsection in each of said sections designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "AG" Agricultural, "R-1" Rural Estates and "R-2" Low Density Residential Zoning Districts, respectively; to amend Section 9.2 of the Martin Township Zoning Ordinance so as to change existing subsection 4 of same to similarly provide for such uses as permitted uses in the "R-3" Medium Density Residential and Mobile Home Park zoning district; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO SECTION 6.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "AG" AGRICULTURAL ZONING DISTRICT

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 15 providing as follows:

15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION II

AMENDMENT TO SECTION 7.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "R-1" RURAL ESTATES ZONING DISTRICT

Section 7.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 7 providing as follows:

7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION III

AMENDMENT TO SECTION 8.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "R-2" LOW DENSITY RESIDENTIAL ZONING DISTRICT

Section 8.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 8 providing as follows:

8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION IV

AMENDMENT TO SECTION 9.2 PERTAINING TO DESIGNATED PERMITTED USES IN THE "R-3" MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK ZONING DISTRICT

Section 9.2 of the Martin Township Zoning Ordinance is hereby amended to change existing subsection 4 to provide as follows:

4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


LAVERNE YOUNG, Clerk
Martin Township

CLERK'S CERTIFICATE

I, LAVERNE YOUNG, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on the 13th day of May, 1987 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 33, hereinbefore recorded, to become effective immediately, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Gerald Fenner	Aye
Joyce McGuire	Aye
Jack Sipple	Aye
LaVerne Young	Aye
Andrew Leep	Aye

I do further certify that Ordinance No. 33 was published in its entirety in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on May 27, 1987; that said Ordinance No. 33 was recorded in the official Ordinance Book on the 27TH day of MAY, 1987; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 29TH day of MAY, 1987.

Dated: 5-29-87


LAVERNE YOUNG, Clerk
Martin Township

BAUCKHAM, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 11, 1987

AREA CODE 616
TELEPHONE
382-4500

Andy Leep
Supervisor, Martin Township
1961 4th Street
Shelbyville, MI 49344

Re: Proposed Zoning Ordinance
Text Amendments

Dear Andy:

Enclosed are the submission forms on the proposed text amendments to the Martin Township Zoning Ordinance, which I just received back from the Allegan County Planning Commission today.

When the proposed Ordinance⁴³³ enacting these text amendments (which I sent to you last week) is approved, these forms should be filed in the Ordinance book with the Ordinance and other related paperwork which I will subsequently provide to Mr. Young.

Please don't forget to have someone call me the day after the Ordinance is adopted by the Board so I can timely arrange for the publication of the Ordinance and other required follow-up.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jmw

cc: John Schipper

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD March 17, 1987

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance: *Ord # 33*

Amend Section 6.3 of the Martin Township Zoning Ordinance designating the various Special exception uses allowed in the "AG" Agricultural zoning district of Martin Township so as to designate a new such special exception use at subsection 15, as follows:

"15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities"

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Rolf*
Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) the same for consideration by the Martin Township Board, subject to the following:

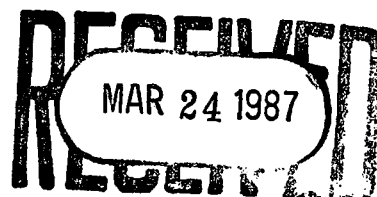
Dated: 4/13/87

ALLEGAN COUNTY PLANNING COMMISSION

By: *Lynn B. Fleming*
Lynn B. Fleming, Recording Secretary

ACTION BY TOWNSHIP BOARD:

- \ X \ Enacted *5-13-87*
- \ \ Denied
- \ \ Referred back to Zoning Board



MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD March 17, 1987

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance: #33

Amend Section (7.3) of the Martin Township Zoning Ordinance designating the various Special exception uses allowed in the "R-1" Rural Estates zoning district of Martin Township so as to designate a new such special exception use at subsection 7 as follows:

"7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities"

MARTIN TOWNSHIP ZONING BOARD

By: *Ray A. Bell*
Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) approves the same for consideration by the Martin Township Board, subject to the following:

Dated: 4/13/87

ALLEGAN COUNTY PLANNING COMMISSION

By: *Lynn B. Fleming*
Lynn B. Fleming, Recording Secretary

ACTION BY TOWNSHIP BOARD:

- \ X \ Enacted 5-13-87
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD March 17, 1987

Ref #33

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance:

Amend Section 8.3 of the Martin Township Zoning Ordinance designating the various Special exception uses allowed in the "R-2" Low Density Residential zoning district of Martin Township so as to designate a new such special exception use at subsection 8 as follows:

"8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities"

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Polpe*
Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) approves the same for consideration by the Martin Township Board, subject to the following:

Dated: 4/13/87

ALLEGAN COUNTY PLANNING COMMISSION

By: *Lynn B. Fleming*
Lynn B. Fleming, Recording Secretary

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted *5-13-87*
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD March 17, 1987

ORD. #33

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance:

Amend Section 9.2 of the Martin Township Zoning Ordinance designating the various permitted uses allowed in the "R-3" Medium Density Residential and Mobile Home Park zoning district of Martin Township so as to change existing subsection 4 to read as follows:

"4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities"

MARTIN TOWNSHIP ZONING BOARD

By: *Carol A. Relf*
Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) approves the same for consideration by the Martin Township Board, subject to the following:

Dated: 4/13/87

ALLEGAN COUNTY PLANNING COMMISSION
By: *Lynn B. Fleming*
Lynn B. Fleming, Recording Secretary

ACTION BY TOWNSHIP BOARD:

- \ X \ Enacted 5-13-87
- \ \ Denied
- \ \ Referred back to Zoning Board

BAUCKHAM, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
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CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 8, 1987

AREA CODE 616
TELEPHONE
382-4500

Mr. Andy Leep
Supervisor, Martin Township
1961 4th Street
Shelbyville, MI 49344

Re: Proposed Ordinance for
Zoning Ordinance Text Amendment

Dear Andy:

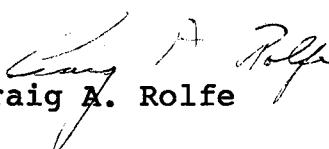
We contacted the Allegan County Planning Commission yesterday to determine the status of their review of certain zoning ordinance amendments recommended by the Martin Township Zoning Board back in March. We were advised that the proposed amendments were approved by the County Planning Commission, and that we would soon be receiving a written confirmation of same. With this in mind, and as the required 30 day review period has expired in any event, it is now appropriate for the Martin Township Board to consider the proposed amendments.

Accordingly, I am enclosing a copy of a proposed Ordinance for consideration by the Township Board at the next regular meeting. If the Ordinance is approved please advise my office at your very earliest convenience so I can arrange for the necessary publication within 15 days after adoption, and provide the original Ordinance and a Clerk's Certificate to Mr. Young for his required follow-up steps.

Thank you for your attention to these matters.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jmw

#33 P.S. When you call my office I will need to know the number of the Ordinance and the date it was adopted. The Ordinance will be effective immediately upon publication.

MARTIN TOWNSHIP ORDINANCE NO. 33

ADOPTED: 5-13-87

EFFECTIVE: 5-27-87

An Ordinance to amend Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance so as to add a new subsection in each of said sections designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "AG" Agricultural, "R-1" Rural Estates and "R-2" Low Density Residential Zoning Districts, respectively; to amend Section 9.2 of the Martin Township Zoning Ordinance so as to change existing subsection 4 of same to similarly provide for such uses as permitted uses in the "R-3" Medium Density Residential and Mobile Home Park zoning district; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO SECTION 6.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "AG" AGRICULTURAL ZONING DISTRICT

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 15 providing as follows:

15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION II

AMENDMENT TO SECTION 7.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "R-1" RURAL ESTATES ZONING DISTRICT

Section 7.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 7 providing as follows:

7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION III

AMENDMENT TO SECTION 8.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "R-2" LOW DENSITY RESIDENTIAL ZONING DISTRICT

Section 8.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 8 providing as follows:

8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION IV

AMENDMENT TO SECTION 9.2 PERTAINING TO DESIGNATED PERMITTED USES IN THE "R-3" MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK ZONING DISTRICT

Section 9.2 of the Martin Township Zoning Ordinance is hereby amended to change existing subsection 4 to provide as follows:

4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


LAVERNE YOUNG, Clerk
Martin Township

BAUCKHAM, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 8, 1987

AREA CODE 616
TELEPHONE
382-4500

Mr. LaVerne Young
Clerk, Martin Township
981 Lee Street
Martin, MI 49070

Re: Ordinance No. 33

Dear Mr. Young:

Enclosed is the original of Ordinance No. 33 together with supporting documents, for filing in the official Ordinance Book.

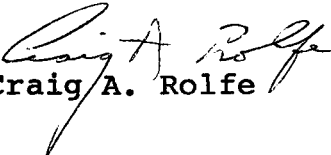
You must complete the enclosed Clerk's Certificate as to the role call vote, the date of recording the Ordinance in the official Ordinance Book, and the date that you filed a certified copy of the Ordinance with the Allegan County Clerk. All these steps should be completed within one week after publication of the Ordinance. As you can see from the enclosed copy of my letter to the Wayland Globe, I have arranged for the publication of the Ordinance and Notice of Adoption in the Wayland Globe on Wednesday, May 27, 1987.

Finally, I am enclosing an original set of the revised pages of the Zoning Ordinance with the text changes made by the amendatory Ordinance. Please see that copies of these replacement pages are provided to all appropriate township officials who have a copy of the Ordinance in a 3-ring binder.

Please give me a call if you have any questions or problems concerning any aspect of these matters.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jmw

cc: Andy Leep
John Schipper

BAUCKHAM, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.

**ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007**

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
RICHARD L. LANG
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER

May 8, 1987

AREA CODE 616
TELEPHONE
382-4500

Wayland Globe
Wayland, MI 49344

Re: Publication of Ordinance
for Martin Township

Ladies:

Please publish the enclosed Notice of Adoption and the attached Martin Township Ordinance No. 33, in that order, on Wednesday, May 27, 1987.

Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, LaVerne Young, at 981 Lee Street, Martin, MI 49070, and forward two Affidavits of Publication to this office.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR/jmw

cc: LaVerne Young
Andy Leep
John Schipper

In the Matter of Martin Township, Allegan County, Michigan
Notice of Adoption of Zoning Ordinance Amendment
COUNTY OF ALLEGAN

MARTIN TOWNSHIP ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENT

TO: RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the May 13, 1987 meeting of the Martin
Township Board the following Ordinance No. 33 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be in-
spected or a copy purchased by contacting the Martin Township Clerk, LaVerne
Young, at 981 Lee Street, Martin, MI 49070, 616/672-5076 during regular
business hours of regular working days, and at such other times as may be ar-
ranged.

MARTIN TOWNSHIP ORDINANCE NO. 33 ADOPTED: May 13, 1987 EFFECTIVE: May 27, 1987

An Ordinance to amend Sections 6.3, 7.3 and 8.3 of the Martin Township
Zoning Ordinance so as to add a new subsection in each of said sections
designating "nursing homes, senior citizen housing and similar convalescent or
group housing, including adult foster care facilities" as special exception uses in
the "AG" Agricultural, "R-1" Rural Estates and "R-2" Low Density Residential
Zoning Districts, respectively; to amend Section 9.2 of the Martin Township Zon-
ing Ordinance so as to change existing subsection 4 of same to similarly provide
for such uses as permitted uses in the "R-3" Medium Density Residential and
Mobile Home Park zoning district; and to repeal all ordinances or parts of or-
dinances in conflict herewith.

THE TOWNSHIP OF MARTIN ALLEGAN COUNTY, MICHIGAN ORDAINS:

SECTION I

AMENDMENT TO SECTION 6.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "AG" AGRICULTURAL ZONING DISTRICT

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended to
add a new subsection 15 providing as follows:

15. Nursing homes, senior citizen housing and similar convalescent or group
housing, including adult foster care facilities.

SECTION II

AMENDMENT TO SECTION 7.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "R-1" RURAL ESTATES ZONING DISTRICT

Section 7.3 of the Martin Township Zoning Ordinance is hereby amended to
add a new subsection 7 providing as follows:

7. Nursing homes, senior citizen housing and similar convalescent or group
housing, including adult foster care facilities.

SECTION III

AMENDMENT TO SECTION 8.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "R-2" LOW DENSITY RESIDENTIAL ZONING DISTRICT

Section 8.3 of the Martin Township Zoning Ordinance is hereby amended to
add a new subsection 8 providing as follows:

8. Nursing homes, senior citizen housing and similar convalescent or group
housing, including adult foster care facilities.

SECTION IV

AMENDMENT TO SECTION 9.2 PERTAINING TO DESIGNATED PERMITTED USES IN THE "R-3" MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK ZONING DISTRICT

Section 9.2 of the Martin Township Ordinance is hereby amended to change
existing subsection 4 to provide as follows:

4. Nursing homes, senior citizen housing and similar convalescent or group
housing, including adult foster care facilities.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or
parts of ordinances in conflict herewith are hereby repealed.

Laverne Young, Clerk
Martin Township

N, being duly sworn, says: I am
e Wayland Globe, a weekly
circulated in said county. The
copy of a notice which was
on the following dates, to-wit:

87 ----- A.D. 19
----- A.D. 19
----- A.D. 19
" , Treas.

efore me this 27th

----- A.D. 1987

Juan M. Jager
Public, Allegan County, Michigan

JUAN M. JAGER, Notary Public
Allegan County, State of Michigan
My commission expires July 29, 1990.

BAUCKHAM, REED, LANG, SPARKS, ROLFE & THOMSEN, P.C.
 ATTORNEYS AT LAW
 500 PARK BUILDING
 132 WEST SOUTH STREET
 KALAMAZOO, MICHIGAN 49007
 (616) 382-4500

May 27, 1987

Martin Township
 c/o LaVerne Young, Clerk
 981 Lee Street
 Martin, Michigan 49070

COPY
approved
4-10-87
Wayland # 1696

ID 38-2235956

STATEMENT OF ACCOUNT

May	7	Phone confer, A. Leep re scheduling ZBA meeting on Adams sign matter	\$ 10.00	201
		Phone call to Allegan County Planning Commission re status of their review of proposed zoning ordinance text amendments on foster care facilities, etc.	10.00	
	7 thru 8	Prepare Notice of Hearing/Meeting re 5/27 ZBA proceedings; prepare affidavits of posting & mailing re same; prepare letter to Wayland Globe re publication of Notice; letter to R. Brandon re all of above	95.00	
	8	Phone confer, J. Schipper re Zoning Board & ZBA matters	20.00	
		Prepare proposed ordinance amending text of zoning ordinance re foster care facilities, etc.; letter to A. Leep re same	60.00	
	11	Letter to A. Leep re forms received back from County Planning Commission re proposed text amendments	15.00	
	12	Prepare Notice of Zoning Board Hearing/Meeting for 5/26; prepare affidavit of posting & affidavit of mailing re same; letter to Wayland Globe re publication of notice; letter to J. Schipper re all of above, etc.	85.00	
		Phone confers, J. Schipper re information for notice of 5/26 Zoning Board proceedings	15.00	
		Phone confer, A. Leep re ZBA chairman term of office status, etc.	15.00	
	14	Phone confer, A. Leep re Ord. 33 approval; and re fence problem	15.00	
		Prepare Notice of Adoption re Ord 33; letter to Wayland Globe re publication of same & Ord. 33; prepare Clerk's Certificate and revised zoning ordinance pages re Ord 33; letter to L. Young re same	<u>95.00</u>	
TOTAL FOR SERVICES RENDERED ABOVE			\$ 435.00	

MARTIN TOWNSHIP ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE AMENDMENT

TO: RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the May 13, 1987 meeting of the Martin Township Board the following Ordinance No. 33 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, LaVerne Young, at 981 Lee Street, Martin, MI 49070, 616/672-5076 during regular business hours of regular working days, and at such other times as may be arranged.

**MARTIN TOWNSHIP ORDINANCE NO. 33
ADOPTED: May 13, 1987
EFFECTIVE: May 27, 1987**

An Ordinance to amend Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance so as to add a new subsection in each of said sections designating "nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities" as special exception uses in the "AG" Agricultural, "R-1" Rural Estates and "R-2" Low Density Residential Zoning Districts, respectively; to amend Section 9.2 of the Martin Township Zoning Ordinance so as to change existing subsection 4 of same to similarly provide for such uses as permitted uses in the "R-3" Medium Density Residential and Mobile Home Park zoning district; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN
ORDAINS:**

SECTION I

**AMENDMENT TO SECTION 6.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES
IN THE "AG" AGRICULTURAL ZONING DISTRICT**

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 15 providing as follows:

- 15. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION II

**AMENDMENT TO SECTION 7.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES
IN THE "R-1" RURAL ESTATES ZONING DISTRICT**

Section 7.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 7 providing as follows:

- 7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION III

**AMENDMENT TO SECTION 8.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES
IN THE "R-2" LOW DENSITY RESIDENTIAL ZONING DISTRICT**

Section 8.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 8 providing as follows:

- 8. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION IV

**AMENDMENT TO SECTION 9.2 PERTAINING TO DESIGNATED PERMITTED USES IN THE "R-3"
MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK ZONING DISTRICT**

Section 9.2 of the Martin Township Ordinance is hereby amended to change existing subsection 4 to provide as follows:

- 4. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Laverne Young, Clerk
Martin Township

ORDINANCE #34
G.L.A.S.A. RATE INCREASE
EFFECTIVE: FEBRUARY 10, 1985

WAYLAND TOWNSHIP ORDINANCE NO. 1 OF 1988

Adopted: March 2, 1988

Effective: May 1, 1988

MARTIN TOWNSHIP ORDINANCE NO. 34

Adopted: March 2, 1988

Effective: May 1, 1988

An Ordinance to amend the Sewage Disposal System Ordinance of the Township by the amendment of Article V, Section E thereof, User fees, by increasing the user charge from \$51.00 per quarter (\$17.00 per month) to \$54.00 per quarter (\$18.00 per month) to each single family residence within the Township for which sewer service is available and to increase user fees for each house, building or structure other than a single-family residence as per the new rates multiplied by the used equivalent units assigned to said house, building, or structure; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIPS OF WAYLAND AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I

AMENDMENT TO ARTICLE V

Article V, Section E, of the Sewage Disposal System Ordinance of the Township, is amended to read as follows:

Section E. User fees.

Beginning May 1, 1988, the user charge to each single family residence within the Township for which sewer service is available shall be \$54.00 per quarter (\$18.00 per month).

Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the quarter amount of the above schedule applicable to residential usage equivalence.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on May 1, 1988. All Ordinances or parts of Ordinances that are in conflict herewith are hereby repealed.

MARY MARCOTT
Wayland Township Clerk
Laverne Young
LAVERNE YOUNG
Martin Township Clerk

MARTIN TOWNSHIP ORDINANCE NO. 34

Adopted: 2-10-88

Effective: Immediately

An Ordinance to amend the Sewage Disposal System Ordinance of the Township by the amendment of Article V, Section E thereof, User fees, by increasing the user charge from \$51.00 per quarter (\$17.00 per month) to \$54.00 per quarter (\$18.00 per month) to each single family residence within the Township for which sewer service is available and to increase user fees for each house, building or structure other than a single-family residence as per the new rates multiplied by the used equivalent units assigned to said house, building, or structure; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN,
BARRY COUNTY, MICHIGAN,
ALLEGAN
ORDAINS:

SECTION I

AMENDMENT TO ARTICLE V

Article V, Section E, of the Sewage Disposal System Ordinance of the Township, is amended to read as follows:

Section E. User fees.

Beginning April 1, 1988, the user charge to each single family residence within the Township for which sewer service is available shall be \$54.00 per quarter (\$18.00 per month).

Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the quarter amount of the above schedule applicable to residential usage equivalence.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on immediately. All Ordinances or parts of Ordinances that are in conflict herewith are hereby repealed.

Laverne Young
Martin Township Clerk

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance was adopted by the Townships of Wayland and Martin, Allegan County, Michigan, at regular Township Board meetings on March 2, 1988, said Ordinance to become effective May 1, 1988.

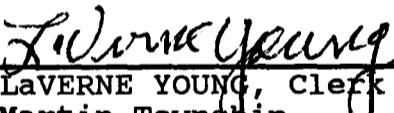
CLERK'S CERTIFICATE

I, LaVERNE YOUNG, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a ~~regular~~^{special} meeting of the Martin Township Board held on the 2nd day of March, 1988, at _____ o'clock p.m., at the ~~Martin Township Hall~~^{Yankee Springs Twp. Hall} located ~~within the~~^{Briggs Road} ~~Township of Martin,~~ at which the following members were present, the Board enacted and passed Ordinance No. 34, hereinbefore recorded, to become effective May 1, 1988, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: Joyce McGuire
Jack Sipple
Gerald Fenner
LaVerne Young
~~Nays:~~ Andy Leep
N ays None
Absent: None

I do further certify that a certified copy of Ordinance No. 34 was filed with the County Clerk on the 22nd day of ~~March~~, 1988, that Ordinance No. 34 was published in the Penasee Globe on March 31, 1988, a newspaper circulated in Martin Township; and that said Ordinance No. 34 was recorded in the official Ordinance Book on the 18th.day of March, 1988.

Dated: 3-21-88



LaVERNE YOUNG, Clerk
Martin Township

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

Ord #34

AREA CODE 616
TELEPHONE
382-4500

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON

March 15, 1988

Mr. LaVerne Young
Clerk
MARTIN TOWNSHIP
981 Lee Street
Martin, Michigan 49070

Re: Gun Lake Area Sewer Authority - Sewage Disposal
System Ordinance.

Dear Mr. Young:

On behalf of the Gun Lake Area Sewer Authority, we have prepared the enclosed Sewage Disposal System Ordinance. We understand that Martin Township adopted this Ordinance, being Ordinance No. 34 of the Township, on March 2, 1988. We have prepared a Clerk's Certificate to this effect and are enclosing same. You should fill in the names of the Board members present at the meeting at which this Ordinance was adopted and how each voted regarding adoption of the Ordinance. Also fill in any other blanks, date and sign the Certificate before same is filed in the Ordinance Book with the Ordinance.

If you are required by law to file a certified copy of the Ordinance with the County Clerk, this should be done also. An extra copy of the Clerk's Certificate is enclosed for this purpose.

An Affidavit of Publication will be forwarded to you when we receive same from the newspaper.

If you have any questions, please call.

Very truly yours,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.

Lynda E. Thomsen
Lynda E. Thomsen

LET/ke
enc

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN
49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON

AREA CODE 616
TELEPHONE
382-4500
—
TELECOPIER
616-382-2040

April 20, 1988

Mr. LaVerne Young
Clerk
MARTIN TOWNSHIP
981 Lee Street
Martin, Michigan 49070

Re: Gun Lake Area Sewer Authority - Sewage Disposal
System Ordinance.

Dear Mr. Young:

Enclosed for your records is the Affidavit of Publication
pertaining to Ordinance No. 34 of the Township.

Very truly yours,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.

Lynda E. Thomsen
Lynda E. Thomsen

LET/ke
enc

State of Michigan, County of Allegan

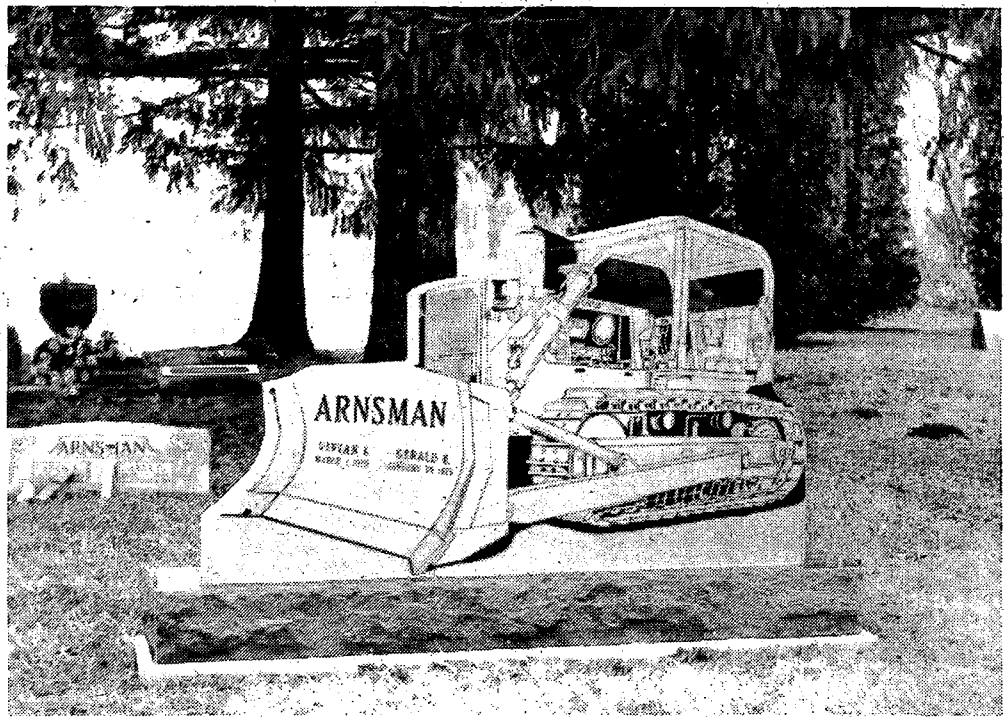
In the Matter of Notice of Ordinance Adoption
Wayland/Martin Townships
COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Wayland Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to-wit:

March 30 A. D. 19⁸⁸ A.D. 19
A. D. 19 A.D. 19
A. D. 19 A.D. 19

Subscribed and sworn before me this 30th day of March A.D. 19 88
Joyce M. McClintock
Notary Public, Allegan County, Michigan

My Commission Expires JOYCE McCLINTOCK A.D. 19
NOTARY PUBLIC - ALLEGAN COUNTY, MICH.
MY COMMISSION EXPIRES 9-22-91



THIS WEEK

A VISUAL EPITAPH to himself and his wife, Vivian, is the way Gerald L. Arnsmann of Hopkins describes his tombstone. "It's something I've always wanted to do, I've had the idea in my head for years and I finally did it," he said. Owner of Arnsmann Equipment Company in Bradley, he has sold heavy equipment most of his life. The 25C International depicted on the gravestone was Arnsmann's choice because, "I've sold a lot of them in my lifetime." The tombstone is in an area cemetery, waiting until the Arnsmanns go to that "big parking lot in the sky"—sometime in the distant future.

NEXT WEEK

This column is a regular feature in the Penasee Globe, offering a spot where civic groups and charitable organizations may announce meetings, activities, special projects, bazaars, etc. Commercial notices may be placed in the regular advertising section of the paper.

Items for publication should be submitted seven days in advance of Wednesday's publication date. Items will be published one time only.

For more information, please call the Penasee Globe at 792-2271.

APRIL 4

THORNAPPLE KELLOGG SCHOOL BOARD meets at 7:30 p.m. at the high school in Middleville.

WAYLAND CITY COUNCIL convenes at 7:30 p.m. at City Hall, 160 W. Superior Street, Wayland.

BYRON TOWNSHIP BOARD convenes at 7:30 p.m. at the Byron Township Hall, 8085 Byron Center Ave., SW.

WAYLAND TOWNSHIP BOARD annual meeting at 7:30 p.m. at the township hall in Bradley.

MONTEREY TOWNSHIP BOARD meets at 8 p.m. in the community building, corner of 130th and 30th.

WAYLAND ATHLETIC BOOSTER meeting postponed until Monday, May 2 at 7 p.m. in the Wayland High School Cafeteria. A work session is planned.

APRIL 5

GRAND RAPIDS OSTOMY ASSOCIATION meets in the Kentwood Library with Dan Smith R.Ph. speaking on National Drug Awareness.

ORANGEVILLE TOWNSHIP BOARD meets at 7:30 p.m. in the township hall on Boulter Road.

WAYLAND LADIES LIBRARY CLUB meets at 7:30 p.m. in Henika Library. Program is entitled "Family Antiques."

GOLDEN AGERS meet at the V.F.W. Hall on S. Main Street in Wayland for election of officers. Lunch served at noon.

APRIL 6

GLASA meets at 7 p.m. at the Sewer Authority building, 12588 Marsh Road, Shelbyville.

APRIL 7

DORR TOWNSHIP meets at 7:30 at the Township Hall, 1807 142nd Avenue.

WATSON TOWNSHIP meets at 8 p.m., Township Hall, 1897 118th Avenue.

APRIL 8

OTSEGO BAPTIST ACADEMY first annual Booster Banquet at 6:30 p.m. in the Otsego First Baptist Church fellowship hall. All people interested in Christian education are invited to attend. A special music program by the Academy Senior High students. Call 694-6738 for reservations.

BARRY COUNTY 4-H volunteers invited to the 4-H Dairy Goat Leaders' Workshop at Kettunen Center in Tustin April 8-10.

APRIL 11

MARTIN SCHOOL BOARD holds its meeting at 7:30 p.m., 1556 Chalmers Street, Martin.

THORNAPPLE TOWNSHIP meets at 7 p.m. at the Township Hall, 314 E. Main, Middleville.

TOWNSHIP OF HOPKINS meets at 8 p.m. at the Village Hall, 309 E. Main, Hopkins.

VILLAGE OF HOPKINS meets at 8 p.m. at the Village Hall, 309 E. Main.

CHURCH AND SYNAGOGUE librarians are invited to attend a spring workshop April 11 from 9:30 a.m. to 3 p.m. at the First Assembly of God Church, 2100 44th St., S.W., Grand Rapids. The program includes a tour of the church media center. Cost for non-members is \$2. Lunch at the church will cost \$3.25.

APRIL 12

BARRY COUNTY COMMISSIONERS meet at 9:30 a.m. at the Commissioners Room, 117 S. Broadway, Hastings.

WAYLAND COMMUNITY RECREATION will hold an organizational meeting at 7:30 p.m. at the Community Education office, 316 Pearl St. for area coaches and managers of women's slow-pitch softball teams. Games will be played on Tuesday nights at the Wayland High School ball fields. Call Community Ed at 792-9153 for more information.

1978 Village Park
14x70 with shed,
located in North
Brook Estates,
Wayland. Can stay
on lot. \$10,500
Call 866-2349

THANK-YOU
For Your Support for Library Board
ROSE DUNSMORE

PAID FOR BY ROSE DUNSMORE

Gun Lake Community Church

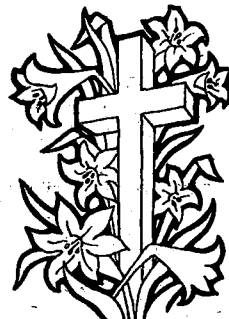
Worship Address: 82 127th St., Wayland
(Gun Lake Snowmobile Club)



Where there is always
room for you!!
PASTOR: Rev. Stanley Craig
792-2023

Easter
SUNDAY

April 3rd
"Comedy & Tragedy"
Matt. 27:62-28:10



Morning Worship
— 10:00 A.M. —
(Nursery Provided)

Sunday School
— 11:30 A.M. —

"An exciting ministry of the Reformed Church in America"

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following Ordinance was adopted by the Townships of Wayland and Martin, Allegan County, Michigan, at regular Township Board meetings on March 2, 1988, said Ordinance to become effective May 1, 1988.

WAYLAND TOWNSHIP ORDINANCE NO. 1 OF 1988

Adopted: March 2, 1988
Effective: May 1, 1988

MARTIN TOWNSHIP ORDINANCE NO. 34

Adopted: March 2, 1988
Effective: May 1, 1988

An Ordinance to amend the Sewage Disposal System Ordinance of the Township by the amendment of Article V, Section E thereof, User fees, by increasing the user charge from \$51.00 per quarter (\$17.00 per month) to \$54.00 per quarter (\$18.00 per month) to each single family residence within the Township for which sewer service is available and to increase user fees for each house, building or structure other than a single-family residence as per the new rates multiplied by the used equivalent units assigned to said house, building, or structure; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIPS OF WAYLAND AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,
ORDAIN:

SECTION I AMENDMENT TO ARTICLE V

Article V, Section E, of the Sewage Disposal System Ordinance of the Township, is amended to read as follows:

Section E. User fees.

Beginning May 1, 1988, the user charge to each single family residence within the Township for which sewer service is available shall be \$54.00 per quarter (\$18.00 per month).

Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the quarter amount of the above schedule applicable to residential usage equivalence.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on May 1, 1988. All Ordinances or parts of Ordinances that are in conflict herewith are hereby repealed.

MARY MARCOTT,
Wayland Township Clerk

LaVERNE YOUNG,
Martin Township Clerk

Professional Directory

AIR CONDITIONING REFRIGERATION

J & J Refrigeration - Commercial, agricultural & institutional equipment. Sales & service. We design HVAC systems for computer rooms also. 892 E. Allegan, Martin. 672-5066.

ATTORNEYS

Jeffrey L. Hampel, Attorney at Law, 2000 28th St., S.W., Wyoming, Mich. Monday through Friday, 8:30 a.m.-5 p.m., Tuesday & Thursday 'til 8 p.m. Wyoming phone: 534-7522.

William F. Hendry III, 2437 84th Street, Byron Center. General practice, including real estate, business, civil matters, collections, wills and trusts. 878-1404.

BRIDAL

Fashions for your complete bridal and formal attire. Hrs: 10-8 Mon. - Fri., and 10-5 Sat. 681-2300. "The Bridal Lane", 1820 142nd St., Dorr, Mich.

CHIROPRACTIC PHYSICIAN

Wayland Chiropractic Center, Dr. Chris Ruthruff, 310 W. Superior, Wayland. Hours: Mon., Wed., Fri. 9-12, 1:30-5:30; Tues., Thurs. 1:30-5:30. Medicaid, Medicare. Evenings by appointment. 792-2256

Chiropractic Physician, Robert L. Harrison, D.C., 2360 84th St., Byron Center. Hrs: Mon. 9:30-12, 2-7:30; Tues. 9:30-12, & 2-5:30; Wed. 9:30-12 & 2-4; Thurs. 9:30-12, 2-7:30; Fri. 9:30-12 & 2-5:30; Sat. 9:00-12. Phone 878-1579.

COUNSELING & WORKSHOPS

Institute for Personal Development—Linda Dudda Knutson, S.W., counselor for business-individual-family and group concerns. Local office at 1015 129th Ave., Bradley. Phone 792-4277, leave message on recorder.

DENTISTS

Bruce Sexton, D.D.S., Family Dentistry. New patients always welcome. 102 S. Main St., Wayland. Call 792-2220 or 792-6954. Office hours by appointment.

Michael L. DeWeerd, D.D.S., 110 Plum St., Wayland, 792-2051. We welcome new patients. Closed Wednesday.

Carol J. Elve, D.D.S., 404 W. Superior St., Wayland. 792-9557. We welcome new patients. Office hours by appointment.

Frank A. Kokmeyer, D.D.S. Family dental care, including orthodontics (braces). We welcome new patients. 12715 Chief Noonday Road, 1/4 mi. east of Patterson Road & Joe's Grocery. 795-7861.

Gun Lake Family Dentistry & Martin Family Dentistry. Kenneth A. Velick, D.D.S., and Donald A. Reid, D.D.S. General Dentistry for the family—new patients welcome! 12334 Marsh Rd., 672-7734, Shelbyville, MI 49344; 1576 S. Main, 672-2119, Martin, MI 49070.

Melford C. Garvin, D.D.S. Gentleness in family dentistry. New patients always welcome. Location: 84th S.W. and 131 Freeway. 325 84th St. S.W., Byron Center. For an appointment phone 878-1514. WK 37

ELECTRICIANS

Timmers Electric - Quality electric wiring and service since 1936. Call day or night, 891-9347.

Rich Boehm Electric — Special rates on service upgrades. Free estimates. Call 623-5288. WK 20

HOME IMPROVEMENT

McDonald - Curtis Builders, Inc. - Your complete home improvement center. Siding, roofing, remodeling, cement work, tree work, interior painting, wall-papering, window replacement, Experienced Craftsman, licensed, guaranteed workmanship and materials. WHEN YOU'VE TRIED THE REST BUY FROM US WE SELL THE BEST. Call (616) 532-5956 for a free estimate and reasonable prices.

R. Veldheer Insulating Co. - New & old homes, reroofing and free estimates. NuWool insulation used. Byron Center, 878-1679.

Westhouse Home Improvement - Exterior home improvements of all types. Specializing in patio and porch rooms. Serving the area over 25 years, with combined experience over 75 years. Moline. Call 877-4706 for a free estimate.

Paper Roses — Experienced paper hangers offering prompt, dependable service, wall paper removal, and wall prep. Free estimates, references. 891-1100.

INSURANCE

Reno Agency, Inc. - insurance of all kinds. Wayland, Michigan. Phone 792-2232.

LaValley Associates, Inc.—Insurance of all kinds. Jerry LaValley, Wayland, Michigan. Phone 792-2196.

United Bank Insurance Agency —Complete insurance service. 1131 West Superior at bank drive-in building. 792-6730.

OPTOMETRISTS

Dr. John P. White, 121 S. Main St., Wayland. Specializing in children's and adult vision, including contact lenses. Hours by appointment. Closed Thursdays. Phone 792-2315.

PHYSICIANS

P. E. Braman, M.D., T. J. Tobolic, M.D., & R. J. Jaglowski, M.D. - Family practice, including obstetrics. 8194 Byron Center Ave., Byron Center, Mich. Hours by appointment. Phone 878-3321.

Dorr Family Practice, 1740 142nd Ave., Dorr, Mich. Family Practice, including obstetrics. Timothy Dickinson, M.D., Peter Savage, M.D., John Walstrum, M.D., James Wheat, M.D. Office hours: M-F 9-5. Phone 681-9938, evenings & weekends 673-8402.

Dr. Gary Gulish. General practice. 1124 W. Superior St., Wayland. Hours by appointment and walk-in, emergency. New patients welcome. Office hours: Mon., Tues., Wed., Fri. 9:30 am-5:30 pm and Sat. 9:30 am-12:30 pm. Phone 792-2263.

Gun Lake Family Medicine and After Hours Clinic, 12850 Chief Noonday Road, Wayland, Mich. Phone 792-6243. Open 7 days a week, walk-ins welcome. Appointments taken.

Dr. Dan Kreuzer, Physician, 216 N. Main St., Wayland, Michigan. Hrs. by appointment. Closed Wednesdays. All hours, 792-2349. After hours, call 242-4961.

Mark R. Paschall, M.D. - Board Certified Family Practitioner. 490 Edwards St., Middleville. Hours by appointment. Walk-ins welcome. Participating with WMHCN & PHP HMOs. New patients welcome. Phone: 795-7929.

PIANO TUNING

Harold Sinke, piano tuning and repair, keys recovered. Moline, 877-4718.

HEATING, PLUMBING & AIR CONDITIONING

Hugh DeWeerd Heating, Plumbing & Air Conditioning, master plumber, air conditioning, heating. In business more than 30 years. All work guaranteed. Phone 792-2234, Wayland.

Boniface Heating and Air Conditioning. Central Air-Conditioning and furnaces; professionally installed and serviced. Call 672-7914.

REAL ESTATE

Buehler Realty, Inc., a member of the Grand Rapids Real Estate Board. For all your real estate needs, call 792-2269. 118 W. Superior, Wayland.

Dynamic Real Estate, Inc. Member of the Grand Rapids Board, Barry/Eaton Board and Kalamazoo Board of Realtors. For all your real estate needs. 2491 S. Patterson Road, Gun Lake, Mich. 792-2219 or 458-0250.

ROOFING

Reroofs, new roofs, steel roofs, repaired and painted; siding and soffits. Free estimates. Guaranteed workmanship. Steve Peck Roofing, Hopkins. 793-7490. Licensed and insured.

SIGNS

40 years' experience. Art Smith—672-7434.

TAX SERVICE

Benton Tax/Accounting Services, 2889 Patterson Road, Wayland, MI 49348. Phone: 792-6512.

S & S Stearns Bookkeeping & Tax Service - Steve and Sandy Stearns, 109 E. North St., Hopkins. Phone 793-7460.

Dorr Income Tax Service — Cynthia L. Wineman, certified preparer, 4163 - Joan Dr., Dorr. Prompt, personal service. Phone 681-2595, 9 a.m. - 9 p.m. Evening and weekend appointments welcomed. WK 30

Paul Davis's Income Tax Service, 4320 Alpine Dr., Dorr. Licensed to practice before the I.R.S. Over 15 years experience, 681-9417. WK 29

Don't face the new tax laws alone. Let H & R Block take the worry out of filing your taxes. Call today for an appointment. H & R Block, 132 N. Main, Wayland, 792-2033.

Let me prepare your taxes in the comfort of your own home or mine. Experienced, reasonable, accurate. Days, evenings, weekends. Call Mary 793-7558.

VETERINARIANS

Dr. Kenneth DeWeerd and Dr. Georgia Richards, 1126 W. Superior, Wayland, Mich. Hours: M-S 12:30-3 p.m. M-W&F 6:30-7:30 p.m. Emergencies by appt. Phone 792-2120.

Thornapple Veterinary Medical Center, J. A. Adams, D.V.M., and Alex Imlay, D.V.M., 2220 N. Patterson. Domestic and farm animals. Hours by appointment. Middleville, 795-9817 & Wayland, 877-4056.

WELL DRILLING

Bernie Kraai, 672-5193. New wells 2" & 4", well repair, pump sales & service.

THIS SPACE FOR RENT

PERSONALS 010

DRINKING PROBLEM??? A.A. meetings every Monday and Wednesday nights 8 pm. For information, call Tom, evenings, 792-9268, or Tom, 878-3590.

IS SOMEONES DRINKING affecting your life? Al-Anon Meetings Mon. 8 P.M. Call Bev 792-2036.

PERSONALLY WE WOULD LIKE you to advertise in Ad-Line. Call 792-9141.

WHS CLASS OF 1979 organizational meeting for 10 year class reunion, April 16, 1988 at 2 pm - Jolly Bar & Grille or call Liz, P.M. 616-683-7901.

AVON PARKERS - Having a wonderful time, wish you were here. Thought I'd surprise you and from me you can hear, a wish of good cheer. Missing you, C.

IN MEMORIAM 015

WE WILL REMEMBER YOU for advertising in our classifieds. Call Ad-Line 792-9141.

IN MEMORY OF Thomas & Lotie Grantham.

Do not stand by my grave and weep, I am not there, I do not sleep, I am a thousand winds that blow, I am a diamond glint on the snow, I am the sunlight on ripened grain, I am the gentle autumn rain. Norma & Chuck Gardner, Debra & David Wobma, Jenny & Melissa, Fred & Sue James, Leslie & Robert, Tom & Tammy James, & Amanda

CARD OF THANKS 020

THANK YOU FOR advertising in Ad-Line. Call 792-9141.

THE FAMILY OF Hazel Pardee wishes to thank the many friends and neighbors who remembered us during the loss of our loved one.

A big thank you for all the cards, telephone calls and flowers. Thanks to the Watson Community Bible Church ladies for the delicious luncheon, and a special thanks to Pastor Dave Nightingale for his words of comfort.

Kenneth & Starlite Pardee & family Arnold and Athalene Pardee & family

THE FAMILY OF Ann Dzierwa wishes to express their heartfelt thanks to all our relatives, neighbors, and friends at the time of her death.

Our sincere thanks go to Fr. Charles Fischer, pallbearers, Wayland Area Ambulance and Larry Kubiak and staff of Archer-Hampel Funeral Home. A special thanks also to Elaine Kovac, organist, and the ladies of St. Therese for the luncheon, family and friends for flowers, cards and masses, and to those who supported us in our time of sorrow.

Alden & Delphine Loew, Patrick Loew & Sons, Diane & Don Sebright & family

SPECIAL THANKS TO Smith Lumber Co. for their faithful remembrance of me. You have sent me a birthday card every year, for the last 50 years, even when I was in the service overseas. For that I am ever grateful.

Tom Chrusciel P28-0298-C1P

NOTICES 030

SAVE 75% on brand new office chairs, quality built, 5 casters. Excellent fabric upholstery. Only \$85. Limited quantity. Call Ron, 792-2271.

\$3.29 DINNER SPECIALS -- Daily, 4 'til closing at Downtown Dorr's Colonial Kitchen. Hours M through Sat, 7 am-7 pm. Take-out available on all menu items. 681-2417.

NOW YOU CAN HAVE bold ads in the Orbit, Penassee Globe or DELUXE. Only \$1 extra!

SCHEIB BARBER SHOP, Wayland, Summer Hours 8 a.m. - 5:30 p.m., Mon., Tues., Wed., & Fri. Saturdays 8 a.m. - 2 p.m. Closed Thursdays.

Jarvis Post Buildings SPRING FEVER SALE. All building and options prices slashed, 24x40x8 \$3,495, save \$300. The best time to order is now, don't delay. 665-7211.

ANTIQUE SHOW - APRIL 1-2, Grand Rapids friendliest show, located at the National Guard Armory, just one half mile west of 131 expressway. Exit west at 44th St.

Quality antiques, free parking, Friday 10 a.m. to 9 p.m., Sat. 10 a.m. to 6 p.m. \$2 admission.

WE NOTICE THAT YOU have not placed a classified with us lately. Call 792-9141.

LEGAL NOTICES 031

AS OF FEB. 26th 1988, I will no longer be responsible for any debts other than my own.

Larry L. Goodman WE ARE NOT RESPONSIBLE for those items you have not sold unless you place an ad in our classifieds. Call 792-9141.

THIS IS TO NOTIFY that due to maintenance of the Moline Drain & Branch Drain, Township(s) of Leighton & Dorr, Section 7, 18, 19 Leighton, and 12, 13 Dorr, an assess-

ment must be levied to recover the costs incurred.

NOTICE IS ALSO HEREBY GIVEN, that lands comprised within the Moline Drain & Branch Drainage District and the Apportionment of Benefits thereof will be open for your review for one day from 9:00 A.M. until 4:00 P.M. The Review of Apportionments will be held on the 15th day of April, 1988, at the Drain Commissioner's Office in the Allegan County Building Annex, Allegan, Michigan, or at such other time and place thereafter to which I may adjourn the same.

At said review, the Computation of Costs for said drain will also be open for inspection by any parties interested and may so desire.

Date: March 23, 1988 Lynn B. Fleming, Allegan County Drain Commissioner

HELP WANTED 040

WATKINS A 120 YEAR OLD Company is looking for sales people. Dealers make up to 50%, distributors up to 61%. Excellent quality food and health aids and cleaning items. Easy to sell products. For more information, phone 891-1165.

MATURE DEPENDABLE day waitress needed, apply at Muffins Restaurant in Dorr. Ask for Julie.

TAKING APPLICATIONS for cooks. Experienced or will train. Apply at Bunker Hill Grill & Grill, Burnips. Must be able to work weekends and holidays.

SANDY PINES has a few full time, and many part time job openings. Positions are available in food services, rangers, recreation and maintenance. Fill out job applications at 2745 136th Ave., Hopkins.

GET PAID for reading books! \$100 per title. Write: PASE -C704, 161 S. Lincolnway, N. Aurora, IL 60542.

5 ENERGETIC PEOPLE to sell BESTWATER filtration systems. We are 50 years old in the health and environmental industry. Excellent earnings potential. Call Joyce and talk to my machine. 792-4155.

PIZZA DELIVERY and inside work. Must have own transportation and be reliable. Night work. Apply in person. No phone calls please. Entza's Pizzeria, 1817 142nd St., Dorr.

His & Hers Hair Styles

525 North Park Street, Wayland

Get Ready For Spring

for the entire family - Good March 29th - April 1st

*5 Off Perms	*1 Off Set
*5 Off Frosting	*1 Off Haircut

Owner/Operator - Gerda Pitcher

Call now for your appt. 792-2876

Spring Is Just Around The Corner

STORE YOUR WINTER TOYS AT

Gun Lake Mini Storage

Only \$20 per Snowmobile

For the season (Now thru Nov. 15). We also have motorhome storage. Call now to reserve a space.

"A Place For Everything"

672-7221

**ORDINANCE #35
AMENDMENT TO REZONE @ 38
ACRES IN SECTION 19 FROM R-2 TO
R-3
EFFECTIVE: JULY 13, 1988**

J.B.

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

800 PARK BUILDING

132 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

July 13, 1988

TELEPHONE
616-382-4500

TELECOPIER
616-382-2040

Mr. LaVerne Young
Clerk, Martin Township
981 Lee Street
Martin, MI 49070

Re: Ordinance No. 35

Dear Mr. Young:

Enclosed is the original of Ordinance No. 35, together with supporting documents, for filing in the official Ordinance Book.

You must complete the enclosed Clerk's Certificate as to the roll call vote, the date of recording the Ordinance in the official Ordinance Book, and the date that you filed a certified copy of the Ordinance with the Allegan County Clerk. All these steps should be completed within one week after publication of the Ordinance.

I am also providing you with my original letter (and copy of Notice of Adoption and Ordinance) to the Wayland Globe, requesting publication on Wednesday, July 20, 1988. It is my understanding that you will assume the responsibility for delivering these materials to the Globe in time for publication on July 20.


Finally, while I would normally also provide you at this time with a revised page for Appendix A of the Zoning Ordinance books to reflect the rezoning of the property in question, as it is my understanding that there may be a citizen effort to petition for a referendum election on the enclosed Ordinance, for the time being I will defer preparing a revised page.

Mr. LaVerne Young
July 13, 1988
Page Two

Please give me a call if you have any questions or problems concerning any aspect of these matters.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jls
cc: Andy Leep
John Schipper

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE/MAP AMENDMENT (REZONING)

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the July 13, 1988 meeting of the Martin Township Board the following Ordinance No. 35 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, LaVerne Young, at 981 Lee Street, Martin, MI 49070, 616/672-5076 during regular business hours of regular working days, and at such other times as may be arranged.

*mald copies of pages 3-495
to Slobe on 7-14-88 for publ. on 7-20-88
I called the State*

4

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 35

ADOPTED: July 13, 1988

EFFECTIVE: July 20, 1988

(ZONING ORDINANCE/MAP AMENDMENTS---SECTION 19)

An Ordinance to amend Appendix A of the Martin Township Zoning Ordinance (Ordinance No. 30 as amended), and to amend the Zoning Map of Martin Township, both as incorporated by reference in Section 5.2 of the Martin Township Zoning Ordinance, so as to rezone from the existing R-2 Low Density Residential District zoning classification to the R-3 Medium Density Residential and Mobile Home Park District zoning classification certain described property in Section 19 of the Township; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN LAND SECTION 19

Section 5.2 of the Martin Township Zoning Ordinance (Ordinance No. 30, as amended), and Appendix A of said Ordinance and the Zoning Map of Martin Township as incorporated by reference therein, are hereby amended so as to rezone from the R-2 Low Density Residential District zoning classification to the

R-3 Medium Density Residential and Mobile Home Park District zoning classification the following described property:

Commencing 71 rods north of the southeast corner of Section 19, thence west 14 rods, thence north 7 rods 15' 1/2", thence west 66 rods to the north-south 1/8 line, thence north on the said 1/8 line to the quarter line, thence east on the quarter line to the west line of the Kalamazoo and Grand Rapids Inter-Urban Railway, thence southerly along the curved west line of the said Railway to the south line of the above description, thence east to the beginning, excepting Lot 70 of the Assessor's Plat in the Village of Martin, Section 19, T 2 N, R 11 W (Martin Township).

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Laverne Young
LAVERNE YOUNG, Clerk
Martin Township

2

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

July 13, 1987

TELEPHONE
616-382-4500
—
TELECOPIER
616-382-2040

Wayland Globe
Wayland, MI 49344

Re: Publication of Ordinance
for Martin Township

Ladies:

Please publish the enclosed Notice of Adoption and the attached Martin Township Ordinance No. 35, in that order, on Wednesday, July 20, 1988.

Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, LaVerne Young, at 981 Lee Street, Martin, MI 49070, and forward two Affidavits of Publication to this office.

Sincerely,

BAUCKHAM, REED, LANG, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jls

cc: LaVerne Young
Andy Leep
John Schipper

L

CLERK'S CERTIFICATE

I, LAVERNE YOUNG, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on the 13th day of July, 1988 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 35, hereinbefore recorded, to become effective immediately, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

LaVerne Young-----Aye
Joyce McGuire-----Aye
Andrew Leep-----Naye
Jack Sipple-----Aye
Gerald Fenner-----Aye

I do further certify that Ordinance No. 35 was published in its entirety in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on July 20, 1988; that said Ordinance No. 35 was recorded in the official Ordinance Book on the 22 day of JULY, 1988; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 25 day of JULY, 1988.

Dated: 7-22-88


LAVERNE YOUNG, Clerk
Martin Township



WAYLAND'S SUMMERFEST T-shirts are here! Wayland city mayor Linden Anderson was presented with his very own shirt at Monday's meeting of the city council. Wayland Chamber of Commerce president, Mary Jane Merren, on behalf of the Summerfest committee, awarded the gift. T-shirts, athletic shirts, and big dorm shirts are available at the Variety Store in Wayland prior to the big event being held July 29 and 30. There are a limited number available so everyone is urged to come and pick up one right away, Merren said. Summerfest drink can holders also are available.

Fontana opens ninth season of Shelbyville performances

The 9th season of the Fontana Festival of Art and Music, began Wednesday to the delight of chamber music and art lovers from all of southwest Michigan. The seven week festival features recital and chamber music performances every Wednesday and Sunday evening at 7:30 p.m. All festival concerts take place at the Art Emporium in Shelbyville, one mile east of US 131 exit 59.

Programmed for Sunday, July 24 is Mozart's String Quintet in E flat K. 406; the Banks Horn Trio; and Brahms Piano Quartet in g minor Op. 25. Guest pianist is Gordon Back from Britain, internationally recognized as one of the leading pianists of his age. Joining him will Wang, viola; Winifred Mayes, cello and piano; Robert Humiston, oboe; strings: Emanuel Hurwitz, violin Erika Klemperer, violin, and Steven Brook, viola.

The program on Wednesday, July 27 will include the Oboe Quartet K.V. 370 by Mozart; the Beethoven Trio Op. 1 No. 1; and Quintet in C Major Op. 163 by Schubert - one of the great masterpieces of chamber music, featuring the cello team of Winifred and Samuel Mayes. They will be joined by Phyllis Rappeport, piano; Robert Humiston, oboe; and strings: Emanuel Hurwitz, violin, Erika Klemperer, violin and Steven Brook, viola.

The Sunday, July-31 concert will again feature works which include 2 celli: the

Sextet Op. 42 No. 1 by Boccherini, and the Sextet in B flat Op.18 by Brahms. Also programmed is the Duet "With Two Eyeglasses Obligato" by Beethoven for viola and cello; and an unaccompanied cello duet by Offenbach. Cellists Winifred and Samuel Mayes will perform, with Emanuel Hurwitz, Erika Klemperer, Steven Brook, I Fu Wang, and Neill Sanders.

For ticket information and programs call (616) 382-0826 - or the Art Emporium (616) 672-7790 (Tuesday through Saturday, 11-4:30). Tickets will be available at the door.

Martin names Marigold winners

This year's Martin Marigold contest winners are: 1st: Leona Schipper; 2nd: Cathy Elkins; 3rd: Bernie Harper.

A special award was also given by area greenhouses in the amount of \$100 for the best overall use of flowers in the annual show held in conjunction with Martin's Summerfest. This award goes to Harlan & Cynthia Roelofs. Greenhouses involved in judging and this special award include Countryside Greenhouse, Leep Brothers and Tuinstra Greenhouses.

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Used Lawn & Garden

★ Tractors . . . \$100.00 & up ★
★ Tillers . . . \$50.00 & up ★
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1 - 420	3 - 300's	10 - 212's	R 70	5 - 400's
5 - 140's	3 - 214's	2 - 68	3 - 318's	21 - 100's
3 - 216's	65	6 - 317's	9 - 112's	R 72
360	3 - 316's	3 - 210's		

EXTRA SAVINGS - All Off-Brand Trade-Ins Substantially Reduced!

-CASE-	-WHEELHORSE-	-I.H.C.-	-BOLENS-	-SIMPLICITY-
2 - 222's	C160	1610	1257	(5)
220	2 - 14's	1650		
448	C101	8		
224	8	1082		
	1277	125		
		1100		
		100		
		1282		
		129		

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MARKER IMPLEMENT

9670 M-37, Caledonia **891-8188**

MARTIN TOWNSHIP ALLEGAN COUNTY, MICHIGAN NOTICE OF ADOPTION OF ZONING ORDINANCE/MAP AMENDMENT (REZONING)

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS.

PLEASE TAKE NOTICE that at the July 13, 1988 meeting of the Martin Township Board the following Ordinance No. 35 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, LaVerne Young, at 981 Lee Street, Martin, MI 49070, 616/672-5076 during regular business hours of regular working days, and at such other times as may be arranged.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 35

ADOPTED: July 13, 1988

EFFECTIVE: July 20, 1988

(ZONING ORDINANCE/MAP AMENDMENTS - SECTION 19)

An Ordinance to amend Appendix A of the Martin Township Zoning Ordinance (Ordinance No. 30 as amended), and to amend the Zoning Map of Martin Township, both as incorporated by reference in Section 5.2 of the Martin Township Zoning Ordinance, so as to rezone from the existing R-2 Low Density Residential District zoning classification to the R-3 Medium Density Residential and Mobile Home Park District zoning classification certain described property in Section 19 of the Township; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN LAND SECTION 19

Section 5.2 of the Martin Township Zoning Ordinance (Ordinance No. 30, as amended), and Appendix A of said Ordinance and the Zoning Map of Martin Township as incorporated by reference therein, are hereby amended so as to rezone from the R-2 Low Density Residential District zoning classification to the R-3 Medium Density Residential and Mobile Home Park District zoning classification the following described property:

Commencing 71 rods north of the southeast corner of Section 19, thence west 14 rods, thence north 7 rods 15' 1/2", thence west 66 rods to the north-south 1/8 line, thence north on the said 1/8 line to the quarter line, thence east on the quarter line to the west line of the Kalamazoo and Grand Rapids Inter-Urban Railway, thence southerly along the curved west line of the said Railway to the south line of the above description, thence east to the beginning, excepting Lot 70 of the Assessor's Plat in the Village of Martin, Section 19, T2N, R11W (Martin Township).

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LAVERNE YOUNG, Clerk
Martin Township

97.35

MT-7/18a

Van Dyken


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Something of interest in today's Penasee Globe?

CITY COUNCIL

CONTINUED FROM PAGE 8

will continue during the next several Council meetings.

b) Some of the City ordinances have become partially out-dated and the Council approved action by the City Manager to begin an update of these ordinances after the ap-

propriate bid process.

c) The repair to components of well number 5 was reviewed by the Council.

d) An action to solicit bids for the sale of City property on South Main St. was approved. This land is being sold for the sole purpose of building an ambulance building and operating an ambulance service for the local area.

New Business:

Approval was granted by the Council for selective tree removal and

trimming throughout the City.

City Manager's Communications:

a) The Council congratulated police officer Jim Rollins for achieving a Bachelor of Science degree in Criminal Justice.

b) The Water Bond Reserves issued in 1956 for contingency funds for the water systems was retired, and the funds will be applied to the water fund reserve.

c) The Council established intent to ob-

tain another tree for a Christmas lighting ceremony, and locate the tree in the mini park, the same as last year.

d) The City Manager reported the cleaning of the ditch north of Wayland, which is a waterway for storm water, and the anticipation that storm water will move more quickly from the City.

Council Comments:

Councilman Genther reported a preliminary investigation into establish-


ing a left turn lane east and west at the intersection of Main and Superior Sts. Further investigation is required.

Motion by Councilman

Dykstra, supported by Councilman Miller, to adjourn the meeting. All aye.

H.A. Stull, City Clerk
Linden C. Anderson, Mayor

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GENERAL PRIMARY ELECTION

TO THE QUALIFIED ELECTORS:
Notice is hereby given that a Primary Election will be held in the

TOWNSHIP OF SALEM

STATE OF MICHIGAN
AT

SALEM TOWNSHIP HALL

within said township

Tuesday, August 2, 1988

For the purpose of placing in nomination by all Political Parties participating therein, candidates for the following offices, Viz:

CONGRESSIONAL:

United States Senator, Representative in Congress

LEGISLATIVE:

State Senator, Representative in State Legislature

COUNTY:

Prosecuting Attorney, Sheriff, County Clerk,
County Treasurer, Register of Deeds,
Drain Commissioner, Surveyor, County Commissioner

TOWNSHIP:

Supervisor, Clerk, Treasurer, Trustees

And for the purpose of Electing Delegates to the County Convention of each Political Party

ALLEGAN COUNTY TREASURER'S CERTIFICATE

I, Frederick G. Edgerton, Treasurer of Allegan County, Michigan, hereby certify that, as of July 1, 1988, the records of this office indicate that the total of all voted increases over and above the tax limitation established by the Constitution of Michigan, and as apportioned by county referendum in 1965, in any local units of government affecting the taxable property located in Salem Township in Allegan County, Michigan, is as follows:

Unit	Voted Mills	Years Effective
By Allegan County: Roads	1.00	1987-1991
By Salem Township:	None	
By School District:		
By Hopkins School	20.71	1988
By Hudsonville Public Sch.	11.808	1988
	7.14	1988
	2.9	1988
	1.00	1988-1992
By Hamilton School	1.00	1988
	23.47	1988-1989
By Zeeland Public Sch.	1.00	1988
	20.586	1988
	1.00	1989-1993
By Allegan Intermediate	1.25	Unlimited
	1.78	Unlimited
By Ottawa Intermediate	1.40	Unlimited
	1.20	Unlimited

The foregoing extra voted taxes do not include any bond issues voted under the nonapplication of limitation provisions of the Constitution of Michigan, such bond issues not being required to be recorded in the office of the county treasurer.

This certification is made in connection with an election to be held in the Salem Township, Allegan County, Michigan on Aug. 2, 1988.

Frederick G. Edgerton,
Allegan County Treasurer
Dated at Allegan, Michigan
July 1, 1988.

ALSO ANY ADDITIONAL AMENDMENTS OR PROPOSITIONS THAT MAY BE SUBMITTED

Notice Relative to Opening and Closing of the Polls
Election Law, Act 116, P.A. 1954

SECTION 720. On the day of any election, the polls shall be opened at 7 o'clock in the forenoon, and shall be continuously open until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

THE POLLS of said election will be open at 7 o'clock a.m. and will remain open until 8 o'clock p.m. of said day of election.

Harvey Brower, Twp. Clerk

GENERAL PRIMARY ELECTION

TO THE QUALIFIED ELECTORS:
Notice is hereby given that a Primary Election will be held in the

TOWNSHIP OF MONTEREY

STATE OF MICHIGAN
AT

MONTEREY TOWNSHIP HALL

within said township

Tuesday, August 2, 1988

For the purpose of placing in nomination by all Political Parties participating therein, candidates for the following offices, Viz:

CONGRESSIONAL:

United States Senator, Representative in Congress

LEGISLATIVE:

State Senator, Representative in State Legislature

COUNTY:

Prosecuting Attorney, Sheriff, County Clerk,
County Treasurer, Register of Deeds,
Drain Commissioner, Surveyor, County Commissioner

TOWNSHIP:

Supervisor, Clerk, Treasurer, Trustees

And for the purpose of Electing Delegates to the County Convention of each Political Party

AND TO VOTE ON THE FOLLOWING:

MONTEREY TOWNSHIP PROPOSAL

Tax limitation increase renewal of two and one half mills over four years to provide funds for improvement of all roads in the township. (This is a Renewal.)

ALLEGAN COUNTY TREASURER'S CERTIFICATE

I, Frederick G. Edgerton, Treasurer of Allegan County, Michigan, hereby certify that, as of July 1, 1988, the records of this office indicate that the total of all voted increases over and above the tax limitation established by the Constitution of Michigan, and as apportioned by county referendum in 1965, in any local units of government affecting the taxable property located in Monterey Township in Allegan County, Michigan, is as follows:

Unit	Voted Mills	Years Effective
By Allegan County: Roads	1.00	1987-1991
By Monterey Township: Roads	2.50	1985-1988
By School District:		
By Allegan Public Sch.	16.80	1986-1990
	.9	1987-1989
	.9	1988
	1.8	1989
By Hopkins Public Schools	20.71	1986-1988
Hamilton Public Schools	1.00	1988
	23.47	1988-1989
By Allegan Intermediate	1.25	Unlimited
	1.78	Unlimited
By Ottawa Intermediate	1.20	Unlimited
	1.40	Unlimited

The foregoing extra voted taxes do not include any bond issues voted under the nonapplication of limitation provisions of the Constitution of Michigan, such bond issues not being required to be recorded in the office of the county treasurer.

This certification is made in connection with an election to be held in the Monterey Township, Allegan County, Michigan on Aug. 2, 1988.

Frederick G. Edgerton,
Allegan County Treasurer
Dated at Allegan, Michigan
July 1, 1988.

ALSO ANY ADDITIONAL AMENDMENTS OR PROPOSITIONS THAT MAY BE SUBMITTED

Notice Relative to Opening and Closing of the Polls
Election Law, Act 116, P.A. 1954

SECTION 720. On the day of any election, the polls shall be opened at 7 o'clock in the forenoon, and shall be continuously open until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

THE POLLS of said election will be open at 7 o'clock a.m. and will remain open until 8 o'clock p.m. of said day of election.

Lucille Coon, Twp. Clerk

CITY COUNCIL

CONTINUED FROM PAGE 8

will continue during the next several Council meetings.

b) Some of the City ordinances have become partially out-dated and the Council approved action by the City Manager to begin an update of these ordinances after the ap-

propriate bid process.

c) The repair to components of well number 5 was reviewed by the Council.

d) An action to solicit bids for the sale of City property on South Main St. was approved. This land is being sold for the sole purpose of building an ambulance building and operating an ambulance service for the local area.

New Business:

Approval was granted by the Council for selective tree removal and

trimming throughout the City.

City Manager's Communications:

a) The Council congratulated police officer Jim Rollins for achieving a Bachelor of Science degree in Criminal Justice.

b) The Water Bond Reserves issued in 1956 for contingency funds for the water systems was retired, and the funds will be applied to the water fund reserve.

c) The Council established intent to ob-

GENERAL PRIMARY ELECTION

TO THE QUALIFIED ELECTORS:

Notice is hereby given that a Primary Election will be held in the

TOWNSHIP OF SALEM

STATE OF MICHIGAN

AT

SALEM TOWNSHIP HALL

within said township

Tuesday, August 2, 1988

For the purpose of placing in nomination by all Political Parties participating therein, candidates for the following offices, Viz:

CONGRESSIONAL:

United States Senator, Representative in Congress

LEGISLATIVE:

State Senator, Representative in State Legislature

COUNTY:

Prosecuting Attorney, Sheriff, County Clerk,

County Treasurer, Register of Deeds,

Drain Commissioner, Surveyor, County Commissioner

TOWNSHIP:

Supervisor, Clerk, Treasurer, Trustees

And for the purpose of Electing Delegates to the County Convention of each Political Party

ALLEGAN COUNTY TREASURER'S CERTIFICATE

I, Frederick G. Edgerton, Treasurer of Allegan County, Michigan, hereby certify that, as of July 1, 1988, the records of this office indicate that the total of all voted increases over and above the tax limitation established by the Constitution of Michigan, and as apportioned by county referendum in 1965, in any local units of government affecting the taxable property located in Salem Township in Allegan County, Michigan, is as follows:

Unit	Voted Mills	Years Effective
By Allegan County: Roads	1.00	1987-1991.
By Salem Township:	None	
By School District:		
By Hopkins School	20.71	1988
By Hudsonville Public Sch.	11.808	1988
	7.14	1988
	2.9	1988
	1.00	1988-1992
By Hamilton School	1.00	1988
	23.47	1988-1989
By Zeeland Public Sch.	1.00	1988
	20.585	1988
	1.00	1989-1993
By Allegan Intermediate	1.25	Unlimited
	1.78	Unlimited
By Ottawa Intermediate	1.40	Unlimited
	1.20	Unlimited

The foregoing extra voted taxes do not include any bond issues voted under the nonapplication of limitation provisions of the Constitution of Michigan, such bond issues not being required to be recorded in the office of the county treasurer.

This certification is made in connection with an election to be held in the Salem Township, Allegan County, Michigan on Aug. 2, 1988.

Frederick G. Edgerton,
Allegan County Treasurer
Dated at Allegan, Michigan
July 1, 1988.

ALSO ANY ADDITIONAL AMENDMENTS OR PROPOSITIONS THAT MAY BE SUBMITTED

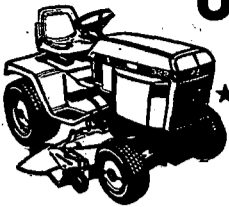
Notice Relative to Opening and Closing of the Polls
Election Law, Act 116, P.A. 1954

SECTION 720. On the day of any election, the polls shall be opened at 7 o'clock in the forenoon, and shall be continuously open until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

THE POLLS of said election will be open at 7 o'clock a.m. and will remain open until 8 o'clock p.m. of said day of election.

Harvey Brower, Twp. Clerk

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★ Tractors . . . \$100.00 & up ★
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- | | | | | |
|-----------|-----------|------------|-----------|------------|
| 1 - 420 | 3 - 300's | 10 - 212's | R 70 | 5 - 400's |
| 5 - 140's | 3 - 214's | 2 - 68 | 3 - 318's | 21 - 100's |
| 3 - 216's | 65 | 6 - 317's | 9 - 112's | R 72 |
| 360 | 3 - 316's | 3 - 210's | | |

— **EXTRA SAVINGS** — All Off-Brand Trade-Ins Substantially Reduced!

—CASE—	—WHEELHORSE—	—I.B.C.—	—BOLENS—	—SIMPLICITY—
2 - 222's	C160	1610	1257	(5)
220	2 - 14's	1650		
448	C101	8		
224	8	1082		
	1277	125		
		1100		
		100		
		1282		
		129		

—DIESELS—
IHC Lowboy 154, w/mower & blade
Ford 1600, 6' mower
IHC 234, w/mower & blower
JD 850, 60" mower

90 days same as cash • No reasonable offer refused

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891-8188



MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE/MAP AMENDMENT (REZONING)

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the July 13, 1988 meeting of the Martin Township Board the following Ordinance No. 35 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, LaVerne Young, at 981 Lee Street, Martin, MI 49070, 616/672-5076 during regular business hours of regular working days, and at such other times as may be arranged.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 35

ADOPTED: July 13, 1988
EFFECTIVE: July 20, 1988

(ZONING ORDINANCE/MAP AMENDMENTS — SECTION 19)

An Ordinance to amend Appendix A of the Martin Township Zoning Ordinance (Ordinance No. 30 as amended), and to amend the Zoning Map of Martin Township, both as incorporated by reference in Section 5.2 of the Martin Township Zoning Ordinance, so as to rezone from the existing R-2 Low Density Residential District zoning classification to the R-3 Medium Density Residential and Mobile Home Park District zoning classification certain described property in Section 19 of the Township; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN LAND SECTION 19

Section 5.2 of the Martin Township Zoning Ordinance (Ordinance No. 30, as amended), and Appendix A of said Ordinance and the Zoning Map of Martin Township as incorporated by reference therein, are hereby amended so as to rezone from the R-2 Low Density Residential District zoning classification to the R-3 Medium-Density Residential and Mobile Home Park District zoning classification the following described property:

Commencing 71 rods north of the southeast corner of Section 19, thence west 14 rods, thence north 7 rods 15' 1/2", thence west 66 rods to the north-south 1/8 line, thence north on the said 1/8 line to the quarter line, thence east on the quarter line to the west line of the Kalamazoo and Grand Rapids Inter-Urban Railway, thence westerly along the curved west line of the said Railway to the south line of the above description, thence east to the beginning, excepting Lot 70 of the Assessor's Plat in the Village of Martin, Section 19, T2N, R11W (Martin Township).

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

LAVERNE YOUNG, Clerk
Martin Township

ORDINANCE # 36
AMEND SECTION 4.5 20' WIDTH FOR
MOBILE HOMES
EFFECTIVE: JUNE 26, 1989

ORDINANCE # 37
ZONING ORDINANCE (TEXT / MAPS
AMENDMENTS)
EFFECTIVE: JULY 12, 1989

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 37

ADOPTED: July 12, 1989

EFFECTIVE: Upon Publication

(ZONING ORDINANCE TEXT/MAP AMENDMENTS)

An Ordinance to amend Section 10.2 of the Martin Township Zoning Ordinance so as to provide for governmental administration or service buildings as permitted uses in the "C-1" Neighborhood Business zoning district; to amend Section 10.2 of the Martin Township Zoning Ordinance so as to revise subsection 1 of same pertaining to the various other uses allowed in the "C-1" Neighborhood Business zoning district; to amend Section 11.2 of the Martin Township Zoning Ordinance so as to revise subsection 1 of same pertaining to the various permitted uses allowed in the "C-2" General Business zoning district; to amend the Zoning Map of Martin Township and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in land Section 1 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO SECTION 10.2 PERTAINING TO DESIGNATED PERMITTED USES IN THE "C-1" NEIGHBORHOOD BUSINESS DISTRICT

Section 10.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-1" Neighborhood Business District of Martin Township, is hereby amended so as to designate a new such permitted use at subsection 30, reading as follows:

30. Governmental administration or service buildings.

SECTION II

AMENDMENT TO SECTION 10.2 PERTAINING TO DESIGNATED PERMITTED USES IN THE "C-1" NEIGHBORHOOD BUSINESS DISTRICT

Section 10.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-1" Neighborhood Business District of the Township, is hereby amended so as to revise existing subsection 1 to read as follows:

1. Any non-residential use allowed in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district.

SECTION III

AMENDMENT TO SECTION 11.2 PERTAINING TO DESIGNATED PERMITTED USES IN THE "C-2" GENERAL BUSINESS DISTRICT

Section 11.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-2" General Business District of the Township, is hereby amended so as to revise existing subsection 1 to read as follows:

1. All uses allowed in the C-1 Neighborhood Business district.

SECTION IV

REZONING OF PROPERTY IN LAND SECTION 1

The Zoning Map of Martin Township and Appendix A of the Martin Township Zoning Ordinance is hereby amended so as to rezone from the existing "R-3" Medium Density Residential and Mobile Home Park District zoning classification to the "C-2" General Business District zoning classification the following described area:

The portion of the northeast quarter of Section 1 that runs along 124th Avenue from the center of 124th Avenue south, to a depth of 233 feet, and also Lots 25 - 26 of the Martha Lapham Lakeview lots estates.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

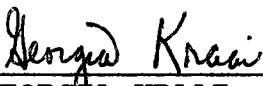
GEORGIA KRAAI, Clerk
Martin Township

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on the 12th day of July, 1989 commencing at 8:00 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 37, hereinbefore recorded, to become effective immediately, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows: Jack Sipple; Aye
Joyce McGuire: Aye
James Bremner: Aye
Andrew Leep: Aye
Georgia Kraai: Aye

I do further certify that Ordinance No. 37 was published in its entirety in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on the 19th day of July, 1989; that said Ordinance No. 37 was recorded in the official Ordinance Book on the 13th day of July, 1989; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 13th day of July, 1989.

Dated: July 13, 1989



GEORGIA KRAAI, Clerk
Martin Township

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500
—
TELECOPIER
616-382-2040

July 13, 1989

Wayland Globe
Wayland, MI 49344

Re: Publication of Ordinance
for Martin Township

Ladies:

Please publish the enclosed Notice of Adoption and the
attached Martin Township Ordinance No. 37, in that order, on:

Wednesday, July 19, 1989

Please forward your statement, together with one Affidavit
of Publication, to the Township Clerk, Georgia Kraai, 1399 10th
Street, Martin, MI 49070, and forward two Affidavits of
Publication to this office.

Sincerely,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb

Enclosure

c: Georgia Kraai
Andrew Leep
John Schipper

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE/MAP AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the July 12, 1989 meeting of the
Martin Township Board the following Ordinance No. 37 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may
be inspected or a copy purchased by contacting the Martin
Township Clerk, Georgia Kraai, 1399 10th Street, Martin, MI
49070, 616/672-5193 during regular business hours of regular
working days, and at such other times as may be arranged.

BAUCKHAM, REED, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
RICHARD D. REED
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JAMES W. PORTER
JOHN K. LOHRSTORFER
PATRICIA R. MASON
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500

TELECOPIER
616-382-2040

June 27, 1989

Georgia Kraai
Clerk, Martin Township
1399 10th Street
Martin, MI 49070

Re: Ordinance No. 37

Dear Mrs. Kraai:

Enclosed is the original of proposed Ordinance No. 37, with Notice of Adoption, for the consideration of the Township Board at the July 12 meeting.


Also enclosed is your Clerk's Certificate for this ordinance. After formal approval of the ordinance by the Township Board please complete the certificate as to the roll call vote, the date of recording the ordinance in the official ordinance book, and the date that you filed a certified copy of the ordinance with the Allegan County Clerk. All these steps should be completed within one week after publication of the ordinance.

With respect to the required publication of the ordinance, I am enclosing a copy of my letter to the Wayland Globe making arrangements for publication on Wednesday, July 19, 1989.

Please give me a call if you have any questions or problems concerning any aspect of this matter.

Sincerely,

BAUCKHAM, REED, SPARKS,
ROLFE & THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb

Enclosures

c: Andy Leep
John Schipper

Georgia Kraai
June 27, 1989
Page 2

PS: I am also enclosing a copy of the minutes of the June 12, 1989 Allegan County Planning Commission proceedings, at which the Commission approved the recommendations of the Martin Township Zoning Board on the various zoning ordinance amendments incorporated into Ordinance No. 36 and the enclosed proposed Ordinance No. 37. The submission forms regarding these various amendments are also enclosed. All of these materials should of course be filed in the official ordinance book after formal action by the Township Board.

COUNTY OF ALLEGAN

PLANNING COMMISSION



LYNN B. FLEMING, Recording Secretary
108 Chestnut St., County Building Annex
Phone 673-8471, Ext. 377
TINUS VANDER WOUDE, Chairman

PLANNING COMMISSION MEETING MINUTES - JUNE 12, 1989

1. Call to order - Vice-chairman Hanson, 2:30 p.m., June 12, 1989
2. Roll Call - Members present: Brower, Chada, Hanson, Kammeraad, Maxwell, Whitney and Recording Secretary Fleming. Members absent: Brokus, Cornell, Nielsen, Vander Woude. Unexcused absence: Reno.
3. Presentation of May 8, 1989 meeting minutes - approved as mailed.

STANDING COMMITTEE REPORTS:

4. Allegan County Promotional Alliance - No report
5. Recreation/Tourism Advisory Council - Hanson
Promotional video tapes for the City of Allegan and Allegan County are now available. An application will be submitted to the Allegan Foundation for grant funds.
6. Board of Commissioners - Kammeraad
Recent action included approval of the Swine Extension Agreement and disapproval of a State Court Resolution to make the Friend of the Court an attorney.
7. Dept. of Public Works - Fleming
Approval granted for the sale of bonds to finance the first combined water supply and sewage disposal system for Otsego and Gun Plain Townships.
8. Parks Commission - Fleming
A contract for the Littlejohn Lake Concession Stand has been signed with Ken Ward. There are thirteen softball teams playing four days per week on the newly developed league-play ball diamonds. Bridgefest Softball Tournaments were held at Littlejohn Park.
9. Region 8 - No report.
10. Resource Recovery - No report.
11. Allegan/Ottawa Community Growth Alliance - No report.
12. Ground Water Quality Committee - No report.

NEW BUSINESS:

13. Chada, Reno and Nielsen have been reappointed by the County Commissioners to serve three year terms which will expire 6/8/92.
14. Gun Plain Township Zoning Ordinance Amendment - Whitney
Request to rezone from R-2 to R-3 to allow development of a mobile home park which could house 455 units with lot sizes of 60' X 100'; located west of US-131 and south of Miller Rd. in Section 19. Denied by Township Planning Commission.
After discussion of the matter a motion was made by Whitney and seconded to approve the action of the Gun Plain Township Planning Commission which denied the rezoning request as submitted. Motion carried unanimously.
15. Martin Township Zoning Ordinance Amendments - Whitney
 - 1) Amend Section 4.5 pertaining to dwelling standards; to make the minimum width or depth of 10 feet for the entire length of the dwelling.
 - 2) Amend Section 6.3 designating the various special exception uses allowed in the "Ag" district; adding a new special exception use dealing with agriculture-related sales or service businesses.
 - 3) Amend Section 7.3 designating the various special exception uses allowed in the "R-1" district; add new special exception use dealing with Agriculture-related sales businesses
 - 4) Amend Section 10.2 designating the various uses allowed in the "C-1" Neighborhood Business district; "30. Governmental administration or service buildings."
 - 5) Amend Section 10.2; revise subsection 1 regarding non-residential use allowed in R-2 and R-3 and Mobile Home Park districts.
 - 6) Amend Section 11.2 designating the various uses allowed in "C-2" General Business district revising subsection 1 to read as follows: "1. All uses allowed in the C-1 Neighborhood Business district."
 - 7) Rezone from R-3 to C-2 property located in the NE 1/4 of Section 1, which runs along 124th Ave from the center of 124th Ave. South to a depth of 233' and lots 25-26 of the Martha Lapham Lakeview Lots Estates.All proposed amendments were approved by the Township Planning Commission.
Motion by Whitney, and seconded, to approve the action of the Martin Township Planning Commission which recommended acceptance of all seven amendments as proposed. Motion carried unanimously.
16. Monterey Township Zoning Ordinance Amendments - Hanson
 - 1) Rezone from Ag to R-1 for the purpose of selling land; property in the S 1/2 SE 1/4 of Section 28.
 - 2) Rezone from Ag to R-1 to allow new home construction; property located in the W 1/2 W 1/2 SW 1/4 of Section 27, lying

north of road, 16.7 acres.

Both requests have been approved by the Township Planning Commission.

Motion by Hanson, seconded, to approve the action of the Monterey Township Planning Commission recommending both amendments as presented. Motion carried.

17. **Watson Township Zoning Ordinance Amendments**
Request to rezone from Ag to Residential to divide a two acre lot to allow placement of a trailer on the newly divided lot; property located in Section 5. Denied by Township Planning Commission.
Comments and petitions were received from attending township residents. After discussion of the matter a motion was made by Maxwell, and seconded, to approve the action of the Township Planning Commission denying the rezoning as requested. Motion carried.
A request to rezone 40 acres described as the NW 1/4 NW 1/4 of Section 10 was read by Hanson. The proposed rezoning, from R-2 to R-3 would allow the operation of a group home for abused children. The remaining 120 acres in the NW 1/4 would retain the current zoning of R-2. After brief discussion with attending proponents of the rezoning request, a motion was made by Whitney, and seconded, to support the action of the Watson Township Planning Commission approving the rezoning as requested. Motion carried.
18. **Wayland Township Zoning Ordinance Amendment - Hanson**
Request to rezone from Ag to Rural Estates for the purpose of making ten acre parcels of approximately 333 feet frontage; property located in the S 1/2 NE 1/4 Section 23. Approved by Township Planning Commission.
Motion by Hanson, and seconded, to accept the action of the Wayland Township Planning Commission approving the rezoning as requested. Motion carried.
19. Received and filed from the Dept. of Commerce, State Boundary Commission: copies of material regarding annexation petitions proposing to annex land in Allegan Township to the City of Allegan.
20. Correspondence course offered by the ICMA Training Institute; information given to Chada at his request.

OLD BUSINESS:

21. **1989 Planning/Zoning Workshop - Status Report**
Date: Wednesday, Sept. 27, 1989
Time: 6:30 P.M.
Place: Vocational-Technical Center, Allegan
Speakers: Mark Wyckoff of the Planning & Zoning Center
Shari Schaftlein of the West Michigan Environmental Action Council.

ADJOURNMENT:

Motion to adjourn was made by Kammeraad and seconded. Motion carried.



Lynn B. Fleming
Recording Secretary

Francis Hanson
Vice-chairman

THE NEXT REGULAR MEETING OF THE ALLEGAN COUNTY PLANNING COMMISSION
WILL BE HELD JULY 10, 1989 AT 2:30 P.M. IN THE OFFICES OF THE
ALLEGAN COUNTY BUILDING ANNEX, ALLEGAN, MICHIGAN.

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD April 18, 1989

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance:

Amend Section 4.5 of the Martin Township Zoning Ordinance, pertaining to dwelling standards, so as to revise subsection 2 of same to read as follows:

"2. It shall have a minimum width or depth of 20 feet for the entire length of the dwelling;"

MARTIN TOWNSHIP ZONING BOARD

By: *Craig A. Ruff* 5-9-89
Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~ ~~disapproves~~) ~~disapproves~~ the same for consideration by the Martin Township Board, subject to the following:

Dated: 6/12/89

ALLEGAN COUNTY PLANNING COMMISSION

By: *Lynn B. Fleming*
Lynn B. Fleming, Rec. Sec.

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD April 18, 1989

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance:

SEE ATTACHMENT

MARTIN TOWNSHIP ZONING BOARD

By: Craig Kelly 5-9-89
Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~ approves) the same for consideration by the Martin Township Board, subject to the following:

Dated: 6/12/89

ALLEGAN COUNTY PLANNING COMMISSION

By: Lynn B. Fleming
Lynn B. Fleming, Rec. Sec.

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

ATTACHMENT

Amend Section 6.3 of the Martin Township Zoning Ordinance designating the various special exception uses allowed in the "AG" Agricultural zoning district of Martin Township so as to add a new such special exception use at subsection 16, reading as follows:

"16. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals."

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD April 18, 1989

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance:

SEE ATTACHMENT

MARTIN TOWNSHIP ZONING BOARD

By: *Ray A. Wolf* 5-9-89
Township Attorney

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~ approves) the same for consideration by the Martin Township Board, subject to the following:

Dated: 6/12/89

ALLEGAN COUNTY PLANNING COMMISSION

By: *Lynn B. Fleming*
Lynn B. Fleming, Rec. Sec.

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

ATTACHMENT

Amend Section 7.3 of the Martin Township Zoning Ordinance designating the various special exception uses allowed in the "R-1" Rural Estates zoning district of Martin Township so as to add a new such special exception use at subsection 8, reading as follows:

"8. Agriculture-related sales or service businesses, including sales and service of farm machinery and equipment; sales of feed, seed, chemicals or fertilizer; agricultural equipment welding and fabrication services; agriculture finance and consulting services; sales of agricultural purpose clothing and hardware; flea markets and auctions; feed processing and milling facilities; and any other agriculture-related retail business or service establishment of the same general character as the above specified uses, as determined, if necessary, by the Zoning Board of Appeals."

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD June 6, 1989

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map:

SEE ATTACHMENT

MARTIN TOWNSHIP ZONING BOARD

By: John Schipper
Zoning Board Secretary

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) ~~disapproves~~ the same for consideration by the Martin Township Board, subject to the following:

Dated: 6/12/89

ALLEGAN COUNTY PLANNING COMMISSION

By: Lynn B. Fleming
Lynn B. Fleming, Rec. Sec.

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON JUNE 6, 1989

1. Amend Section 10.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-1" Neighborhood Business District of Martin Township, so as to designate a new such permitted use at subsection 30, reading as follows:

"30. Governmental administration or service buildings."

2. Amend Section 10.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-1" Neighborhood Business District of the Township, so as to revise existing subsection 1 to read as follows:

"1. Any non-residential use allowed in the R-2 Low Density Residential district or the R-3 Medium Density Residential and Mobile Home Park district."

3. Amend Section 11.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-2" General Business District of the Township, so as to revise existing subsection 1 to read as follows:

"1. All uses allowed in the C-1 Neighborhood Business district."

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD June 6, 1989

The Martin Township Zoning Board hereby recommends the following amendment to the Martin Township Zoning Ordinance/Map:

Amend the Martin Township Zoning Ordinance Map and Appendix A, of the ordinance so as to rezone from the existing "R-3" Medium Density Residential, to "C-2" General Business district that property that lies in the NE $\frac{1}{4}$ Section 1, of Martin Township T2N, R11W, that runs along 124th ave. from the center of 124 th ave. south to a depth of 233 ft., and lots 25-26 of the Martha Lapham Lakeview lots estates.

MARTIN TOWNSHIP ZONING BOARD

By: John Schipper
Zoning Board Secretary

The Allegan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (~~disapproves~~) (approves) the same for consideration by the Martin Township Board, subject to the following:

Dated: 6/12/89

ALLEGAN COUNTY PLANNING COMMISSION

By: Lynn B. Fleming
Lynn B. Fleming, Rec. Sec.

ACTION BY TOWNSHIP BOARD:

- \ \ Enacted
- \ \ Denied
- \ \ Referred back to Zoning Board

ORDINANCE # 38
ZONING ORDINANCE TEXT
AMENDMENTS (CHILD DAY CARE)
EFFECTIVE: NOVEMBER 22, 1990

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500
—
TELECOPIER
616-382-2040

July 18, 1990

Mr. Andrew Leep
Martin Township Supervisor
1961 4th Street
Shelbyville, MI 49344

Re: Proposed Martin Township Ordinance No. 38
(Zoning Ordinance Text Amendments)

Dear Andy:

I am enclosing in proposed ordinance form the amendments to the Zoning Ordinance recommended for approval by the Zoning Board on June 5, 1990, which were also approved by the Allegan County Planning Commission on July 9, 1990.

This proposed ordinance is setup for consideration by the Township Board at your August 8 meeting. Considering the length of the ordinance I have prepared a Notice of Adoption/Summary for publication purposes. Please give me a call the day after the Township Board meeting to confirm that the ordinance was adopted so I can take care of the post-adoption arrangements with the newspaper and with the Township Clerk.

Thank you for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb
Enclosures

c: Georgia Kraai
John Schipper

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 38
ADOPTED: August 8, 1990
EFFECTIVE DATE: August 15, 1990
(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend Article III of the Martin Township Zoning Ordinance, entitled "Definitions", so as to add definitions for "Child Day Care Home (Family)", "Child Day Care Home (Group)", and "Child Day Care Center or Child Care Center"; to amend Sections 6.2, 7.2, 8.2 and 9.2 of the Martin Township Zoning Ordinance so as to designate "Child Day Care Home (Family)" as a permitted use in the AG-Agricultural and the R-1, R-2 and R-3 Residential Districts; to amend Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance so as to designate "Child Day Care Home (Group)" as a special exception use in the AG-Agricultural and the R-1 and R-2 Residential Districts, subject to specified standards (thereby also allowing this use as a special exception use in the R-3 Residential District, through incorporation by reference); to amend Section 10.2 of the Martin Township Zoning Ordinance so as to designate "Child Day Care Center or Child Care Center" as a permitted use in the C-1 Local Commercial District (thereby also allowing this use as a permitted use in the C-2 General Business District, through incorporation by reference), and so as to delete the existing material at subsection 20 of Section 10.2; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF ARTICLE III
PERTAINING TO DEFINITIONS

Article III of the Martin Township Zoning Ordinance, entitled "Definitions", is hereby amended so as to add definitions for new terms reading as follows:

"Child Day Care Home (Family). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year."

"Child Day Care Home (Group). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year."

"Child Day Care Center or Child Care Center. A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center or Child Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a

child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center or Child Care Center shall not, however, include any of the following:

(1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.

(2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services."

SECTION II

AMENDMENT OF SECTIONS 6.2, 7.2, 8.2 and 9.2 PERTAINING TO PERMITTED USES IN THE AG-AGRICULTURAL AND R-1, R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS

Sections 6.2, 7.2, 8.2 and 9.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the AG-Agricultural and the R-1, R-2 and R-3 Residential Districts, are hereby amended so as to add, respectively, new subsections 11, 8, 5 and 7 reading as follows:

"Child Day Care Home (Family)"

SECTION III

AMENDMENT OF SECTIONS 6.3, 7.3 AND 8.3 PERTAINING TO SPECIAL EXCEPTION USES IN THE AG-AGRICULTURAL AND R-1 AND R-2 RESIDENTIAL ZONING DISTRICTS

Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance, pertaining to the Special Exception Uses in the AG-

Agricultural and R-1 and R-2 Residential Districts, are hereby amended so as to add, respectively, new subsections 16, 8 and 9 reading as follows:

"Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended ---MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.

- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance."

(Editorial Note: This use will also be allowed as a special exception use in the R-3 Residential District, by virtue of language in Section 9.3, subsection 1, which incorporates by reference the special exception uses allowed in the R-2 District).

SECTION IV

AMENDMENT OF SECTION 10.2 PERTAINING TO PERMITTED USES IN THE C-1 LOCAL COMMERCIAL ZONING DISTRICT

Section 10.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the C-1 Local Commercial District, is hereby amended so as to delete the existing material at subsection 20 and add thereto new material designating Child Day Care Center or Child Care Center as a permitted use in that zone, reading as follows:

"20. Child Day Care Center or Child Care Center."

(Editorial note: this use will also be allowed as a permitted use in the C-2 General Business District, by virtue of Section 11.2, subsection 1, which incorporates by reference all use permitted in the C-1 District).

SECTION V

EFFECTIVE DATE AND REPEAL OF
CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Georgia Kraai, Clerk
Township of Martin

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 38
ADOPTED: August 13, 1990
EFFECTIVE DATE: August 22, 1990
(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend Article III of the Martin Township Zoning Ordinance, entitled "Definitions", so as to add definitions for "Child Day Care Home (Family)", "Child Day Care Home (Group)", and "Child Day Care Center or Child Care Center"; to amend Sections 6.2, 7.2, 8.2 and 9.2 of the Martin Township Zoning Ordinance so as to designate "Child Day Care Home (Family)" as a permitted use in the AG-Agricultural and the R-1, R-2 and R-3 Residential Districts; to amend Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance so as to designate "Child Day Care Home (Group)" as a special exception use in the AG-Agricultural and the R-1 and R-2 Residential Districts, subject to specified standards (thereby also allowing this use as a special exception use in the R-3 Residential District, through incorporation by reference); to amend Section 10.2 of the Martin Township Zoning Ordinance so as to designate "Child Day Care Center or Child Care Center" as a permitted use in the C-1 Local Commercial District (thereby also allowing this use as a permitted use in the C-2 General Business District, through incorporation by reference), and so as to delete the existing material at subsection 20 of Section 10.2; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF ARTICLE III
PERTAINING TO DEFINITIONS

Article III of the Martin Township Zoning Ordinance, entitled "Definitions", is hereby amended so as to add definitions for new terms reading as follows:

"Child Day Care Home (Family). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year."

"Child Day Care Home (Group). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year."

"Child Day Care Center or Child Care Center. A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center or Child Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a

child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center or Child Care Center shall not, however, include any of the following:

(1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.

(2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services."

SECTION II

AMENDMENT OF SECTIONS 6.2, 7.2, 8.2 and 9.2 PERTAINING TO PERMITTED USES IN THE AG-AGRICULTURAL AND R-1, R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS

Sections 6.2, 7.2, 8.2 and 9.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the AG-Agricultural and the R-1, R-2 and R-3 Residential Districts, are hereby amended so as to add, respectively, new subsections 11, 8, 5 and 7 reading as follows:

"Child Day Care Home (Family)"

SECTION III

AMENDMENT OF SECTIONS 6.3, 7.3 AND 8.3 PERTAINING TO SPECIAL EXCEPTION USES IN THE AG-AGRICULTURAL AND R-1 AND R-2 RESIDENTIAL ZONING DISTRICTS

Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance, pertaining to the Special Exception Uses in the AG-

Agricultural and R-1 and R-2 Residential Districts, are hereby amended so as to add, respectively, new subsections 16, 8 and 9 reading as follows:

"Child Day Care Home (Group), subject to conformance with the following:

A child day care home (group) shall be approved if it meets the following standards:

- A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
 - (1) Another state licensed group day care home;
 - (2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended ---MCLA 400.701 et seq);
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);
 - (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.

- C. It maintains the property consistent with the visible characteristics of the neighborhood.
- D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It meets all applicable sign regulations set forth in this ordinance."

(Editorial Note: This use will also be allowed as a special exception use in the R-3 Residential District, by virtue of language in Section 9.3, subsection 1, which incorporates by reference the special exception uses allowed in the R-2 District).

SECTION IV

AMENDMENT OF SECTION 10.2 PERTAINING TO PERMITTED USES IN THE C-1 LOCAL COMMERCIAL ZONING DISTRICT

Section 10.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the C-1 Local Commercial District, is hereby amended so as to delete the existing material at subsection 20 and add thereto new material designating Child Day Care Center or Child Care Center as a permitted use in that zone, reading as follows:

"20. Child Day Care Center or Child Care Center."

(Editorial note: this use will also be allowed as a permitted use in the C-2 General Business District, by virtue of Section 11.2, subsection 1, which incorporates by reference all use permitted in the C-1 District).

SECTION V

EFFECTIVE DATE AND REPEAL OF
CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Georgia Kraai, Clerk
Township of Martin

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION/SUMMARY OF ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board held on August 13, 1990 the Martin Township Board adopted Ordinance No. 38, which amends the text of the Martin Township Zoning Ordinance in the following respects:

SECTION I. AMENDMENT OF ARTICLE III PERTAINING TO DEFINITIONS. This Section of the Ordinance amends Article III of the Martin Township Zoning Ordinance so as to add definitions for the following new terms: Child Day Care Home (Family); Child Day Care Home (Group); Child Day Care Center or Child Care Center.

SECTION II. AMENDMENT OF SECTIONS 6.2, 7.2, 8.2 AND 9.2 PERTAINING TO PERMITTED USES IN THE AG-AGRICULTURAL AND R-1, R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS. This Section of the Ordinance amends these Sections of the Martin Township Zoning Ordinance so as to allow Child Day Care Home (Family) as a permitted use in each of the above-stated zoning districts.

SECTION III. AMENDMENT OF SECTIONS 6.3, 7.3 AND 8.3 PERTAINING TO SPECIAL EXCEPTION USES IN THE AG-AGRICULTURAL AND R-1 AND R-2 RESIDENTIAL ZONING DISTRICTS. This Section of the Ordinance amends Sections 6.3, 7.3 and 8.3 of the Martin Township Zoning Ordinance so as to allow Child Day Care Home (Group) as a special exception use in the AG-Agricultural and R-1 and R-2 Residential Districts, subject to specified standards (thereby also allowing this use as a special exception use in the R-3 Residential District by virtue of incorporation by reference provisions).

SECTION IV. AMENDMENT OF SECTION 10.2 PERTAINING TO PERMITTED USES IN THE C-1 LOCAL COMMERCIAL ZONING DISTRICT. This Section of the Ordinance amends Section 10.2 of the Martin Township Zoning Ordinance so as to allow Child Day Care Center or Child Care Center as a permitted use in the C-1 Local Commercial District (thereby also allowing this use as a permitted use in the C-2 General Business District by virtue of incorporation by reference provisions).

SECTION V. EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This Section of the Ordinance provides that the Ordinance shall take effect immediately upon publication and that all Ordinances or parts of Ordinances in conflict therewith are repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the original of this Ordinance may be inspected and a copy of same may be purchased by contacting the Martin Township Clerk, Georgia Kraai, at the address and telephone number set forth below during regular business hours of regular working days, and at such other times as may be arranged.

GEORGIA KRAAI
Martin Township Clerk

1499 10th Street
Martin, MI 49070
672-5193

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500
—
TELECOPIER
616-382-2040

August 17, 1990

Georgia Kraai
Clerk, Martin Township
1499 10th Street
Martin, MI 49070

Re: Ordinance No. 38

Dear Georgia:

Enclosed is the original of Ordinance No. 38, together with supporting documents, for filing in the official Ordinance Book.

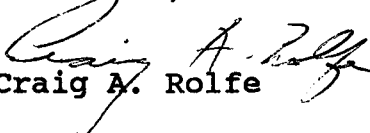
You must complete the enclosed Clerk's Certificate as to the roll call vote, the date of recording the Ordinance in the official Ordinance Book, and the date that you filed a certified copy of the Ordinance with the Allegan County Clerk. All these steps should be completed within one week after publication of the Ordinance. As you can see from the enclosed copy of my letter to the Wayland Globe, I have arranged for the publication of the Notice of Adoption/Summary of the Ordinance in the Wayland Globe on Wednesday, August 22, 1990.

Finally, sometime in the hopefully near future I will be providing you or John Schipper with a new reprint of the Zoning Ordinance in its entirety, to take into account the various amendments to the Zoning Ordinance enacted by Ordinance No. 38 and other previous amendatory ordinances.

Please give me a call if you have any questions or problems concerning any aspect of these matters.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb

Enclosures

c: Andy Leep
John Schipper

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

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JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500

TELECOPIER
616-382-2040

August 17, 1990

Wayland Globe
Wayland, MI 49344

Re: Publication of Notice of Adoption/Summary
of Ordinance for Martin Township
(Ordinance No. 38)

Ladies:

Please publish the enclosed Notice of Adoption/Summary of
Martin Township Ordinance No. 38 in the Wayland Globe on:


Wednesday, August 22, 1990

Please forward your statement, together with one Affidavit
of Publication, to the Township Clerk, Georgia Kraai, 1399 10th
Street, Martin, MI 49070, and forward two Affidavits of
Publication to this office.

Thank you for your attention to this matter. Please give me
a call if you have any questions or problems.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jsb

Enclosure

c: Georgia Kraai
Andrew Leep

CERTIFICATE

I, Georgia Kraai, the Clerk of the Township of Martin, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on August 13, 1990, at 7:30 o'clock p.m., at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 38, hereinbefore recorded, to become effective immediately, and that the members of said Board present at said meeting voted on the adoption of said Ordinance

as follows:

ANDREW	LEEP	AYE
JACK	SIPPLE	AYE
JOYCE	Mc GUIRE	AYE
JAMES	BRENNER	AYE
GEORGIA	KRAAI	AYE

I do further certify that a summary of said Ordinance No. 38 was duly published in the Wayland Globe, a newspaper printed in Wayland, Michigan, and circulated in the Township of Martin the 22nd day of August, 1990, and further that said Ordinance No. 38 was recorded in the Ordinance book on the 22nd day of AUGUST, 1990; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 29th day of AUGUST, 1990.

Dated: 8-29-90

Georgia Kraai
Georgia Kraai, Clerk

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

RECOMMENDATION OF THE MARTIN TOWNSHIP ZONING BOARD RESULTING FROM
PUBLIC HEARING HELD JUNE 5, 1990.

The Martin Township Zoning Board hereby recommends the
following amendment to the Martin Township Zoning Ordinance:

SEE ATTACHED TENTATIVE TEXT

MARTIN TOWNSHIP ZONING BOARD

By: Craig T. Hoff 6-7-90
Township Attorney

The Allegan County Planning Commission, having duly
considered the foregoing recommendation of the Martin Township
Zoning Board, hereby (~~disapproves~~ approves) the same for
consideration by the Martin Township Board, subject to the
following:

Dated: 7/9/90

ALLEGAN COUNTY PLANNING COMMISSION

By: Lynn B. Fleming
Lynn B. Fleming, Recording Secretary

ACTION BY TOWNSHIP BOARD:

- \ X \ Enacted August 13, 1990
- \ \ Denied
- \ \ Referred back to Zoning Board

TENTATIVE TEXT OF PROPOSED AMENDMENTS
TO MARTIN TOWNSHIP ZONING ORDINANCE SCHEDULED FOR
ZONING BOARD PUBLIC HEARING ON JUNE 5, 1990

(Day Care)

1. Amend Article III of the Martin Township Zoning Ordinance, entitled "Definitions", so as to add definitions for three new terms reading as follows:

"Child Day Care Home (Family). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year."

"Child Day Care Home (Group). A private home properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year."

"Child Day Care Center or Child Care Center. A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCLA 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A day care center or child care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Day care center or child care center shall not, however, include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an

indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.

(2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services."

2. Amend Sections 6.2, 7.2, 8.2 and 9.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the AG-Agricultural and the R-1, R-2 and R-3 Residential Districts, so as to add, respectively, new subsections 11, 8, 5 and 7 reading as follows:

"Child Day Care Home (Family)"

3. Amend Sections 6.3, 7.3, 8.3 and 9.3 of the Martin Township Zoning Ordinance, pertaining to the Special Exception Uses in the AG-Agricultural and R-1 and R-2 Residential Districts, so as to add, respectively, new subsections 16, 8 and 9 reading as follows:

"Child Day Care Home (Group), subject to conformance with the following:

A group day care home shall be approved if it meets the following standards:

A. It is located not closer than 1,500 feet to any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):

(1) Another state licensed group day care home;

(2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended ---MCLA 400.701 et seq);

(3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCLA 333.6101 et seq);

- (4) A community correction center, resident home, half way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. It has appropriate fencing enclosing all outdoor play areas, as determined by the Zoning Board. Such fencing shall be at least 48" high and non-climbable in design.
 - C. It maintains the property consistent with the visible characteristics of the neighborhood.
 - D. It does not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
 - E. It meets all applicable sign regulations set forth in this ordinance."

(Note: Child Day Care Home (Group) will also be allowed as a special exception use in the R-3 Residential District, pursuant to Section 9.3, subsection 1, which incorporates by reference the special exception uses allowed in the R-2 District).

4. Amend Section 10.2 of the Martin Township Zoning Ordinance, pertaining to the permitted uses in the C-1 Local Commercial District, so as to delete the existing material at subsection 20 and insert new material therein designating Child Day Care Center or Child Care Center as a permitted use in that zone, reading as follows:

"20. Child Day Care Center or Child Care Center."

(Note: Child Day Care Center or Child Care Center will also be allowed as a permitted use in the C-2 General Business District, by virtue of Section 11.2, subsection 1, which incorporates by reference all uses permitted in the C-1 District).

ORDINANCE # 39
ZONING ORDINANCE TEXT
AMENDMENTS (SITE PLAN REVIEW)
EFFECTIVE: OCTOBER 9, 1991

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES

TELEPHONE
616-382-4500

TELECOPIER
616-382-2040

September 20, 1991

Georgia Kraai
Clerk, Martin Township
1399 10th Street
Martin, MI 49070

Re: Proposed Ordinance No. 39
(Zoning Ordinance Text Amendments)

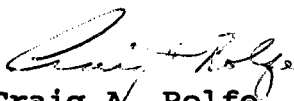
Dear Georgia:

I am enclosing proposed Ordinance No. 39 for Township Board consideration at the October 9 Board meeting. This proposed ordinance reflects the amendments to the text of the Martin Township Zoning Ordinance recommended for approval by the Zoning Board at its September 3 proceedings. This recommendation was approved by the Allegan County Planning Commission on September 16. A copy of the minutes of those proceedings is enclosed.

Please let me know on October 10 if the proposed ordinance was adopted, so I may proceed with the necessary follow-up processing of the ordinance. As usual, give me a call if any questions or problems arise.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jls

Enclosures

c: Bert Schipper
John Schipper

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 39

ADOPTED: October 9, 1991

EFFECTIVE: October 16, 1991

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend the Martin Township Zoning Ordinance so as to add a new Section 4.28 relating to site plan review; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO ADD NEW SECTION 4.28
PERTAINING TO SITE PLAN REVIEW

The Martin Township Zoning Ordinance is hereby amended so as to add a new Section 4.28, reading as follows:

4.28 SITE PLAN REVIEW

1. - Purpose: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Zoning Board in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

2. - Scope: The Building Inspector shall not issue a building permit for the construction of any of the following buildings, structures or uses until a site plan has been submitted to, and approved by, the Zoning Board in accordance with this section:

- A. Mobile home parks.
- B. Industrial buildings or developments.
- C. Multi-family dwellings.
- D. All office and commercial buildings and developments.
- E. Special exception use applications.
- F. Churches.
- G. Planned unit developments, including site condominium projects.

3. - Sketch Plan Review: Preliminary sketches of site and development plans may be submitted to the Zoning Board. The purpose of the sketch stage is to allow discussion between the developer and the Zoning Board as to site, building and general requirements, to allow the developer to become acquainted with proper procedure and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. All sketch plan stage applications shall include:

- A. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
- B. Legal description of the property.
- C. Drawings showing tentative plans.

4. - Formal Site Plan Review: All formal site plan review applications shall include, in addition to A and B above, the following:

- A. The date, north arrow and scale [the scale shall be not less than one (1) inch equals twenty (20) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more].
- B. All lot and/or property lines are to be shown and dimensioned, including building setback lines.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.

- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking spaces (including basis of calculation), loading and unloading areas and recreation areas, etc.
- E. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
- F. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
- G. The name and address of the property owner or petitioner.
- H. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
- I. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
- J. Location of all fire hydrants.
- K. Lot size (basis of calculation), setbacks, trailer pads, patios, and complete park layout for mobile home parks.
- L. Size and location of all surface drainage facilities.
- M. Property survey by registered surveyor.
- N. Existing and proposed contour shall be shown on all site plans [two (2) foot intervals, minimum].
- O. Elevations and floor plans for all buildings and the location of all buildings on the property.
- P. A description of the land use and activities proposed in sufficient detail to indicate the effects of same in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.

- Q. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
- R. The proposed number of shifts to be worked and the maximum number of employees on each shift.
- S. Any other information deemed necessary by the Zoning Board.
- T. The Zoning Board may waive any of the above enumerated requirements whenever the Zoning Board determines that such requirement is not necessary for a specific site plan due to the fact that:
 - (1) The Zoning Board finds from the evidence presented that the condition does not apply and is therefore unnecessary to evaluate the use for which approval is sought; or
 - (2) The Zoning Board finds from the evidence that the condition can be waived or modified because there are practical difficulties or unnecessary hardships of a non-monetary nature in carrying out the strict letter of the condition, and the Zoning Board finds as a fact that the waiver or modification is appropriate so that the spirit of the Ordinance is observed, public safety is secured, there is no detriment resulting therefrom, or a detriment is alleviated thereby.

5. - Submittal: The site plan and all related information specified above shall be presented to the Zoning Board Chairman in eight (8) copies by the property owner or petitioner. Copies shall be distributed to the following parties for review and information:

- A. Seven (7) copies to the Zoning Board.
- B. One (1) copy to the Township Building Inspector.

6. - Approval

- A. The Zoning Board shall have the function, duty and power to approve or disapprove, or to approve subject to compliance with certain modifications, the site plan in accordance with the purpose and intent of this Ordinance and after allowing reasonable time as determined by the Zoning Board for receipt from and for consideration of comments and recommendations from the Building Inspector.
- B. Criteria for Site Plan Review:

The site plan shall be reviewed and approved by the Zoning Board upon a finding that:

- (1) The proposed use will not have a harmful effect on the surrounding neighborhood development. Fencing, walls and/or landscaping may be required as a screening device to minimize adverse affects upon surrounding development.
- (2) There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- (3) The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
- (4) The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- (5) The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.

- (6) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.

C. Security Deposit:

- (1) To insure compliance with the zoning ordinance and conditions imposed at the time of site plan approval, the Zoning Board may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Zoning Board, covering one hundred twenty-five percent (125%) of the estimated costs of improvements associated with a project for which the site plan approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.
- (2) The Zoning Board shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Zoning Board based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
- (3) If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Zoning Board shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.

- (4) As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Zoning Board to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

7. - Modifications: Any modifications of the site plan desired by the Township shall be so stated in writing to the applicant. Site plan approval may then be granted contingent upon the revision of said site plan by the petitioner to the satisfaction of the Zoning Board. If any part of the approved site plan is in conflict with any section of this Ordinance in terms of setbacks, parking spaces, maneuvering lanes, etc., a variance must first be obtained from the Zoning Board of Appeals. A copy of the final approved site plan, with its modifications, shall be on record in the Township offices. The copy shall have the signature of the Zoning Board Chairman. If variances are required and have been secured, the document granting variance shall show the signature of the Chairman of the Zoning Board of Appeals.

8. - Disposition: If approval is granted by the Zoning Board, the following conditions shall apply:

- A. In those instances in which platting is required by law, the owner or owners shall thereafter submit preliminary and final plats for the proposed development for approval in compliance with Acts 288, Public Acts of 1967, as amended, and with all Ordinances and regulations pertaining to the procedures and requirements for the approval of plats except to the extent that such requirements have been waived or modified by the Township Board.
- B. Such plats shall be in strict conformity with the approved site plan, the conditions attached thereto, and the provisions of this Ordinance.

9. - Fees: Any application for site plan approval shall be accompanied by a fee as may be determined from time to time by the Township Board.

10. -Revocation: Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Zoning Board shall give the applicant notice of intention to revoke such approval at least ten (10) days prior to review by the Zoning Board. After conclusion of such review, the Zoning Board may revoke its approval of the development if the Zoning Board feels that a violation in fact exists and has not been remedied prior to such hearing.

11. - Term of Approval: The site plan approval shall be valid for a period of one (1) year. One (1) six-month time extension may be granted after complete review of the application by the Zoning Board and the Building Inspector. At the end of the six-month extension, if no building permit has been obtained and on-site development actually begun, the site plan approval becomes void, and the developer shall submit a new application for approval.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township



This Week

ANTICIPATING HER HALLOWEEN BAG CHOCK FULL OF CANDY when she goes on her yearly jaunt seeking treats during this "trick or treat" season is Megan Noble of Hopkins.

Next Week

This column is a regular feature in the Penasee Globe, offering a spot where civic groups and charitable organizations may announce meetings, activities, special projects, bazaars, etc. Commercial notices are placed in the regular advertising section of the paper.

Items for publication should be submitted seven days in advance of Wednesday's publication date.

For more information, please call the Penasee Globe at 792-2271.

THURSDAY, OCTOBER 24

YANKEE SPRINGS TWP. PLANNING COMMISSION meets at 7:30 p.m. at township hall, 284 N. Briggs Road, Middleville.

DORR/LEIGHTON sanitary sewer public hearing 7:30 p.m. at Dorr Township Hall, 4196-18th St. Discussion of proposed public improvements, and a special assessment district, to extension of the sewer system.

PERFECT HEART, a southern gospel quartet will be in concert at Corinth Reformed Church at 7 p.m. Tickets are \$5 in advance, at Cutlerville Christian Bookstore, The Village Peddler in Byron Center and Baker Bookhouse in Grandville. \$6 at the door.

FRIDAY, OCTOBER 25

HOPKINS ELEMENTARY CARNIVAL 5-8 p.m. Games, prizes, country store, and food. No admission. Parents Group sponsored.

MOLINE CHRISTIAN SCHOOL AUCTION at 1253-144th St., Moline. Please join us for a night of fun. For more information call 877-4688.

ALLEGAN COUNTY HEALTH EXPO, Oct. 25 & 26, at Hamilton High School's gymnasium. Open to all Allegan County students in grades 9-12, from 8 a.m. to 3 p.m. On Sat., 9-noon, adults are invited too. Services offered are blood cholesterol testing, blood pressures, fitness testing, nutritional analysis, height and weight analysis, stress evaluations and vision and hearing tests.

SATURDAY, OCTOBER 26

SUPER SATURDAY STORIES Henika Public Library at 10 a.m. for ages preschool-third grade. Programs will last about one-half hour. Parents are encouraged to come. Call Henika Library at 792-2891 to reserve limited space available. This Saturday is Be Nice to Spiders Day. Hear about spiders, view posters and live spiders; create your own spiderweb for a pom-pom spider.

CRAFT FESTIVAL St. Therese Church, 9 a.m.-3 p.m., church hall, 422 S. Main, Wayland. Featuring craft tables, raffles, homemade candies and baked goods, food and refreshments. Free drawing every hour.

ALL U CAN EAT SPAGHETTI DINNER 4-7:30 p.m. Cost - donations. United Methodist Church, Hopkins.

WAYLAND 4H CLOVER CLUB 9:30 p.m. at home of Mrs. Miedema, 665-135th St. All present 4-H members and new members invited. For more information, call 792-2649.

SUNDAY, OCTOBER 27

DAYLIGHT SAVINGS TIME ENDS! Set your clocks back one hour before you go to bed.

THURSDAY, OCTOBER 31

HALLOWEEN CANDY CHECK STATION at Wayland's city park, 6-9 p.m., free cider and donuts. Sponsored by the Wayland VFW post and auxiliary.

HOPKINS TOWNSHIP BOARD OF APPEALS NOTICE OF PUBLIC HEARINGS

PLEASE TAKE NOTICE that public hearings will be held by the Hopkins Township Board of Appeals on Tuesday, October 29, 1991 in the Township offices at 142 E. Main St., Hopkins, Allegan Co., MI. 49328 as indicated below. Questions, comments and requests to view plans, ordinances, maps, petitions and other documents may be directed to Supervisor Kevin Cronin, Hopkins Township, at the above address or phone number (616) 793-3188.

1)At 7:30 p.m., to consider a zoning variance petition on setback and related matters from Ken Vennesland concerning a residence and real estate in Sec. 31, T3N, R12W located at 2424 22nd Street.

2)At 8:00 p.m., or as soon as possible thereafter, to consider a zoning variance petition on setback and related matters from Malcolm Berglund concerning buildings and real estate in Sec. 12, T3N,R12W located at 3225 12th St.

3)At 8:45 p.m., or as soon as possible thereafter, to consider a zoning variance petition on minimum parcel size and related matters from Roger & Rose Smits concerning proposed buildings (s) and real estate in Sec. 32, T3N, R12W located at 2149 124th Ave.

4)Such other and further matters as may come before the Board of Appeals in the ordinary course of business, including building permit matters, ordinance interpretation and an increase in hearing fees and costs.

MARTIN TOWNSHIP

Allegan County, Michigan

NOTICE OF ADOPTION/SUMMARY OF ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board held on October 9, 1991, the Board adopted Ordinance No. 39, which amends the Martin Township Zoning Ordinance in the following respects:

SECTION I.

AMENDMENT TO ADD NEW SECTION 4.28 PERTAINING TO SITE PLAN REVIEW. This section of Ordinance No. 39 amends the Martin Township Zoning Ordinance so as to add a new Section 4.28, relating to site plan review, including provisions pertaining to the purpose of site plan review, when site plan review shall be required, the procedural and substantive aspects of preliminary and final site plan review, the criteria for site plan review and approval, the provisions for modification and revocation of approved site plans, provisions for a fee for site plan review to be established by the Martin Township Board, and provisions for the term of approval of a site plan.

SECTION II.

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This section of Ordinance No. 39 provides that the ordinance shall take effect immediately upon publication and that all ordinances or parts of ordinances in conflict therewith are repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the original of Ordinance No. 39 may be inspected and a copy of same may be purchased by contacting the Martin Township Clerk, at the address and telephone number set forth below during regular business hours of regular working days, and at such other times as may be arranged.

GEORGIA KRAAI
Martin Township Clerk

1499 10th Street
Martin, MI 49070
616/672-5193

**ORDINANCE # 40
ZONING ORDINANCE TEXT
AMENDMENTS (“SPECIAL
EXCEPTION AGRICULTURAL”)
EFFECTIVE: FEBRUARY 12, 1992**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
500 PARK BUILDING
132 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007

HARRY F. SMITH 1906-1972
JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
EILEEN W. WICKLUND
CAROL L.J. HUSTOLES
THOMAS M. CANNY

TELEPHONE
616-382-4500

TELECOPIER
616-382-2040

January 20, 1992

Georgia Kraai
Clerk, Martin Township
1409 10th Street
Martin, MI 49070

Re: Proposed Ordinance No. 40
(Zoning Ordinance Text Amendments)


Dear Georgia:

I am enclosing proposed Ordinance No. 40 for Township Board consideration at the February 12 Board meeting. This proposed ordinance reflects the amendments to the text of the Martin Township Zoning Ordinance recommended for approval by the Zoning Board at its December 4 proceedings. This recommendation was approved by the Allegan County Planning Commission on January 13. A copy of the minutes of those proceedings is enclosed.

Please let me know on February 13 if the proposed ordinance was adopted, so I may proceed with the necessary follow-up processing of the ordinance. As usual, give me a call if any questions or problems arise.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:jls

Enclosures

c: Bert Schipper
John Schipper

COUNTY OF ALLEGAN

PLANNING COMMISSION



**ALLEGAN COUNTY PLANNING COMMISSION
MEETING MINUTES - JANUARY 13, 1992**

**LYNN B. FLEMING, Recording Secretary
108 Chestnut St., County Building Annex
Phone 673-8471, Ext. 377
TINUS VANDER WOUDE, Chairman**

1. Call to order by Chairman Vander Woude, 2:30 P.M. on January 13, 1992, in the offices of the Allegan County Building Annex.
2. Members Present: Brokus, Brower, Chada, Cornell, Hanson, Kammeraad, Maxwell, Nielsen, Reno, Vander Woude, Whitney and Recording Secretary Fleming. Also present was Michael Smeenge representing Salem Township property owner, Arthur Engelsman.
3. Minutes of the December 9, 1991 meeting were approved as mailed.

STANDING COMMITTEE REPORTS:

4. The Alliance - Vander Woude reported that four applications have been received for the Directors position which will be vacant due to the resignation of Robert Van Duren.
5. Recreation/Tourism Advisory Council - No report
6. Board of Commissioners - Kammeraad reported that a central purchasing program has been instituted which will net a substantial savings for general office supplies for the county. The board is also involved in making a decision to change insurance carriers for both the dental and health coverage for employees. Applications are being accepted for a county public health nurse.
7. Dept. of Public Works - No report.
8. Park Commission - Fleming reported that the commission will be involved in efforts to raise money for the matching funds needed for the grant recently secured for park improvements.
9. Region 8 - Vander Woude reported that re-organization is moving slowly.
10. Resource Recovery - Nielsen reported that they are continuing to open new sites; specifically in Leighton and Wayland Townships. They are also considering a program which would allow residents of townships which are not enrolled in the surcharge program the opportunity to use a nearby site in a participating township, however, at a higher rate than the established \$25.00/household. This would allow them to

discard one appliance and four tires per year and also access to the hazardous waste disposal program.

11. Groundwater Quality - No report.

NEW BUSINESS:

12. Martin Township Zoning Ordinance Amendment - Whitney Amend 6.3 to add a new subsection 18, relating to the special exception uses in the Agricultural district. This would allow "custom race car chassis assembly, including minor fabrication, and sales of high performance automotive parts". Approved by Township Planning Commission. Motion by Whitney and supported to approve the action of the Martin Township Planning Commission recommending the amendment as presented. Motion carried unanimously.
13. National Register of Historic Places listings nominations have been submitted for the following locations in the City of Plainwell:
- a) Island Historic District
 - b) West Bridge Street Historic District
 - c) J.F. Eesley Milling Co. Flour Mill/Elevator
 - d) Cherry Delefebvre House
- Commission members questioned if property owners within the nominated districts were aware of the proposed listings, how this could affect their property, and if they were notified prior to finalization of the listing.
14. Otsego Township Zoning Ordinance Amendment - Cornell
- a) Request to rezone from Ag to R-1, nine (9) acres located at the NW corner of 18th Street and 104th Avenue, described as part of the S 1/2 E 1/2 SE 1/4 Section 21.
 - b) Request to rezone from Ag to R-1, one (1) acre owned by Sheldons, and located within the S 1/2 E 1/2 SE 1/4 of Section 21; adjacent to the above described parcel.
- Both requests were combined and approved by the Township Planning Commission. Motion by Cornell and supported to approve the action of the Township Planning Commission recommending the rezonings as requested. Motion carried unanimously.
15. Salem Township Zoning Ordinance Amendment - Chada Request to rezone from Agricultural to R-1 Rural Estates, a parcel located in Section 7, Salem Township, on the SE corner of 146th Avenue and 36th Street, owned by Engelsman. The property would be split into seven (7) lots, 3 lots containing 10+ acres and 4 lots of less than 10 acres. Approved by Township Planning Commission. Motion by Chada and supported to approve the action of the Salem Township Planning Commission recommending the rezoning as requested and presented. Motion carried.

A draft Copy of the Salem Township Master Plan was received.

Chada will be attending the public hearing on 1/23/92 and will report the results at the February monthly meeting.

16. Leighton Township Master Plan Draft copy was received. Vander Woude will be attending their public hearing on 2/5/92 and will report the results at the February monthly meeting.

OLD BUSINESS:

17. Watson Township - Application for Termination of Farmland Agreement as submitted by MTM Farms. The matter was tabled in the December meeting due to lack of action by the township. We have not received any indication from the township that action have been taken by them as of this date

MISCELLANEOUS:

18. FYI - 1992 Training Workshops have been scheduled by MSP0.
19. Planning Commissioners Journal, is a new publication designed for local planning board members. The commission decided against subscribing.
20. FYI - City of Holland has requested the US Dept. of Housing and Urban Development to release federal funds, in the amount of \$100,000.00 to continue an existing program for the rehabilitation of rental properties to correct code violations.

ADJOURNMENT:

There being no further business a motion to adjourn was made by Brokus and supported. Motion carried.

Tinus Vander Woude,
Chairman


Lynn B. Fleming
Recording Secretary

THE NEXT REGULAR MEETING OF THE ALLEGAN COUNTY PLANNING COMMISSION WILL BE HELD FEBRUARY 10, 1992 AT 2:30 P.M. IN THE OFFICES OF THE ALLEGAN COUNTY BUILDING ANNEX, ALLEGAN, MICHIGAN.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 40

ADOPTED: _____

EFFECTIVE: _____

(ZONING ORDINANCE TEXT AMENDMENT)

An Ordinance to amend the Martin Township Zoning Ordinance so as to add a new subsection 18 to Section 6.3, relating to the special exception uses in the Agricultural district; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

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18. Custom race car chassis assembly, including minor fabrication, and sales of high performance automotive parts.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

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COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 40

ADOPTED: February 12, 1992

EFFECTIVE: February 19, 1992

(ZONING ORDINANCE TEXT AMENDMENT)

An Ordinance to amend the Martin Township Zoning Ordinance so as to add a new subsection 18 to Section 6.3, relating to the special exception uses in the Agricultural district; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT TO SECTION 6.3
PERTAINING TO SPECIAL EXCEPTION USES IN AGRICULTURAL DISTRICT

The Martin Township Zoning Ordinance is hereby amended so as to add a new subsection 18 to Section 6.3 of the Martin Township Zoning Ordinance, reading as follows:

18. Custom race car chassis assembly, including minor fabrication, and sales of high performance automotive parts.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on February 12, 1992 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 40, hereinbefore recorded, to become effective immediately, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that Ordinance No. 40 was published in its entirety in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on February 19, 1992; that said Ordinance No. 40 was recorded in the official Ordinance Book on the _____ day of _____, 1992; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the _____ day of _____, 1992.

Dated: _____

GEORGIA KRAAI, Clerk
Martin Township

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on February 12, 1992 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 40, hereinbefore recorded, to become effective immediately, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that Ordinance No. 40 was published in its entirety in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on February 19, 1992; that said Ordinance No. 40 was recorded in the official Ordinance Book on the _____ day of _____, 1992; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the _____ day of _____, 1992.

Dated: _____

GEORGIA KRAAI, Clerk
Martin Township

ORDINANCE # 51

ORDINANCE # 52
STATE MECHANICAL CODE
ORDINANCE (PLUMBING)
EFFECTIVE: APRIL 13, 1994

ORDINANCE NO. 52

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Martin under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

The Township of Martin ordains:

Sec. 1. Agency Designated. Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Township of Martin assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Sec. 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Sec. 3. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted APRIL 13, 1994.

This Ordinance duly adopted on WEDS. APRIL 13, 1994 at a regular meeting of the Martin Township Board and will become effective APRIL 23, 1994.

DATE: 4-18, 1994.

Georgia Kraai
Georgia Kraai, Clerk
Martin Township

I hereby certify that Ordinance No. 52 was adopted by the Martin Township Board in regular session held on APRIL 13, 1994.

Bert Schipper
Bert Schipper, Supervisor Martin
Township

ORDINANCE # 53
STATE MECHANICAL CODE
ORDINANCE (MECHANICAL)
EFFECTIVE: APRIL 13, 1994

ORDINANCE NO. 53

An Ordinance to designate an enforcing agency to discharge the responsibilities of the Township of Martin under the provisions of the State Construction Code Act (Act 230 of the Public Acts of 1972, as amended.)

The Township of Martin ordains:

Sec. 1. Agency Designated. Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Act 230 of the Public Acts of 1972, as amended, the Building Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibilities of the Township of Martin under Act 230 of the Public Acts of 1972, as amended, State of Michigan. The Township of Martin assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Sec. 2. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Sec. 3. This ordinance shall be effective after legal publication and in accordance with provisions of the Act governing same.

Adopted APRIL 13, 1994.

This Ordinance duly adopted on WEDS. APRIL 13, 1994 at a regular meeting of the Martin Township Board and will become effective APRIL 23, 1994.

DATE: 4-18, 1994.

Georgia Kraai
Georgia Kraai, Clerk
Martin Township

I hereby certify that Ordinance No. 53 was adopted by the Martin Township Board in regular session held on APRIL 13, 1994.

Bert Schipper
Bert Schipper, Supervisor Martin
Township

ORDINANCE # 54
SPECIAL LOCAL WATERCRAFT
CONTROL
EFFECTIVE:

DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

SPECIAL LOCAL WATERCRAFT CONTROL

Regulation No. 03 - Allegan County

WC -03 - 94 - 001 Lake 16 : Hours for high speed boating

On the waters of Lake 16, all within sections 16, T2N, R11W, Martin township, Allegan county, it is unlawful between the hours of 6:30 p.m. and 10:00a.m. of the following day to:

- a.) Operate a vessel at high speed
- b.) Have in tow or otherwise assist in the propulsion of a person on water skis, a water sled, kite, surfboard, or other similar contrivance.

The hours should be 7:30 p.m. to 11:00 a.m. of the following day when Eastern Daylight Savings Time is in effect. "High speed boating" is defined by the Marine Safety Act to mean a speed at or above which a motorboat reaches a planing condition.

Bert Schipper

BERT SCHIPPER MARTIN TOWNSHIP SUPERVISOR

Georgia Kraai

GEORGIA KRAAI MARTIN TOWNSHIP CLERK

ORDINANCE # 55
ZONING ORDINANCE TEXT
AMENDMENTS (AMEND SECTION
10.3 & 10.4)
EFFECTIVE:

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

June 9, 1994

Georgia Kraai
Clerk, Martin Township
1499 10th Street
Martin, MI 49070

Re: Ordinance No. 55
(Zoning Ordinance Text Amendments)

Dear Georgia:

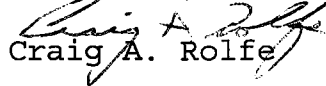
I am enclosing the original of the Notice of Adoption for Ordinance No. 55, and the original of Ordinance No. 55 itself, as adopted by the Township Board at the June 8 Board meeting.

Your partially completed Clerk's Certificate for this ordinance is also enclosed, to be completed and filed at the appropriate time in the official ordinance book along with the other materials pertinent to this matter. Please note that since the Township office is not open to the public during regular hours on each business day state law requires the Township Clerk to file an attested copy of the ordinance with the County Clerk within one week after publication of the ordinance. The Clerk's Certificate includes a provision for this filing date.

Finally, I am also enclosing a copy of a letter to the Penasee Globe, arranging for the required publication of the Notice of Adoption and the Ordinance.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR: bj

Enclosures

c: Bert Schipper
John Schipper

PS: Please note that the proposed ordinance submitted to you with my letter of May 25 must be discarded, and the enclosed ordinance used as the original of Ordinance No. 55. The proposed ordinance sent to you previously had a different number on it (I guessed wrong), and also included, in error, a section on the second page which did not belong there at all.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ZONING ORDINANCE TEXT AMENDMENTS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the June 8, 1994 meeting of the
Martin Township Board the following Ordinance No. 55 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be
inspected or a copy purchased by contacting the Martin Township
Clerk, Georgia Kraai, 1399 10th Street, Martin, MI 49070,
616/672-5193 during regular business hours of regular working days,
and at such other times as may be arranged.

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
THOMAS M. CANNY
ROBERT E. THALL

June 9, 1994

Penasee Globe
Wayland, MI 49344

Re: Publication of Ordinance for Martin Township
(Ordinance No. 55)

Ladies:

Please publish the enclosed Notice of Adoption and the attached
Martin Township Ordinance No. 55, in that order, on:

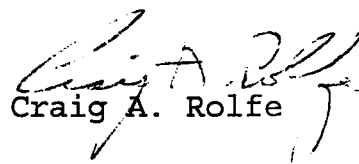
Wednesday, June 15, 1994

Please forward your statement, together with one Affidavit of
Publication, to the Township Clerk, Georgia Kraai, 1399 10th Street,
Martin, MI 49070, and forward two Affidavits of Publication to this
office.

Thank you for your attention to this matter. Please give me a call
if you have any questions or problems.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:bj

Enclosure

c: Georgia Kraai
Bert Schipper

ORDINANCE # 55

TEXT OF PROPOSED AMENDMENTS OF MARTIN TOWNSHIP
ZONING ORDINANCE SCHEDULED FOR ZONING BOARD
PUBLIC HEARING/MEETING ON APRIL 12, 1994

1. Amend Section 10.3 of the Martin Township Zoning Ordinance, designating the various special exception uses allowed in the "C-1" Neighborhood Business zoning district of Martin Township, so as to renumber existing subsection 3 of same to be subsection 4, and so as to add a new subsection 3 designating a new special exception use, reading as follows:

"3. Any residential permitted use allowed in the "R-2" Low Density Residential District."

2. Amend Section 10.4 of the Martin Township Zoning Ordinance, designating the density, area, height, bulk and placement requirements applicable in the "C-1" Neighborhood Business District, so as to add new language referencing the requirements applicable to the allowed residential uses, reading as follows:

"Notwithstanding all of the preceding requirements in this section, residential uses allowed in this zoning district pursuant to Section 10.3, subsection 3, of this Ordinance shall be subject to the density, area, height, bulk and placement requirements set forth at Section 8.4 of this Ordinance."

3. Amend Section 11.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-2" General Business zoning district of Martin Township, so as to revise existing subsection 1 of same to read as follows:

"1. All permitted uses allowed in the C-1 Neighborhood Business District."

ADOPTED JUNE 8, 1994
EFFECTIVE JUNE 15, 1994

Georgia Kraas
Martin Twp. Clerk

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 55

ADOPTED: June 8, 1994

EFFECTIVE: June 15, 1994

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend Sections 10.3 and 10.4 of the Martin Township Zoning Ordinance so pertaining to the uses allowed in the "C-1" Neighborhood Business District; to amend Section 11.2 of the Martin Township Zoning Ordinance pertaining to the uses allowed in the "C-2" General Business District; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF SECTION 10.3 PERTAINING TO DESIGNATED SPECIAL EXCEPTION USES IN THE "C-1" NEIGHBORHOOD BUSINESS DISTRICT

Section 10.3 of the Martin Township Zoning Ordinance, designating the various special exception uses allowed in the "C-1" Neighborhood Business zoning district of Martin Township, is hereby amended so as to renumber existing subsection 3 of same to be subsection 4, and so as to add a new subsection 3 designating a new special exception use, reading as follows:

"3. Any residential permitted use allowed in the "R-2" Low Density Residential District."

SECTION II
AMENDMENT OF SECTION 10.4 PERTAINING TO REQUIREMENTS
APPLICABLE TO RESIDENTIAL USES ALLOWED IN "C-1"
NEIGHBORHOOD BUSINESS DISTRICT

Section 10.4 of the Martin Township Zoning Ordinance, designating the density, area, height, bulk and placement requirements applicable in the "C-1" Neighborhood Business District, is hereby amended so as to add new language referencing the requirements applicable to the allowed residential uses, reading as follows:

"Notwithstanding all of the preceding requirements in this section, residential uses allowed in this zoning district pursuant to Section 10.3, subsection 3, of this Ordinance shall be subject to the density, area, height, bulk and placement requirements set forth at Section 8.4 of this Ordinance."

SECTION III
AMENDMENT OF SECTION 11.2 PERTAINING TO DESIGNATED
PERMITTED USES IN THE "C-2" GENERAL BUSINESS DISTRICT

Section 11.2 of the Martin Township Zoning Ordinance, designating the various permitted uses allowed in the "C-2" General Business zoning district of Martin Township, is hereby amended so as to revise existing subsection 1 of same to read as follows:

"1. All permitted uses allowed in the C-1 Neighborhood Business District."

SECTION IV
AMENDMENT TO SECTION 7.3 PERTAINING TO DESIGNATED SPECIAL EXCEP-
TION USES IN THE "R-1" RURAL ESTATES ZONING DISTRICT

Section 7.3 of the Martin Township Zoning Ordinance is hereby amended to add a new subsection 7 providing as follows:

7. Nursing homes, senior citizen housing and similar convalescent or group housing, including adult foster care facilities.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.


GEORGIA KRAAI, Clerk
Martin Township

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 8, 1994 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 55, hereinbefore recorded, to become effective immediately upon publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that Ordinance No. 55 was published in its entirety in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on June 15, 1994; that said Ordinance No. 55 was recorded in the official Ordinance Book on the _____ day of _____, 1994; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the _____ day of _____, 1994.

Dated: _____

GEORGIA KRAAI, Clerk
Martin Township

ORDINANCE # 56
DEFERRED COMPENSATION PLAN
ORDINANCE
EFFECTIVE: JUNE 8, 1994

COPY

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

June 9, 1994

Penasee Globe
Wayland, MI 49344

Re: Publication of Notice of Adoption/Summary
of Ordinance for Martin Township
(Ordinance No. 56)

Ladies:

Please publish the enclosed Notice of Adoption/Summary of
Martin Township Ordinance No. 56 in the Penasee Globe on:

Wednesday, June 15, 1994

Please forward your statement, together with one Affidavit of
Publication, to the Township Clerk, Georgia Kraai, 1399 10th
Street, Martin, MI 49070, and forward two Affidavits of
Publication to this office.

Thank you for your attention to this matter. Please give me
a call if you have any questions or problems.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:bj

Enclosure

c: Georgia Kraai
Bert Schipper

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 W. SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

June 6, 1994

Georgia Kraai
Clerk, Martin Township
1499 10th Street
Martin, MI 49070

Re: Proposed Deferred Compensation Plan Ordinance

Dear Georgia:

Following-up on your previous inquiries, I am enclosing a proposed Martin Township Deferred Compensation Plan Ordinance, using the format endorsed by my colleague, Linda Thomsen, who is the firm's specialist on this subject. This ordinance is broadly drafted so as to authorize the Township to approve appropriate contracts and agreements fully setting forth the specific provisions of the deferred compensation plan desired by the Township.

This proposed ordinance is a considerable improvement upon the proposed Pension Plan Ordinance supplied to the Township, apparently by MTA, which is out of date and otherwise deficient for a variety of reasons.

If the Township Board adopts this proposed ordinance please give me a call the next day with the proper ordinance number. I will supply you with the appropriate original of the ordinance as adopted, and otherwise take care of the post-adoption processing of the ordinance. I will note, in that regard, that I already have a pre-prepared summary of the ordinance to use for publication purposes.

Please give me a call if you have any questions.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR:bj
Enclosures
c: Bert Schipper

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION/SUMMARY
OF DEFERRED COMPENSATION PLAN ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board held on June 8, 1994 the Board adopted Ordinance No. 56, which provides for the establishment of a deferred compensation plan. The sections of this ordinance are summarized as follows:

SECTION I. DEFERRED COMPENSATION PLAN ESTABLISHED. This Section of Ordinance No. 56 provides for the establishment of an "eligible deferred compensation plan" in order to permit an officer, official or employee of the Township to be eligible to defer federal and state income tax liability on a portion of their compensation as allowed by the Internal Revenue Code.

SECTION II. IMPLEMENTATION. This Section of Ordinance No. 56 provides for the implementation of an eligible deferred compensation plan established pursuant to the ordinance by the execution of appropriate contracts and agreements complying with applicable provisions of the Internal Revenue Code.

SECTION III. DEFERRED COMPENSATION AGREEMENT. This Section of Ordinance No. 56 provides for an eligible employee desiring to be a participant in the deferred compensation plan to enter into an agreement with the Township in accordance with the Internal Revenue Code.

SECTION IV. EMPLOYMENT AND OTHER RIGHTS. This Section of Ordinance No. 56 provides that nothing in the ordinance shall be construed to limit the right of the Township to terminate an employee participating in an eligible deferred compensation plan; requires any such implemented plan to comply with all applicable legal requirements; and provides that any benefits payable under such a plan are independent of and in addition to any other retirement plan of the Township, or other applicable benefits plan or program, to the extent not inconsistent with applicable provisions of the Internal Revenue Code.

SECTION V. ADMINISTRATION AND INTERPRETATION OF THE PLAN. This Section of Ordinance No. 56 provides that an eligible deferred compensation plan established pursuant to the ordinance shall be administered by the Township Board, and the Board has the authority to adopt rules and regulations for the administration of the plan consistent with the provisions of the plan.

SECTION VI. TAX EXEMPTION. This Section of Ordinance No. 56 provides that the eligible deferred compensation plan authorized by the ordinance and the contracts and agreements provided for therein for deferment of compensation are contemplated to comply with applicable provisions of the Internal Revenue Code, but the Township assumes no responsibility for any adverse tax consequences to any plan participant or beneficiary. This provision of the ordinance further provides that the plan established pursuant to the ordinance, any contract or agreement executed pursuant to the ordinance, and any Township regulations pertaining to deferred compensation are superseded by any contrary Internal Revenue Code revisions or regulations.

SECTION VII. RATIFICATION OF EXISTING PLAN. This Section of Ordinance No. 56 provides that the Township Board ratifies and confirms the validity of any deferred compensation plan in existence on the effective date of this ordinance.

SECTION VIII. EFFECTIVE DATE. This Section of Ordinance No. 56 provides that the Ordinance shall take effect immediately upon publication and that all inconsistent ordinances are repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the original of Ordinance No. 56 may be inspected and a copy of same may be purchased by contacting the Martin Township Clerk, Georgia Kraai, at the address and telephone number set forth below during regular business hours of regular working days, and at such other times as may be arranged.

GEORGIA KRAAI
Martin Township Clerk

Martin Township Offices
1499 10th Street
Martin, MI 49070
616/672-5193

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

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JOHN H. BAUCKHAM
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JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

June 9, 1994

Georgia Kraai
Clerk, Martin Township
1499 10th Street
Martin, MI 49070

Re: Ordinance No. 56
(Deferred Compensation Plan Ordinance)

Dear Georgia:

I am enclosing the original of the Notice of Adoption/Summary for Ordinance No. 56 as adopted by the Township Board at the June 8 Board meeting. Also enclosed is the original of Ordinance No. 56 as adopted.

Your partially completed Clerk's Certificate for this ordinance is also enclosed, to be completed and filed at the appropriate time in the official ordinance book along with the other materials pertinent to this matter, including the enclosed processing form. Please note that since the Township office is not open to the public during regular hours on each business day state law requires the Township Clerk to file an attested copy of the ordinance with the County Clerk within one week after publication of the ordinance. The Clerk's Certificate includes a provision for this filing date.

Finally, I am also enclosing a copy of a letter to the Penasee Globe, arranging for the required publication of the Notice of Adoption/Summary of the Ordinance.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR: bj

Enclosures

c: Bert Schipper, Supervisor

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION/SUMMARY
OF DEFERRED COMPENSATION PLAN ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board held on June 8, 1994 the Board adopted Ordinance No. 56, which provides for the establishment of a deferred compensation plan. The sections of this ordinance are summarized as follows:

SECTION I. DEFERRED COMPENSATION PLAN ESTABLISHED. This Section of Ordinance No. 56 provides for the establishment of an "eligible deferred compensation plan" in order to permit an officer, official or employee of the Township to be eligible to defer federal and state income tax liability on a portion of their compensation as allowed by the Internal Revenue Code.

SECTION II. IMPLEMENTATION. This Section of Ordinance No. 56 provides for the implementation of an eligible deferred compensation plan established pursuant to the ordinance by the execution of appropriate contracts and agreements complying with applicable provisions of the Internal Revenue Code.

SECTION III. DEFERRED COMPENSATION AGREEMENT. This Section of Ordinance No. 56 provides for an eligible employee desiring to be a participant in the deferred compensation plan to enter into an agreement with the Township in accordance with the Internal Revenue Code.

SECTION IV. EMPLOYMENT AND OTHER RIGHTS. This Section of Ordinance No. 56 provides that nothing in the ordinance shall be construed to limit the right of the Township to terminate an employee participating in an eligible deferred compensation plan; requires any such implemented plan to comply with all applicable legal requirements; and provides that any benefits payable under such a plan are independent of and in addition to any other retirement plan of the Township, or other applicable benefits plan or program, to the extent not inconsistent with applicable provisions of the Internal Revenue Code.

- SECTION V. ADMINISTRATION AND INTERPRETATION OF THE PLAN. This Section of Ordinance No. 56 provides that an eligible deferred compensation plan established pursuant to the ordinance shall be administered by the Township Board, and the Board has the authority to adopt rules and regulations for the administration of the plan consistent with the provisions of the plan.
- SECTION VI. TAX EXEMPTION. This Section of Ordinance No. 56 provides that the eligible deferred compensation plan authorized by the ordinance and the contracts and agreements provided for therein for deferment of compensation are contemplated to comply with applicable provisions of the Internal Revenue Code, but the Township assumes no responsibility for any adverse tax consequences to any plan participant or beneficiary. This provision of the ordinance further provides that the plan established pursuant to the ordinance, any contract or agreement executed pursuant to the ordinance, and any Township regulations pertaining to deferred compensation are superseded by any contrary Internal Revenue Code revisions or regulations.
- SECTION VII. RATIFICATION OF EXISTING PLAN. This Section of Ordinance No. 56 provides that the Township Board ratifies and confirms the validity of any deferred compensation plan in existence on the effective date of this ordinance.
- SECTION VIII. EFFECTIVE DATE. This Section of Ordinance No. 56 provides that the Ordinance shall take effect immediately upon publication and that all inconsistent ordinances are repealed.

PLEASE TAKE FURTHER NOTICE that the full text of the original of Ordinance No. 56 may be inspected and a copy of same may be purchased by contacting the Martin Township Clerk, Georgia Kraai, at the address and telephone number set forth below during regular business hours of regular working days, and at such other times as may be arranged.

GEORGIA KRAAI
Martin Township Clerk

Martin Township Offices
1499 10th Street
Martin, MI 49070
616/672-5193

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 56

Adopted: June 8 1994

Effective: June 15 1994

(DEFERRED COMPENSATION PLAN ORDINANCE)

An Ordinance to provide for an eligible deferred compensation plan for officers, officials, or employees of the Township of Martin; to authorize the execution of agreements to implement same; and to provide for the establishment, maintenance and administration of said plan in conformity with the provisions of Section 457 of the Internal Revenue Code, as amended.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I: DEFERRED COMPENSATION PLAN

In order to permit an officer, official or employee of Martin Township to be eligible to defer a portion of that employee's compensation, said deferred compensation to be paid by the Township or its agent to said officer, official or employee according to the terms of an "Eligible Deferred Compensation Plan" as defined by Section 457 of the Internal Revenue Code, as amended, and thereby to provide future income for said officer, official or employee and to defer federal and state income tax liability resulting from said deferred compensation to the time of receipt by said person, or

beneficiary of said person, the Township of Martin hereby establishes an "Eligible Deferred Compensation Plan" as more fully set forth herein.

SECTION II: IMPLEMENTATION

The "Eligible Deferred Compensation Plan" established pursuant to this Ordinance shall be implemented by the execution of contracts and agreements setting forth the terms of the Plan in full compliance with the requirements of Section 457 of the Internal Revenue Code, as amended.

The Township Board, by Resolution, shall provide for the execution of such contracts and agreements complying with Section 457 of the Internal Revenue Code, as amended, as it deems appropriate, and fully setting forth the provisions of the Plan.

SECTION III: DEFERRED COMPENSATION AGREEMENT

In the event that any eligible employee, as defined in the "Eligible Deferred Compensation Plan" implemented as provided for in this Ordinance, desires to be a participant in the deferred compensation plan of the Township, an agreement shall be entered into between the Township and said person which shall set forth the terms of said Eligible Deferred Compensation Plan as implemented pursuant to Section II of this Ordinance.

The terms of said agreement shall conform to the requirements of Section 457 of the Internal Revenue Code, as amended, and the provisions of the "Eligible Deferred Compensation Plan" as implemented by the Township Board pursuant to contract and Resolution as hereinbefore provided.

SECTION IV: EMPLOYMENT AND OTHER RIGHTS

A. Nothing contained herein shall be construed to limit the right of the Township to terminate the employment of any employee. The Plan, as implemented, shall comply in all respects with the requirements of law for eligible deferred compensation plans.

B. The benefits payable under any agreement executed pursuant to this Ordinance are independent of and in addition to any other retirement plan of the Township, or other Township fringe benefits plan or sheltered annuity program, to the extent same now exist or are hereafter established. Notwithstanding this provision, to the extent that Section 457 of the Internal Revenue Code, as amended, requires that the provisions of the "Eligible Deferred Compensation Plan" implemented pursuant to this Ordinance contain provisions which are inconsistent with the provisions of this subsection B, the provisions of said Section 457 of the Internal Revenue Code as amended shall be deemed to supersede the provisions of this subsection B.

SECTION V: ADMINISTRATION AND INTERPRETATION OF THE PLAN

The "Eligible Deferred Compensation Plan" established pursuant to this Ordinance shall be administered by the Township Board of Martin Township. The Board, or its authorized agent or official, shall screen and approve any insurance company seeking to act as agent for the Township in connection with the "Eligible Deferred Compensation Plan." The Township Board shall have full power and authority to adopt rules and regulations for the administration of the plan, provided that they are not inconsistent with the

provisions of the "Eligible Deferred Compensation Plan" and to interpret, alter, amend or revoke any rules or regulations so adopted.

SECTION VI: TAX EXEMPTION

It is contemplated that the "Eligible Deferred Compensation Plan" authorized by this Ordinance and the contracts and agreements provided for herein for deferment of compensation shall comply with the Internal Revenue Code, as amended, and specifically Internal Revenue Code Section 457, as amended, pertaining to eligible deferred compensation plans. Any compensation of a participant which is deferred pursuant to the "Eligible Deferred Compensation Plan" adopted pursuant to this Ordinance is intended to not be taxable until actually received by said person or his beneficiary. The administration of the "Eligible Deferred Compensation Plan" and the operation and interpretation of the contracts and agreements provided for herein shall not be accomplished in such a manner as to result in said deferred compensation becoming taxable before the time of receipt by said person or beneficiary. Any provision contained in this Ordinance resulting in the taxability prior to receipt of said deferred compensation shall be deemed to be null and void. However, although it is the belief of Martin Township that the "Eligible Deferred Compensation Plan" and the contracts and agreements provided for herein will result in deferment of federal income tax and Michigan income tax for compensation deferred hereunder, no guarantee is given to any participant or beneficiary as to its non-taxability and Martin Township assumes no

responsibility in the event of any adverse tax consequences to any participant or beneficiary.

Any provision of the "Eligible Deferred Compensation Plan" established pursuant to this Ordinance, or any contract or agreement executed pursuant to this Ordinance, or any Township regulations pertaining to deferred compensation which are contrary to Internal Revenue Code sections or regulations shall be deemed to be superceded by such Internal Revenue Code sections or regulations.

SECTION VII: RATIFICATION OF EXISTING PLAN

The Martin Township Board hereby ratifies and confirms the validity of any deferred compensation plan in existence on the effective date of this ordinance.

SECTION VIII: EFFECTIVE DATE

This Ordinance shall take effect immediately upon publication. Any Ordinances inconsistent herewith shall be deemed to be repealed by this Ordinance and shall be of no further force and effect.

GEORGIA KRAAI
Martin Township Clerk
Georgia Kraai

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 8, 1994 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 56, hereinbefore recorded, to become effective immediately upon publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that a summary of Ordinance No. 56 was published in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on June 15, 1994; that said Ordinance No. 56 was recorded in the official Ordinance Book on the _____ day of _____, 1994; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the _____ day of _____, 1994.

Dated: _____

GEORGIA KRAAI, Clerk
Martin Township

ORDINANCE # 57
G.L.A.S.A. AMENDMENT (ARTICLE
V, SECTION E)
EFFECTIVE: MARCH 1, 1995

**WAYLAND TOWNSHIP
MARTIN TOWNSHIP
ORANGEVILLE TOWNSHIP
YANKEE SPRINGS TOWNSHIP**

JOINT NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF WAYLAND AND MARTIN, ALLEGAN COUNTY AND ORANGEVILLE AND YANKEE SPRINGS, BARRY COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following described Ordinance was adopted by the Township Boards of the Townships of Wayland, Martin, Orangeville and Yankee Springs February 6, 1995, February 8, 1995, February 7, 1995, and February 9, 1995, respectively.

**WAYLAND TOWNSHIP ORDINANCE NO. 0-01-95
Adopted: February 6, 1995
Effective: March 1, 1995**

**MARTIN TOWNSHIP ORDINANCE NO. 57
Adopted: February 8, 1995
Effective: March 1, 1995**

**ORANGEVILLE TOWNSHIP ORDINANCE NO. 2-95
Adopted: February 7, 1995
Effective: March 1, 1995**

**YANKEE SPRINGS TOWNSHIP ORDINANCE NO. 48
Adopted: February 9, 1995
Effective: March 1, 1995**

An Ordinance to amend the Sewage Disposal System Ordinance of the Township by the amendment of Article V, Section E thereof, User fees, by providing for wastewater flow to be metered; establishing a rate of \$2.68 per 1,000 gallons of flow where wastewater flow is metered; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date.

**THE TOWNSHIPS OF WAYLAND AND MARTIN,
ALLEGAN COUNTY, MICHIGAN,**

AND

**THE TOWNSHIPS OF ORANGEVILLE AND YANKEE SPRINGS,
BARRY COUNTY, MICHIGAN,**

ORDAIN:

SECTION I

AMENDMENT TO ARTICLE V

Article V, Section E, of the Sewage Disposal System Ordinance

Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this ordinance; however, that amount shall not be less than the quarter amount of the above schedule applicable to one (1) residential usage equivalent.

The Authority may authorize metering of wastewater flow by use of approved meters paid for by the user. Where metered flow is used as a basis for calculating the user charge, the user fee shall be \$2.68 per 1,000 gallons of flow. Metered flow shall only be used as a basis for billing where the user has paid (or is paying pursuant to contract) a connection charge for more than 10 residential equivalent units. Bills for users whose flow is metered shall be provided in the same manner as bills for nonmetered users.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on March 1, 1995. All Ordinances or parts of Ordinances that are in conflict herewith are hereby repealed.

Wayland Township
Martin Township
Orangeville Township
Yankee Springs Township

CLERK'S CERTIFICATE

I, GEORGIA KRAAI, Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on the 8th day of February, 1995, at the Martin Township Hall, located at 1499 10th Street, Martin, Michigan, at which the following members were present, the Board enacted and passed Ordinance No. 57, hereinbefore recorded, to become effective March 1, 1995, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Ayes: _____

Nays: _____

Absent: _____

I do further certify that Ordinance No. 57, was published in the Allegan Gazette, a newspaper printed in Allegan, Michigan, and circulated in Martin Township, on February 23, 1995; and that said Ordinance No. 57 was recorded in the official Ordinance Book on the ____ day of _____, 1995.

Dated: _____

Georgia Kraai, Clerk
Martin Township

2-20-95

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

February 20, 1995

**Bobby Wilkins
Hastings Banner
P.O. Box B
Hastings, MI 49058**

Dear Ms. Wilkins:

Please publish the enclosed Notice of Adoption of Ordinance on Thursday, February 23, 1995.

Please forward the bill for publication to me. After publication please forward two Affidavits of Publication, along with statement for same to each of the following townships: Orangeville Township, P.O. Box 8, Shelbyville, MI 49344 and Yankee Springs Township, 248 N. Briggs Road, Middleville, MI 49333 and forward one Affidavit of Publication to the undersigned.

Very Truly Yours,

**BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.**


Lynda E. Thomsen

LET/tlm

Enclosure(s)

cc: Gun Lake Sewer & Water Authority
Wayland Township
Martin Township
Orangeville Township
Yankee Springs Township

2-20-95 HFW

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

February 20, 1995

Allegan Gazette ✓
235 North Street
Allegan, MI 49010

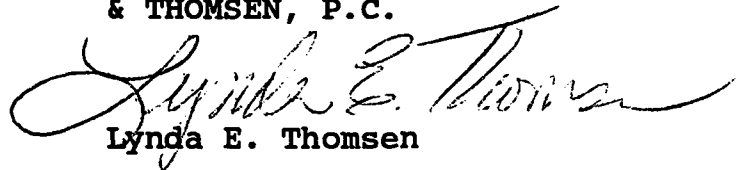
Attn: Legal Notices

Please publish the enclosed Notice of Adoption of Ordinance on Thursday, February 23, 1995.

Please forward your bill for publication to me. After publication please forward two Affidavits of Publication, along with statement for same to each of the following townships: Wayland Township, 73 127th Avenue, Wayland, MI 49348 and Martin Township, 1499 10th Street, Martin, MI 49070 and forward one Affidavit of Publication to the undersigned.

Very Truly Yours,

**BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.**



Lynda E. Thomsen

LET/tlm

Enclosure(s)

cc: Gun Lake Sewer and Water Authority
Wayland Township
Martin Township
Orangeville Township
Yankee Springs Township

ORDINANCE # 58
ZONING ORDINANCE TEXT
AMENDMENT (AMEND SECTION 3.1,
ADD SECTION 4.29, AMEND SECTION
9.4, AMEND APPENDIX A)
EFFECTIVE:

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH 1906-1972

EILEEN W. WICKLUND
OF COUNSEL

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

April 24, 1995

Georgia Kraai
Clerk, Martin Township
1409 10th Street
Martin, MI 49070

Re: Proposed Ordinance No. 58
(Zoning Ordinance Text Amendments)

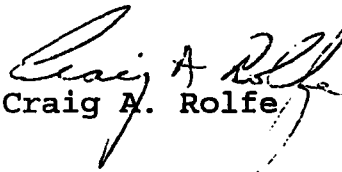
Dear Georgia:

I am enclosing a copy of proposed Ordinance No. 58 for Township Board consideration at the May 10 Board meeting. This proposed ordinance reflects the amendments to the text of the Martin Township Zoning Ordinance recommended for approval by the Martin Township Zoning Board at its March 28 proceedings. These recommendations were approved by the Allegan County Planning Commission on April 10. A copy of the Minutes of those proceedings is enclosed.

Please let me know on May 11 if the proposed ordinance was adopted, so I may proceed with the necessary follow-up processing of the ordinance. As usual, give me a call if any questions or problems arise.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/lb
Enclosures
cc: Terry Sturgis
John Schipper

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
~~MARTIN TOWNSHIP ORDINANCE NO. 24~~

ADOPTED: May 10, 1995

EFFECTIVE: May 17, 1995

DRAFT

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend Section 3.1 of the Martin Township Zoning Ordinance regarding the definition of "Lot"; to add new Section 4.29 to the Martin Township Zoning Ordinance pertaining to private road development; to amend Section 9.4 of the Martin Township Zoning Ordinance pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District; to amend Appendix A to the Martin Township Zoning Ordinance to correct a typographical error; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF SECTION 3.1 PERTAINING TO DEFINITION OF "LOT"

Section 3.1 of the Martin Township Zoning Ordinance is hereby amended so as to revise the first sentence of the definition for the term "Lot" at subsection 37 therein to read as follows:

"A parcel of land adjoining a dedicated public street, or a private road established and approved pursuant to this Ordinance, but exclusive of any public street right-of-way or any legal easement, and separated from other parcels by legal description, deed, or subdivision plot."

SECTION II

ADDING NEW SECTION 4.29 PERTAINING TO PRIVATE ROAD DEVELOPMENT

The Martin Township Zoning Ordinance is hereby amended so as to add a completely new Section 4.29 pertaining to private road development, reading as follows:

"4.29 PRIVATE ROAD DEVELOPMENT

1. "Overlay" Special Exception Use: Notwithstanding any other provisions of this Ordinance, in any zoning district where residential development is allowed a lot without the lot width/frontage on a public street required by this Ordinance may be considered a conforming buildable lot for residential development purposes if it has the required lot width/frontage on a private road established and approved as set forth herein. Such private road development is an "overlay" special exception use in all such zoning districts pursuant to the provisions of this Section, the provisions of Article XIII governing special exception uses generally, and Section 4.28 governing site plan review.
2. Application and Process:
 - A. A special exception use application for a private road shall comply with Section 13.2 of this Ordinance, and shall also specifically include the following:
 - (1) A written description of the proposed development to be served by the private road.
 - (2) A site plan complying with Section 4.28 of this Ordinance, and a detailed construction plan including a diagram of the "Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots

adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein. (Notwithstanding the foregoing, a diagram of the "Standard Cross Section and Layout" shall not be required to be submitted as part of the application for a private road proposed to serve 1-3 dwelling units.)

(3) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefitted lots. Such property owner maintenance agreement, and any revised version of same required by the Zoning Board, shall be in recordable form and shall provide that the obligations thereunder run with the benefitted lots.

(4) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Martin Township and Allegan County from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of the proposed private road, and shall extend to the successors and assigns of said lot owners.

B. The application form and all required application materials shall be reviewed by appropriate Township officials for administrative completeness. An administratively complete application shall be processed and reviewed by the Zoning Board as required by Section 13.2 of this Ordinance; provided, that if the Zoning Board determines that the applicant has met the standards for approval, the approval shall be considered a "tentative" approval unless and until the Zoning Administrator gives final approval pursuant to subsection 6 herein.

3. **Review Standards:** The Zoning Board shall review and decide all special exception use applications for a private road pursuant to the generally applicable standards for reviewing special exception uses in Section 13.1 of this Ordinance. The Zoning Board shall also review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required by subsection 4, 5 or 6 herein (whichever is applicable).
4. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for One-Three Dwelling Units:**
- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
 - B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
 - C. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
 - D. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
 - E. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with stabilized road material, graded parallel to the road surface and extending into the front ditch slope. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches.
 - F. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
 - G. The private road shall be named and signed as requested by and in coordination with the Allegan

County Road Commission and the Allegan County Sheriff's Department.

H. Upon construction the private road shall be properly maintained.

5. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for Four-Fifteen Dwelling Units:

- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to accommodate vehicle speeds of at least 15 mph.
- D. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods. Side ditches shall have a three on one front slope and a one on two back slope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course.
- E. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
- F. The private road shall have a road bed of at least 18 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDSH 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sand sub-base of at least 12 inches. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting

public street for a distance of at least 50 feet from the center line of the street.

- G. The end of a private road shall include a cul-de-sac with a minimum radius of 30 feet constructed herein as required for the roadway; provided, however, that the Zoning Board may waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.
- H. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
- I. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- J. Upon construction the private road shall be properly maintained.

6. Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for more than Fifteen Dwelling Units:

Subsections 5A.- J. are hereby incorporated by reference, with the following exceptions and changes:

- (1) The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- (2) The private road shall have a road bed of at least 22 feet in width, plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed.
- (3) The private road shall be designed and constructed to accommodate vehicle speeds of at least 25 mph.
- (4) The Zoning Board may require the roadway to be paved.
- (5) The end of a private road shall include a cul-de-sac with a minimum radius of 50 feet

constructed herein as required for the roadway; provided, however, that the Zoning Board may decrease or waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

7. **Certification of Construction/Inspection Fee:** Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed in accordance with the approved site plan and construction plan, and the tentative approval of the Zoning Board. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township Engineer as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (Notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road proposed to serve 1-3 dwelling units; the completion of such private road in accordance with the approved site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The Zoning Board's tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:
- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
 - B. Proof of recording in the records of the Allegan County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
 - C. Proof that the applicant has furnished the location and description of the completed private road to the Allegan County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
8. **Issuance of Building Permits:** Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.

9. **Driveway Access to Private Road:** Lots with frontage on both a private road and a public street shall have their driveways for ingress and egress intersect only the private road.
10. **Maintenance and Repair Responsibility:** All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefitted lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Allegan County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the Allegan County Road Commission and accepted by said Commission as a dedicated public street.
11. **Prior Nonconforming Private Roads/Conforming Private Road Upgrade:** Any existing lawfully created private road/drive shall not be extended or expanded to serve additional lots unless such private road is approved by the Zoning Board as provided herein. In addition, a private road approved pursuant to the requirements of this Ordinance for 1-3 or 4-15 dwelling units shall not be extended or otherwise made available to serve more than the approved number of dwelling units unless the road is upgraded and approved by the Zoning Board for such expanded use pursuant to the special exception use process set forth herein."

SECTION III

AMENDMENT OF SECTION 9.4 PERTAINING TO MINIMUM LOT AREA FOR A MULTI-FAMILY DWELLING IN THE "R-3" MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

Section 9.4, subsection 1.D., of the Martin Township Zoning Ordinance, pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District, is hereby amended so as to read as follows:

"Multi-family dwelling (not in mobile home park): 4,500 square feet per dwelling unit for lots served with public sewer and water; 10,000 square feet per dwelling unit for lots not served with public water and sewer."

SECTION IV

AMENDMENT OF APPENDIX A TO CORRECT TYPOGRAPHICAL ERROR

Appendix A to the Martin Township Zoning Ordinance is hereby amended to correct a typographical error in the legal description for the portion of land Section 16 zoned "R-3" Medium Density Residential and Mobile Home Park District, by revising the pertinent language to read as follows:

"The southeast quarter of the northwest quarter of Section 16."

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 58

ADOPTED: May 10, 1995

EFFECTIVE: May 17, 1995

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to amend Section 3.1 of the Martin Township Zoning Ordinance regarding the definition of "Lot"; to add new Section 4.29 to the Martin Township Zoning Ordinance pertaining to private road development; to amend Section 9.4 of the Martin Township Zoning Ordinance pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District; to amend Appendix A to the Martin Township Zoning Ordinance to correct a typographical error; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF SECTION 3.1 PERTAINING TO DEFINITION OF "LOT"

Section 3.1 of the Martin Township Zoning Ordinance is hereby amended so as to revise the first sentence of the definition for the term "Lot" at subsection 37 therein to read as follows:

"A parcel of land adjoining a dedicated public street, or a private road established and approved pursuant to this Ordinance, but exclusive of any public street right-of-way or any legal easement, and separated from other parcels by legal description, deed, or subdivision plot."

SECTION II

ADDING NEW SECTION 4.29 PERTAINING TO PRIVATE ROAD DEVELOPMENT

The Martin Township Zoning Ordinance is hereby amended so as to add a completely new Section 4.29 pertaining to private road development, reading as follows:

"4.29 PRIVATE ROAD DEVELOPMENT

1. **"Overlay" Special Exception Use:** Notwithstanding any other provisions of this Ordinance, in any zoning district where residential development is allowed a lot without the lot width/frontage on a public street required by this Ordinance may be considered a conforming buildable lot for residential development purposes if it has the required lot width/frontage on a private road established and approved as set forth herein. Such private road development is an "overlay" special exception use in all such zoning districts pursuant to the provisions of this Section, the provisions of Article XIII governing special exception uses generally, and Section 4.28 governing site plan review.
2. **Application and Process:**
 - A. A special exception use application for a private road shall comply with Section 13.2 of this Ordinance, and shall also specifically include the following:

- (1) A written description of the proposed development to be served by the private road.
- (2) A site plan complying with Section 4.28 of this Ordinance, and a detailed construction plan including a diagram of the "Standard Cross Section and Layout" prepared and sealed by a registered civil engineer. The construction plan and/or site plan shall also specifically show the proposed location of the private road, all existing or proposed lots adjoining any portion of the proposed private road, proposed grades, drainage systems, and signage, and shall otherwise evidence compliance with the private road construction standards and requirements set forth herein. (Notwithstanding the foregoing, a diagram of the "Standard Cross Section and Layout" shall not be required to be submitted as part of the application for a private road proposed to serve 1-3 dwelling units.)
- (3) A Maintenance Agreement with a detailed description of how and by whom the private road will be maintained and repaired, who will be financially responsible for extending and/or enlarging the private road to serve additional lots in the future, including provisions for the assessment of maintenance fees to be paid by the owners of benefitted lots. Such property owner maintenance agreement, and any revised version of same required by the Zoning Board, shall be in recordable form and shall provide that the obligations thereunder run with the benefitted lots.
- (4) A written Waiver of Liability and Indemnification Agreement, on a form approved by the Township, releasing Martin Township and Allegan County from any liability for any claims of whatever nature resulting from or related to the construction, maintenance/repair, or use of the private road. Such agreement shall include the witnessed and notarized signatures of the owners of all lots adjoining any portion of

the proposed private road, and shall extend to the successors and assigns of said lot owners.

- B. The application form and all required application materials shall be reviewed by appropriate Township officials for administrative completeness. An administratively complete application shall be processed and reviewed by the Zoning Board as required by Section 13.2 of this Ordinance; provided, that if the Zoning Board determines that the applicant has met the standards for approval, the approval shall be considered a "tentative" approval unless and until the Zoning Administrator gives final approval pursuant to subsection 6 herein.
3. **Review Standards:** The Zoning Board shall review and decide all special exception use applications for a private road pursuant to the generally applicable standards for reviewing special exception uses in Section 13.1 of this Ordinance. The Zoning Board shall also review the application and supporting materials to determine whether the proposed private road can and will be constructed and maintained as required by subsection 4, 5 or 6 herein (whichever is applicable).
4. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for One-Three Dwelling Units:**
- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods.
- D. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements

of the Allegan County Road Commission and the Allegan County Drain Commissioner.

- E. The private road shall have a road bed of at least 16 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with stabilized road material, graded parallel to the road surface and extending into the front ditch slope. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches.
- F. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
- G. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- H. Upon construction the private road shall be properly maintained.

5. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for Four-Fifteen Dwelling Units:**

- A. The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 50 feet for its entire length.
- B. The private road shall be constructed parallel to, and as close as practical to, the center line of the easement or right-of-way.
- C. The private road shall be designed and constructed to accommodate vehicle speeds of at least 15 mph.
- D. The private road shall be designed and constructed to control storm water run-off and permit effective storm water drainage by means of sloping, ditches, or other acceptable methods. Side ditches shall have a three on one front slope and a one on two

back slope at 0.5% grade minimum. Ditches shall outlet into a cross culvert or drainage course.

- E. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes, grades, materials and placement shall meet the requirements of the Allegan County Road Commission and the Allegan County Drain Commissioner.
- F. The private road shall have a road bed of at least 18 feet in width, plus a gravel or grass shoulder of at least 2 feet in width on each side of the required road bed. The roadway shall be constructed with a gravel base (MDSH 22A processed road gravel) of at least 6 inches, graded parallel to the road surface and extending into the front ditch slope. In impervious soils (clay or other unsuitable materials) the roadway shall also be constructed with a sand sub-base of at least 12 inches. The private road shall not be required to be paved, but if a bituminous asphalt surface is to be applied it shall have a depth of at least 1.5 inches. The roadway shall have a maximum grade of 10%. "T" intersections shall slope between -0.6% and -0.2% in a direction away from the intersecting public street for a distance of at least 50 feet from the center line of the street.
- G. The end of a private road shall include a cul-de-sac with a minimum radius of 30 feet constructed herein as required for the roadway; provided, however, that the Zoning Board may waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.
- H. All permits required by the Allegan County Road Commission and other County/State permits shall be obtained.
- I. The private road shall be named and signed as requested by and in coordination with the Allegan County Road Commission and the Allegan County Sheriff's Department.
- J. Upon construction the private road shall be properly maintained.

6. **Construction and Maintenance Standards and Requirements for a Private Road Which Provides Planned or Potential Access to/from a Public Street for more than Fifteen Dwelling Units:**

Subsections 5A.- J. are hereby incorporated by reference, with the following exceptions and changes:

- (1) The private road shall be constructed with a deeded and recorded easement or right-of-way width of at least 66 feet for its entire length.
- (2) The private road shall have a road bed of at least 22 feet in width, plus a gravel or grass shoulder of at least 3 feet in width on each side of the required road bed.
- (3) The private road shall be designed and constructed to accommodate vehicle speeds of at least 25 mph.
- (4) The Zoning Board may require the roadway to be paved.
- (5) The end of a private road shall include a cul-de-sac with a minimum radius of 50 feet constructed herein as required for the roadway; provided, however, that the Zoning Board may decrease or waive this provision where the private road includes an alternate means of turn-around adequate for all vehicles potentially using the road, including emergency vehicles.

7. **Certification of Construction/Inspection Fee:** Upon completion of construction of the private road the applicant for special exception use approval shall submit to the Zoning Administrator the certification of a registered civil engineer stating that the private road has been completed in accordance with the approved site plan and construction plan, and the tentative approval of the Zoning Board. The certification shall be accompanied by such reasonable inspection fee as may be established by the Township Board. The Zoning Administrator shall review the certification and inspect the constructed private road with such assistance from the Township

Engineer as may be necessary. The Zoning Administrator shall identify any deficiencies therein and inform the applicant of same. (Notwithstanding the foregoing, the certification of a registered civil engineer shall not be required with respect to a private road proposed to serve 1-3 dwelling units; the completion of such private road in accordance with the approved site plan and construction plan shall be verified by inspection of the Zoning Administrator or designee). The Zoning Board's tentative approval of the private road shall be considered final upon the Zoning Administrator's verification of the following:

- A. The completion of the private road as required, including the correction of any deficiencies identified by the Zoning Administrator.
 - B. Proof of recording in the records of the Allegan County Register of Deeds of the fully executed Maintenance Agreement and the fully executed Waiver of Liability and Indemnification Agreement.
 - C. Proof that the applicant has furnished the location and description of the completed private road to the Allegan County Sheriff's Department to be coordinated with the 911 emergency services network serving the area.
8. **Issuance of Building Permits:** Final approval of the private road by the Zoning Administrator shall be required before a building permit is issued for any construction on lots served by the private road.
 9. **Driveway Access to Private Road:** Lots with frontage on both a private road and a public street shall have their driveways for ingress and egress intersect only the private road.
 10. **Maintenance and Repair Responsibility:** All maintenance, repair and responsibility for a private road shall belong exclusively to the right-of-way owner/owners of benefitted lots, and in no circumstances shall the Township have any responsibility or liability therefore. Further, the Allegan County Road Commission shall have no responsibility for an approved private road, unless and until such private road is constructed to the standards of the Allegan County Road Commission and accepted by said Commission as a dedicated public street.

11. **Prior Nonconforming Private Roads/Conforming Private Road Upgrade:** Any existing lawfully created private road/drive shall not be extended or expanded to serve additional lots unless such private road is approved by the Zoning Board as provided herein. In addition, a private road approved pursuant to the requirements of this Ordinance for 1-3 or 4-15 dwelling units shall not be extended or otherwise made available to serve more than the approved number of dwelling units unless the road is upgraded and approved by the Zoning Board for such expanded use pursuant to the special exception use process set forth herein."

SECTION III

AMENDMENT OF SECTION 9.4 PERTAINING TO MINIMUM LOT AREA FOR A MULTI-FAMILY DWELLING IN THE "R-3" MEDIUM DENSITY RESIDENTIAL AND MOBILE HOME PARK DISTRICT

Section 9.4, subsection 1.D., of the Martin Township Zoning Ordinance, pertaining to the minimum lot area requirement for a multi-family dwelling in the "R-3" Medium Density Residential and Mobile Home Park District, is hereby amended so as to read as follows:

"Multi-family dwelling (not in mobile home park): 4,500 square feet per dwelling unit for lots served with public sewer and water; 10,000 square feet per dwelling unit for lots not served with public water and sewer."

SECTION IV

AMENDMENT OF APPENDIX A TO CORRECT TYPOGRAPHICAL ERROR

Appendix A to the Martin Township Zoning Ordinance is hereby amended to correct a typographical error in the legal description for the portion of land Section 16 zoned "R-3" Medium Density

Residential and Mobile Home Park District, by revising the pertinent language to read as follows:

"The southeast quarter of the northwest quarter of Section 16."

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

ORDINANCE # 59

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 59

ADOPTED: JULY 12, 1995

EFFECTIVE: JULY 19, 1995

**(REZONINGS OF PROPERTY IN SECTIONS 19 AND
15 AND CORRESPONDING LAND USE PLAN AMENDMENTS)**

An Ordinance to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Sections 19 and 15 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designation of the rezoned property; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 19

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "R-2" Low Density Residential District zoning classification to the "C-2" General Business District zoning classification the following described property in land Section 19 of the Township:

Commencing at the south 1/8 post of the southwest quarter of Section 19, thence north 621.00 feet along the north and south 1/8 line of said southwest quarter of Section 19 to the point of beginning, thence north 162.00 feet along said 1/8 line, thence east 200.00 feet, thence south 162.00 feet parallel with said 1/8 line, thence west 200.00 feet to the point of beginning, excepting that southerly portion of same that is presently zoned "C-2" General Business District (approximately the south 39 feet of the described area).

SECTION II

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section I of this ordinance from the Low Density Residential classification to the General Business classification.

SECTION III

REZONING OF PROPERTY IN SECTION 15

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 15 of the Township:

Commencing at a point on the south line of Section 15, 867 feet west of the southeast corner of Section 15, thence north 3° 48' east 865.10 feet, thence north 46° 44' 20" east 409.10 feet to the center line of the ditch, thence north 54° 17' 20" west 135.3 feet to Pratt Lake, thence southerly along Pratt Lake to the north and south 1/8 line of the southeast quarter of Section 15, thence south on the 1/8 line to the south line of Section 15, thence east on the south line of Section 15 466.53 feet

to the place of beginning, excepting that portion of same bordering the meander line of Pratt Lake to a depth of 200 feet (which is presently zoned "R-2" Low Density Residential).

SECTION IV

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section III of this ordinance from the Agricultural classification to the Low Density Residential classification.

SECTION V

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

ORDINANCE # 60

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 60

ADOPTED: September 13, 1995

EFFECTIVE: September 20, 1995

**(REZONING OF PROPERTY IN SECTION 30 AND
CORRESPONDING LAND USE PLAN AMENDMENT)**

An Ordinance to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Section 30 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designation of the rezoned property; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 30

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "C-2" General Business District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 30 of the Township:

Commencing 65768 feet north of the southwest corner of Section 30, thence north 1986.64 feet, thence east 801.36 feet to the west right-of-way line of U.S. 131, thence southeasterly along said right-of-way 2001.94 feet, thence west 1065.79 feet to the point of beginning; accepting the westerly 50 feet thereof.

SECTION II

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section I of this ordinance from the General Business classification to the Low Density Residential classification.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

**ORDINANCE # 61
ZONING ORDINANCE TEXT
AMENDMENT (DELETE
SECTION 4.11, AMEND SECTION
11.2 AND 11.3)**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

November 30, 1995

Georgia Kraai, Clerk
Martin Township
1409 10th Street
Martin, MI 49070

Re: Proposed Ordinance No. 61
(Zoning Ordinance Text Amendments)

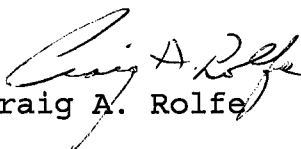
Dear Georgia:

I am enclosing a copy of proposed Ordinance No. 61 for Township Board consideration at the December 13 Board meeting. This proposed ordinance reflects the amendments to the text of the Martin Township Zoning Ordinance recommended for approval by the Martin Township Zoning Board at its October 18 proceedings. These recommendations were approved by the Allegan County Planning Commission on November 13. A copy of the Minutes of those proceedings is enclosed.

Please let me know on December 14 if the proposed ordinance was adopted, so I may proceed with the necessary follow-up processing of the ordinance. As usual, give me a call if any questions or problems arise.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: Terry Sturgis
John Schipper

PS: Please note that the enclosed proposed ordinance does not include one other zoning ordinance text amendment that was reviewed by the Township Zoning Board on October 18 and also reviewed by the County Planning Commission on November 13. This other matter involved a proposal to amend Section 11.4,

subsection 6 of the zoning ordinance as proposed by the US 131 Raceway so as to increase the maximum building or structure height requirement in the C-2 General Business zoning district from 35 feet to 65 feet, across the board. The Zoning Board did not recommend this proposed amendment, and the County Planning Commission agreed with this action of the Zoning Board recommending denial of the request to amend Section 11.4, as presented.

If the Township Board agrees with the Zoning Board recommendation to not amend Section 11.4, subsection 6, in the manner requested by the US 131 Raceway, then the Township Board should adopt a motion to this effect at the December 13 meeting.

If the Township Board does have interest in approving the US 131 Raceway amendment of Section 11.4 the applicable statutory procedures require that the matter first be referred back to the Township Zoning Board for further review and consideration of their initial recommendation on the matter. Accordingly, this particular matter is not part of proposed Ordinance No. 61.

Finally, the Township Board should be aware that the Zoning Board is apparently interested in pursuing a more limited change to the structure height requirements, and made a recommendation in that regard at its October 18 proceedings, concerning Section 4.13 of the zoning ordinance. However, this particular proposal was not noticed for hearing at the October 18 Zoning Board proceedings, so the Zoning Board recommendation on the matter at that time cannot be submitted to the Township Board for formal action. The Zoning Board does have a public hearing scheduled for December 6 on its more limited proposal to amend Section 4.13 of the zoning ordinance. After the Zoning Board makes a recommendation on that new proposal it will of course be submitted to the County Planning Commission as required by law and be brought before the Township Board as soon as possible thereafter.

I realize this may be about as clear as mud, so I will try to have a telephone conversation with the Supervisor before the December 13 Township Board meeting.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 61

ADOPTED: _____

EFFECTIVE: _____

(ZONING ORDINANCE TEXT AMENDMENTS)

An Ordinance to delete Section 4.11 of the Martin Township Zoning Ordinance; to amend Sections 11.2 and 11.3 of the Martin Township Zoning Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

DELETION OF SECTION 4.11 PERTAINING TO
SETBACKS FOR STRUCTURES ADJACENT TO STREETS

Section 4.11 of the Martin Township Zoning Ordinance is hereby deleted in its entirety.

Editorial Note: This change deletes from the Zoning Ordinance certain special setback requirements that were sometimes conflicting with other provisions of the Zoning Ordinance specifying the road setback requirements applicable in the various zoning districts. These other generally applicable provisions are not affected by this change.

SECTION II

AMENDMENT OF SECTIONS 11.2 AND 11.3 PERTAINING
TO USES IN THE C-2 GENERAL BUSINESS DISTRICT

Section 11.2 of the Martin Township Zoning Ordinance is hereby amended so as to delete subsection 3 therein (presently designating "amusement enterprises" as a permitted use in the C-2 General Business District).

Section 11.2 of the Martin Township Zoning Ordinance is hereby further amended so as to designate "automotive raceway" as a permitted use in the C-2 General Business District, as a new subsection 3 therein.

Section 11.3 of the Martin Township Zoning Ordinance is also hereby amended so as to add a new subsection 6 therein designating "amusement enterprises" as a special exception use in the C-2 General Business District.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Georgia Kraai, Clerk
Martin Township

ORDINANCE # 62
ZONING ORDINANCE BOOK
REPLACEMENT PAGES

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

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HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

December 15, 1995

Georgia Kraai, Clerk
Martin Township
1499 10th Street
Martin, MI 49070

Re: Zoning Ordinance Book Replacement Pages

Dear Georgia:

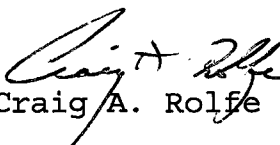
Enclosed is one "master" set of new pages 25, 65 and 68 of the Martin Township Zoning Ordinance. These replacement pages were generated as a result of the recent adoption of Ordinance No 62 amending the Zoning Ordinance in several respects.

Please take care of the distribution of these new pages to various Township officials. In this regard, please distribute 3-hole punched sets of these replacement pages to each member of the Township Board, Zoning Board, Zoning Board of Appeals, and to any other Township official who has a complete Zoning Ordinance book, such as the Township's Ordinance Enforcement Officers. Existing pages 25, 65 and 68 should be discarded.

Thank you for your assistance in this regard.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le

Enclosure

cc: Terry Sturgis (w/o enc)
John Schipper (w/o enc)

3. The distance between a detached accessory building or structure and any principal building shall not be less than 10 feet. Accessory buildings and structures shall be considered as attached to a principal building when the distance between them is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
 4. A garage may be constructed, erected and placed in the front yard of any waterfront lot which is platted or otherwise of record as of the effective date of this Ordinance if it is an accessory building and if it is located not less than 10 feet from the edge of the street.
 5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-2" Low Density Residential zoning district.
- 4.10 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, parking areas or other spaces shall comply with the front yard, rear yard, side yard, and other space requirements of the zoning district in which they are located. No lot, yard, parking area or other space shall be so divided, altered or reduced as to make it less than the minimum required under this Ordinance; if already less than the minimum required, it shall not be further divided, altered or reduced.
- 4.11 (Deleted by Ordinance No. 63, adopted 12/13/95).
- 4.12 MINIMUM PUBLIC STREET FRONTAGE: Every principal building and use shall be located on a lot having a minimum of 50 feet of frontage on a public street.

ARTICLE XI

C-2 GENERAL BUSINESS DISTRICT

- 11.1 STATEMENT OF PURPOSE: This district is for the retailing and wholesaling of goods, warehousing facilities, trucking facilities and limited fabrication of goods. When any of these types of enterprises are permitted, they are to be regulated in a manner that will protect any abutting residential districts.
- 11.2 PERMITTED USES: Land, buildings and structures in this zoning district may be used for the following purposes only, as permitted uses:
1. All permitted uses allowed in the C-1 Neighborhood Business District.
 2. Ambulance services.
 3. Automotive raceway.
 4. Antique shop, provided all articles for sale are displayed or stored within the shop.
 5. Automotive and other vehicle sales.
 6. Automotive repair shop or garage, including major repair operations.
 7. Automotive service station, in accordance with Section 4.24 of this Ordinance.
 8. Bank, loan and finance offices including drive-in branches.
 9. Bowling alley, including bars and restaurant.
 10. Bus station and travel agency.
 11. Business or trade school.
 12. Car wash facility.
 13. Catering service, delicatessen and confectionery store.
 14. Clinic - dental and medical including laboratory.
 15. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage are completely enclosed in a building.

3. Theater, drive-in, in accordance with Section 4.26 of this Ordinance.
4. Landing and take-off areas for roto-craft.
5. Uses otherwise allowed in this district, on a lot or parcel which was platted or otherwise of record as of the effective date of this ordinance, which does not comply with the area and/or width requirements of this zoning district, subject to the following considerations:
 - A. The size, character and nature of the commercial building and accessory buildings to be constructed on the lot.
 - B. The affect of the proposed use on adjoining properties and the surrounding neighborhood.
 - C. The affect of the proposed use on light and air circulation of adjoining properties.
 - D. The affect of increased density on the surrounding neighborhood likely to be caused by the proposed use.

Note: This special exception use shall not be applicable to a noncomplying lot or parcel which is adjacent to one or more other lots or parcels in common ownership, which, if combined, would create a "zoning lot" complying with the generally applicable minimum requirements of this ordinance.

6. Amusement enterprises.

11.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENT: No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum front yard: Where all the frontage on the same side of a street between two intersecting streets is located in a commercial zoning district and where a setback has been established by 50% of said frontage, then the established setback shall determine the required front yard setback; in all other cases the minimum front yard setback shall be 50 feet.

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
THOMAS M. CANNY
ROBERT E. THALL

December 18, 1995

Georgia Kraai, Clerk
Martin Township
1499 10th Street
Martin, MI 49070

Re: Cover Page for Zoning Ordinance


Dear Georgia:

After I sent out the replacement pages for the zoning ordinance books last week I noticed that the cover page of the zoning ordinance has not been changed for some time. Since the substantive pages of the zoning ordinance books are being kept up-to-date it would probably be nice if the cover page was also.

So, a revised cover page is now enclosed for you to copy and distribute to the usual people, three hole punched. Thanks.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis (w/o enc)
John Schipper (w/o enc)

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

MARTIN TOWNSHIP ZONING ORDINANCE

(Ordinance No. 30, as amended)

Adopted Date: September 10, 1986

Effective Date: September 24, 1986

REVISED THROUGH ORDINANCE NO. 62
ADOPTED DECEMBER 13, 1995
EFFECTIVE DECEMBER 20, 1995

ORDINANCE # 63

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 63

ADOPTED: December 13, 1995

**EFFECTIVE: January 20, 1996 (or upon
approval by State Construction Code Commission)**

STATE MECHANICAL AND PLUMBING CODES ORDINANCE

An Ordinance to assume responsibility for administration and enforcement of certain portions of the State Construction Code Act of 1972 (1972 PA 230), as amended, and the State Construction Code promulgated thereunder, within the political boundaries of the Township of Martin; and to provide for the designation of an enforcing agency to discharge the responsibilities of the Township hereunder, and to reserve the right to provide by agreement or contract with any other township, village, city or county for joint administration and enforcement hereunder; and to provide for the establishment of a fee schedule by the Township Board; and to provide for criminal penalties and civil remedies for the violation of this Ordinance or the portions of the Act or State Construction Code promulgated thereunder and adopted herein; and to repeal all existing Township ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the Martin Township State Mechanical and Plumbing Codes Ordinance.

SECTION II

ASSUMPTION OF CERTAIN STATE CONSTRUCTION CODE/
ACT RESPONSIBILITIES BY TOWNSHIP

In accordance with and pursuant to Section 8 and Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of portions of said Act within its political boundaries, and hereby adopts by reference portions of the State Construction Code currently in effect and as same may from time to time be modified or amended; specifically, the portions of said Act and State Construction Code constituting and pertaining to the Mechanical Code and Plumbing Code of the State of Michigan, and all other administrative portions of said Act/State Construction Code pertinent thereto.

This Section shall be construed to reverse any previous actions of the Township, if any, exempting the Township from said specified portions of the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes.

SECTION III

DESIGNATION OF ENFORCING AGENCY/ RESERVATION OF RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

In accordance with the aforereferenced Act, and pursuant to the provisions of the State Construction Code, the Martin Township Board is hereby authorized to designate by resolution an enforcing agency that shall discharge the responsibilities of the Township under the portions of said Act and the State Construction Code promulgated thereunder and adopted herein, which shall be any person or persons qualified by experience or training to perform the duties associated with construction code administration and enforcement, and otherwise in accordance with the Building Officials and Inspectors Registration Act (1986 Public Act 54; MCLA 338.2301 et seq). The Board is further authorized to remove by resolution any such person(s) from said position, in the sole discretion of said Board. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county in the State of Michigan for joint enforcement and administration of this Ordinance and the portions of the Act and the State Construction Code promulgated thereunder and adopted herein.

SECTION IV

ESTABLISHMENT OF FEE SCHEDULE

The Martin Township Board is hereby given the authority to establish by resolution at any public meeting a schedule of fees,

rates and charges for the administration and enforcement of this Ordinance and the portions of the Act and the State Construction Code promulgated thereunder and adopted herein, and for the conducting of various activities authorized by said Act/Code and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Township Board shall further have the right to amend by resolution the aforementioned schedule from time to time within the foregoing limits of reasonableness.

SECTION V

VIOLATIONS/PENALTIES

Any violation of this Ordinance or the portions of the Act or the State Construction Code promulgated thereunder and adopted herein shall be a misdemeanor punishable upon conviction by a fine not to exceed \$500.00, plus costs, and/or imprisonment in the County Jail for a term not to exceed 90 days. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance and said Act and Code.

SECTION VI

SEVERABILITY

Should any portion of this Ordinance, or 1972 PA 230, as amended, or the State Construction Code promulgated thereunder and adopted herein be declared unconstitutional, illegal, or otherwise of no force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith, including any mechanical or plumbing codes/ordinances previously adopted by the Township, if any, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Georgia Kraai, Clerk
Township of Martin

**ORDINANCE # 64
ZONING ORDINANCE TEXT
AMENDMENTS AND REZONINGS OF
PROPERTY IN SECTIONS 30 AND 35
AND CORRESPONDING LAND USE
PLAN AMENDMENTS**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

December 19, 1995

Georgia Kraai, Clerk
Martin Township
1499 10th Street
Martin, MI 49070

Re: Proposed Ordinance (Zoning Ordinance Text Amendments and
Rezoning/Land Use Plan Amendments)

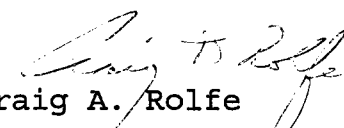
Dear Georgia:

Pursuant to a public hearing held December 6 the Martin Township Zoning Board has made recommendations on two zoning ordinance text amendment proposals and two proposed rezonings/Land Use Plan amendments. These recommendations were submitted to the Allegan County Planning Commission on December 7, but the County Planning Commission declined to consider these matters at their subsequent meeting, notwithstanding a personal appeal by John Schipper that they do so. This means that the County will not act upon these Zoning Board recommendations until their next meeting, which I understand is on January 8, two days before the January Township Board meeting. Since the statutory 30 day county review opportunity will elapse on or about January 8, the Martin Township Board may legally act upon the Zoning Board recommendations at the January 10 Township Board meeting, regardless of whatever action is taken on these matters on January 8 by the County Planning Commission.

Accordingly, I am enclosing a proposed Ordinance incorporating the December 6 Zoning Board recommendations, for consideration at the January 10 Township Board meeting. Please let me know on January 11 if the proposed ordinance was adopted, so I may proceed with the necessary follow-up processing of the ordinance. As usual, give me a call if any questions or problems arise.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: Terry Sturgis
John Schipper

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 64

ADOPTED: January 17, 1996

DRAFT

EFFECTIVE: January 17, 1996

(ZONING ORDINANCE TEXT AMENDMENTS, AND
REZONINGS OF PROPERTY IN SECTIONS 30 AND
35 AND CORRESPONDING LAND USE PLAN AMENDMENTS)

An Ordinance to amend the text of Sections 4.13 and 6.3 of the Martin Township Zoning Ordinance; to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Sections 30 and 35 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designations of the rezoned property; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF SECTION 4.13 PERTAINING TO
HEIGHT EXCEPTIONS FOR BUILDINGS/STRUCTURES

Section 4.13 of the Martin Township Zoning Ordinance is hereby amended to read as follows:

"4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding four feet in height, chimneys, light towers, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing

necessary mechanical appurtenances, television and radio reception and transmission antennas and towers which do not exceed fifty feet in height, and grandstand structures and attached press boxes and viewing suites which do not exceed fifty-five feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building."

SECTION II

AMENDMENT OF SECTION 6.3 PERTAINING TO SPECIAL EXCEPTION USES IN THE AGRICULTURAL DISTRICT

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended so as to revise subsection 18 therein to read as follows:

"18. Custom race car chassis assembly, and automotive engine or other component rebuilding, including minor fabrication, and sales of high performance automotive parts."

SECTION III

REZONING OF PROPERTY IN SECTION 30

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "R-1" Rural Estates District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 30 of the Township:

"Commencing at a point 70 rods north of the southeast corner of Section 30, thence north 50 rods, thence west to the north and south 1/4 line of Section 30, thence south to the railroad right-of-way, thence southeasterly along the easterly side of the railroad right-of-way to a point due west of the point of beginning, thence east to the point of beginning; except the north 330 feet thereof."

SECTION IV

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section III of this ordinance so as to be consistent with the "R-2" Low Density Residential zoning classification.

SECTION V

REZONING OF PROPERTY IN SECTION 35

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "C-2" General Business District zoning classification to the "R-1" Rural Estates District zoning classification the following described property in land Section 35 of the Township:

"A parcel of land commencing 529 feet north of the southeast corner of Section 35, thence north 281 feet, thence west 297 feet, thence south to the north line of the Michigan Railway right-of-way, thence southeast along that right-of-way to the point of beginning; except the north 125 feet thereof."

SECTION VI

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section V of this ordinance so as to be consistent with the "R-1" Rural Estates zoning classification.

SECTION VII

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 64

ADOPTED: January 10, 1996

EFFECTIVE: January 17, 1996

**(ZONING ORDINANCE TEXT AMENDMENTS, AND
REZONINGS OF PROPERTY IN SECTIONS 30 AND
35 AND CORRESPONDING LAND USE PLAN AMENDMENTS)**

An Ordinance to amend the text of Sections 4.13 and 6.3 of the Martin Township Zoning Ordinance; to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Sections 30 and 35 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designations of the rezoned property; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

AMENDMENT OF SECTION 4.13 PERTAINING TO
HEIGHT EXCEPTIONS FOR BUILDINGS/STRUCTURES

Section 4.13 of the Martin Township Zoning Ordinance is hereby amended to read as follows:

"4.13 HEIGHT EXCEPTIONS: The following buildings and structures shall be exempt from height regulations in all zoning

districts: parapet walls not exceeding four feet in height, chimneys, light towers, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, television and radio reception and transmission antennas and towers which do not exceed fifty feet in height, and grandstand structures and attached press boxes and viewing suites which do not exceed fifty-five feet in height. Additions to existing buildings and structures which now exceed the height limitations of their zoning district up to the height of an existing building or structure on the same lot are permitted if the lot is large enough to encompass a circular area with a radius at least equal to the height of the structure or building."

SECTION II

AMENDMENT OF SECTION 6.3 PERTAINING TO SPECIAL EXCEPTION USES IN THE AGRICULTURAL DISTRICT

Section 6.3 of the Martin Township Zoning Ordinance is hereby amended so as to revise subsection 18 therein to read as follows:

"18. Custom race car chassis assembly, and automotive engine or other component rebuilding, including minor fabrication, and sales of high performance automotive parts."

SECTION III

REZONING OF PROPERTY IN SECTION 30

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "R-1" Rural Estates District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property in land Section 30 of the Township:

"Commencing at a point 70 rods north of the southeast corner of Section 30, thence north 50 rods, thence west

to the north and south 1/4 line of Section 30, thence south to the railroad right-of-way, thence southeasterly along the easterly side of the railroad right-of-way to a point due west of the point of beginning, thence east to the point of beginning; except the north 330 feet thereof."

SECTION IV

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section III of this ordinance so as to be consistent with the "R-2" Low Density Residential zoning classification.

SECTION V

REZONING OF PROPERTY IN SECTION 35

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "C-2" General Business District zoning classification to the "R-1" Rural Estates District zoning classification the following described property in land Section 35 of the Township:

"A parcel of land commencing 529 feet north of the southeast corner of Section 35, thence north 281 feet, thence west 297 feet, thence south to the north line of the Michigan Railway right-of-way, thence southeast along that right-of-way to the point of beginning; except the north 125 feet thereof."

SECTION VI

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section V of this ordinance so as to be consistent with the "R-1" Rural Estates zoning classification.

SECTION VII

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

GEORGIA KRAAI, Clerk
Martin Township

**ORDINANCE # 65
AMENDMENT OF STATE
MECHANICAL AND PLUMBING
CODES ORDINANCE**



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

August 22, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen. P.C.
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

Thank you for your prompt response to my August 20, 1996, letter.

The applications, Ordinance No. 65, and amendment to Ordinance No. 65 will be presented for approval to the State Construction Code Commission at its next scheduled meeting of September 12, 1996.

This office will be in contact with the township following the meeting, informing them of the Commission's action on their applications and ordinances.

If you have any questions, please feel free to contact me.

Sincerely,

Mark Sisco
Deputy Director

MS/la

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

August 22, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of
Consumer & Industry Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Amendment of Martin Township Ordinance No. 65
State Mechanical and Plumbing Codes Ordinance

Dear Mr. Sisco:

With reference to your letter of August 22 received by fax today, thank you for your quick attention to this matter. Please be advised that the proposed amendment to Ordinance No. 65 is now being submitted to the Martin Township Board for approval at its next meeting, which I understand is September 11. I am absolutely certain that this amendatory ordinance will be adopted unless some horrible disaster occurs.

Thus, pursuant to your letter of August 22 we are expecting Martin Township Ordinance No. 65, and the proposed amendatory ordinance, to be submitted to the Construction Code Commission for approval at its September 12 meeting in conjunction with the Township's Application to Administer and Enforce the State Mechanical and Plumbing Codes.

After the Township Board meeting I will formally submit the amendatory ordinance to you with the appropriate ordinance number and adopted and effective dates, but this should just be a formality. Please contact me if you see any problems in the meantime.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le

cc: Terry Sturgis
Tracie Moored

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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HARRY F. SMITH
1906-1972

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KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

August 22, 1996

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: Proposed Amendment of Ordinance No. 65 (State Mechanical
and Plumbing Codes Ordinance)

Dear Terry:

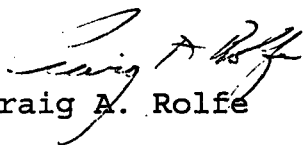
By letter faxed to me today (copy enclosed) the Bureau of Construction Codes has informed me that Ordinance No. 65 and the proposed amendment to that ordinance will be presented for approval to the State Construction Code Commission at its September 12 meeting. Thus, it is very important that the amendment to Ordinance No. 65 be adopted by the Township Board at your September 11 meeting. A copy of this proposed ordinance is enclosed.

If you or the Clerk will give me a call the day after your meeting I will provide the Clerk with an as-adopted original of the ordinance with the appropriate adopted and effective dates for filing in the Township records, and otherwise take care of the post-adoption legal requirements. When you or Tracie call please be sure to indicate the number for this ordinance.

Unless the Bureau once again does a number on us I think we are finally going to get this construction code matter straightened out.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Tracie Moored

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. _____

ADOPTED: _____

DRAFT

EFFECTIVE: _____

AMENDMENT OF STATE MECHANICAL AND PLUMBING CODES ORDINANCE
(ORDINANCE NO. 65 ADOPTED 2/14/96)

An Ordinance to amend Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996).

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

ASSUMPTION OF CERTAIN STATE CONSTRUCTION
CODE/ACT RESPONSIBILITIES BY TOWNSHIP

Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996) is hereby amended to read as follows:

"In accordance with and pursuant to Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of said Act and the State Mechanical Code and State Plumbing Code and all other administrative portions of said Act/State Construction

Code pertinent thereto currently in effect and as same may from time to time be modified or amended; the Township having previously similarly assumed responsibility for the administration and enforcement of the State Building Code and State Electrical Code pursuant to Ordinance No. 45 adopted April 14, 1993 and accepted by the State Construction Code Commission on July 7, 1993.

This Section shall be construed to reverse any previous actions of the Township, if any, that exempted the Township from the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes."

SECTION II

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Tracie Moored, Clerk
Township of Martin

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

July 23, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of Labor
P.O. Box 30254
Lansing, Michigan 48909

Re: Martin Township Ordinance No. 65
State Mechanical and Plumbing Codes Ordinance

Dear Mr. Sisco:

By letter dated February 15, 1996 we submitted for State Construction Code Commission approval Martin Township Ordinance No. 65, which provides for Martin Township (Allegan County) to assume responsibility for administration and enforcement of the State Mechanical Code and State Plumbing Code within Martin Township.

Shortly after the March Commission meeting you informed me that the ordinance was not submitted to the Commission at that time because the Bureau had not also received the appropriate Application for Approval to Administer and Enforce for the mechanical and plumbing codes. The Township Supervisor has called today inquiring about the status of the ordinance, indicating that the appropriate Applications to Administer and Enforce were submitted to the Bureau some time ago.

Accordingly, please advise me of the status of Martin Township Ordinance No. 65 relative to Commission approval. Thank you.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le

cc: Terry Sturgis, Martin Township Supervisor
Tracie Moored, Martin Township Clerk



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

July 30, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen. P.C.
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

I am writing regarding your letter received July 24, 1996, concerning the township's Applications for Approval to Administer and Enforce the state mechanical and plumbing codes and Ordinance No. 65.

The applications and Ordinance No. 65 will be presented for approval to the State Construction Code Commission at its next scheduled meeting of September 12, 1996.

Following the meeting, this office will be in contact with the township informing them of the Commission's action on their applications and ordinance.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Mark Sisco".

Mark Sisco
Deputy Director

MS/la

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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1906-1972

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KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

August 1, 1996

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: Ordinance No. 65 (State Mechanical and Plumbing Codes
Ordinance)


Dear Terry:

Enclosed is a copy of a July 30 letter from the Bureau of
Construction Codes advising that Ordinance No. 65 will be presented
to the State Construction Code Commission for approval at its next
meeting scheduled for September 12.

I will be in touch with you upon hearing from the Bureau after
this meeting.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le

Enclosure

cc: Tracie Moored

FILED
8-21-96

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

August 21, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of
Consumer & Industry Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Amendment of Martin Township Ordinance No. 65
State Mechanical and Plumbing Codes Ordinance

Dear Mr. Sisco:

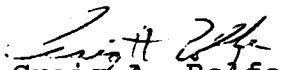
Your letter of August 20, 1996 advises that Martin Township Ordinance No. 65 is not acceptable, notwithstanding your letter of July 30, 1996 indicating that the ordinance would be presented for approval to the State Construction Code Commission at its September 12 meeting.

We hope you understand that this is quite a frustrating situation for the Township, especially in light of the fact that your most-recent thinking about the sufficiency of the ordinance language was only brought to light pursuant to our recent telephone conversation discussing the sufficiency of a similar ordinance submitted for another Township. The bottom line is that the Township of course desires to simply get this administrative problem resolved.

For this reason I am enclosing a proposed amendatory ordinance for your review, amending Section II of Ordinance No. 65 to address your most recent concern. Before I even submit this proposed ordinance to the Township I would like you to advise, in writing, whether the Bureau will once again recommend Commission approval of Martin Township Ordinance No. 65 pursuant to the contemplated adoption of the amendatory ordinance at the next Township Board meeting, which will be held before the September 12 Construction Code Commission meeting. Considering the circumstances I hope you will be able to attend to this within the next couple days and fax me your response so I can proceed accordingly with the Township Board for their next meeting.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis
Tracie Moored

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

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HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
THOMAS M. CANNY
ROBERT E. THALL

October 10, 1996

Mr. Mark Sisco
Bureau of Construction Codes
Michigan Department of
Consumer & Industry Services
P.O. Box 30254
Lansing, Michigan 48909

Re: Adoption of Martin Township Ordinance No. 66, Amending
State Mechanical and Plumbing Codes Ordinance (Ordinance
No. 65)

Dear Mr. Sisco:

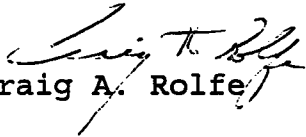
Pursuant to your letter of September 24 you advised that Martin Township Ordinance No. 65 (State Mechanical and Plumbing Codes Ordinance) and the proposed amendment to that ordinance received by you on August 21 were approved by the Construction Code Commission at its meeting on September 12, 1996. You further advised that once the amending ordinance is formally adopted and a copy is forwarded to your office the Township will be notified of the date it becomes responsible for the administration and enforcement of the state mechanical and plumbing codes within the Township.

I am pleased to enclose a copy of the amending ordinance, Ordinance No. 66, adopted by the Martin Township Board on October 9, 1996. Accordingly, we now anxiously await your formal authorization for the Township to assume responsibility for the administration and enforcement of the state mechanical and plumbing codes within Martin Township. We request that this authorization be coordinated with the effective date of the amendatory ordinance stated at the top of Ordinance No. 66.

Thank you in advance for your attention to this matter.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le

Enclosure

cc: Terry Sturgis (w/o enc)
Tracie Moored (w/o enc)
Kirk Scharphorn (w/ enc, including various materials received
with Sisco 9/24/96 letter)

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 65

ADOPTED: February 14, 1996

EFFECTIVE: March 23, 1996 (or upon approval by State Construction Code Commission)

STATE MECHANICAL AND PLUMBING CODES ORDINANCE

An Ordinance to assume responsibility for administration and enforcement of the State Construction Code Act of 1972 (1972 PA 230), as amended, and certain portions of the State Construction Code promulgated thereunder within the political boundaries of the Township of Martin, for which such responsibility has not previously been assumed by the Township; and to designate an enforcing agency to discharge the responsibilities of the Township hereunder, and to reserve the right to provide by agreement or contract with any other township, village, city or county for joint administration and enforcement hereunder; and to provide for the establishment of a fee schedule by the Township Board; and to provide for criminal penalties and civil remedies for the violation of this Ordinance or the portions of the Act or State Construction Code promulgated thereunder and adopted herein; and to repeal all existing Township ordinances in conflict herewith, including Ordinance No. 63 adopted December 13, 1995.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the Martin Township State Mechanical and Plumbing Codes Ordinance.

SECTION II

ASSUMPTION OF CERTAIN STATE CONSTRUCTION CODE/
ACT RESPONSIBILITIES BY TOWNSHIP

In accordance with and pursuant to Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of said Act within its political boundaries, and hereby adopts by reference the State Mechanical Code and State Plumbing Code and all other administrative portions of said Act/State Construction Code pertinent thereto currently in effect and as same may from time to time be modified or amended; the Township having previously similarly assumed responsibility for the administration and enforcement of the State Building Code and State Electrical Code pursuant to Ordinance No. 45 adopted April 14, 1993 and accepted by the State Construction Code Commission on July 7, 1993.

This Section shall be construed to reverse any previous actions of the Township, if any, that exempted the Township from

the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes.

SECTION III

DESIGNATION OF ENFORCING AGENCY/RESERVATION OF RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

In accordance with the aforereferenced Act, and pursuant to the provisions of the State Construction Code, the Martin Township Board hereby designates the Mechanical Official of Martin Township and the Plumbing Official of Martin Township as the enforcing agency to discharge the responsibility of Martin Township assumed hereunder. The Martin Township Board is hereby authorized to designate by resolution/motion the person or persons qualified by experience or training to perform the duties associated with the offices of Mechanical Official of Martin Township and Plumbing Official of Martin Township, and otherwise in accordance with the Building Officials and Inspectors Registration Act (1986 Public Act 54; MCLA 338.2301 et seq). The Board is further authorized to remove by resolution/motion any such person(s) from said offices, in the sole discretion of the Board. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county in the State of Michigan for joint enforcement and administration of this Ordinance and the Act and the State Mechanical Code and State Plumbing Code promulgated thereunder and adopted herein.

SECTION IV

ESTABLISHMENT OF FEE SCHEDULE

The Martin Township Board is hereby given the authority to establish by resolution/motion at any public meeting a schedule of fees, rates and charges for the administration and enforcement of this Ordinance and the Act and the State Mechanical Code and State Plumbing Code promulgated thereunder and adopted herein, and for the conducting of various activities authorized by said Act/Codes and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Township Board shall further have the right to amend by resolution/motion the aforementioned schedule from time to time within the foregoing limits of reasonableness.

SECTION V

VIOLATIONS/PENALTIES

Any violation of this Ordinance or the Act or the State Mechanical Code and State Plumbing Code promulgated thereunder and adopted herein shall be a misdemeanor punishable upon conviction by a fine not to exceed \$500.00, plus costs, and/or imprisonment in the County Jail for a term not to exceed 90 days. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent

jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance and said Act and Codes.

SECTION VI

SEVERABILITY

Should any portion of this Ordinance, or 1972 PA 230, as amended, or the State Construction Code promulgated thereunder be declared unconstitutional, illegal, or otherwise of no force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith, including Ordinance No. 63 adopted December 13, 1995, any other mechanical or plumbing codes/ordinances previously adopted by the Township, if any, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Georgia Kraai, Clerk
Township of Martin

**ORDINANCE # 66
AMENDMENT OF STATE
MECHANICAL AND PLUMBING
CODES ORDINANCE**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

December 11, 1995

Terry Sturgis, Supervisor
Martin Township
1824 10th Street
Martin, Michigan 49070

Re: State Plumbing and Mechanical Code Ordinance

Dear Terry:

Pursuant to your telephone call this morning Martin Township has recently been informed by the Bureau of Construction Codes in Lansing that Allegan County is no longer providing administration and enforcement of the State Mechanical Code and State Plumbing Code within the County. In fact, it appears that Allegan County may have decided to relinquish this responsibility back in 1994, but very little seems certain in that regard.

In any event, you have indicated that the Township Board desires to retain local administration and enforcement of the State Mechanical Code and the State Plumbing Code. Pursuant to the applicable statutes this necessitates adoption of an appropriate ordinance by the Martin Township Board, and submission of that ordinance and an Application to Administer and Enforce form to the State for approval of the State Construction Code Commission. A proposed ordinance is enclosed in this regard for the Board to consider adopting at its meeting on December 13.

If the Township Board adopts this proposed ordinance the Township Board should also designate, pursuant to Section III of the ordinance, a qualified person or persons to perform the duties associated with administration and enforcement of the State Mechanical Code and State Plumbing Code. I have discussed with you and with Kirk Scharphorn that Kirk, individually, would quite likely be the person designated by the Township Board to assume this responsibility. However, I have also made you and Kirk aware that the State may not readily approve this situation because Kirk is also employed by a private construction code inspection company and some of the State people believe this presents a "conflict of interest" situation. We will simply have to address that problem when and if it is raised by the State.

Finally, if the Township Board approves the proposed ordinance and designates appropriate plumbing/mechanical code officials for

Terry Sturgis
December 11, 1995
Page 2

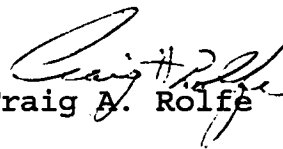
Martin Township, the Township will also need to prepare an Application to Administer and Enforce with respect to the State Mechanical Code and State Plumbing Code. I suggest that you confer with Kirk about the filling-out of such an Application and the submission of same to the Bureau of Construction Codes in Lansing.

I will take care of submitting the ordinance to the Bureau for approval of the Construction Code Commission, upon being advised that the ordinance was adopted. Please make sure that someone gives me a call in this regard.

Give me a call if you have any questions.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Kirk Scharphorn
Georgia Kraai

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO.

ADOPTED: _____

DRAFT

EFFECTIVE: _____

STATE MECHANICAL AND PLUMBING CODES ORDINANCE

An Ordinance to assume responsibility for administration and enforcement of certain portions of the State Construction Code Act of 1972 (1972 PA 230), as amended, and the State Construction Code promulgated thereunder, within the political boundaries of the Township of Martin; and to provide for the designation of an enforcing agency to discharge the responsibilities of the Township hereunder, and to reserve the right to provide by agreement or contract with any other township, village, city or county for joint administration and enforcement hereunder; and to provide for the establishment of a fee schedule by the Township Board; and to provide for criminal penalties and civil remedies for the violation of this Ordinance or the portions of the Act or State Construction Code promulgated thereunder and adopted herein; and to repeal all existing Township ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and may be cited as the Martin Township State Mechanical and Plumbing Codes Ordinance.

SECTION II

ASSUMPTION OF CERTAIN STATE CONSTRUCTION CODE/
ACT RESPONSIBILITIES BY TOWNSHIP

In accordance with and pursuant to Section 8 and Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of portions of said Act within its political boundaries, and hereby adopts by reference portions of the State Construction Code currently in effect and as same may from time to time be modified or amended; specifically, the portions of said Act and State Construction Code constituting and pertaining to the Mechanical Code and Plumbing Code of the State of Michigan, and all other administrative portions of said Act/State Construction Code pertinent thereto.

This Section shall be construed to reverse any previous actions of the Township, if any, exempting the Township from said specified portions of the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes.

SECTION III

DESIGNATION OF ENFORCING AGENCY/ RESERVATION OF RIGHT TO PROVIDE FOR JOINT ENFORCEMENT

In accordance with the aforementioned Act, and pursuant to the provisions of the State Construction Code, the Martin Township Board is hereby authorized to designate by resolution an enforcing agency that shall discharge the responsibilities of the Township under the portions of said Act and the State Construction Code promulgated thereunder and adopted herein, which shall be any person or persons qualified by experience or training to perform the duties associated with construction code administration and enforcement, and otherwise in accordance with the Building Officials and Inspectors Registration Act (1986 Public Act 54; MCLA 338.2301 et seq). The Board is further authorized to remove by resolution any such person(s) from said position, in the sole discretion of said Board. The Township specifically reserves the right to provide by agreement or contract with any other township, village, city or county in the State of Michigan for joint enforcement and administration of this Ordinance and the portions of the Act and the State Construction Code promulgated thereunder and adopted herein.

SECTION IV

ESTABLISHMENT OF FEE SCHEDULE

The Martin Township Board is hereby given the authority to establish by resolution at any public meeting a schedule of fees, rates and charges for the administration and enforcement of this Ordinance and the portions of the Act and the State Construction

Code promulgated thereunder and adopted herein, and for the conducting of various activities authorized by said Act/Code and this Ordinance; provided that the same shall be reasonable and bear a reasonable relationship to the cost and expense of such administration, enforcement and activity. The Township Board shall further have the right to amend by resolution the aforementioned schedule from time to time within the foregoing limits of reasonableness.

SECTION V

VIOLATIONS/PENALTIES

Any violation of this Ordinance or the portions of the Act or the State Construction Code promulgated thereunder and adopted herein shall be a misdemeanor punishable upon conviction by a fine not to exceed \$500.00, plus costs, and/or imprisonment in the County Jail for a term not to exceed 90 days. Each day that a violation continues to exist shall constitute a separate offense. In addition, the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance and said Act and Code.

SECTION VI

SEVERABILITY

Should any portion of this Ordinance, or 1972 PA 230, as amended, or the State Construction Code promulgated thereunder and

adopted herein be declared unconstitutional, illegal, or otherwise of no force or effect by a court of competent jurisdiction, such portion thereof shall not be deemed to affect the validity of any other part or portion thereof.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith, including any mechanical or plumbing codes/ordinances previously adopted by the Township, if any, are hereby repealed and shall be of no further force or effect upon the effective date of this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Georgia Kraai, Clerk
Township of Martin

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

October 10, 1996

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Publication of Ordinance for Martin Township
(Ordinance No. 66)

Ladies:

Please publish the enclosed Notice of Adoption and the attached Martin Township Ordinance No. 66, in that order, on:

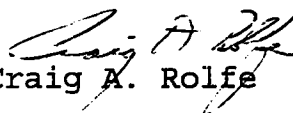
Monday, October 21, 1996

Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, and forward one Affidavit of Publication to this office.

Thank you for your attention to this matter. Please give me a call if you have any questions or problems.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Tracie Moored
Terry Sturgis

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

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LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

October 10, 1996

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

Re: Ordinance No. 66
(Amendment of State Mechanical and Plumbing Codes
Ordinance)

Dear Tracie:


I am enclosing the original of the Notice of Adoption for Ordinance No. 66, and the original of Ordinance No. 66 itself, as adopted by the Township Board at the October 9 Board meeting.

Your partially completed Clerk's Certificate for this ordinance is also enclosed, to be completed and filed at the appropriate time in the official ordinance book along with the other materials pertinent to this matter. Please note that since the Township office is not open to the public during regular hours on each business day state law requires the Township Clerk to file an attested copy of the ordinance with the County Clerk within one week after publication of the ordinance. The Clerk's Certificate includes a provision for this filing date.

Finally, I am also enclosing a copy of a letter to the Penasee Globe, arranging for the required publication of the Notice of Adoption and the Ordinance.

Sincerely,

BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosures
cc: Terry Sturgis



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

October 21, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

Thank you for forwarding a copy of the township's amending Ordinance No. 66.

Although the ordinance reflects the adoption and effective dates, it is not a certified copy.

Please forward a certified copy of the ordinance prior to November 4, 1996, to assure the township's assumption of the mechanical and plumbing codes on the effective date of November 21, 1996.

If you have any questions, please contact me at 517/322-5247.

Sincerely,

A handwritten signature in black ink that reads 'Mark Sisco'.

Mark Sisco
Deputy Director

MS/la

cc: Bert Schipper
Kirk Scharphorn
Steve Herrema
Tennison Barry
Bob Konyndyk
Bill Lycos
Emmett Kelley

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

October 28, 1996

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

Re: Ordinance No. 66

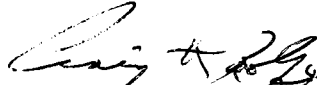
Dear Tracie:

Enclosed is a copy of an October 21 letter from the Bureau of Construction Codes, requesting a "certified" copy of Ordinance No. 66 prior to November 4.

To make the Bureau happy please send a certified copy of Ordinance No. 66 to the Bureau at your very earliest convenience. Thank you.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Bureau of Construction Codes

State Secondary Complex
7150 Harris Drive
P.O. Box 30254
Lansing, Michigan 48909

November 13, 1996

Mr. Craig A. Rolfe
Bauckham, Sparks, Rolfe & Thomsen
132 West South Street, Suite 500
Kalamazoo, MI 49007-4781

RE: Martin Township/Allegan County

Dear Mr. Rolfe:

I am attaching a copy of a letter sent to you requesting a certified copy of the township's Ordinance No. 66. To date, no response has been received. Perhaps you have overlooked this or did not realize the importance of a response.

A certified copy of the ordinance must be submitted to this office before the township can assume responsibility for mechanical and plumbing code administration and enforcement.

Please contact me at 517/322-5247, if you have questions.

Sincerely,

Mark Sisco
Deputy Director

MS/la
Attachment

cc: Bert Schipper
Kirk Scharphorn
Steve Herrema
Tennison Barry
Bob Konyndyk
Bill Lycos
Emmett Kelley

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER

THOMAS M. CANNY
ROBERT E. THALL

November 15, 1996

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

Re: Ordinance No. 66

Dear Tracie:

By a letter to me dated October 21 the Bureau of Construction Codes requested a "certified" copy of Ordinance No. 66 prior to November 4.


By my letter to you dated October 28 I enclosed a copy of the October 21 letter from the Bureau and requested that you send the requested certified copy of Ordinance No. 66 to the Bureau at your very earliest convenience.

I am now enclosing a copy of a November 13 letter to me from the Bureau advising that they have received no response to the original October 21 request for a certified copy of Ordinance No. 66. This November 13 letter further advises that a certified copy of the ordinance must be submitted to the Bureau before the Township can assume responsibility for mechanical and plumbing code administration and enforcement.

Accordingly, please immediately submit a "certified" copy of Ordinance No. 66 to the attention of the Deputy Director of the Bureau of Construction Codes in Lansing at the address indicated on the enclosed November 13 letter. Please copy me on that mailing. Thank you.

Sincerely,

BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.


Craig A. Rolfe

CAR/le
Enclosure
cc: Terry Sturgis
Kirk Scharphorn
Mark Sisco

PS: Please also inform the Bureau of Construction Codes, again, that Bert Schipper is no longer the Supervisor of Martin Township, and provide them with the correct address and telephone information for Terry Sturgis.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION OF ORDINANCE AMENDING
STATE MECHANICAL AND PLUMBING CODES ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at the October 9, 1996 meeting of the
Martin Township Board the following Ordinance No. 66 was adopted.

PLEASE TAKE FURTHER NOTICE that the original Ordinance may be
inspected or a copy purchased by contacting the Martin Township
Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070,
(616)672-5027 during regular business hours of regular working
days, and at such other times as may be arranged.

CLERK'S CERTIFICATE

I, TRACIE MOORED, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on October 9, 1996 commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 66, hereinbefore recorded, to become effective 30 days after publication, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows: *See attached*

*Supple - yes Moored - yes McGuire - yes Sturgis - yes
Brenner - yes*

I do further certify that Ordinance No. 66 was published in its entirety in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on October 21, 1996; that said Ordinance No. 66 was recorded in the official Ordinance Book on the 13 day of November, 1996; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 13 day of November, 1996.

Date: November 13, 96

Tracie L. Moored
TRACIE MOORED, Clerk
Martin Township

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 66

ADOPTED: October 9, 1996

EFFECTIVE: November 21, 1996

AMENDMENT OF STATE MECHANICAL AND PLUMBING CODES ORDINANCE
(ORDINANCE NO. 65 ADOPTED 2/14/96)

An Ordinance to amend Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996).

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

ASSUMPTION OF CERTAIN STATE CONSTRUCTION
CODE/ACT RESPONSIBILITIES BY TOWNSHIP

Section II of the Martin Township State Mechanical and Plumbing Codes Ordinance (Ordinance No. 65 adopted February 14, 1996) is hereby amended to read as follows:

"In accordance with and pursuant to Section 9 of the State Construction Code Act of 1972 (1972 Public Act No. 230; MCLA 125.1501 et seq), as amended, the Township of Martin hereby assumes responsibility for the administration and enforcement of said Act and the State Mechanical Code and State Plumbing Code and all other administrative portions of said Act/State Construction

Code pertinent thereto currently in effect and as same may from time to time be modified or amended; the Township having previously similarly assumed responsibility for the administration and enforcement of the State Building Code and State Electrical Code pursuant to Ordinance No. 45 adopted April 14, 1993 and accepted by the State Construction Code Commission on July 7, 1993.

This Section shall be construed to reverse any previous actions of the Township, if any, that exempted the Township from the Act and the State Construction Code by adopting and enforcing nationally recognized model mechanical and plumbing codes."

SECTION II

EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication or upon such later date as the Ordinance is approved by the State Construction Code Commission.

Tracie Moored, Clerk
Township of Martin

ORDINANCE # 67
CONSUMERS ENERGY COMPANY
GAS FRANCHISE ORDINANCE

ORDINANCE NO. 67

CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, hereby grants to CONSUMERS ENERGY COMPANY, a Michigan Corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's pipes and mains shall be so placed in the highways and other public places as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas rates and rules

regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

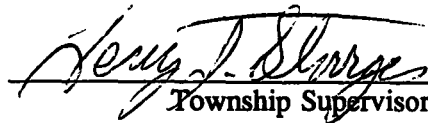
SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas ordinance adopted by the township board on September 28, 1967 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby a gas franchise was granted to Consumers Power Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, on the 13 day of August, 1997.



Township Supervisor
Terry J. Storgis

Attest:



Township Clerk

ACCEPTANCE

TO THE TOWNSHIP BOARD OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN:

That CONSUMERS ENERGY COMPANY, hereby accepts the franchise granted to it by your Township Board, on the 13th day of August, 1997, which said franchise is entitled as follows:

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

CONSUMERS ENERGY COMPANY

By



Carl L. English, Vice President

Dated: August 13, 1997.

CLERK CERTIFICATION

STATE OF MICHIGAN)
 : ss.
COUNTY OF ALLEGAN)

I, Tracee Board Township Clerk of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, DO HEREBY CERTIFY that the annexed is a true and correct copy of the ordinance granting CONSUMERS ENERGY COMPANY, a gas franchise, as adopted by the Township Board at a regular meeting on the 13 day of August, 1997.

I FURTHER CERTIFY that the acceptance, a copy of which is attached hereto, was filed with me as Township Clerk, on the 13 day of August, 1997; that I have compared the attached copies with the original records in my office, and that the same are true and correct transcripts therefrom.

I FURTHER CERTIFY that a copy of the foregoing ordinance was published, as appears by proof thereof on file in my office, in the Penasee/Globe a newspaper circulated in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, on the 25 day of August, 1997; and that all of said proceedings were regular and in accordance with all legal requirements.

Tracee Board
Township Clerk

Dated: August 30, 1997

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEBER

August 12, 1998

Tracie Moored, Clerk
Martin Township
114 Templeton
Martin, Michigan 49070

**Re: Proposed Ordinance No. 67 (Rezoning of Property in Land
Section 22 and Related Amendment of Land Use Plan)**

Dear Tracie:

I am enclosing a copy of a proposed Ordinance No. 67 for consideration by the Township Board at its next meeting. This proposed ordinance reflects the rezoning of property in land Section 22, and a corresponding amendment of the Land Use Plan, recommended for approval by the Martin Township Zoning Board at its April 10, 1997 proceedings. This recommendation was approved by the Allegan County Planning Commission on July 13, 1998. A copy of the minutes of those proceedings is enclosed.

Please contact me the day after the Township Board meeting to let me know whether the proposed ordinance was adopted, so I may proceed with the necessary follow-up processing of the ordinance. As usual, give me a call if any questions or problems arise.

Sincerely,

**BAUCKHAM, SPARKS, ROLFE
& THOMSEN, P.C.**


Craig A. Rolfe

Page Two
Tracie Moored
August 11, 1998

CAR:ckj

Encs.

cc: Terry Sturgis
Darl Evers

P.S. As I advised the Allegan County Planning Commission, the April 10, 1997 date of the Township Zoning Board consideration of this matter is correct. The Zoning Board recommendation could not be submitted to the County, and then on to the Township Board, until the owner of the property provided the Township with an accurate legal description of the area recommended for rezoning. That information was not received by this office until the latter part of June 1998, and the matter was thereafter promptly submitted to the County.

If the Township Board does not approve the recommended rezoning and Land Use Plan amendment it should of course not adopt the proposed ordinance.

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 67

ADOPTED: ~~_____ **DRAFT** _____~~

EFFECTIVE: _____

**(REZONING OF PROPERTY IN SECTION 22 AND
CORRESPONDING LAND USE PLAN AMENDMENT)**

An Ordinance to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Section 22 of the Township; to amend the Martin Township Land Use Plan so as to change the planning designation of the rezoned property; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 22

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended so as to rezone from the "A" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification the following described property:

That part of the Northwest 1/4 of Section 22, Town 2 North, Range 11 West described as commencing at the Northwest corner of said Section; thence North 89° 26' 26" East on North section line, 735.13 feet to the place of beginning of this description; thence continuing North 89° 26' 26" East on the North section line, 1387.21 feet to a point South 89° 26' 26" West, 530.89 feet from the North 1/4 post of said section; thence South 00° 09' 23" East parallel to the North and South 1/4 line, 220.00 feet; thence South 89° 26' 26" West parallel to the North section line, 483.00 feet; thence South 00° 09' 23" East, 911.00 feet; thence North 89° 26' 26" East 483.00 feet; thence North 00° 09' 23" West, 174.0 feet; thence North 89° 26' 26" East, 530.89 feet to the North and South 1/4 line; thence South 00° 09' 23" East on said 1/4 line, 374.00 feet; thence South 89° 25' 25" West parallel to the East and West 1/8 line of the Northwest 1/4, 517.00 feet; thence South 00° 09' 23" East, 491.36 feet; thence South 89° 25' 25" West, 814.31 feet; thence North 00° 00' 32" West on the North and South 1/8 line of the Northwest 1/4, 501.51 feet; thence South 89° 25' 25" West on the East and West 1/8 line of the Northwest 1/4, 506.13 feet; thence North 03° 42' 24" West, 1323.38 feet to the place of beginning.

SECTION II

AMENDMENT TO LAND USE PLAN

The Martin Township Land Use Plan is hereby amended so as to change the planning designation of the property described in Section I of this ordinance from the Agricultural classification to the Low Density Residential classification.

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect on the eighth day after publication or on such later date as may be required by law. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Tracie Moored, Clerk
Martin Township

ORDINANCE # 68

**TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN**

MARTIN TOWNSHIP ORDINANCE NO. 68

ADOPTED: February 10, 1999

EFFECTIVE: March 2, 1999

REZONING OF PROPERTY IN SECTION 30

An Ordinance to amend the Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance so as to rezone property in Section 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION

The Martin Township Zoning Map and Appendix A of the Martin Township Zoning Ordinance are hereby amended as follows:

33.68 acres of the property described below is rezoned from a Commercial to an "R-3" Residential classification;

The front most northern 3.91+/- acres of the property described below adjacent to Michigan Route 222, shall remain zoned for commercial use;

That part of the west fractional one half of the northwest fractional one quarter of Section 30, T2N, R11W, Martin Township, Allegan County, Michigan, lying east of the easterly right of way line of US Highway 131, commencing at the North one quarter corner of said Section 30.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**MARTIN TOWNSHIP
Tracie Moored, Clerk**

COPY

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:**

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on February 10, 1999, the Board adopted an ordinance which rezones certain property located within the Township. The Township Board considered rezoning the following described parcel consisting of 37.59 acres from commercial to "R-3" Residential:

That part of the west fractional one half of the northwest fractional one quarter of Section 30, T2N, R11W, Martin Township, Allegan County, Michigan, lying east of the easterly right of way line of US Highway 131, commencing at the North one quarter corner of said Section 30.

PLEASE TAKE FURTHER NOTICE that the Board DENIED the rezoning of the front most northern 3.91+/- acres of the above described property adjacent to Michigan Route 222, which portion shall remain zoned for commercial use.

PLEASE TAKE FURTHER NOTICE that the Township Board APPROVED the rezoning of the remaining 33.68 acres of the above described property from a Commercial to an "R-3" Residential classification.

PLEASE TAKE FURTHER NOTICE that a full and complete copy of the Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, (616) 672-5027 during regular business hours of regular working days, and at such other times as may be arranged.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
114 Templeton
Martin, MI 49070**

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
—NOTICE—**

OF ADOPTION OF ORDINANCE

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on February 10, 1999, the Board adopted an ordinance which rezones certain property located within the Township. The Township Board considered rezoning the following described parcel consisting of 37.59 acres from commercial to "R-3" Residential:

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PLEASE TAKE FURTHER NOTICE that the Township Board APPROVED the rezoning of the remaining 33.68 acres of the above described property from a Commercial to an "R-3" Residential classification.

PLEASE TAKE FURTHER NOTICE that a full and complete copy of the Ordinance may be inspected or a copy purchased by contacting the Martin Township Clerk, Tracie Moored, 114 Templeton, Martin Michigan 49070, (616) 672-5027 during regular business hours of regular working days, and at such other times as may be arranged

MARTIN TOWNSHIP
Tracie Moored, Clerk
114 Templeton
Martin, MI 49070

In the Matter of
Legal Notice for Martin Township - Adoption of Ordinance

State of Michigan, County of Allegan

COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Penasee/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

2/22

A.D. 19 99

A.D. 19

A.D. 19

A.D. 19

A.D. 19

A.D. 19



(Ron Carlson)

Subscribed and sworn before

me this twenty-second day of

February

A.D. 19 99



Notary Public, Allegan County, Michigan

(Nancy Bosse)

My Commission Expires November 15, A.D. 2002.

FAXED
2-17-99

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEBER
JAMES W. PORTER

February 17, 1999

Penasee Globe
133 East Superior
Wayland, MI 49348

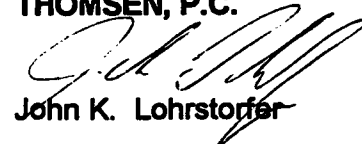
Re: Legal Notice for Martin Township

Ladies:

Please publish the enclosed Notice for Martin Township on **Monday, February 22, 1999**. Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 114 Templeton, Martin, Michigan 49070, and forward one Affidavit of Publication to this office.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**



John K. Lohrstorfer

JKL:bap
Enclosure
cc: Tracie Moored, Clerk

C:\WPDOCS\Martin Twp\Penasee Globe.wpd

ORDINANCE # 69
FIRE RUN CHARGES ORDINANCE

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH

1906-1972

**JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEBER
JAMES W. PORTER**

March 30, 1999

**Penasee Globe
133 East Superior
Wayland, MI 49348**

Re: Legal Notice for Martin Township

Ladies:

Please publish the enclosed Notice for Martin Township on Monday, April 5, 1999. Please forward your statement, together with one Affidavit of Publication, to the Township Clerk, Tracie Moored, 1850 10th Street, Michigan 49070-9732, and forward one Affidavit of Publication to this office.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**



John K. Lohrstorfer

JKL:bap

Enclosure

cc: Tracie Moored, Clerk

C:\WPDOCS\Martin Twp\Penasee Globe 2.wpd

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:**

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on March 10, 1999, the Board adopted an ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951, as amended (Michigan Compiled Law 41.806) to provide methods for the collection of such charges and exemptions therefrom, and to repeal all ordinances or parts of ordinances in conflict herewith.

ORDINANCE NO. 69

Section I. Purpose. This section sets forth the purpose for establishing fire run charges.

Section II. Charges. This section establishes a minimum charge of \$500.00 per run from the time of departure from the fire station for up to five hours; thereafter, an additional charge for the actual costs of labor and materials.

Section III. Time for Payment. This section establishes that charges shall be due and payable within 30 days of the date an invoice is rendered and provides procedures for default and delinquencies.

Section IV. Exemptions. This section establishes that false alarms, fires involving Township property and fires of unknown origin on road right-of- ways, shall be exempt.

Section V. Non-Exclusive Charge. This section provides for other costs if needed and collection by way of special assessment or voted millage.

Section VI. Severability. This section provides that should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid then the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Section VII. Effective Date and Repeal of Conflicting Ordinances. This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that a complete copy of the Ordinance is available from the Township Clerk.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.
ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500
KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500
FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEBER
JAMES W. PORTER

March 2, 1999

Tracie L. Moored, Clerk
Martin Township
1850 10th Street
Martin, MI 49070-9732

Re: Proposed Fire Run Charges Ordinance

Dear Ms. Moored:

Enclosed is the proposed Fire Run Charges Ordinance for your Board's review. If the Board decides to adopt said Ordinance, please let me know. If you have any questions or concerns about the same please call me.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


John K. Lohrstorfer

JKL:bap
enclosure
cc/w/enc: Terry Sturgis, Supervisor

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

FIRE RUN CHARGES ORDINANCE NO. 69

Adopted: March 10, 1999

Effective: April 9, 1999

An ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951, as amended (Michigan Compiled Law 41.806) to provide methods for the collection of such charges and exemptions therefrom, and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the Township for providing fire protection services and/or other emergency services from those receiving direct benefits from the service available.

SECTION II

CHARGES

The Treasurer shall bill any recipient of fire or emergency protection services provided by the Township a minimum charge of \$500.00 per run from the time of departure from the Fire Station for up to five hours; thereafter, an additional charge for the actual costs of labor and materials will be made.

SECTION III

TIME FOR PAYMENT

It shall be the responsibility of the Township Treasurer to send a bill to the responsible party by first class mail as soon as practical after the services are rendered. All of the foregoing charges shall be due and payable within 30 days of the date invoice is rendered. In the event of default in payment, the amount due shall be collectable through proceedings in District Court or in any other court of competent jurisdiction as a matured debt. The Township Board may also order the assessment of all delinquent fire run bills to be levied against property owners determined to be delinquent.

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

FIRE RUN CHARGES ORDINANCE NO. _____

Adopted: _____

Effective: _____

An ordinance to establish charges for fire protection services under Michigan Public Act 33 of 1951, as amended (Michigan Compiled Law 41.806a) to provide methods for the collection of such charges and exemptions therefrom, and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

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PURPOSE

The within ordinance is adopted for the purpose of providing financial assistance to the Township for providing fire protection services and/or other emergency services from those receiving direct benefits from the service available.

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SECTION IV

EXEMPTIONS

The following properties and services shall be exempt from the foregoing charges:

- A. False alarms (except faulty alarm systems).
- B. Fires involving Township buildings, grounds and/or property.
- C. Fires of unknown origin on road right of ways.

SECTION V

NON-EXCLUSIVE CHARGE

The foregoing rates and charges shall not bar other charges that may be made by the Township for the costs of expenses of maintaining and operating fire protection service, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electorate approving the same or by special assessment established under the applicable Michigan statutes. General fund appropriations may also be made to cover such additional costs and expenses.

SECTION VI

SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VII

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Tracie L. Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027

SECTION IV**EXEMPTIONS**

The following properties and services shall be exempt from the foregoing charges:

- A. False alarms (except faulty alarm systems).
- B. Fires involving Township buildings, grounds and/or property.
- C. Fires of unknown origin on road right of ways.

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SECTION VI**SEVERABILITY**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VII**EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES**

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Tracie L. Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027

ORDINANCE # 70
PUBLIC NUDITY ORDINANCE

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

132 WEST SOUTH STREET, SUITE 500

KALAMAZOO, MICHIGAN 49007-4781

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL
ROXANNE C. SEEBER
JAMES W. PORTER

April 7, 1999

**Martin Township
Terry Sturgis, Supervisor
1850 10th Street
Martin, MI 49070-9732**

Re:

Dear Mr. Sturgis:

I received copies of some ordinances regarding public nudity. I have enclosed a draft of a general law ordinance for your review. In addition, I am enclosing a proposed amendment to your Zoning Ordinance which would also regulate the placement of adult businesses within the Township. Further, I am submitting what Kalamazoo Township recently adopted regarding the regulation of public entertainment and should such a business become established in your Township the Township may well consider adopting such an ordinance. I do not see the necessity to adopt an entertainment ordinance at this time, but I believe you should definitely look at amending your zoning ordinance.

Let me know if I can be of any further assistance to you and the Township.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


John K. Lohrstorfer

JKL:bap
enclosures

C:\WPDOCS\Martin Twp\Sturgis ltr.wpd

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

**PUBLIC NUDITY ORDINANCE
NO. 70**

SECTION 1 - PURPOSE

The purpose of this ordinance is to protect and secure the public health, safety, morals, and general welfare of person and property by prohibiting public nudity within the Township of Martin.

SECTION 2 - TITLE

This Ordinance shall be known and cited as the "Township Public Nudity Ordinance".

SECTION 3 - DEFINITION

As used herein "public nudity" is hereby defined as knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include: breast feeding of a baby; material as defined in Section 2 of Act No. 343; or, sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MSA 25.254(3).

SECTION 4 - PROHIBITION OF PUBLIC NUDITY

No person shall engage in public nudity. No business establishment, including but not limited to owners, officers, or persons in charge of, or in control of premises, shall permit persons to engage in public nudity.

SECTION 5 - PENALTIES

Any person, firm or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500.00) dollars plus court costs and costs of prosecution, or by imprisonment in the County jail for a term not exceeding ninety (90) days, or both, at the discretion of the court.

SECTION 6 - SEVERABILITY

Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

Martin Support
Support McLeve
To Reseal

Storage w/ call
to print

SECTION 7 - REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective thirty (30) days following publication after adoption.

TOWNSHIP OF MARTIN
Tracie Moored, Clerk
1850 10th Avenue
Martin, MI 49070
616-672-9398

CERTIFICATE OF ADOPTION

The within Ordinance was adopted by the Martin Township Board on the _____ day of _____, 1999.

Tracie Moored, Clerk

Attested:

Terry Sturgis, Supervisor

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

AMENDMENT TO TOWNSHIP ZONING ORDINANCE

Adopted: _____

Effective: _____

An ordinance to amend Section 11 of the Township Zoning Ordinance to regulate the location of adult business establishments, to repeal all conflicting ordinances, and to provide for an effective date of the same.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN,**

ORDAINS:

SECTION I

Section 11 of the Township's Zoning Ordinance is amended to add the following language:

11.03 Special Exception Uses

7. Commercial and service establishments of an adult nature as listed and defined below are subject to special use regulations and other conditions:

A. In order to prevent concentration of such uses, the following uses and activities shall not be located within one thousand (1,000) feet of two other such uses nor within (2,500) feet of school/church and (1,000) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:

- (1) Adult bookstore.**
- (2) Adult motion picture theater.**
- (3) Adult mini motion picture theater.**
- (4) Adult smoking or sexual paraphernalia store.**
- (5) Massage parlor.**
- (6) Host or hostess establishments offering socialization with a host or hostess for consideration.**
- (7) Open dance hall.**

- (8) Tavern or cabaret providing live or projected entertainment where alcoholic liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception.
- (9) Any combination of the foregoing.

B. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designation shall have the following meanings:

- (1) **Adult bookstore** means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) **Adult mini motion picture theater** means an enclosure with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined for observation by patrons therein.
- (3) **Adult motion picture theater** means an enclosure with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined for observation by patrons therein.
- (4) **Adult smoking or sexual paraphernalia store** means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, controlled substances or other stimulating or hallucinogenic drug-related substances.
- (5) **Massage parlor** means an establishment where persons conduct or permit to be conducted or engaged in massages of the human body or parts thereof by means of pressure, imposed friction, stoking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means or preparations to provide relaxation or enjoyment to the recipient.

- (6) ***Open dance hall*** means an establishment where open public dancing by patrons is available during at least four days per week or without partners furnished by the establishment.
- (7) ***Host or hostess establishment*** means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- (8) ***Sauna, hot tub or other similar health or body improvements enterprises*** means an establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business.
- (9) ***Specified sexual activities:***
- i. Acts of human masturbation, sexual intercourse or sodomy.
 - ii. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
 - iii. Human genitals in a state of sexual stimulation or arousal.
- (10) ***Specified anatomical areas:***
- i. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect thirty days after publication following its adoption. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP

Tracie Moored, Clerk

**ORDINANCE # 71
AMENDMENT TO ZONING
ORDINANCE**

MARTIN TOWNSHIP ZONING BOARD

RECOMMENDATION resulting from:

- A: Public hearing held: February 2, 1999
- B: Subsequent meeting or meetings held: _____

This should be forwarded to you Zoning Board.

The Martin Township Zoning Board hereby recommends APPROVAL of the proposed Telecommunications Ordinance attached hereto.

MARTIN TOWNSHIP ZONING BOARD

By: *John K. Lohrstorfer*
John K. Lohrstorfer

The Allegan Metropolitan County Planning Commission, having duly considered the foregoing recommendation of the Martin Township Zoning Board, hereby (circle one) approves - disapproves the same for consideration by the Martin Township Board, subject to the following:

DATED: _____

ALLEGAN METROPOLITAN COUNTY PLANNING COMMISSION

By: _____

Its _____

FINAL ACTION BY MARTIN TOWNSHIP BOARD:

- Enacted through Ordinance No: 71
- Denied on _____
- Referred back to Zoning Board on _____

MARTIN TOWNSHIP ORDINANCE NO. 71

AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE

Adopted: _____

Effective: _____

An ordinance to regulate telecommunications towers within the Township, to provide for an effective date of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE MARTIN TOWNSHIP BOARD

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

PURPOSE

To regulate commercial wireless communication service towers in order to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of this Ordinance is to minimize adverse visual effects of towers and avoid damage to adjacent properties while adequately serving the community.

SECTION II

DEFINITION

A tower or communication tower shall be defined as a guyed, monopole, self-supported tower, or other structure, whether free standing or on a building or other structure, which structure contains one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or other forms of electronic communication other than those customarily accessory to residential dwellings, such as television antennas, ham radio antennas, etc.

SECTION III

PERMITTED USES

Towers shall be permitted as a special exception use in all Industrial, Commercial, and Agricultural Districts.

SECTION IV

DESIGN STANDARDS

1. All steel towers and antenna supporting structures shall be designed to meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA-222 or its successor. Additionally, all towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

2. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure, tower and projecting antennas. The height of the ~~towe~~^{tower} shall not exceed two hundred (200') feet from grade.

3. Towers shall be setback from all property lines and street rights of way a minimum of the total height of the structure, shall include any antennae projecting above the top of the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or rights of way. When a tower is to be mounted on another structure, the total height shall be the combined heights of the structure, tower and projecting antennas.

SECTION V

CO-LOCATION AND SEPARATION REQUIREMENTS

1. To minimize the proliferation of towers within the Township, all commercial wireless telecommunication towers erected, constructed or located within the Township shall comply with the following requirements:

- a. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius of the proposed tower, due to structural inadequacies, impact on other communication devices or services, insufficient height or other verifiable reason.
- b. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users.
- c. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to the site

plan, of the proposed tower. The separation distances shall be three (3) miles.

2. **Antennas.** The placement of antennas on roofs, walls and existing towers may be approved by the reviewing body, provided the antennas meet the requirements of this section, after submittal of 1) a site plan; and 2) a report prepared by a qualified professional engineer.

3. **Accessory structures.** Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.

4. **Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state agency having authority over a particular tower. Towers shall be painted to conform with FAA guidelines which minimize the use of strobe lights.

5. **Signs:** The use of any portion of a tower for signs other than warning or equipment information is prohibited.

6. **Removal of Unused Towers or Portions of Towers:** Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve (12) months of the cessation of the operations at the site unless a time extension is approved by the Township Zoning Board of Appeals. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relative documents, such as a signed lease, deed or land contract. In the event a tower is not removed within the time period stated above (or as extended by the ZBA) the tower and associated facilities may be removed by the Township and the costs of the removal assessed against the real property.

7. **Interference Prohibition.** Towers shall be located so that they do not interfere with reception in nearby residential areas or with public safety signals.

8. **Radiation.** Structures shall be subject to any state and federal regulations concerning the monitoring of electromagnetic radiation.

9. **Electrical.** Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

SECTION VI

SITE PLAN REVIEW

1. **Application Requirements:** Application must be made for a zoning permit, and the following information must be submitted:

- a. **Site plan of the proposed tower location showing all existing and proposed features of the site.**

- b. Elevations of the proposed tower height above grade, and any other improvements.
 - c. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The Township may request that any information submitted be certified by a licensed professional engineer.
2. The applicant shall incur all costs associated with a review by the Township Engineer and for site plan review.
3. Application Process. Each tower shall be reviewed in the following stages:
- a. For a request for a variance from the height restrictions, the Zoning Board of Appeals;
 - b. For special exception use approval, the Zoning Board ;
 - c. For site plan review in compliance with the Martin Township Ordinance, the Zoning Board .
4. In addition to the information required for site plan review and special exception use review, applications for towers shall include the following supplemental information:
- a. Tower plans and a report from a qualified and licensed professional engineer which provide tower height and design, including a cross section and elevation; mounting positions and the minimum separation distance between antennas; the tower's capacity; what steps the applicant will take to avoid interference; an engineer's stamp and registration number; proof of compliance with FCC and FAA regulations; information showing compliance with building, electrical and other applicable Township ordinances; and other information necessary to evaluate the request.
 - b. A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP

Tracie L. Moored, Clerk
1850 10th Street
Martin, MI 49070-9732

MARTIN TOWNSHIP ORDINANCE NO. 71

AMENDMENT TO MARTIN TOWNSHIP ZONING ORDINANCE

Adopted: May 12, 1999

Effective: June 1, 1999

An ordinance to regulate telecommunications towers within the Township, to provide for an effective date of said Ordinance; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE MARTIN TOWNSHIP BOARD

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

PURPOSE

To regulate commercial wireless communication service towers in order to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of this Ordinance is to minimize adverse visual effects of towers and avoid damage to adjacent properties while adequately serving the community.

SECTION II

DEFINITION

A tower or communication tower shall be defined as a guyed, monopole, self-supported tower, or other structure, whether free standing or on a building or other structure, which structure contains one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or other forms of electronic communication other than those customarily accessory to residential dwellings, such as television antennas, ham radio antennas, etc.

SECTION III

PERMITTED USES

Towers shall be permitted as a special exception use in all Industrial, Commercial, and Agricultural Districts.

SECTION IV

DESIGN STANDARDS

1. All steel towers and antenna supporting structures shall be designed to meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association known as TIA/EIA-222 or its successor. Additional, all towers must meet

the standards of the Federal Aviation Administration and the Federal Communications Commission.

2. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure, tower and projecting antennas. The height of the tower shall not exceed two hundred (200') feet from grade.

3. Towers shall be setback from all property lines and street rights of way a minimum of the total height of the structure, shall include any antennae projecting above the top of the tower. Required setback shall be measured from the outer perimeter of the base of the tower, not its center point, to property lines or rights of way. When a tower is to be mounted on another structure, the total height shall be the combined heights of the structure, tower and projecting antennas.

SECTION V

CO-LOCATION AND SEPARATION REQUIREMENTS

1. To minimize the proliferation of towers within the Township, all commercial wireless telecommunication towers erected, constructed or located within the Township shall comply with the following requirements:

- a. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius of the proposed tower, due to structural inadequacies, impact on other communication devices or services, insufficient height or other verifiable reason.
- b. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users.
- c. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to the site plan, of the proposed tower. The separation distances shall be three (3) miles.

2. Antennas. The placement of antennas on roofs, walls and existing towers may be approved by the reviewing body, provided the antennas meet the requirements of this section, after submittal of 1) a site plan; and 2) a report prepared by a qualified professional engineer.

3. Accessory structures. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30) feet. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.

4. **Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights or other warning lights unless specifically required by the Federal Aviation Administration, or other federal or state agency having authority over a particular tower. Towers shall be painted to conform with FAA guidelines which minimize the use of strobe lights.

5. **Signs:** The use of any portion of a tower for signs other than warning or equipment information is prohibited.

6. **Removal of Unused Towers or Portions of Towers:** Abandoned or unused towers or portions of towers and associated facilities shall be removed within twelve (12) months of the cessation of the operations at the site unless a time extension is approved by the Township Zoning Board of Appeals. At the time an application for construction of a tower is made, a copy of an agreement requiring the applicant to remove the tower and associated facilities upon cessation of operations shall be submitted along with other relative documents, such as a signed lease, deed or land contract. In the event a tower is not removed within the time period stated above (or as extended by the ZBA) the tower and associated facilities may be removed by the Township and the costs of the removal assessed against the real property.

7. **Interference Prohibition.** Towers shall be located so that they do not interfere with reception in nearby residential areas or with public safety signals.

8. **Radiation.** Structures shall be subject to any state and federal regulations concerning the monitoring of electromagnetic radiation.

9. **Electrical.** Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

SECTION VI

SITE PLAN REVIEW

1. **Application Requirements:** Application must be made for a zoning permit, and the following information must be submitted:

- a. Site plan of the proposed tower location showing all existing and proposed features of the site.
- b. Elevations of the proposed tower height above grade, and any other improvements.
- c. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The Township may request that any information submitted be certified by a licensed professional engineer.

2. The applicant shall incur all costs associated with a review by the Township Engineer and for site plan review.

3. **Application Process.** Each tower shall be reviewed in the following stages:
- a. For a request for a variance from the height restrictions, the Zoning Board of Appeals;
 - b. For special exception use approval, the Zoning Board;
 - c. For site plan review in compliance with the Martin Township Ordinance, the Zoning Board .

4. In addition to the information required for site plan review and special exception use review, applications for towers shall include the following supplemental information:

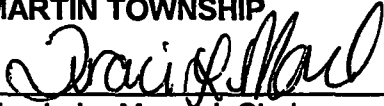
- a. Tower plans and a report from a qualified and licensed professional engineer which provide tower height and design, including a cross section and elevation; mounting positions and the minimum separation distance between antennas; the tower's capacity; what steps the applicant will take to avoid interference; an engineer's stamp and registration number; proof of compliance with FCC and FAA regulations; information showing compliance with building, electrical and other applicable Township ordinances; and other information necessary to evaluate the request.
- b. A letter of intent committing the tower owner and his/her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

SECTION VII

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP



Tracie L. Moore, Clerk
1850 10th Street
Martin, MI 49070-9732

CLERK'S CERTIFICATE

I, TRACIE L. MOORED, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on May 12, 1999, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 71, hereinbefore recorded, to become effective on June 1, 1999, or upon such later date as the Ordinance is approved by the State Construction Code Commission, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that a summary of Ordinance No. 71 was published in the Penasee Globe, a newspaper printed in Wayland, Michigan, and circulated in Martin Township, on May 24, 1999; that said Ordinance No. 71 was recorded in the official Ordinance Book on the 25 day of May; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 25 day of May, 1999.

Date: 5/25/99



Tracie L. Moored, Clerk
Martin Township

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
AFFIDAVIT OF POSTING

STATE OF MICHIGAN)
)ss
COUNTY OF ALLEGAN)

I, Tracie L. Moored, Martin Township Clerk, being first duly sworn, depose and states that on May 12 1999, I conspicuously posted at the Martin Township Hall a full and complete copy of Ordinance No. 71 within 7days preceding publication of a synopsis of the Ordinance.



Tracie L. Moored

Subscribed and sworn to before me on May ____, 1999.

_____, Notary Public
Allegan County, Michigan
My Commission Expires:_____

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE

**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:**

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on May 12, 1999, the Board adopted an ordinance to regulate telecommunications towers, and to repeal all ordinances or parts of ordinances in conflict herewith. A summary of the Ordinance is as follows:

ORDINANCE NO. 71

Section I. Purpose. Sets forth the purpose for regulating commercial wireless communication service towers in order to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of this Ordinance is to minimize adverse visual effects of towers and avoid damage to adjacent properties while adequately serving the community.

Section II. Definition. Defines a tower or communication tower.

Section III. Permitted Uses. Towers are permitted as a special exception in the Industrial, Commercial and Agricultural Districts.

Section IV. Design Standards. Sets forth the design standards which include the fact that they must meet the current structural standards of the Telecommunications Industry Association and Electronic Industries Association; height cannot exceed two hundred (200') feet from grade and set back from property lines are established.

Section V. Co-Location and Separation Requirements. Addresses the attempt to minimize the number of towers within the Township and provides that all towers must be designed to accommodate both an owner and at least two other users. Separation distance requirements are also set forth. This section also addresses antennas, accessory structures, lighting, signs, the removal of unused towers, the prohibition of interference with reception and other issues.

Section VI. Site Plan Review. Sets forth the application requirements and all information for proper site plan review and approval.

Section VII. Effective Date. The Ordinance takes effect eight (8) days following proper publication and pursuant to P.A. 297 of 1996.

PLEASE TAKE FURTHER NOTICE that a complete copy of the Ordinance is available from the Township Clerk.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027**

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

HARRY F. SMITH
1906-1972

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
LYNDA E. THOMSEN
JOHN K. LOHRSTORFER
ROBERT E. THALL

ROXANNE C. SEEBER
JAMES W. PORTER

May 14, 1999

Tracie L. Moored, Clerk
Martin Township
1850 10th Street
Martin, MI 49070-9732

Re: Clerk's Certificate and Affidavit of Posting

Dear Ms. Moored:

Enclosed find the original Ordinance No. 71, the Clerk's Certificate and Affidavit of Posting. After the Affidavit and Clerk's Certificate is fully executed, please send me a copy for my files. Thank you.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**


John K. Lohrstorfer

JKL:pau
Enc.

cc: Margaret Smith, (w/enc.)

BAUCKHAM, SPARKS, ROLFE & THOMSEN, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

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ROBERT E. THALL
ROXANNE C. SEEBER
JAMES W. PORTER

May 14, 1999

**Penasee Globe
133 East Superior
Wayland, MI 49348**

Re: Legal Notice for Martin Township

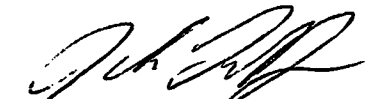
Ladies:

Please publish the enclosed Notice for Martin Township on Monday, May 24, 1999.

Please forward one Affidavit of the publication to this office, and one Affidavit and your bill to the Martin Township Clerk: Tracie Moored, 114 Templeton, Martin, Michigan 49070.

Sincerely,

**BAUCKHAM, SPARKS, ROLFE &
THOMSEN, P.C.**



John K. Lohrstorfer

JKL/pau

Enc.

cc: Tracie L. Moored, Clerk (w/enc.)
Margaret Smith, Zoning Board Chairman (w/enc.)

ORDINANCE #74

**ORDINANCE TO DESIGNATE THE ENFORCER
OF THE STATE BUILDING, MECHANICAL,
ELECTRICAL, AND PLUMBING CODES
IN THE TOWNSHIP OF MARTIN**

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 74

**ORDINANCE TO ENFORCE THE STATE
BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING CODES**

Adopted: June 14, 2000

Effective: June 19, 2000

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Martin under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

AGENCY DESIGNATED

Pursuant to the provisions of the Michigan Building, Electrical, Mechanical and Plumbing Code, and in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building, Electrical, Mechanical and Plumbing Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibility of Martin Township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. Martin Township assumes responsibility for the administration and enforcement of said Act throughout its Township limits.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Tracie L. Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCE NO 74

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on June 14, 2000, the Board adopted an ordinance to enforce the state building, electrical, mechanical and plumbing codes, and to repeal all ordinances or parts of ordinances in conflict herewith. The full Ordinance is as follows:

**ORDINANCE TO ENFORCE THE STATE †
BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING CODES**

SECTION I AGENCY DESIGNATED

Pursuant to the provisions of the Michigan Building, Electrical, Mechanical and Plumbing Code, and in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building, Electrical, Mechanical and Plumbing Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibility of Martin Township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. Martin Township assumes responsibility for the administration and enforcement of said Act throughout its Township limits.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**MARTIN TOWNSHIP
Tracie Moored, Clerk
1850 10th Street
Martin, MI 49070-9732
616-672-5027**

CLERK'S CERTIFICATE

I, TRACIE L. MOORED, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 15, 2000, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 74, hereinbefore recorded, to become effective on June 19, 2000, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

I do further certify that the full Ordinance No. 74 was published in the Penasee Globe, a newspaper circulated in Martin Township, on June 19, 2000; 2000; that said Ordinance No. 74 was recorded in the official Ordinance Book on the ____ day of _____, 2000; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the ____ day of _____, 2000.

Date: _____

Tracie L. Moored, Clerk
Martin Township

State of Michigan, County of Allegan

In the Matter of Township of Martin - Notice of Public Hearing
Zoning Board meeting June 27, 2000
Re: William E. Martin request

COUNTY OF ALLEGAN--ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Penasee/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

6/19 A.D. 20 00 A.D. 20
A.D. 20 A.D. 20
A.D. 20 A.D. 20

[Signature] (Ron Carlson)

Subscribed and sworn before

me this nineteenth day of June A.D. 20 00

Nancy Bosse (Nancy Bosse)
Notary Public, Allegan County, Michigan

My Commission Expires November 15, A.D. 2002.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

**—NOTICE—
OF ADOPTION OF
ORDINANCE NO. 74**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on June 14, 2000, the Board adopted an ordinance to enforce the state building, electrical, mechanical and plumbing codes, and to repeal all ordinances or parts of ordinances in conflict herewith. The full Ordinance is as follows:

ORDINANCE TO ENFORCE THE STATE BUILDING, ELECTRICAL, MECHANICAL AND PLUMBING CODES

SECTION 1 AGENCY DESIGNATED

Pursuant to the provisions of the Michigan Building, Electrical, Mechanical and Plumbing Code, and in accordance with Section 8B(6) of Act 230, of the Public Acts of 1972, as amended, the Building, Electrical, Mechanical and Plumbing Official of the Township of Martin is hereby designated as the enforcing agency to discharge the responsibility of Martin Township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. Martin Township assumes responsibility for the administration and enforcement of said Act throughout its Township limits.

SECTION 2 EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect immediately upon publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP ZONING BOARD

Tracie Moored, Clerk
1850 10th Street
Martin, Michigan 49070-9732
616-672-5027

22132



THROUGH THE GLASSE

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Stevensville-Lakesh

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.
ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL

June 15, 2000

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Legal Notice for Martin Township

Ladies:

Please publish the enclosed Notice of Adoption for Martin Township on **Monday, June 19, 2000.**

Please forward one Affidavit of the publication to this office, and one Affidavit and your bill to the Martin Township Clerk: Tracie Moored, 114 Templeton, Martin, Michigan 49070.

Sincerely,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**



John K. Lohrstorfer

JKL/paj

Enc.

cc: Tracie L. Moored, Clerk (w/enc.)
Margaret Smith, Zoning Board Chairman (w/enc.)

CCFV

ORDINANCE #75

**ORDINANCE TO REZONE PROPERTY
IN THE SOUTHEAST QUARTER
OF SECTION ONE**

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 75

ADOPTED: June 12, 2002

EFFECTIVE: July 2, 2002

REZONING OF PROPERTY IN SOUTHEAST QUARTER OF SECTION 1

An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property located in the southeast quarter of Section 1 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 1

The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone approximately 100 acres located in the southeast quarter of Section 1 between Patterson Road and 122nd Ave. from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification, Parcel Nos. 315-001-016-00, 315-001-017-00 and 315-001-018-00, being the following described property:

That part of the Southeast 1/4 of Section 1, Town 2 North, Range 11 West, Martin Township, Allegan County, Michigan, described as: Commencing at the East 1/4 corner of said Section; thence South 00 degrees 59' 14" West 31.19 feet along the East line of said Southeast 1/4 to the place of beginning; thence South 00 degrees 59' 14" West 455.81 feet along said East line; thence North 89 degrees 58' 01" West 52.00 feet along the center of Gun River; thence South 31 degrees 08' 18" West 87.80 feet along said centerline; thence South 49 degrees 33' 51" West 883.50 feet along said centerline; thence South 09 degrees 37' 22" West 164.42 feet along said centerline; thence North 88 degrees 28' 40" West 967.74 feet along the South line of the North 1/2 of said Southeast 1/4; thence South 00 degrees 26' 29" West 1320.10 feet; thence North 88 degrees 32' 05" West 920.86 feet along the South line of said Southeast 1/4; thence North 00 degrees 06' 11" West 2642.62 feet

along the West line of said Southeast 1/4; thence South 88 degrees 25' 18" East 1354.82 feet along the North line of said Southeast 1/4; thence South 00 degrees 26' 59" West 32'52 feet along the West line of the Northeast 1/4 of said Southeast 1/4; thence South 88 degrees 28' 40" East 1354.50 feet along the North line of the South 1287 feet of the Northeast 1/4 of said Southeast 1/4 to the place of beginning.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie McBride, Clerk
Martin Township
968 ½ E. Allegan St.
Martin, Michigan 49070-9797
616-672-5027

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCES

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on June 12, 2002, the Board adopted two ordinances rezoning property in Sections 1 and 30, and to repeal all ordinances or parts of ordinances in conflict herewith. A summary of the Ordinance are, as follows:

ORDINANCE NO. 75

REZONING OF PROPERTY IN SOUTHEAST QUARTER OF SECTION 1 An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property located in the southeast quarter of Section 1 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 1. The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone approximately 100 acres located in the southeast quarter of Section 1 between Patterson Road and 122nd Ave. from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification, Parcel Nos. 315-001-016-00, 315-001-017-00 and 315-001-018-00.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE NO. 76

REZONING OF PROPERTY IN SECTIONS 30 An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Sections 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN SECTION 30 The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone property in Section 30 of approximately 42.5 acres located between 12th Street and U.S. 131, Parcel No. 03-15-030-016-40 from an "R-2" Low Density classification to a "C-2" General Business classification.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie McBride, Clerk
Martin Township
968 ½ E. Allegan St.
Martin, Michigan 49070-9797
616-672-5027

CLERK'S CERTIFICATE

I, CARRIE MCBRIDE, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 12, 2002, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 75, hereinbefore recorded, to become effective on July 2, 2002, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

I do further certify that the full Ordinance No. 75 was published in the Penasee Globe, a newspaper circulated in Martin Township, on June 24, 2002; that said Ordinance No. 75 was recorded in the official Ordinance Book on the ____ day of _____, 2002; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the ____ day of _____, 2002.

Date: _____, 2002.

Carrie McBride, Clerk
Martin Township

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCES

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED PERSONS.

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on June 12, 2002, the Board adopted two ordinances rezoning property in Sections 1 and 30, and to repeal all ordinances or parts of ordinances in conflict herewith, A summary of the Ordinance are, as follows:

ORDINANCE NO. 75

REZONING OF PROPERTY IN SOUTHEAST QUARTER OF SECTION 1 An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property located in the southeast quarter of Section 1 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 1. The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone approximately 100 acres located in the southeast quarter of Section 1 between Patterson Road and 122nd Ave. from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification, Parcel Nos. 315-001-016-00, 315-001-017-00 and 315-001-018-00.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES.

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE NO. 76

REZONING OF PROPERTY IN SECTIONS 30. An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Sections 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN SECTION 30. The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone property in Section 30 of approximately 42.5 acres located between 12th Street and U.S. 131, Parcel No. 03-15-030-016-40 from an "R-2" Low Density classification to a "C-2" General Business classification.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES.

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie McBride, Clerk
Martin Township
968 1/2 E. Allegan St.
Martin, Michigan 49070-9797
616-672-5027

State of Michigan, County of Allegan

In the Matter of Legal Notice for Martin Township

Ordinances Nos. 75 and 76

COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Penasee/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

6/24 A.D. 20 02 A.D. 20
A.D. 20 A.D. 20
A.D. 20 A.D. 20

[Signature] (Ron Carlson)

Subscribed and sworn before

me this 24th day of June A.D. 20 02

[Signature: Nancy Bosse] (Nancy Bosse)
Notary Public, Allegan County, Michigan

My Commission Expires November 15, A.D. 2002.

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.
ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER

ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972

RICHARD L. LANG
OF COUNSEL
NORTHPORT, MI
OFFICE

June 14, 2002

FAXED

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Legal Notice for Martin Township
Ordinances Nos. 75 and 76

Dear Nancy:

Please publish the enclosed Notices of Adoption for Martin Township on **Monday, June 24, 2002.**

Please forward two Affidavits of the publication to this office, and two Affidavits and your bill to the Martin Township Clerk, Carrie McBride, Clerk, Martin Township, 968 ½ E. Allegan St., Martin, Michigan 49070-9797.

Sincerely,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**


John K. Lohrstorfer

JKL/paj
Enc.

cc: Carrie McBride, Clerk

COPY

ORDINANCE #76

**ORDINANCE TO REZONE
PROPERTY IN SECTION 30**

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN
MARTIN TOWNSHIP ORDINANCE NO. 76

ADOPTED: June 12, 2002

EFFECTIVE: July 2, 2002

REZONING OF PROPERTY IN SECTIONS 30

An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Sections 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 30

The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone property in Section 30 of approximately 42.5 acres located between 12th Street and U.S. 131, Parcel No. 03-15-030-016-40 from an "R-2" Low Density classification to a "C-2" General Business classification.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie McBride, Clerk
Martin Township
968 ½ E. Allegan St.
Martin, Michigan 49070-9797
616-672-5027

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCES

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on June 12, 2002, the Board adopted two ordinances rezoning property in Sections 1 and 30, and to repeal all ordinances or parts of ordinances in conflict herewith. A summary of the Ordinance are, as follows:

ORDINANCE NO. 75

REZONING OF PROPERTY IN SOUTHEAST QUARTER OF SECTION 1 An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property located in the southeast quarter of Section 1 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 1. The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone approximately 100 acres located in the southeast quarter of Section 1 between Patterson Road and 122nd Ave. from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification, Parcel Nos. 315-001-016-00, 315-001-017-00 and 315-001-018-00.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE NO. 76

REZONING OF PROPERTY IN SECTIONS 30 An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Sections 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN SECTION 30 The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone property in Section 30 of approximately 42.5 acres located between 12th Street and U.S. 131, Parcel No. 03-15-030-016-40 from an "R-2" Low Density classification to a "C-2" General Business classification.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie McBride, Clerk
Martin Township
968 ½ E. Allegan St.
Martin, Michigan 49070-9797
616-672-5027

CLERK'S CERTIFICATE

I, CARRIE MCBRIDE, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 12, 2002, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 76, hereinbefore recorded, to become effective on July 2, 2002, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

I do further certify that the full Ordinance No. 76 was published in the Penasee Globe, a newspaper circulated in Martin Township, on June 24, 2002; that said Ordinance No. 76 was recorded in the official Ordinance Book on the ____ day of _____, 2002; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the ____ day of _____, 2002.

Date: _____, 2002

Carrie McBride, Clerk
Martin Township

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION OF ORDINANCES

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF MARTIN,
ALLEGAN COUNTY, MICHIGAN AND ANY OTHER INTERESTED PERSONS.

PLEASE TAKE NOTICE that at a meeting of the Martin Township Board on June 12, 2002, the Board adopted two ordinances rezoning property in Sections 1 and 30, and to repeal all ordinances or parts of ordinances in conflict herewith, A summary of the Ordinance are, as follows:

ORDINANCE NO. 75

REZONING OF PROPERTY IN SOUTHEAST QUARTER OF SECTION 1 An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property located in the southeast quarter of Section 1 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN THE SOUTHEAST QUARTER OF SECTION 1. The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone approximately 100 acres located in the southeast quarter of Section 1 between Patterson Road and 122nd Ave. from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification, Parcel Nos. 315-001-016-00, 315-001-017-00 and 315-001-018-00.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ORDINANCE NO. 76

REZONING OF PROPERTY IN SECTIONS 30. An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Sections 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN SECTION 30. The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone property in Section 30 of approximately 42.5 acres located between 12th Street and U.S. 131, Parcel No. 03-15-030-016-40 from an "R-2" Low Density classification to a "C-2" General Business classification.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES. This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie McBride, Clerk
Martin Township
968 1/2 E. Allegan St.
Martin, Michigan 49070-9797
616-672-5027


State of Michigan, County of Allegan

In the Matter of Legal Notice for Martin Township
Ordinances Nos. 75 and 76

COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Penasee/Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

6/24 A.D. 20 02 _____ A.D. 20 _____
_____ A.D. 20 _____ _____ A.D. 20 _____
_____ A.D. 20 _____ _____ A.D. 20 _____

 _____ (Ron Carlson)

Subscribed and sworn before
me this 24th day of June A.D. 20 02

 _____ (Nancy Bosse)
Notary Public, Allegan County, Michigan

My Commission Expires November 15, A.D. 2002.

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW
458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL
NORTHPORT, MI
OFFICE

June 14, 2002

Penasee Globe
133 East Superior
Wayland, MI 49348

Re: Legal Notice for Martin Township
Ordinances Nos. 75 and 76


Dear Nancy:

Please publish the enclosed Notices of Adoption for Martin Township on **Monday, June 24, 2002.**

Please forward two Affidavits of the publication to this office, and two Affidavits and your bill to the Martin Township Clerk, Carrie McBride, Clerk, Martin Township, 968 ½ E. Allegan St., Martin, Michigan 49070-9797.

Sincerely,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**



John K. Lohrstorfer

JKL/paj
Enc.

cc: Carrie McBride, Clerk

NOTICE OF ORDINANCE ADOPTION

MARTIN TOWNSHIP ALLEGAN COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF MARTIN TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance, being Ordinance No. 77, which was adopted by the Township Board of Martin Township at its meeting held June 11, 2003, said Ordinance to take effect 30 days after the publication of the following summary of said Ordinance.

CEMETERY ORDINANCE

- SECTION 1** **TITLE.** The ordinance is titled "Martin Township Cemetery Ordinance".
- SECTION 2** **DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES.** Defines the term "cemetery lot" as used in the Ordinance and establishes measurements for adult and infant burial spaces.
- SECTION 3** **SALE OF LOTS OR BURIAL SPACES.** Indicates that burial rights are non-transferrable, but that the same may be surrendered to the Township and the purchase price returned to the purchaser. Provides that burial rights may be purchased from the Township Sexton. Permits the Township Board to establish fees via resolution and provides a transfer fee of \$50.00.
- SECTION 4** **PURCHASE PRICE AND TRANSFER FEES.** Provides that residents or non-residents may purchase lots or spaces. Residents may purchase on behalf of next-of-kin at resident rates. No sales to funeral directors are permitted. Specifies a \$100.00 resident price and a \$750.00 non-resident prices. Defines "resident" for ordinance purposes. Permits the Township Board to alter the fees by resolution.
- SECTION 5** **GRAVE OPENING CHARGES.** Indicates that the Township Board specifies grave opening charges by resolution. The Township Sexton supervises burial space openings and closings. The local health department supervises any removal and reinternment of bodies and remains.
- SECTION 6** **MARKERS OR MEMORIALS.** Sets forth material, time and numeric regulations for markers and foundations.
- SECTION 7** **INTERMENT REGULATIONS.** Provides regulations for internment. Requires not less than 48 hours notice to the Township Sexton for opening of burial spaces. Requires the presentation of particular information and paperwork to the Township Sexton prior to internment.
- SECTION 8** **GROUND MAINTENANCE.** Regulates the types of ornamental items that can be utilized within the cemetery. Prohibits grading, leveling

and mounting on grave surfaces. Sets forth a maintenance schedule. Sets forth conditions under which the Sexton can remove ornaments. Prohibits surfaces other than earth or sod.

SECTION 9

FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES. Sets forth the conditions under which lots or spaces are deemed forfeited to the Township for non-use after 40 years.

SECTION 10

REPURCHASE OF LOTS OR BURIAL SPACES. The Township will repurchase lots or burial space for its original price up to \$500.00.

SECTION 11

RECORDS. Provides that the Sexton shall maintain particular cemetery records.

SECTION 12

VAULT. Requires burial within a vault.

SECTION 13

CEMETERY HOURS. Specifies open hours and denies access during closed hours unless the permission of the Sexton or Township Board is obtained.

SECTION 14

RULES OF CONDUCT. Sets forth rules regarding conduct on the cemetery grounds for pedestrians, funerals, motor vehicles, and visitors. Prohibits advertising signs and promotional materials. Indicates that financial responsibility for property damage to monuments is not that of the Township.

SECTION 15

PENALTIES. Violation of the ordinance constitutes a misdemeanor, punishable by a fine and/or imprisonment for up to 90 days.

SECTION 16

EFFECTIVE DATE. The effective date of the ordinance is 30 days after publication. Repeals conflicting ordinances and ordinance provisions.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie McBride at (269) 672-9387.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
968 ½ E. Allegan St.
Martin, MI 49070-9797
(269) 672-7663

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (616) 382-4500

FAX (616) 382-2040

JOHN H. BAUCKHAM
KENNETH C. SPARKS
CRAIG A. ROLFE
JOHN K. LOHRSTORFER
ROBERT E. THALL
JAMES W. PORTER
ROXANNE C. SEEBER

HARRY F. SMITH
1906-1972
RICHARD L. LANG
OF COUNSEL

August 7, 2003

Carrie Coburn, Clerk
Martin Township
P.O. Box 27,
958 Lee St.
Martin, MI 49070

Re: Cemetery Ordinance

Dear Carrie:

Enclosed for your files is the original Cemetery Ordinance.

Very truly yours,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**



John K. Lohrstorfer

JKL:paj
Enc.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY**

ORDINANCE NO. 77

CEMETERY ORDINANCE

ADOPTED: June 11, 2003

EFFECTIVE: August 6, 2003

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of cemeteries owned by the Township of Martin, Allegan County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

**THE TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, MICHIGAN**

ORDAINS:

SECTION I

TITLE

This ordinance shall be known and cited as the Martin Township Cemetery Ordinance.

SECTION II

DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES

- A. A cemetery lot shall consist of burial spaces sufficient to accommodate from one to eight burial spaces.
- B. An adult burial space shall consist of a land area four (4) feet wide and eight (8) feet in length.
- C. An Infant burial space shall consist of a land area four (4) feet wide and four (4) feet in length.

SECTION III

SALE OF LOTS OR BURIAL SPACES

- A. Assignment of burial rights may be purchased from the Township Sexton for the purpose of burial. The assignment of the burial space is for the exclusive use of the individual named as assignee.

- D. All such sales shall be made on a form approved by the Township Board, which grants a right of burial only and does not convey any other title to the lot or burial space.
- E. All fees shall be established by resolution of the Township Board.
- F. Burial rights are non-transferable but may be surrendered to the Township Board and refunded for the original purchase price.
- G. Any transfer of one or more burial spaces from an original purchaser to assignee shall cost \$50.00.

SECTION IV

PURCHASE PRICE AND TRANSFER FEES

- A. Cemetery lots or burial spaces may be sold to residents or non-residents of Martin Township. However, a purchaser-resident may purchase on behalf of himself or herself or of his heirs at law or next of kin at the resident rate. No sale may be made to funeral directors. The sexton, however, is granted authority to vary the restrictions where the purchaser discloses that the burial is for a previous resident in Martin Township.
- B. Definition of a resident is as follows. An individual who has lived in Martin township for two (2) years with proof except for infants less than two (2) years old.
- C. Each adult burial space shall cost the sum of \$100.00 for residents and \$750.00 for non-residents.
- D. The township board by resolution may periodically alter the foregoing fees to accommodate increased cost and needed reserve funds for cemetery maintenance and acquisition.

SECTION V

GRAVE OPENING CHARGES

- A. The opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the township board, payable to the township.
- B. No burial spaces shall be opened and closed except under the direction and control of the cemetery sexton. This provision shall not apply to proceedings for the removal and reinterment of bodies and remains, which matters are under the supervision of the local health department.

SECTION VI

MARKERS OR MEMORIALS

- A. All markers or memorials must be of stone or other equally durable composition. Slate sandstone, cement, artificial stone, wood or iron in any form is not permitted to be used as memorials.
- B. Only one marker or monument shall be permitted per burial space.
- C. Each grave must have a marker or monument within one year.
- D. The township will not assume responsibility for maintenance or destruction to markers, memorials or monuments due to vandalism or natural causes.
- E. All foundations for monumental structures must be built of solid masonry and the depth and size approved by the Sexton. The Sexton shall govern the location of all monumental work. The foundation shall be constructed by the township at a cost to the assignee. Fees shall be established by resolution of the Township Board.
- F. Foundations remaining unoccupied for a period of nine months shall be declared vacated and removed. The assignee shall be responsible for any additional cost.

SECTION VII

INTERMENT REGULATIONS

- A. Only one person may be buried in a burial space except for a parent and infant, two children buried at the same time or two cremations.
- B. Not less than 48 hours notice shall be given in advance of any time of any funeral to allow for opening of burial spaces. All fees must be paid in advance of any grave opening.
- C. The appropriate certificate for burial space involved, together with appropriate identification of the person to be buried therein, where necessary, shall be presented to the cemetery sexton prior to interment. Where such certificate has been lost or destroyed, the township clerk or sexton shall be satisfied, from records, that the person to be buried in the burial space is authorized and the appropriate one before any interment is commenced. Under no condition will the Township assume responsibility for errors in opening graves when orders are given by telephone and the party will be expected to compensate the township for additional cost.
- D. All graves shall be located in an orderly and neat appearing manner within the confines of the burial space involved.

SECTION VIII

GROUND MAINTENANCE

The beautification of any grave which then requires above normal maintenance and hand trimming shall be maintained by the individual having done so. If the grave becomes unsightly from lack of maintenance, the cemetery sexton will be instructed to return the grave to its original state. The Martin Township Board sets forth the following regulations to be followed by everyone in regards to the appearance and maintenance of graves.

- A. No grading, leveling, or excavating upon a burial space shall be allowed without the permission of the cemetery sexton or the township clerk.
- B. No glass containers shall be allowed on cemetery property.
- C. No decorative or loose stones are to be placed around footers or in flower beds.
- D. There will be a spring cleanup sometime during April and a fall cleanup sometime during October each year. All deteriorated decorations will be thrown away.
- E. Only miniature shrubs may be planted on graves and may not exceed the forty inch width. If they do not receive yearly upkeep, they will be removed from the cemetery.
- F. The township board reserves the right to remove or trim any tree, plant or shrub located within the cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- G. Mounds which hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- H. Surfaces other than earth or sod are prohibited.
- I. The cemetery sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays or containers, that through decay, deterioration, damage or otherwise becoming unsightly, a source of litter, or a maintenance problem.

SECTION IX

FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES

Cemetery lots or burial spaces sold after the effective date of the ordinance and remaining vacant 40 years from the date of their sale shall automatically revert to the township upon occurrence of the following events:

- A. Notice shall be sent by the township clerk by first class mail to the last known address of the last owner of record informing him or her of the expiration of the

40 year period and that all rights with respect to said lots or spaces will be forfeited if he or she does not affirmatively indicate in writing to the township clerk within 60 days from the date of mailing of the within notice his or her desire to retain said burial rights.

- B. No written response to said notice indicating a desire to retain the cemetery lots or burial spaces, or his or her legal heirs or legal representative, within 60 days from the date of mailing of said notice.

SECTION X

REPURCHASE OF LOTS OR BURIAL SPACES

The township will repurchase any cemetery lots or burial space from the owner for the original price paid to a maximum of \$500.00 by the township upon written request of said owner or his or her legal heirs or representatives.

SECTION XI

RECORDS

The sexton shall maintain records concerning all burials, issuance of burial permits, and any perpetual care fund, separate and apart from any other records of the township and the same shall be open to public inspection at all reasonable business hours.

SECTION XII

VAULT

All burials shall be within a standard concrete vault installed or constructed in each burial space before interment.

SECTION XIII

CEMETERY HOURS

- A. The cemetery shall be open to the public from dawn to dusk of each day.
- B. No person shall be permitted in the township cemeteries at any time other than the foregoing hours, except upon permission of the township board or the sexton of the cemetery.

SECTION XIV

RULES OF CONDUCT

- A. All cemetery property is considered sacred ground and visitors need to be considerate and act respectful at all times. The Sexton shall monitor the

behavior of patrons and have authority to establish temporary rules not covered in this ordinance.

- B. The removal of any object whatsoever without permission is prohibited. This includes, but not limited to, the picking of wild or cultivated flowers or any way disturbing birds, trees, plants, shrubs, sod, monuments, vaults, ornaments, or other structure or property within the jurisdiction of the cemetery.
- C. Cemeteries are not intended for recreation. Persons having children in their charge will be held responsible for the conduct, and under no circumstances will anyone be permitted to run over graves. Camping, picnics, parties, fires, the operation of recreation vehicles, animals, and other inappropriate activities are prohibited.
- D. Vehicles must travel on the roadways and never drive on lots or alleys. Speed shall never exceed 10MPH. Persons in charge of heavy loads entering the cemetery grounds will be required to protect roads whenever in the opinion of the Sexton it is advisable to do so, and to pay damages sustained by the cemetery street, resulting from such loads.
- E. All funeral processions while in the cemetery shall be under the direction and control of the Sexton.
- F. No promotional material will be allowed in the cemetery. This includes business cards, advertisements, signs, insignias or any other similar items.
- G. No person shall deface, injure or write upon any monument, articles, or structure in the cemetery.
- H. The township will use reasonable precaution to protect the property of assignees and diligently seek enforcement of all applicable laws related to the protection of said property. The township will not hold itself financially responsible for the acts of thieves or vandals, Assignees are urged to contact their insurance company regarding coverage for monuments.

SECTION 15

PENALTIES

Any person, firm or corporation who violates any of the provisions of the within ordinance shall be guilty of a misdemeanor and shall be subject to the maximum fine allowed by law and/or imprisonment for up to 90 days in jail as may be determined by a court of competent jurisdiction. Each day that a violation continues to exist shall constitute a separate offense. Any criminal prosecutions hereunder shall not prevent civil proceedings for abatement and termination of the activity complained of.

SECTION XVI

SEVERABILITY

The provisions of the within ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such a decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

SECTION XVII

EFFECTIVE DATE

This ordinance shall take effect within 30 days of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

State of Michigan, County of Allegan

In the Matter of Martin Township-Ordinance 77

COUNTY OF ALLEGAN—ss.

RONALD W. CARLSON, being duly sworn, says: I am the co-publisher of The Penasee Globe, a weekly newspaper printed and circulated in said county. The annexed is a printed copy of a notice which was published in said paper on the following dates, to wit:

7/7 A.D. 20⁰³ _____ A.D. 20 _____
_____ A.D. 20 _____ A.D. 20 _____
_____ A.D. 20 _____ A.D. 20 _____

 (Ron Carlson)

Subscribed and sworn before

me this 7th day of July A.D. 20 03.

 (Tamarind Schafer)
Notary Public, Allegan County, Michigan

My Commission Expires November 1, A.D. 2007.

PUBLIC NOTICE

Because the People Want to Know

MONTEREY TWP.

APPLICATIONS FOR DEFERMENT OF SUMMER 2003 TAXES

The Township of Monterey is currently accepting applications for summer 2003 tax deferments.

To qualify, a household income cannot exceed \$25,000. The applicant must also be 62 years of age or older, paraplegic, quadriplegic, eligible service person, veteran, widow or widower, blind, or totally and permanently disabled.

Those that farm agricultural property may also qualify. Please call for more information.

The deferment applications can be obtained at the Monterey Township Treasurer. 3047 30th Street or by telephoning 793-4961.

Lols Commons

Monterey Township Treasurer

AS PUBLISHED IN THE PENASEE GLOBE 6/30/03 - 301641

NOTICE OF ORDINANCE ADOPTION

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

To: The residents and property owners of Martin Township, Allegan County, Michigan, and any other interested persons:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance, being Ordinance No. 77, which was adopted by the Township Board of Martin Township at its meeting held June 11, 2003, said Ordinance to take effect 30 days after the publication of the following summary of said Ordinance.

CEMETERY ORDINANCE

SECTION 1 TITLE. The ordinance is titled "Martin Township Cemetery Ordinance."

SECTION 2 DEFINITIONS OF CEMETERY LOTS AND BURIAL SPACES. Defines the term "cemetery lot" as used in the Ordinance and establishes measurements for adult and infant burial spaces.

SECTION 3 SALE OF LOTS OR BURIAL SPACES. Indicates that burial rights are non-transferable, but that the same may be surrendered to the Township and the purchase price returned to the purchaser. Provides that burial rights may be purchased from the Township Sexton. Permits the Township Board to establish fees via resolution and provides a transfer fee of \$50.00.

SECTION 4 PURCHASE PRICE AND TRANSFER FEES. Provides that residents or non-residents may purchase lots or spaces. Residents may purchase on behalf of next-of-kin at resident rates. No sales to funeral directors are permitted. Specifies a \$100.00 resident price and a \$750.00 non-resident price. Defines "resident" for ordinance purposes. Permits the Township Board to alter the fees by resolution.

SECTION 5 GRAVE OPENING CHARGES. Indicates that the Township Board specifies grave opening charges by resolution. The Township Sexton supervises burial space openings and closings. The local health department supervises any removal and reinterment of bodies and remains.

SECTION 6 MARKERS OR MEMORIALS. Sets forth material, time and numeric regulations for markers and foundations.

SECTION 7 INTERMENT REGULATIONS. Provides regulations for interment. Requires not less than 48 hours notice to the Township Sexton for opening of burial spaces. Requires the presentation of particular information and paperwork to the Township Sexton prior to interment.

SECTION 8 GROUND MAINTENANCE. Regulates the types of ornamental items that can be utilized within the cemetery. Prohibits grading, leveling and mounting on grave surfaces. Sets forth a maintenance schedule. Sets forth conditions under which the Sexton can remove ornaments. Prohibits surfaces other than earth or sod.

SECTION 9 FORFEITURE OF VACANT CEMETERY LOTS OR BURIAL SPACES. Sets forth the conditions under which lots or spaces are deemed forfeited to the Township for non-use after 40 years.

SECTION 10 REPURCHASE OF LOTS OR BURIAL SPACES. The Township will purchase lots or burial space for its original price up to \$500.00.

SECTION 11 RECORDS. Provides that the Sexton shall maintain particular cemetery records.

SECTION 12 VAULT. Requires burial within a vault.

SECTION 13 CEMETERY HOURS. Specifies open hours and denies access during closed hours unless the permission of the Sexton or Township Board is obtained.

SECTION 14 RULES OF CONDUCT. Sets forth rules regarding conduct on the cemetery grounds for pedestrians, funerals, motor vehicles, and visitors. Prohibits advertising signs and promotional materials. Indicates that financial responsibility for property damage to monuments is not that of the Township.

SECTION 15 PENALTIES. Violation of the ordinance constitutes a misdemeanor, punishable by a fine and/or imprisonment for up to 90 days.

SECTION 16 EFFECTIVE DATE. The effective date of the ordinance is 30 days after publication. Repeals conflicting ordinances and ordinance provisions.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie Colburn at (269) 672-9387.

MARTIN TOWNSHIP
Carrie Colburn, Clerk
988 1/2 E. ALLEGAN ST.
MARTIN, MI 49070-9797
(269) 672-7663

AS PUBLISHED IN THE PENASEE GLOBE 7/7/03-301675

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CANCELLATION OR REJECTION: Publisher reserves the right to refuse or alter any copy submitted for publication which is deemed inappropriate for publication.

ADVERTISERS ARE REQUESTED to check the first insertion of ads for errors. Wayland Printing, will be responsible for only one incorrect insertion. Any error should be reported immediately. Please check your ad carefully upon its initial insertion and report any errors to the office.

LIABILITY of Wayland Printing, in the event of failure to publish an advertisement for any reason or in the event of errors in the publishing of an advertisement, shall be limited to the space occupied by the items of advertisement.

CLAIMS CONCERNING OMISSIONS or incorrect insertions will not be considered unless made within 30 days of publication.

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or 1-800-554-8800, ext. 109

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- 05 OBITUARIES
- 10 PERSONALS
- 15 IN MEMORIAM
- 20 THANK YOU
- 25 CONGRATULATIONS
- 27 FUND RAISERS
- 30 NOTICES
- 31 LEGAL NOTICES
- 35 TOWNSHIP MINUTES
- 40 HELP WANTED
- 45 LIC. DAY CARE
- 50 WORK WANTED
- 55 OPPORTUNITIES
- 60 LOST/FOUND
- 61 PETS
- 65 CRAFTS/BAZAARS
- 70 GARAGE SALES
- 80 AUCTIONS
- 80 CARS/TRUCKS
- 91 MOTORCYCLES
- 92 OFF ROAD VEHICLES
- 93 SNOWMOBILES
- 95 CAMPERS/RVS
- 100 BOATS/MOTORS
- 110 FARM GOODS
- 115 LIVESTOCK
- 120 FOOD/PRODUCE
- 130 ITEMS FOR SALE
- 140 WANT TO BUY
- 145 SELF STORAGE
- 150 FOR RENT
- 160 WANT TO RENT
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- 175 LAND FOR SALE
- 190 SERVICES

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005 OBITUARIES

HEYDENBERK-Bernice M. Heydenberk, 84, of Battle Creek died Wednesday, June 25, 2003 at home. She was born in Wayland, MI, the daughter of Ray and Beatrice (Everhart) Pratt, attending school in Grand Rapids. She was a homemaker, an active lifetime volunteer, a fifty year plus member of the First Presbyterian Church, a member of the Elizabeth Circle, Red Cross and the Marshall Country Club. Bernice joined the Red Cross as a Gray Lady in 1964, and she began her service at Lella Hospital. Over the next 38 years she served the Red Cross in many other capacities, including chair of the Blood Program and the chair of the Volunteers. She was a member of the Red Cross Board of Directors and the Volunteer Advisory Board. Bernice was honored with the Calhoun County Chapter of Red Cross "Outstanding Volunteer Award" and the National American Red Cross recognized her for "Meritorious Service" in 1976 and presented her with the "Clara Barton Honor Award" for Meritorious Volunteer Leadership" in 1986. She had been an officer of the Women's Club and JayCee's Auxiliary. She had also been recognized by the Charitable Union of Battle Creek for her volunteer service. Bernice was a natural hostess and cook, able to provide comfort and a lovely meal equally well in her kitchen or over a campfire. Over the years her family, friends and succeeding generations of grandchildren enjoyed their welcome to her home—the center of family life. And they always appreciated her humor, sensible viewpoint and kindness. On November 16, 1940 Bernice M. Pratt married Nelson D Heydenberk in Grand Rapids, MI. He preceded her in 2002. Surviving are two daughters, Barbara Brose of Gastonia, NC, Christine Kosanke of Kalamazoo; a son, William D. Heydenberk of Scotts, grandchildren Robert and Thomas Brose both of Washington, D.C., Michael Swift of Kalamazoo, Lori Smith of Colorado Springs, CO., six great-grandchildren and a brother, Kenneth Pratt of Kalamazoo. Besides her husband she was preceded in death by her mother and father and one brother. Funeral Services were held Saturday, June 28 at the First Presbyterian Church of Battle Creek with Dr. David L. Home officiating. Interment Elmwood Cemetery. Memorial contributions may be made to the Red Cross, Hospice or Meals on Wheels. Personal remembrances may be made at www.farleyestesdowdle.com. Arrangements made by Farley-Estes & Dowdle Funeral Home, Battle Creek.

010 PERSONALS

COLOR COPIES at Wayland Printing: Flyers, newsletters, invitations, etc. Come check it out at 133 E Superior, Wayland.

DRINKING A PROBLEM?? Wayland AA, Mon & Fri, 8pm, call Tom 792-9268. Dorr AA, Wed, 7pm, Open, call Larry 891-2384

PLANNING A VACATION AT GUN LAKE? Log onto www.gunlake.com for events, lodging, rentals, resorts, places to wine and dine or shop. It's your internet connection to the Gun Lake area.

SENIORS: Want a private setting that no other photographer can use? Call me: SPORTS PHOTOGRAPHY, Dan Goggins, 269-948-4669. Clip & save 10% on portrait package.

WEDDING INVITATIONS, response cards, etc. Check out our beautiful wedding invitation line. Books can be checked out. Wayland Printing, 133 E Superior, Wayland. 269.792.2271 or toll free 1.800.554.8800 ext 101.

WEIGHT LOSS MADE EASY w/ Herbalife. Contact Steve or Cookie, your local independent Herbalife distributors @ Cookies-diet.com or 616.752.7151.

030 NOTICES

ALPHA WOMEN'S CENTER, corner of Plum & Main in Wayland, is here to help you with your pregnancy and baby needs. Our services are free and confidential. This is not just for crisis pregnancies, we are here for anyone that needs help. Hours: Mon 2-5, Tues 11-5, Thurs 2-5, Sat 9-noon. Phone: 269-792-0333 or toll free 877-476-1671

ARTS IN THE PARK—Come one, come all! The Gun Lake Chamber of Commerce is hosting an Arts in The Park from 9-5 with ice cream served from 4-5. Hope to see everyone there to buy, sell & enjoy. Contact the Chamber at 269.792.4396 if you are a vendor & want to participate.

ATTENTION: W.U.S. Girls Soccer; Varsity & J.V., you may purchase your soccer photos from me at the Globe, from 9:00-3:00, ask for Dan or call me at home 269.948.4669; 2004 Seniors, it's time to start thinking about senior portraits!

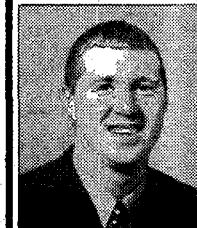
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FAX ADLINE CLASSIFIEDS to 269.792.2030. Please include name, address and telephone # for billing; to charge, include VISA or MC number, expiration date. Deadline is NOON on Thursday. Questions? Call 269.792.2271 ext 101

PHOTO POLICY: Photos submitted to us become property of the Penasee Globe unless return requested (provide self-addressed, stamped envelope), or pick up within two weeks of publication at our office at 133 E. Superior, Wayland.

035 TWP MINUTES

WAYLAND TOWNSHIP BOARD

Synopsis of the meeting
Wednesday, June 25, 2003

The special meeting of the Wayland Township Board was called to order at 7:04pm. Board members, attorneys, Aggregate Industries representatives and interested citizens were in attendance.

Aggregate Industries stated their proposals and the reason they felt the SUP should be granted.

Interested citizens stated their concerns and the reasons they felt the SUP should not be granted.

Questions were asked and answered.

A motion was made and supported to approve application with the following restrictions and refer back to the planning commission. 1) work hour change 2) No pre-staging 3) increased distances from property lines and road 4) reclamation 5) no importing of materials. A roll call vote showed: 2-no votes and 2-yes votes. Motion failed.

A motion was made and supported to adjourn. All eyes. Meeting adjourned at 9:22pm.

Beverly Taylor,
Clerk

040 HELP WANTED

ASSISTANT FACILITY MANAGER NEEDED! Walters-Dimmick Petroleum Inc., a leader in the C-Store industry, is currently seeking a highly self-motivated individual to fill the position of Assistant Facility Manager for their Wayland Shell location. They offer: competitive wages, 401 (k), health insurance, and paid vacations. To learn more about Walters-Dimmick Petroleum Inc. please visit their website at www.waltersdimnick.com. Please send resume to: Wayland Shell, 1170 Superior, Wayland, MI 49348, Attn: Facility Manager.

DANCE INSTRUCTOR/CHOREOGRAPHER: adv., tap, jazz, lyrical &/or ballet technique; varying levels. Incentives based on exp. Send resume & ref.: PO Box 8128, Kentwood, MI 49508

SECRETARY to the Business Manager/Accounts Payable Clerk/Receptionist: High School diploma required, college degree preferred. Two years accounting/bookkeeping experience. Proficiency with Excel & Word software. General office duties. Apply to Alice Jansma, Business Manager, Thornapple Kellogg Schools, 10051 Green Lake Rd., Middleville, MI 49333

CENA

We're Life Care Centers of America, the nation's largest privately-owned skilled care provider! If you share our heartfelt approach to caring for the elderly, consider joining our family at Life Care Center of Plainwell. Fulltime 2nd shift CENA opportunity available for compassionate caregiver. We offer: competitive pay and benefits, mission-driven environment, personal recognition and team spirit. Please call Rebecca (269) 685-9805 or visit with us at 320 Brigham St., Plainwell, MI 49080. EOE

Public Notice

Because the People want to Know

Dorr and Leighton Townships

APPLICATIONS FOR DEFERMENT OF SUMMER 2003 TAXES

The Townships of Dorr and Leighton are currently accepting applications for summer 2003 tax deferments.

To qualify, a household income cannot exceed \$25,000. The Applicant must also be 62 years of age or older, paraplegic, quadriplegic, eligible service person, veteran, widow or widower, blind or totally and permanently disabled.

Those that farm agricultural real property may also qualify. Please call for more information.

The deferment application can be obtained at the Dorr Township Hall, 4196 18th Street or telephoning 681-2411 or the Leighton Township Office, 4475 Kalamazoo Dr. or telephoning 891-8238.

Joseph Graczyk

Char Troost

Dorr Township Treasurer

Leighton Township Treasurer

AS PUBLISHED IN THE PENASEE GLOBE 6/30/03 & 7/7/03 - 301623



LEON HILASKI passed for 50 touchdowns and close to 5,000 yards in three years as Wayland starting quarterback.

PENASEE GLOBE PHOTO BY MIKE STEVENS

Cats' Hilaski signs with Pumas

Record-setting Wayland High School quarterback Leon Hilaski will take his talents to Division 2 St. Joseph's College in Rensselaer, IN, this fall.

Hilaski, who guided last season's Wildcat football team to the Division 3 state semifinals, has received a part-academic, part-athletic scholarship from St. Joe's.

"Leon has the head, heart and skills to be a fine college quarterback," said Wayland head coach Tim Gibson.

"Division 1 schools were put off by his lack of size (5'11", 180)," Gibson added. "Not St. Joseph's."

"They've got a winner. Watch and see."

Hilaski, who also played varsity baseball and basketball at Wayland, was a three-year starter as football quarterback.

The Wildcats were 3-6 in his sophomore season, made the playoffs for the first time in school history his junior year, and finished 10-3 last fall.

Hilaski rewrote school record books in the process, passing for close to 5,000 yards and 50 touchdowns. He rushed for 33 TDs too.

St. Joseph's, which runs the same-style offense Wayland does, competes in the Great Lakes Valley Conference. The Pumas start football practice Aug. 11.

TOYSTORE

by Scott Sullivan

GO FISH

Some little-known stories deserve to be even less-known. For instance, Wayland is home for a sardine distributor giving the fish "a makeover" and marketing them as "an energy powerhouse."

OK, so Blue Galleon Co. is in Wayland, Mass. Its mission hit home here in Wayland, Mich, via email sent en masse to Influential Media People (IMPs) when "finding strength from the sea" — or anywhere — held urgent appeal for me.

See, even IMPs can have diabetes (which means "running through") mellitus ("sweetness"). Life is sweet; I run many miles through it every week.

Diabetes mellitus inverts that order, with sweetness (or blood sugar) running through you. Your pancreas doesn't make enough insulin to metabolize glucose properly. You literally pee out energy.

Diet and exercise can lower your blood sugar (BS). So can drugs that stimulate the pancreas ... unless your organ uses that as an excuse to produce less insulin. This means you need more and more medication.

Which means by the time I got my fish story—plucked from the ocean of Viagra, penis-enlargement and home-financing ads—my BS was through the ceiling.

I knew the dangers—blindness, amputation, death—but let them go until

my running times started suffering. This was serious. Maybe Wayland sardines could help.

The email read the herrings are packed with co-enzyme Q10, which can help fight heart attacks, periodontal disease, lack of energy, weight gain and early death. They are also crammed with Omega-3s, which can fight depression and make your brain grow.

The cause of my many deficiencies—not eating sardines—was clear.

While waiting for my shipment to come in, I mulled biting on other email offers. With all that Viagra and other, er, growth products, I would need to refinance my home to accommodate expansion.

My BS was in the stratosphere, it seemed.

I began shooting insulin, as my mom did the last 30 years of her life, last week. I was told to inject in a two-inch circumference around my belly button, so needle tracks will make me look like a target.

For more sardine solicitations? Insulin works, so instead of insulting your and my intelligence further, I canned my order.

This isn't over. I keep harpooning myself and reading, recording numbers. Health has quality aspects too, like appreciation. I am older, slower, but grateful for every step.

I am out to see.

CITY OF WAYLAND

"Committed to Excellence"

NOTICE

CITY OF WAYLAND

DEFERMENT OF SUMMER PROPERTY TAXES

As provided by Act 97, P.A. 1992, certain qualifying taxpayers may defer the payment of their 2003 summer taxes without penalty or interest until February 14, 2004.

Taxes may be deferred on a homestead if household income did not exceed \$25,000 in 2002 and the taxpayer qualifies as defined in the General Property Tax Act; as one or more of the following:

- Citizen 62 years or older
- Paraplegic, Quadriplegic
- Eligible Serviceman, Eligible Veteran or Eligible Widow
- Blind Person
- Totally and Permanently Disabled

Taxes may also be deferred for certain agricultural properties that meet the specific requirements of the Act.

Applications for deferment are available at City Hall and must be filed with the Treasurer on or before August 1, 2003.

AS PUBLISHED IN THE PENASEE GLOBE 7/7/03 - 301697

YANKEE SPRINGS TOWNSHIP

Synopsis of Minutes - Board Meeting 6-12-2002

Meeting called to order at 7:00 p.m. by Supervisor McCrumb.

Present: Lippert, McCrumb, Finkbeiner, Cook and Jerkatis; township attorney John Lohrstorfer; zoning Administrator Worsham; Fire Chief Marentette; Don DeVries of Fleis & Vandenbrink (water tower engineer); Constable Misak and 21 visitors.

All those present stood and pledged allegiance to the flag.

Moved by Finkbeiner, support by Cook to accept the May 8, 2003 minutes as presented. All yes. Motion carried.

Chief Marentette invited everyone present to view the new Brush Truck; Tanker and Pumper displayed. Meeting adjourned for a short break and reconvened at 7:15 p.m. All members present. Due to an oversight Spencer Mfg. will split the cost in half with the Township for the portable drop tanks on both sides of #52 Tanker truck. Cost is \$875.00.

Don DeVries of Fleis & Vandenbrink (water tower engineer) present resolution awarding contract for water dev. Low bidder awarded to McGuire Iron Inc., in the amount of \$547,000.

Letter dated June 9, 2003 from Jim White resolution correction.

Barry County Commissioners meeting is scheduled for June 24, 2003 at Y.S. Township Hall 7:30 p.m. Ray Page presented the Board a donation of \$1,000 to the Yankee Springs Township Community park from the Rotary. They would like to see the amount matched by the Board and apply it toward the ball field backstop. Bids to be reviewed by the Board at a special meeting.

Cathy Strickland advised that contributions and donations in lieu of flowers are being made in her husband Jim's memory to the Yankee Springs Township Park.

Planning/Zoning: Preliminary approval recommendation of site condominium, Tim Scobey owner, 955 Payne Lake Road, zoned RR. Public hearing held on May 15, 2003. No public comment. Tim outlined the preliminary plans for the site which includes 12 building sites with access off from Payne Lake Road. No Gun Lake water system at this time, but will have sanitary sewer and natural gas. Board reviewed plans. Motion by Finkbeiner, support by Jerkatis to approve the planning commission recommendation of preliminary approval. Roll call vote approved by all. Motion carried.

Preliminary approval recommendation of Kay-D Development PUD, Jon Raymond owner, North and East corners of Shaw Lake Road and Norris, zoned AG. Public hearing held on May 15, 2003. Discussion was heard from residents in attendance; attorney Doherty representing the neighbors adjacent to the development and attorney Loren Andrulis representing Jon Raymond. Legal counsel for the Township, John Lohrstorfer advised the Board that the five standards in the Township ordinance must be met by the Planning commission. Moved by Cook, second by Lippert to refer the issue back to the Planning Commission for clarification of how the five criteria in the ordinance are met by the proposed PUD. Approved by Jerkatis, McCrumb; Lippert and Cook. Rejected by Finkbeiner. Motion carried.

Final approval recommendation of PUD Cedar Realty - SE corner Patterson and M-179, owner Wm. Weick, zoned RR. Public hearing held May 15, 2003. Discussions from residents in attendance: Ron VanSingel representing the developer answered questions from the residents. Motion by Cook, support by McCrumb to accept the final recommendation of the PUD from the Planning Commission as requested and also to accept the Master Deed, and condominium by-laws. Approved by all. Motion carried.

Ken Worsham, zoning administrator, requested purchase of 35mm camera with zoom, date and time in the amount of \$229.97. Motion by Finkbeiner, support by Jerkatis to approve. Approved by all. Motion carried.

Review of Site Plans - Discussion. Complaints - Township zoning violations. Letters have been sent out.

Supervisor - Motion by McCrumb, support by Cook to settle with Beachline Construction final payment of \$20,000. (Refund will be issued accordingly to special Assessment District #20). Approved by all. Motion carried.

Reviewed tile bids for the restrooms, utility rooms in the Hall. Motion by Lippert, support by McCrumb to approve Flietstra Tile & Carpet \$1772.00. Approved by all. Motion carried.

Discussion regarding paving bids for the hall, fire station and park. Motion by Cook, support by Lippert to approve A-1 Asphalt (Wayland) up to \$2410.00 for sealing and striping of hall and fire station. Approved by all. Motion carried.

Discussion by Supervisor advising that there will be additional Board meetings added to the Board's meeting dates to accommodate the water tower payments during the construction.

Financial report presented by Jerkatis. Moved by Cook, support by Finkbeiner to accept as presented. Approved by all. Motion carried.

Clerk report - DEQ Permit; MTA Dues Statement. Public Hearing Adoption of Budget 2003-2004 set for June 26, 2003 at 7:00 p.m. as advertised in the Penasee Globe 6/16 & 6/23 2003. This public hearing will include other such business.

PCI Building permits reviewed. Discussion regarding Barlow Lake fireworks permit. Motion by Lippert to Adopt Res. No. 06-04-03 to appoint Fire Chief Mark Marentette fireworks designee. Second by McCrumb. Approved by all. Motion carried.

Approved Mr. T lettering for the grass rig and Engine #52 in the amount of \$720.00. SAW Industries for stainless steel bolts, \$14.76. Approved purchase from 5-Alarm Safety in the amount of \$1,386.00 portable fan with Honda engine. Motion by Cook; Support by McCrumb.

Approved accounts payable check numbers #7205 through #7241 in the amount of \$162,604.22 by Cook, supported by Finkbeiner. All yes, motion carried. Motion by Cook, support by Finkbeiner to approve checks #7198 through check #7204 dated 5-15-03 & 5-20-03 in the amount of \$142,259.12. Approved by all. Motion carried.

Motion by McCrumb; second by Cook to approve payroll checks #2348 through #2363 in the amount of \$7,933.24. Approved by all. Motion carried

Old Business/new Business; Cook advised of bids received from MI Monument for a stone base and etching for flag pole. Further information to be reviewed at next meeting.

Discussion regarding upcoming ZBA hearing and Nextel Communications request for an additional height amount for a proposed tower. Discussion regarding the ordinance in regard to communication towers.

There being no further business, Motion by Cook, support by Finkbeiner to adjourn at 11:05 p.m. Approved by all. Motion carried.

Complete text minutes available at Township Offices. Janice C. Lippert, Clerk

AS PUBLISHED IN THE PENASEE GLOBE 7/7/03 - 301718


CLERK'S CERTIFICATE

I, CARRIE COBURN, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on June 11, 2003, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 77, hereinbefore recorded, to become effective on August 6, 2003, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

Dill - Yes
Sturgis - Yes
Brenner - Yes
Supple - Yes
Coburn - Yes

I do further certify that the full Ordinance No. 77 was published in the Penasee Globe, a newspaper circulated in Martin Township, on July 7, 2003; that said Ordinance No. 77 was recorded in the official Ordinance Book on the 25th day of September 2003; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 15th day of October 2003.

Date: 10-15, 2003


Carrie Coburn, Clerk
Martin Township

Cemetery
Ordinance
Resolution

04-03

Martin Township Board Meeting
June 9, 2004

Called to order at 7:30 p.m.

Pledge of Allegiance

Roll Call: Dill, Sturgis, Brenner, Sipple, and Coburn

Motion by Brenner, supported by Dill to approve the minutes from the previous meeting.
Motion carried unanimously.

Motion by Sturgis, supported by Dill to approve payment of bills as presented. Motion carried unanimously.

Motion by Brenner, supported by Sipple to approve treasurer's report as presented.
Motion carried unanimously.

Welcome Guests:

Don Black presented the Board with a synopsis of county business. Black informed the Board that he will not be attending next month's Board meeting.

New Business:

Sturgis began discussion about a problem Hamilton Agriculture is having with drug users breaking into anhydrous tanks. Residents living around the plant have signed a petition for Hamilton Agriculture to take action on how to solve the problem. Michigan State Police attended the meeting and informed the Board and guests how addicting meth is to the drug users. These people will do anything to get to the anhydrous, the part of the drug that makes the meth. He informed the Board and Hamilton Agriculture that he feels there is no real solution to this problem other than police coverage and there is very little for this area. Mark White from Hamilton Agriculture attended the meeting and informed the Board that they are very tired of the problems the drug users are causing. They are trying to come up with ideas and are opened for any suggestions anyone has to preventing these problems.

Old Business:

Sexton Computer – Dana Spencer presented some quotes on computers that he could build for the Sexton to use for the cemeteries. Spencer had two packages that included a higher end and a lower end computer. The software would need to be separately purchased and recommended that the complete Microsoft package be purchased. Spencer will watch the prices and let the Board know as they change.

Cemetery:

Simpson & Sons sent the Board a statement explaining that due to rising price's of fuel & insurances the price of grave opening are going to be raised from \$300.00 to \$400.00.
Motion by Brenner, supported by Sipple to approve Simpson's & Sons Excavating

charge of \$400.00 for grave openings. Roll Call Vote. All Ayes. Motion carried unanimously.

04-03
Brenner suggested that grave openings for residents and non residents are increased \$100.00 by resolution. Motion by Brenner, supported by Sturgis to increase grave openings \$100.00 to \$450.00 for residents and \$600.00 for non residents. Roll Call Vote. All Ayes. Motion carried unanimously.

Old Business:

Gravel Pit Inspections – Sturgis informed the Board that the operating conditions needed to be updated before the inspections are performed. The updates are done at the Zoning Board meetings. Coburn will get Sturgis copies of the Zoning Board minutes that reflect changes for Brenner and Gun Lake Investors gravel pits.

Department Reports:

Ambulance – Stuart Peet attended the Wayland Ambulance meeting and reported that they discussed their '04 – '05 budget.

Fire – Sturgis informed the Board that OSHA came in for the fire department to report changes in policies and procedures. A special meeting is scheduled for June 24, 2004 at 7:00 p.m. to discuss those policies and procedure changes. A budget public hearing will also be held at that time.

Sturgis informed the Board that he received information on costs and procedures on small claims court for fire runs. Sturgis gave the information to Kirt Sipple to look at and see how it will work with the fire run billing.

Library – Sturgis presented a letter from Shirley Moore written to the Board requesting her daughter, Vicki LaFleur to cover her while she is out for surgery and recovery beginning July 8, 2004. The Board decided the pay for the fill in would be \$6.75 per hour. Motion by Brenner, supported by Sipple to approve Vicki LaFleur as fill in while Shirley is gone at \$6.75 an hour. Roll Call Vote. All Ayes. Motion carried unanimously.

Dill checked into grants for the Library / Township building. She contacted the USDA and was informed that with the financial situation the State is in right now there is a slim chance of receiving a grant. There is a meeting set with Dill on June 17th at 10:00 a.m. to talk about financing that is available for buildings that meet certain criteria. He informed Dill that the long term financing available is at 4.38% for up to 30 to 40 years.

Sipple took the building plans back to the architects and was unable to have them available for the meeting.

Roads – Sturgis informed the Board that the gravel bids came back with two bids. Motion by Brenner, supported by Dill to accept bid from R. Smith & Sons for \$12,340.00. Roll Call Vote. All Ayes. Motion carried unanimously.

Sturgis informed the Board that the seal coat discussed at last months meeting can still be done. Motion by Brenner, supported by Sipple to approve seal coat on 4th street from 118th Avenue to 120th Avenue. Roll Call Vote. All Ayes. Motion carried unanimously.

Sipple asked the status of road work on 118th Avenue. Jim Pardee had stated that when he drives his semi on 118th, he has to drive down the middle of the road to avoid the trees scraping the top of the truck. Sturgis is checking with the County Road Commission.

Zoning – Brenda Leep informed the Board that the Zoning Board interviewed another planner and his fee was between \$14,000 and \$17,000. Leep asked what the budget would be for a planner so they can start planning accordingly. There will be a budget workshop later tonight.

Leep also asked the Board if the Zoning Board could change their name to Planning Commission. The Board was not sure if there was a difference in the number of board members.

Treasurer – Dill informed the Board that she met with National City and spoke about a new account that the Township can put money in. The account will still work the same but the Township will receive better interest, however, the cost will go up from \$13.00 to \$14.00 per month. Motion by Sipple, supported by Coburn to approve Dill to move the Township's money into the Small Business Account. Motion carried unanimously.

Supervisor – Sturgis handed out an incident report he received from Allegan County Sheriffs department.

Trustee (Jim) – None

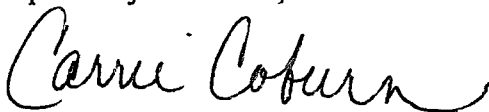
Trustee (Jack) – None

Clerk – Salary Resolutions - Coburn handed out Salary Resolutions for all four offices. Discussion on salary wages took place. The Board decided on the following salaries: Trustee - \$2700 per year, Supervisor - \$13,500 per year, Treasurer - \$15,000 per year and Clerk - \$15,000 per year. Motion by Dill, supported by Sipple to approve the salary resolutions. Roll Call Vote. All Ayes. Motion carried unanimously.

A Budget Workshop took place. The Board and guests discussed the upcoming '04 – '05 budget for the Township.

Motion by Brenner, supported by Dill to adjourn at 12:21 p.m. Motion carried unanimously.

Respectfully submitted,



Carrie Coburn
Martin Township Clerk

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.
ATTORNEYS AT LAW
458 WEST SOUTH STREET

JOHN H. BAUCKHAM
JOHN K. LOHRSTORFER
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KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500
FAX (269) 382-2040

HARRY F. SMITH
1906-1972

PATRICIA R. MASON
OF COUNSEL

April 16, 2004

Penasee News
133 East Superior
Wayland, MI 49348

Via Fax and E-mail

Re: Legal Notice for Martin Township
Ordinance No. 78

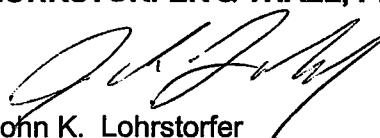
Dear Nancy:

Please publish the enclosed Notice of Adoption for Martin Township on **Monday, April 26, 2004.**

Please forward two Affidavits of the publication to this office, and two Affidavits and your bill to the Martin Township Clerk, Carrie Coburn, Martin Township, P.O. Box 27, 958 Lee S., Martin, Michigan 49070-9797.

Sincerely,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**


John K. Lohrstorfer

JKL/paj

Enc.

cc: Carrie Coburn, Clerk (w/Certificate)

NOTICE OF ORDINANCE ADOPTION

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

TO: THE RESIDENTS AND PROPERTY OWNERS OF MARTIN TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance, being Ordinance No. 78, which was adopted by the Township Board of Martin Township at its meeting held April 14, 2004, said Ordinance to take effect 8 days following publication of notice of its adoption. Following is a summary of said Ordinance.

SECTION I REZONING OF PROPERTY IN SECTION 1 The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone two parcels consisting of 32 acres and one parcel of approximately 24 acres, excluding a parcel that is zoned "I-1", located in the southeast quarter of Section 1 between Patterson Road and 122nd Ave. from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification being Parcel No. 03-015-001-016-00.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie Coburn at (269) 672-7663.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
P.O. Box 27
958 Lee St.
Martin, MI 49070-9797
(269) 672-7663

TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 78

ADOPTED: April 14, 2004

EFFECTIVE: May 4, 2004

REZONING OF PROPERTY IN SECTION 1

An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Section 1 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 1

The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone two parcels consisting of 32 acres and one parcel of approximately 24 acres, excluding a parcel that is zoned "I-1", located in the southeast quarter of Section 1 between Patterson Road and 122nd Ave. from the "AG" Agricultural District zoning classification to the "R-2" Low Density Residential District zoning classification, Parcel No. 03-015-001-016-00 being the following described property:

Legal Description of the 32.02+ Acre Southeast Piece of Property,
Part of Parcel 03-015-001-016-00

That part of the SE 1/4 of Section 1, T2N, R11W, Martin Township, Allegan County, Michigan, described as: Commencing at the East 1/4 Corner of said Section; thence S00°59'14" W 487.00 feet along the East line of said SE 1/4 to the place of beginning; thence N89°58'01"W 52.00 feet along the centerline of the Gun River; thence S31°08'18"W 87.80 feet along said centerline; thence S49°33'51"W 883.50 feet along said centerline; thence S09°37'22"W 164.42 feet along said centerline; thence S01°42'43"W 743.25 feet along said centerline; thence S05°43'26"E 88.37 feet along said centerline; thence S16°16'46"E 105.00 feet along said centerline; thence S05°07'31"E 26.56 feet along said centerline; thence S02°40'14"W 361.69

feet along said centerline of the Gun River to the South line of said SE 1/4; thence S88°32'05"E 626.00 feet along said South line of SE 1/4; thence N00°59'14"E 93.00 feet; thence S88°32'05" E 133.00 feet to the East line of said SE 1/4; thence N00°59'14"E 2056.38 feet along the East line of said SE 1/4 to the place of beginning. Parcel is subject to easements, restrictions and rights of way of record.

Legal Description of the 24.5+ Acre Piece of Property, Part of Parcel
03-015-001-016-00 (Not a Boundary Survey)

That part of the SE 1/4 of Section 1, T2N, R11W, Martin Township, Allegan County, Michigan, described as: Commencing at the Southeast Corner of said Section; thence N88°32'05"W 1338.44 feet along the South line of said Southeast 1/4 to the place of beginning; thence N01°27'55"E 388.00 feet; thence S88°32'05"E 584 feet, more or less, to the centerline of the Gun River; thence Northerly 931 feet, more or less, along said centerline to the North line of the South 1/2 of said Southeast 1/4; thence N88°28'40"W 967.74 feet along said North line to a point which is N88°32'05"W 1738.45 feet and N00°26'29"E 1320.10 feet from said South 1/4 Corner; thence S00°26'29" W 1320.10 feet; thence S88°32'05"E 400.01 feet along the South line of said Southeast 1/4 to the place of beginning. Parcel is subject to easements, restrictions and right of ways of record.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

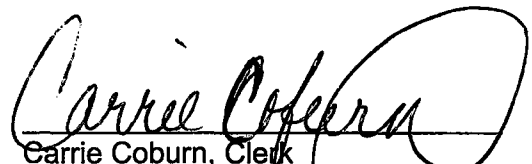
CLERK'S CERTIFICATE

I, CARRIE COBURN, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on April 14, 2004, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 78, hereinbefore recorded, to become effective on May 4, 2004, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

Brenda Dill - yes
Terry Sturges - yes
Jack Supple - yes
Carrie Coburn - yes
Jim Brenner - Absent

I do further certify that the full Ordinance No. 78 was published in the Penasee Globe, a newspaper circulated in Martin Township, on April 26, 2004; that said Ordinance No. 78 was recorded in the official Ordinance Book on the 21st day of April, 2004; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 21st day of April, 2004.

Date: April 21st, 2004


Carrie Coburn, Clerk
Martin Township

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.
ATTORNEYS AT LAW
458 WEST SOUTH STREET

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HARRY F. SMITH
1906-1972

TELEPHONE (269) 382-4500
FAX (269) 382-2040

PATRICIA R. MASON
OF COUNSEL

October 15, 2004

Penasee News
133 East Superior
Wayland, MI 49348

Via Fax and E-mail

Re: Legal Notice for Martin Township
Ordinance No. 79

Dear Nancy:

Please publish the enclosed Notice of Adoption for Martin Township on **Monday, October 25, 2004.**

Please forward two Affidavits of the publication to this office, and two Affidavits and your bill to the Martin Township Clerk, Carrie Coburn, Martin Township, P.O. Box 27, 958 Lee S., Martin, Michigan 49070-9797.

Sincerely,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**



John K. Lohrstorfer

JKL/paj

Enc.

cc: Carrie Coburn, Clerk (w/Certificate)

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF MARTIN TOWNSHIP,
ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance, being Ordinance No. 79, which was adopted by the Township Board of Martin Township at its meeting held October 13, 2004; and to provide for repeal and effective date of said Ordinance. A summary appears below.

An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Section 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

SECTION I REZONING OF PROPERTY IN SECTION 30 The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone land consisting of 3.91 acres more or less, located in the northwest one-quarter of Section 30 located 487 feet south of 116th Avenue and bordered on the west by U.S. 131 from the existing "R-3" Medium Density residential District zoning classification to a "C-2" General Business District classification.

SECTION II EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie Coburn at (269) 672-7663.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
P.O. Box 27
958 Lee St.
Martin, MI 49070-9797
(269) 672-7663

**TOWNSHIP OF MARTIN
COUNTY OF ALLEGAN, STATE OF MICHIGAN**

MARTIN TOWNSHIP ORDINANCE NO. 79

ADOPTED: October 13, 2004

EFFECTIVE: November 2, 2004

REZONING OF PROPERTY IN SECTION 30

An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Section 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 30

The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone land consisting of 3.91 acres more or less, located in the northwest one-quarter of Section 30 located 487 feet south of 116th Avenue and bordered on the west by U.S. 131 from the existing "R-3" Medium Density residential District zoning classification to a "C-2" General Business District classification being the following described property:

PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 30, TOWN 2 NORTH, RANGE 11 WEST, MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER POST OF SAID SECTION 30; THENCE SOUTH 88 DEGREES 03' 18" WEST ON THE NORTH LINE OF SAID SECTION 30 A DISTANCE OF 1,595.14 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 01 DEGREE 12' 35" EAST PARALLEL WITH THE NORTH AND SOUTH EIGHTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER 488.66 FEET; THENCE SOUTH 88 DEGREES 03' 26" WEST 381.67 FEET TO THE EAST LINE OF US 131; THENCE NORTH 07 DEGREES 44' 43" EAST ON SAID EAST LINE 393.62 FEET; THENCE SOUTH 89 DEGREES 18' 46" WEST ON SAID EAST LINE 30.33 FEET; THENCE NORTH 07 DEGREES 44' 23" EAST ON SAID EAST LINE 101.38 FEET TO THE NORTH LINE OF SAID SECTION 30; THENCE NORTH 88 DEGREES 03' 18" EAST ON SAID NORTH LINE 334.95 FEET TO THE POINT OF BEGINNING.

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 79

ADOPTED: October 13, 2004

EFFECTIVE: _____

REZONING OF PROPERTY IN SECTION 30

An Ordinance to amend the Martin Township Zoning Ordinance and Map so as to rezone property in Section 30 of the Township; and to repeal all ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

REZONING OF PROPERTY IN SECTION 30

The Martin Township Zoning Ordinance and Map is hereby amended so as to rezone land consisting of 3.91 acres more or less, located in the northwest one-quarter of Section 30 located 487 feet south of 116th Avenue and bordered on the west by U.S. 131 from the existing "R-3" Medium Density residential District zoning classification to a "C-2" General Business District classification being the following described property:

PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 30, TOWN 2 NORTH, RANGE 11 WEST, MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER POST OF SAID SECTION 30; THENCE SOUTH 88 DEGREES 03' 18" WEST ON THE NORTH LINE OF SAID SECTION 30, A DISTANCE OF 1,595.14 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH OF DEGREE 12' 35" EAST PARALLEL WITH THE NORTH AND SOUTH EIGHTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER 487.52 FEET; THENCE SOUTH 88 DEGREES 03' 26" WEST 381.49 FEET TO THE EAST LINE OF US 131; THENCE NORTH 07 DEGREES 44' 43" EAST ON SAID EAST LINE 392.47 FEET; THENCE SOUTH 89 DEGREES 18' 46" WEST ON SAID EAST LINE 30.33 FEET; THENCE NORTH 07 DEGREES 44' 23" EAST ON SAID EAST LINE 101.38 FEET TO THE NORTH LINE OF SAID SECTION 30; THENCE NORTH 88 DEGREES 03' 18" EAST ON SAID NORTH LINE 334.95 FEET TO THE POINT OF BEGINNING.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 297 of 1996. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP

Carrie Coburn, Clerk

Martin Township

958 Lee St.

Martin, Michigan 49070-9797

269-672-7663

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007-4621

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ROBERT E. THALL

ROXANNE C. SEEBER
CATHERINE P. KAUFMAN

HARRY F. SMITH
1906-1972

PATRICIA R. MASON
OF COUNSEL

September 17, 2004

**Allegan County Planning Commission
113 Chestnut Street
Allegan, Mi 49010**

Re: Martin Township Zoning Board Recommendation

Dear Sir/Madam:

The Martin Township Zoning Board has recommended approval of the enclosed rezoning.

Very truly yours,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**



John K. Lohrstorfer

JKL:paj

Enc.

cc: Terry Sturgis, Supervisor (w/enc.)
Ron Zeinstra, Zoning Chairman (w/enc.)

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

CLERK'S CERTIFICATE

I, CARRIE COBURN, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on October 13, 2004, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance No. 79, hereinbefore recorded, to become effective on November 2, 2004, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

Jim Brenner - Aye
Jack Sipple - Aye
Carrie Coburn - Aye
Terry Sturgis - Aye
Brenda Dill - Absent

I do further certify that the a summary of Ordinance No. 79 was published in the Penasee News, a newspaper circulated in Martin Township, on October 25, 2004; that said Ordinance No. 79 was recorded in the official Ordinance Book on the 16th day of October, 2004; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 18th day of October, 2004.

Date: October, 2004


Carrie Coburn, Clerk
Martin Township

TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 80

Adopted: May 11, 2005

Effective: June 1, 2005

An ordinance to amend and revise the Martin Township Sewage Disposal System Ordinance to increase the user fees and connection fees as set forth in Article V.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I.

RATES, CONNECTION FEE, USER FEE

Article V, Sections E and F of the Sewage Disposal System Ordinance are amended to read as follows:

125.505 User fees.

Sec. E. The user charge to each single family residence within the Township for which sewer service is available shall be \$66.00 per quarter (\$22.00 per month).

Each house, building, or structure other than a single family residence shall pay as per the above schedule multiplied by the residential user equivalent units assigned to said house, building, or structure as reflected in Exhibit A of this Ordinance; however, that amount shall not be less than the quarter amount of the above schedule applicable to one residential usage equivalent.

The Authority may authorize metering of wastewater flow by use of approved meters paid for by the user. Where metered flow is used as a basis for calculating the user charge, the user fee shall be \$3.15 per 1,000 gallons of flow. Metered flow shall only be used as a basis for billing where the user has paid (or is paying pursuant to contract) a connection charge for more than ten (10) residential equivalent units. Bills for users whose flow is metered shall be provided in the same manner as bills for non-metered users.

125.506 Connection fees.

Sec. F. Each person desiring to connect to the System shall pay a charge for the privilege of using the facilities and receiving the service of the System in the amounts given below:

1. *Direct connection.* For each single family residential house connecting directly to the lines of the System, there shall be a connection fee of \$3,600.00 as reflected in Exhibit A of this Ordinance, plus the cost of service stub installation where necessary. For the connection of other types of buildings or structures connecting directly to the lines of the System, where the residential-equivalent unit factor exceeds 1.00, there shall be charged a connection fee of \$3,600.00 plus \$2,500.00 for each additional single family residential-equivalent in excess of one as reflected in Exhibit A of this Ordinance, plus the cost of service stub installation where necessary.
2. *Indirect connection.* For each house, building, or structure connecting indirectly to the System, there shall be charged a fee of \$2,500.00 per single family residential equivalent, as reflected in Exhibit A of this Ordinance. Indirect connection fees defray proportionate shares of necessary oversizing of the treatment facilities, trunks and pumping stations.

SECTION II.

EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect June 1, 2005. All ordinances or parts of ordinances in conflict herewith are repealed.

**CARRIE COBURN, CLERK
MARTIN TOWNSHIP**



MEMORANDUM

TO: CARRIE COBURN, CLERK

FROM: MAINSTREET PLANNING COMPANY, Jan Johnson *J.J.*

DATE: FEBRUARY 27, 2007

RE: AMENDMENTS TO THE MARTIN TOWNSHIP ZONING
ORDINANCE AND THE SUBDIVISION ORDINANCE

Enclosed please find copies of the four ordinance amendments recently adopted by the Martin Township Board. Minor changes in the numbering of sections have been made per the comments of Township Attorney John Lohrstorfer. Also per the attorney's comments, the date of adoption of the Subdivision Ordinance amendments has been changed from seven to thirty days after publication.

I have e-mailed copies of the ordinance revisions to John Lohrstorfer.

If you have any further comments or questions do not hesitate to call.

Cc: Margie Smith, Secretary of the Planning Commission

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

**458 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007-4621**

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HARRY F. SMITH
1906-1972

JAMES W. PORTER
OF COUNSEL

John K. Lohrstorfer
E-mail: Lohr@bsrit.com

January 18, 2007

Kim Miller
Penasee News
133 East Superior
Wayland, MI 49348

Via Fax No. 269-792-2030

Re: Legal Notice for Martin Township
Notice of Adoptions

Dear Kim:

Please publish the enclosed Notice for Martin Township on **Monday, January 22, 2007**.

Please also forward two Affidavits of Publication to this office, and two Affidavits and your bill to Carrie Coburn, Clerk, Martin Township, 1023 Hidden Ponds Dr., Martin, MI 49070.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**


John K. Lohrstorfer

JKL:paj

Enc.

cc: Carrie Coburn, Clerk (w/enc)
Ron Zeinstra, Zoning Chairman (w/enc)
Margaret Smith (w/enc.)

MARTIN TOWNSHIP
CERTIFICATE OF ADOPTION

I, CARRIE COBURN, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on January 10, 2007, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinances 81, 82 and 84, to become effective on January 29, 2007, and Ordinance 83 to become effective on February 21, 2007, all hereinbefore recorded, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

83 30 days

I do further certify that a summary of the ordinances were published in the Penasee Globe, a newspaper circulated in Martin Township, on January 22, 2007; that said Ordinances 81, 82, 83 and 84 were recorded in the official Ordinance Book on the 8th day of January, 2007; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 29th day of October, 2007.

Date: 10-29, 2007



Carrie Coburn, Clerk
Martin Township

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

To: The Residents and Property Owners of Martin Township, Allegan County, Michigan, and Any Other Interested Persons:

PLEASE TAKE NOTICE that the following is a summary of Ordinances 81, 82, 83, and 84, which were adopted by the Martin Township Board at its meeting held **January 10, 2007**; said Zoning Ordinances to take effect 7 days after the publication of the following summary with the Subdivision Ordinance No. 83 to take effect 30 days after publication of said Ordinance.

ORDINANCE NO. 81

SECTION 1: This section provides for a new addition to the Zoning Ordinance, Section VIIA, R-R Rural Residential District, suitable in areas where active AG is declining and the uses will serve as a transition to farm to non-farm uses. Permitted uses are single-family detached dwellings and related uses. Churches, parks and family businesses are special exception uses. Minimum lot area is 30,000 square feet with a lot width of 125 feet and specifies usable floor area by type of dwelling.

SECTION 2: Section 3.1, *Definitions* is amended to include adult daycare homes, adult foster care facilities, family homes and hospice facilities.

SECTION 3: The ordinance deletes sections 4.28, 8. of Article IV General Provisions, and renumbers sections to correspond with the deletions.

SECTION 4: Ordinance amended by the addition of Section 4.30 to Article IV, *General Provisions* to provide for towers and antennas for amateur radio operators.

SECTION 5: The ordinance is amended by the addition of Section 4.7 of Article IV, *General Provisions* to provide that no more than one principal single-family or two-family dwelling can be placed on any lot in the AG, R-1, R-R, R-2, OS-PD or R-3 Districts.

SECTION 6: The ordinance is amended by the addition to Section 14.4 of Article XIV which provides that in most districts real estate signs cannot exceed 10 square feet, identification signs—not more than 18 square feet; and nameplate signs not to exceed one square foot.

SECTION 7: The ordinance is amended by the addition to Section 7.2 of Article VII R-1 Rural Estates that permits parks, public recreation areas and churches.

SECTION 8: This section is amended by the addition of Section 4.9, 5, *General Provisions* that no accessory building shall include residential living quarters except a guest house in a R-1, R-2 or R-R District.

SECTION 9–SEVERABILITY: The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

SECTION 10–EFFECTIVE DATE: This ordinance shall become effective seven days after its publication of a summary of its provisions.

ORDINANCE NO. 82

SECTION 1: Addition of new Article IXA Open Space Planned Unit Development District (OS-PUD) which provides for standards for the approval of the Open Space Planned Unit Developments in order to offer alternatives to traditional subdivision design by encouraging innovation and flexibility in residential developments. The OS-PUD can be located in zones AG-RE, RR MDR, AG, R-1, R-R, R-2. Property must be at least five continuous acres, can be used for single-family, two-family multi-family, golf courses and others. Zoning Commission can increase or decrease the regulations in order to achieve the objectives of the OS-PUD. Standards are provided before making that decision. Dedicated open space standards must be met, 20 percent in the AG-RE, AG or R-1 and 15% of the RR, MDR, R-R or R-2. Areas not counted as dedicated open space are set forth. Standards are also provided for what constitutes an open space. A density table is also provided according to zoning classification. Procedures for review and preparation for preliminary site plan are set forth. Standards for approval, procedures for application which include environmental impact assessment, public hearing and notification, storm water management, the process to amend and approve OS-PUD. Requirements for performance guarantees and time limitations (one year after date of approval with provisions for extensions)

SECTION 2: The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part is adjudged unconstitutional or invalid by a court, the remainder of the Ordinance shall not be affected thereby.

SECTION 3: This ordinance shall become effective seven days after its publication of a summary of its provisions.

ORDINANCE NO. 83 – SUBDIVISION ORDINANCE

This ordinance provides for the regulations for the subdivision of land within Martin Township.

ARTICLE I, GENERAL: Article I sets forth the Purpose, Fee Schedule, and Definitions.

ARTICLE II, PRELIMINARY PLAT APPLICATION AND REVIEW PROCEDURES: Article II sets forth the preliminary plat application and required information; tentative preliminary plat and approval; and preliminary plat final approval procedures.

ARTICLE III, FINAL PLAT APPLICATION AND REVIEW PROCEDURE: Article III sets forth the final plat application and review procedure, including security for completion.

ARTICLE IV, IMPROVEMENTS AND REGULATIONS: Article IV addresses improvement regulations and requirements for all lots, dedication for streets and street names, street design standards, street lighting public utilities and drainage.

ARTICLE V, VARIANCE: Article V provides for a variance procedure from the ordinance and the standards by which a variance would be granted.

ARTICLE VI, ENFORCEMENT: Article VI addresses enforcement and makes a violation a municipal civil infraction.

ARTICLE VII, DIVISION OF PLATTED LOTS: Article VII provides that no lot or other parcel of land can be further partitioned unless it is first approved by the Township Board. This section also addresses the approval of platted division of lots.

ARTICLE VIII, OTHER MATTERS: Article VIII includes the severability and effective date provisions (30 days after publication).

ORDINANCE NO. 84 – SITE CONDOMINIUM REQUIREMENT IN THE ZONING ORDINANCE

SECTION 1: Section 1 provides that a new Article XIII A will be entitled, *Site Condominiums*, which provides for Definitions and required content for off-site condominium plans. The procedures include Preliminary Plan Review, Final Review, Master Deed, Performance Guarantees, Construction issues, changes in Condominium Developments, Time Limits (one year) and provisions for Variances.

SECTION 2: This ordinance shall become effective seven days after its publication of a summary of its provisions.

PLEASE TAKE FURTHER NOTICE that the full text of all these Ordinances may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie Coburn at (269) 672-7663.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
P.O. Box 27
958 Lee St.
Martin, MI 49070-9797
(269) 672-7663

**ARTICLE VIIA
R-R RURAL RESIDENTIAL DISTRICT**

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 10th day of January 2008 at 7:00 p.m.

PRESENT: Members: Susan Tierney, Terry Stukas, James Brenner
Jack Supple & Carter Coburn

ABSENT: Members: None

The following ordinance was offered by Member Jack Supple and supported by Member James Brenner.

ORDINANCE NO. 81

**AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE
(ORDINANCE NO. 30 OF 1986, AS AMENDED)**

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of Section VIIA, R-R Rural Residential District, so as to read in its entirety as follows:

7A.01 **STATEMENT OF PURPOSE.** This district is intended to provide for low density residential development with single family detached dwellings as the predominant land use. Rural Residential uses are suitable in areas where active agriculture is declining, where uses will serve as a transition from farm to non-farm uses, where soils are suitable for on-site septic systems, and where roads are adequate for residential and other non-farm uses. Certain non-residential uses such as churches, schools and private recreation areas are allowed as special exception uses depending upon compatibility with adjacent uses as well as the requirements of Article XIII of this ordinance.

7A.02. **PERMITTED USES.** Land buildings, and structures in the R-R zone may be used only for the following purposes:

- (a) Single family detached dwellings.
- (b) Child Day Care Homes (Family) and Adult Day Care Homes with no more than six minor children or six adults.

- (c) State licensed adult foster care family homes with no more than six adults provided that such facilities are at least 1,500 feet apart as measured between property lines.
- (d) Home occupations as regulated by Section 4.19 of this Ordinance.
- (e) Antennas and towers not exceeding 50 feet in height, except that an antenna mounted on a building may extend to a maximum of 10 feet above the highest point of the building.
- (f) Essential public services equipment that is underground subject to the requirements of Section 4.16.
- (g) Single-family housing developments as required by Act No.177 of the Public Acts of Michigan of 2001 are permitted in accordance with the requirements of this Ordinance.
- (h) Uses, buildings, and structures customarily incidental and accessory to the principal use.

7A.03. SPECIAL EXCEPTION USES. The following uses may be permitted as a Special Exception Use subject to the applicable general and specific requirements and standards of Article XIII of this Ordinance:

- (a) Churches, synagogues or other similar places of worship in accordance with Section 4.23 of this Ordinance.
- (b) Public and private non-profit parks, playgrounds, swimming pools, golf courses, athletic fields and community center buildings, except for swimming pools accessory to residential uses.
- (c) Family businesses as regulated by Section 4.20 of this Ordinance.
- (d) Public and private schools and administrative buildings in accordance with Section 4.23 of this Ordinance.
- (e) Libraries, museums, art galleries and similar uses owned and operated by a governmental agency or non-profit organization in accordance with Section 4.23 of this Ordinance.
- (f) Government administration and service buildings.
- (g) Essential public service equipment, structures or buildings which are above ground, subject to the requirements of Section 4.16.
- (h) Antennas and towers exceeding a height of 50 feet except that the provisions of Section 4.30 shall apply.
- (i) Group day care homes which provide care to not less than seven and not more than 12 minor children or adults. Child Day Care Homes (Group) are subject to the regulations of Section 7.3.9. of this Ordinance.

- (j) Nursing homes, senior citizen housing, and similar convalescent or group housing, including state licensed adult foster care facilities with more than six adults.
- (k) Hospice Care Facilities.

7A.04. DISTRICT REGULATIONS. Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained:

- (a) Minimum lot area: 30,000 square feet.
- (b) Minimum lot width: 125 feet.
- (c) Minimum required useable floor area per dwelling unit:
 - (1) Ranch - a minimum of 960 square feet of floor area for the main floor.
 - (2) Bi-levels - a minimum of 960 square feet of floor area for the upper floor.
 - (3) Tri-levels – a minimum of 960 square feet for the upper two floors combined.
 - (4) Two-story – a minimum of 960 square feet for the first floor.
- (c) Minimum front yard: 35 feet.
- (e) Minimum side yard: 10 feet on each side.
- (f) Minimum rear yard: 25 feet.
- (g) Maximum Height: 35 feet, except as provided in Section 4.13 and Section 7A.02(e).
- (h) Maximum building lot coverage: 30 percent.

7A.05. ADDITIONAL REGULATIONS.

- (a) Parking shall be provided in accordance with the requirements of Article XV.
- (b) Signs shall be regulated in accordance with the requirements of Article XIV.
- (c) Site plan review is required for all Special Exception Uses according to the requirements of Section 4.28.
- (d) Site condominiums shall be regulated by Article XIII.A.
- (e) Open Space Planned Unit Developments shall be regulated by Article IXA.

SECTION 2: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of definitions to Section 3.1:

Adult Day Care Home: A private dwelling in which persons 18 years or older are provided supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides in the dwelling.

Adult Foster Care Facility: An establishment for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

Adult Foster Care Family Home: A private residence with the state-approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Hospice Care Facility: A facility and its staff that provide end of life care and attend to the emotional, spiritual, social, and financial needs of terminally ill patients at a facility or at a patient's home.

SECTION 3: The Zoning Ordinance of the Township of Martin is hereby amended by the deletion in its entirety of Section 4.28, 8. of Article IV General Provisions, and the re-numbering of Sections 4.28, 9., 4.28,10., and 4.28, 11. to Sections 4.29, 10., 4.28, 11., and 4.28, 12. respectively.

SECTION 4: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of Section 4.30 to the Article IV General Provisions:

Section 4.30 Towers and Antennas for Amateur Radio Operators

The provisions of this ordinance and all other applicable ordinances shall apply to towers and antennas owned and operated by a federally licensed amateur operator and used solely for amateur radio communication purposes, but shall not be applied so as to preclude the construction and operation of an antenna or tower for amateur radio communication purposes. If the provisions of this ordinance and all other applicable ordinances prohibit the construction of a particular amateur radio communications antenna or tower, then the Township shall seek to reasonably accommodate the proposed operator's desire to conduct amateur radio communications by considering other feasible designs, locations, methods of accessing repeater systems or the use of existing structures as an alternative to the operator's desired amateur radio communications antenna or tower.

SECTION 5: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to Section 4.7 of Article IV General Provisions:

4.7 **PRINCIPAL USE:** No more than one principal single family or two family dwelling building shall be placed on any lot in the "AG" Agricultural District, the "R-1" Rural Estates District, the R-R Rural Residential District, the "R-2" Low Density Residential District; the OS-PUD District, or on any lot or mobile home site in the "R-3" Medium Density Residential and Mobile Home Park District.

SECTION 6: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to Section 14.1 of Article XIV Signs:

14.1 Signs in the AG, R-1, R-R, R-2, R-3, and OS-PUD Districts: In the Ag, R-1, R-2, R-R, R-3, and OS-PUD districts, the following signs shall be allowed:

- 1. Real estate signs, not exceeding 10 square feet in area.
- 2. Identifying signs, not exceeding 18 square feet in area.
- 3. Nameplate signs, not exceeding one square foot in area.

SECTION 7: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to Section 7.2 of Article VII R-1 Rural Estates District:

7.2 PERMITTED USES:

- 5. Parks and public recreational areas, and golf courses.
- 8. Churches.

SECTION 8: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to Section 4.9, 5. General Provisions

- 5. No accessory building or structure shall include residential or living quarters for human beings except a permitted guest house located in the "R-1" Rural Estate or "R-R" Rural Residential or "R-2" Low Density Residential zoning district.

SECTION 9: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 10: Effective Date.

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Terry Skugis James Brenner Jack Buppel
Carrie Coburn Susan Hemeny

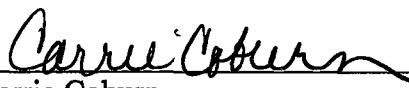
NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
 Carrie Coburn
 Martin Township Clerk

Ordinance becomes effective: 1-29-07

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on January 10th, 2006. Public notice of such meeting was given as provided by law.



Carrie Coburn
Martin Township Clerk

**ARTICLE IXA
OPEN SPACE PLANNED UNIT DEVELOPMENT DISTRICT
(OS-PUD)**

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 10th day of January 2008 at 7:00 p.m.

PRESENT: Members: Susan Temeyer, Terry Stugs, James Brenner,
Jack Sipple & Carrie Hurst
ABSENT: Members: None

The following ordinance was offered by Member Jack Sipple and supported by Member James Brenner.

ORDINANCE NO. 82

**AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE
(ORDINANCE NO. 30 OF 1986, AS AMENDED)**

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of Section IXA, Open Space Planned Unit Development District (OS-PUD), so as to read in its entirety as follows:

ARTICLE IXA OPEN SPACE PLANNED UNIT DEVELOPMENTS (OS-PUD)

9A.01 STATEMENT OF PURPOSE: This Section provides enabling authority and standards for the review, and approval of applications for Open Space Planned Unit Developments (OS-PUD's). The intent of Article IXA is to offer an alternative to traditional subdivision design by encouraging innovation and offering flexibility in the design of residential developments, which may incorporate the permanent preservation of open space, agricultural lands and other valuable natural and cultural resources.

The OS-PUD District is intended to achieve the following objectives:

- (a) To require a process for designing residential communities in which the first and most important step is identifying the land that is to be preserved as open space.
- (b) To allow residential developments to have varied lot sizes, and to allow buildings and roads to be placed to preserve natural features.
- (c) To preserve wildlife habitat.
- (d) To encourage the provision of village greens and the development of recreational and other support facilities in a generally central location within reasonable distance of all units.

9A.02 AUTHORIZATION & PROCEDURES: An OS-PUD may be approved by the Township Board following a recommendation from the Zoning Commission in any location master planned AG-RE, Agricultural Rural Estate; RR, Rural Residential; or MDR, Medium Density Residential; or zoned AG Agricultural, R-1 Rural Estates, R-R Rural Residential, or R-2 Low Density Residential in accordance with the procedures of Section 9A.10 of this Ordinance.

The granting of an OS-PUD rezoning application shall require an amendment of the Zoning Ordinance and Zoning Map. An approval granted under this Article shall constitute part of the Zoning Ordinance.

9A.03 QUALIFYING CONDITIONS: Any application for rezoning to an OS-PUD District shall meet the following minimum requirements:

- (a) In order to be eligible for rezoning to OS-PUD the parcel shall consist of five contiguous acres.
- (b) The proposed development shall be under unified ownership or control such that there is one person, group of persons or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this Ordinance. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development as required by this Ordinance.

9A.04 PERMITTED USES: Land and buildings in an Open Space OS-PUD may only be used for the following uses or combination of such uses:

- (a) Single family detached dwelling units.
- (b) Two family attached dwelling units (duplexes) provided that such dwellings do not constitute more than 25 percent of the total dwelling units.

- (c) Multi-family dwelling units but only if the land requested for rezoning to Open Space OS-PUD is recommended for MDR, Medium Density Residential land use in the Martin Township Master Plan, or is zoned R-2 Low Density Residential, and public or community sanitary sewer and water is provided. Multi-family dwellings in an OS-PUD shall contain no more than four dwelling units per building.
- (d) Accessory uses, structures and buildings which are customarily associated with the uses specified above including the following:
 - (1) Limited farming activities are permitted if conducted within the OS-PUD, if the OS-PUD is located in an area master planned for AG-RE Agricultural-Rural Estate. For purposes of this Section, farming activities shall be limited to the growing of crops, fruits, and vegetables and the raising and keeping of farm animals. In permitting farming activities as part of the OS-PUD, the project shall demonstrate that the farming activities will not pose a nuisance or a hazard to the residents of the OS-PUD.
 - (2) Golf courses, tennis courts, ball fields, bike paths, walking paths, playgrounds, community buildings, horse stables and similar recreational facilities as well as day care facilities, provided such uses are in addition to the residential uses in the OS-PUD. Such uses shall be designed to be used primarily by residents of the OS-PUD but in addition may be used by the general public provided the rules for such use are set forth in the Open Space Agreement required by Section 9A.06(d).
 - (3) Accessory buildings in an OS-PUD shall comply with the requirements of Section 4.9 of this Ordinance.

9A.05 DEVELOPMENT REQUIREMENTS

- (a) Modifications of Existing Regulations : The lot area, lot width, building height, setback, yard requirements, general provisions, landscaping, private roads, signs, and parking regulations contained in this Ordinance which would apply for the zoning district in which the uses proposed are normally allowed shall be met except that the Township Board following a recommendation from the Zoning Commission may increase, decrease or otherwise modify these regulations, as may be requested by the applicant, in order to achieve the objectives of the OS-PUD chapter. Other criteria which shall be used in making these determinations shall include the following:
 - (1) Whether the modifications requested will result in a project which better satisfies the intent and objectives of this Section.

- (2) The modification shall be compatible with adjacent existing and future land uses and shall not significantly adversely affect the use and enjoyment of nearby property.
 - (3) The modification will result in the preservation of existing vegetation or other natural features on site.
 - (4) The modification is necessary due to topography, natural features or other unusual aspects of the site.
 - (5) The modification will improve or not impede emergency vehicle and personnel access.
 - (6) The modification will improve or not impede adequate pedestrian circulation.
 - (7) The modification shall not result in traffic or other safety hazards; shall not result in visual blight, distraction, or clutter, and shall not otherwise result in a detriment to the public health, safety or general welfare.
- (b) The proposed development shall also comply with the requirements of Section 9A.11 of this Ordinance.

9A.06 OPEN SPACE REQUIREMENTS:

- (a) The OS-PUD shall provide and maintain the following minimum amount of Dedicated Open Space in accordance with the standards of this Article. For purposes of this Ordinance, Dedicated Open Space shall mean that portion of an OS-PUD which is permanently preserved through an open space preservation agreement as required herein.
 - (1) For land master planned for AG-RE Agricultural-Rural Estate or zoned AG Agricultural or R-1 Rural Estate, 20 percent of the total area of the site shall be preserved as Dedicated Open Space.
 - (2) For land master planned for RR Rural Residential or MDR Medium Density Residential, or zoned R-R Rural Residential or R-2 Low Density Residential, 15 percent of the total area of the site shall be preserved as Dedicated Open Space.
- (b) Areas Not Counted as Dedicated Open Space.
 - (1) The area within all public or private road rights-of-way.
 - (2) Any easement for overhead utility lines.

- (3) The area within a platted lot, site condominium unit, lot equivalent areas, or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
- (4) Off street parking area.
- (5) Detention and retention ponds created to serve the project.
- (6) Community drain fields.
- (7) 50 percent of the area of all wetlands; creeks; streams; existing ponds, lakes, or other bodies of water; or rain gardens designed for storm water management by a certified landscape professional.
- (8) 50 percent of the area of floodplains and 50 percent of areas of slopes of 20 percent or greater.

(c) Standards for Open Space: The following standards shall apply to the preserved open space required by this Section:

- (1) The open space may include a recreational trail, picnic area, children's play area, community building or other use which, as determined by the Zoning Commission, is substantially similar to these uses. These uses, however, shall not utilize more than 50 percent of the Dedicated Open Space.
- (2) 100 percent of a golf course may apply to the Dedicated Open Space required by this section.
- (3) Dedicated Open Space shall be located along the public road frontage abutting the site. The depth of this area shall be at least 50 feet not including public road right of-way. This area shall be left in its natural condition or landscaped to help reduce the view of houses on site from the adjacent roadway and preserve the rural view, as recommended by the Zoning Commission and approved by the Township Board. Newly established public roads interior to the OS-PUD shall not be subject to the requirement for 50 feet deep area of open space adjacent to the roadway.
- (4) Open space areas are encouraged to be linked with any adjacent open spaces, public parks bicycle paths or pedestrian paths.
- (5) The open space shall be available for all residents of the development, subject to reasonable rules and regulations and shall be reasonably

accessible and useable for the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.

- (6) If the land contains a lake, stream or other body of water, the Zoning Commission may require that a portion of the open space abut the body of water.
- (7) Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, and wetlands.

(d) **Methods to Preserve Open Space.**

The applicant shall provide an open space preservation and maintenance agreement to the Township Board stating that all dedicated open space portions of the development shall be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in title to commitments made as part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the OS-PUD plan, unless an amendment is approved by the Township Board.

The agreement must be acceptable to the Township Board and may consist of a recorded deed restriction, covenants that run perpetually with the land or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended.

The legal instrument shall:

- (1) Indicate the proposed permitted use(s) of the open space.
- (2) List the parties who have an ownership interest in the open space. The residents of the OS-PUD by virtue of an association or other similar entity shall at all times maintain an ownership interest in the Dedicated Open Space.
- (3) Require that the open space be maintained and controlled by parties who have an ownership interest in the Dedicated Open Space.
- (4) Provide standards for scheduled maintenance of the open space, including periodic removal of underbrush to reduce fire hazard and the necessary pruning and harvesting of trees and new plantings.

9A.07 DENSITY & NUMBER OF DWELLING UNITS ALLOWED: An area which is requested for rezoning to OS-PUD shall only be developed

in accordance with the density recommended by the Township Master Plan. The permitted number of dwellings for the proposed OS-PUD area shall be based on the density recommendation of the Master Plan designation of the property as set forth in the following Density Table.

The Township Board, following a recommendation from the Zoning Commission, may choose to allow fewer dwellings than permitted by the Density Table if, in the opinion of the Board, a reduction in the number of dwellings proposed would better achieve the intent and objectives of the OS-PUD district.

(a) Density Table

Master Plan Category	Maximum Average Density
AG-RE, Agricultural-Rural Estate	1 dwelling unit/acre (43,560 sq. ft.)
RR, Rural Residential	1 dwelling unit/30,000 sq. ft.
MDR, Medium Density Residential	1 du/8,500 sq. ft. with both public or community water and sewer 1 du/15,000 sq. ft. with either public or community water or sewer 1 du/25,000 sq. ft. with neither public nor community water and sewer

(b) Formula to Determine Number of Dwellings:

The number of dwellings which may be constructed within an OS-PUD shall be determined as follows:

- (1) Determine gross site area. The gross site area may include road right of way if included in legal description.
- (2) Subtract one-half of the Primary Conservation Areas. For purposes of this Ordinance, Primary Conservation Areas shall be defined as existing regulated and non-regulated wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes of 20 percent or greater.

The determination of the existence of wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Zoning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, ecologist, environmental engineer or similar professional person deemed acceptable to the Zoning Commission.

- (3) Multiply this acreage by the Maximum Average Density from the Density Table to determine the number of dwellings permitted.
 - (4) Additional dwellings above what is allowed by Section 9A.07 above may be permitted at the discretion of the Township Board following a recommendation by the Zoning Commission if the development provides additional amenities or preserves additional open space which would result in a significant recognizable benefit to the Township and residents of the OS-PUD. Items which could be added to a OS-PUD so it may be eligible for consideration for additional dwelling units shall include one or more of the following items as well as similar items:
 - (i) Provision of recreational facilities such as playground areas with play equipment, ballfields, bike path, man-made lake, and community building or similar recreation facility.
 - (ii) Additional landscaping to preserve or enhance the rural view along the roadway.
 - (iii) Enhancement of existing wetlands, subject to applicable regulations.
 - (iv) Provision of a public or community water and/or sanitary sewer system.
- (2) If additional dwelling units are to be permitted beyond the maximum number of dwelling units determined by Section 9A.07, in no case shall the number of dwelling units exceed that which is permitted by multiplying the gross acreage of the site by the Maximum Average Density.

9A.08 PROCEDURES FOR REVIEW AND PREPARATION OF OS-PUD PRELIMINARY SITE PLAN

- (a) **Application.** An applicant for an OS-PUD rezoning shall comply with the submittal and review requirements of Section 9A.10 of this Ordinance.

- (b) OS-PUD Design Process. A site plan for an OS-PUD shall be prepared according to the following process. Approval of an OS-PUD site plan shall be based on how closely the site plan conforms to this design process as well as conformance to the standards for approval of an OS-PUD contained in Section 9A.09 of this Ordinance.

The applicant shall prepare two plans: a Natural Features & Development Area Map and a Preliminary Site Plan using the Four Step design process described below.

STEP 1	Prepare a Natural Features & Development Areas Map
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- 1) The Natural Features & Development Area Map shall illustrate the Primary Conservation Areas and those other areas on the site which are to be preserved as Dedicated Open Space on the site.

Primary Conservation Areas, for purposes of this Ordinance, shall be defined as existing wetlands, creeks, streams, ponds, lakes or other water bodies, floodplains and slopes of 20 percent or greater.

The Dedicated Open Space illustrated on this map shall comply with the requirements for open space per Section 9A.06 of this Ordinance.

Only one half of the Primary Conservation Areas shall be counted toward the required amount of Dedicated Open Space.

- 2) Label other natural site features such as woods, stands of trees, specimen trees, farm lands and fields, meadows and hedgerows, farm buildings and fences.
- 3) The Dedicated Open Space as required by Section 9A.06 of this Ordinance shall be clearly labeled on the map. The areas outside the Dedicated Open Space shall be illustrated on the map as the Development Area which is the only area where house sites may be located.
- 4) Next, determine the number of houses permitted for the site by Section 9A.07 of this Ordinance.

STEP 2	Locate House Sites on Natural Features & Development Area Map
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- 5) On the same Natural Features and Development Area Map illustrate the tentative location of house sites. House sites shall only be located within the Development Area identified in Step 1. A house site shall not be located within the Primary Conservation Areas or other areas illustrated as Dedicated Open Space.

The location of house sites should be done according to the following design standards:

- (i) Houses should be placed so that scenic views are left unblocked or uninterrupted, particularly as seen from the public road right-of-way.
- (ii) In order to maintain scenic views and rural character, dwellings placed directly on hilltops shall be discouraged if the dwelling is unscreened from the view of nearby properties and roads. Dwellings which are three stories as viewed from nearby public streets shall also be discouraged as such dwellings can detract from the rural view.

STEP 3	Locate Conceptual Roads on Natural Features & Development Area Map
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- 6) On the Natural Features & Development Area Map illustrate the conceptual location of streets which shall be designed to serve the house sites identified in Step 2. Trails shall also be illustrated on this plan.

The location of streets should be designed according to the following design standards:

- (i) Avoid crossing wetlands and wildlife habitat areas with streets.
- (ii) Street systems should be designed to produce terminal vistas (views) of open spaces, village greens, water features, meadows or playing fields.
- (iii) Every effort should be made to connect each street with another to minimize deadends, to provide safe and efficient access for emergency and public service vehicles, and to avoid conditions where certain residential streets become collectors that carry the majority of neighborhood traffic.
- (iv) Where cul-de-sacs are unavoidable, they should be provided with pedestrian and bike linkages to nearby streets, adjoining neighborhoods, or adjoining undeveloped parcels.
- (v) Streets serving new developments should be designed to connect with adjoining properties.
- (vi) OS-PUD developments shall, where feasible and appropriate, provide a trail system that provides pedestrian and bicycle linkage throughout the development, that take advantage of the open space areas. Linkage to future neighborhoods and developments that may occur adjacent to the development may be provided and are encouraged.

STEP 4	Prepare Preliminary Site Plan
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- 7) Next, prepare a separate plan to be known as the Preliminary Site Plan in accordance with the requirements of Section 4.28 herein. Draw lot lines for each house site and the road rights-of-way within the Development Area. Illustrate the boundaries of the Development Area on the Preliminary Site Plan.

The lots should be designed according to the following design standards:

- (i) Lots shall be of a size and width necessary to obtain approval from the Allegan County Health Department. If permitted by the ACHD, septic drain fields may be located within the Dedicated Open Space areas outside the lot lines.
 - (ii) As part of the Preliminary Site Plan, the applicant shall provide documentation from the Allegan County Health Department that the soil types in the buildable areas are acceptable for on site well and septic systems.
- 8) The Natural Features Map and Development Area maps prepared according to Steps 1, 2, and 3 above along with the Preliminary Site Plan prepared according to Step 4 shall be submitted to the Zoning Commission for preliminary site plan review according to the procedures of this Ordinance.

9A.09 STANDARDS FOR APPROVAL: In making a recommendation to approve an OS-PUD, the Zoning Commission must find that the proposed OS-PUD meets the standards for Site Plan approval as contained in Section 4.28 6. B. of this Ordinance and the following standards as applicable:

- (a) Granting the OS-PUD rezoning will result in a recognizable and substantial benefit to ultimate users of the project and to the community, and the benefit would otherwise be unfeasible or unlikely to be achieved.
- (b) The OS-PUD will not result in a significant increase in the need for public services and facilities and will not result in significant adverse effects upon nearby or adjacent lands or the natural environment unless the resulting adverse effects are adequately provided for or mitigated by features of the OS-PUD as approved.
- (c) The OS-PUD will be generally compatible with the Master Plan of the Township and consistent with the intent and purpose of the OS-PUD Section.
- (d) The OS-PUD is designed to substantially comply with the four step design process of Section 9A.08 herein.

- (e) The OS-PUD protects the rural roadside character by preserving or enhancing the existing view along the roadway.
- (f) The individual lots, buildings, roadways, and open space areas are designed to minimize the alteration of environmental site features.
- (g) The OS-PUD includes a pedestrian walkway designed to ensure that pedestrians can walk safely and easily throughout the site.
- (h) The project complies with the requirements of Section of this Ordinance.

9A.10 PROCEDURES

- (a) **Pre-application Conference.** Before submitting an application for a OS-PUD, an applicant may meet with the Zoning Commission or Township Zoning Administrator, Planner or Engineer to submit information regarding a proposed OS-PUD and to confer with the Zoning Commission, or staff, about the proposed application and the OS-PUD.
- (b) **Application for OS-PUD Approval.** An application for an OS-PUD rezoning shall be in accordance with the application procedures for site plan review as required by Section 4.28 of this Ordinance. In addition, the applicant shall submit any fee or escrow requirement as may be adopted by resolution of the Township Board.
- (c) **Preliminary Development Plan.** An applicant for OS-PUD rezoning shall submit a site plan in accordance with the requirements for Site Plan Review as set forth in Section 4.28 of this Ordinance and the requirements of Section 9A.08.

The applicant shall also submit 10 copies of a narrative describing:

- (1) The proposed density, number, and types of dwelling units.
- (2) If the proposed project will be served by water or sanitary sewer systems, a statement from a registered professional engineer describing methods and capacities
- (3) Calculations demonstrating compliance with the ordinance requirements for open space and number of permitted dwellings.
- (d) **Environmental Impact Assessment.** The Zoning Commission may require an environmental impact assessment as part of the Preliminary or Final Site Plan. This assessment shall describe the effect and impact that the proposed OS-PUD will or may have upon or with respect to the following matters:

- (1) The lands involved and the adjacent and nearby lands; streams, rivers, wetlands, and the quality and volume of surface and groundwater; wildlife and trees, and other significant vegetation.
 - (2) Population in the immediate area and the Township; local school systems; traffic congestion.
 - (3) Additional costs to governmental units and school districts; police and fire protection; storm water drainage; water supply and sewage disposal.
 - (4) Noise, vibration, dust and dirt, litter, smoke, odor, light, and glare.
 - (5) Traffic impact study.
 - (6) An economic feasibility study for the principal uses of the proposed OS-PUD.
 - (7) An analysis of the nature and effect of any private utility systems, including septic tanks and drain fields, storm water control and retention facilities, and water supply and distribution systems.
- (e) Review of Preliminary Development Plan. The Zoning Commission shall review the preliminary development plan and make recommendations to the applicant regarding the OS-PUD, together with any recommended changes or modifications thereof. Such review and other consideration of the preliminary plan shall take place at a public meeting or meetings of the Zoning Commission, and at meetings of committees of the Commission, where appropriate.
- (f) Final Development Plan.
- (1) After receiving the recommendations of the Zoning Commission on the preliminary development plan, the applicant for OS-PUD rezoning shall submit a Final Development Plan to the Township office in accordance with the requirements for Site Plan Review as contained in Section 4.28 of this Ordinance. Copies of the plan shall be forwarded to the Zoning Commission.
 - (2) The Final Development Plan shall contain all of the information required for Site Plan review unless the same is waived by the Zoning Commission as not being reasonably necessary for the consideration of the OS-PUD plus the following:
 - (i) All of the drawings, narrative, studies, assessments, and other information, and materials comprising the preliminary

development plan, including all of the recommendations of the Zoning Commission thereon.

- (ii) Projected time for completion of the entire OS-PUD; proposed phasing, if any, of the OS-PUD and the projected time for completion of each phase.
 - (iii) Any other information reasonably required by the Zoning Commission in connection with its review of the -OS-PUD and consideration of the rezoning of the lands in accordance with the OS-PUD plan.
- (g) Zoning Commission Public Hearing on Final Development Plan. The Zoning Commission shall hold a public hearing on the Final Development Plan and the application for rezoning in accordance with the Plan.

A notice concerning the public hearing on the OS-PUD Final Development Plan and application for rezoning shall be published in a newspaper which circulates in the Township. Such notice must be given by 2 publications, the first to be printed not more than 30 days nor less than 20 days and the second not more than 8 days before the date of the hearing. However, applications for rezoning to Open Space Planned Unit Development that are submitted on or after July 1, 2006, shall be subject to the notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires notice be given not less than 15 days before the date the application will be considered for approval.

Notification shall be sent by mail or personal delivery to the owners of property for which OS-PUD approval and the rezoning is being considered, and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet, in accordance with the requirements of PA 184 of 1943 as amended, except that applications for rezoning to Open Space Planned Unit Development that are submitted on or after July 1, 2006, shall be subject to the mailing notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006.

If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations one occupant of each unit or spatial area shall receive notice.

In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (1) Describe the nature of the OS-PUD and rezoning request.
- (2) Identify the property which is the subject of the OS-PUD and rezoning request.
- (3) State when and where the OS-PUD and rezoning request will be considered.
- (4) Indicate when and where written comments will be received in advance of the public hearing on the request.

An affidavit of mailing shall be filed with the Zoning Commission before the public hearing.

- (h) Consideration of Final Development Plan by Zoning Commission. After the public hearing, the Zoning Commission shall make recommendations concerning the Final Development Plan and the modifications in the Final Development Plan and the rezoning, to the Township Board.
- (i) Standards for Approval. In making a recommendation to approve a OS-PUD, the Zoning Commission must find that the proposed OS-PUD meets the standards for approval as contained in Section 9A.09.
- (j) Final Consideration of OS-PUD by Township Board. The Township Board shall review the Final Development Plan and the recommendations submitted by the Zoning Commission.

The Township Board shall determine whether the Final Development Plan complies with the standards, conditions, and requirements of this Ordinance and, in addition, shall determine whether the proposed project promotes the intent and purpose of this Ordinance; insures that the proposed project will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed project; and insures that the proposed project will be consistent with the public health, safety, and welfare needs of the Township.

Upon a determination that a proposed project meets such standards, conditions, and requirements, the Township Board may approve the final development plan and grant the rezoning request.

- (k) Conditions of Approval. The Township Board may impose reasonable conditions upon its approval. Such conditions may include conditions necessary to insure that public services and facilities affected by a proposed project will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and

energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements.

- (1) They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed project and the community as a whole.
- (2) They shall be related to the valid exercise of the police power, and the purposes which are affected by the proposed project.
- (3) They shall be necessary to meet the intent and purpose of this Ordinance, be related to the standards established in the Ordinance for the proposed OS-PUD under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of a OS-PUD shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the property owner. The Township Board shall maintain a record of conditions which are changed.

- (l) Rezoning. If the Township Board approves the Final Development Plan and the proposed application for rezoning, it may rezone the property in accordance with the Township Zoning Act as amended. Publication of the rezoning ordinance or publication of a summary of the provisions thereof shall be accomplished in the manner provided by law. Following approval of the OS-PUD rezoning the Official Zoning Map of Martin Township shall be changed to reflect the OS-PUD zoning for the parcel.
- (m) Conformance to Final Development Plan. A OS-PUD shall be constructed in strict conformance with the approved Final Development Plan and any conditions of approval. Any changes shall only be allowed in accordance with the requirements of Section 9A.12 herein.

9A.11 DEVELOPMENT REQUIREMENTS FOR ALL OS-PUDs

An OS-PUD permitted under this Section shall comply with the following requirements:

- (a) Sidewalks. For areas recommended for Rural Residential or Medium Density Residential land use in the Master Plan, the Zoning Commission may require sidewalks in accordance with the Township's subdivision and site condominium regulations.

- (b) Grading. To preserve the natural appearance and beauty of the property, all graded areas, cuts and fills will be kept to a minimum. In appropriate cases, retaining walls may be required. Grading within the OS-PUD shall be planned and carried out so as to avoid erosion, pollution, flooding or other adverse effects upon the land, and to have a minimal effect upon the environmental characteristics of the land as reasonably feasible.
- (c) Utilities. The OS-PUD shall be served by either private or community owned well and septic system approved by the Allegan County Health Department or by a public water and sanitary sewer system.
- (d) Storm Water Management.
 - (1) A storm water management plan shall be submitted with both the Preliminary Development Plan for and the Final Development Plan. This plan shall provide information on how storm water will be controlled during and after construction. This plan shall be subject to the review and approval of the Township Engineer and the Allegan County Drain Commission as applicable.
 - (2) Storm water shall be substantially managed with green infrastructure such as vegetated swales, rain gardens, stone weirs or dikes, sediment basins and shallow storm water areas. Storm water shall be minimally managed with conventional storm water management structures such as gutters, catch basins, underground pipes, detention ponds, and retention ponds. Underground detention facilities may be permitted.
 - (3) Storm water detention ponds may be allowed for the containment of storm water run off if it is demonstrated that other stormwater management measures as noted above are not feasible due to soil types, topography or other similar site features.
- (e) Outdoor Lighting. Outdoor lighting shall be designed and located to avoid casting any direct or reflected glare upon neighboring property or upon adjacent structures within the proposed project.
- (f) Signs. Signs shall comply with the sign requirements of this Ordinance.
- (g) Minimum Dwelling Unit Size. The minimum size of a dwelling unit shall be as required by Section 7A.04(c). The minimum size of a multi-family dwelling unit shall be as required by Section 9A.4, 3.D.

9A.12 AMENDMENTS TO APPROVED OS-PUD

- (a) An approved Final OS-PUD Development Plan and any conditions imposed upon Final OS-PUD approval shall not be changed except upon the mutual consent of the Township Board and the applicant except as otherwise noted below.
- (b) Minor Amendments. A minor change may be approved by the Zoning Administrator who shall notify the Zoning Commission and the applicant in writing of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission. The following items shall be considered as minor changes:
 - (1) Reduction of the size of any building and/or sign.
 - (2) Movement of buildings and/or signs by no more than 10 feet.
 - (3) Plantings approved in the site plan landscape plan that are proposed to be replaced by similar types of landscaping.
 - (4) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (5) Changes required or requested by the Township for safety reasons.
 - (6) Changes which will preserve the natural features of the site without changing the basic site layout.
 - (7) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health, safety and welfare.

The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Zoning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Zoning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Zoning Commission.

- (c) A proposed change, other than a minor change as determined by the Zoning Administrator, shall be submitted as an amendment to the OS-PUD and shall be processed in the same manner as an original OS-PUD application except that the OS-PUD zoning shall remain in place.

9A.13 PERFORMANCE GUARANTEES: The Township Board, after recommendation by the Zoning Commission, or in its own discretion, may

require reasonable performance guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Township Board based on a recommendation from the Zoning Commission.

Such arrangements shall be conditioned upon faithful compliance with all of the provisions and requirements of the OS-PUD and construction and placement of all of the improvements therein. In its discretion, the Township Board, upon recommendation by the Zoning Commission, may rebate or refund a proportionate share of the amount specified in a performance bond, letter of credit, or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Zoning Commission or appropriate Township official.

9A.14 TIME LIMITATIONS ON DEVELOPMENT: Each OS-PUD shall be under construction within one year after the date of approval of the final development plan and adoption of a zoning ordinance amendment by the Township Board. If this requirement is not met, the Zoning Commission may, in its discretion, grant an extension not exceeding one year, provided that the OS-PUD applicant submits reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the OS-PUD.

If the OS-PUD has not been commenced within the above-stated period of time, or within any authorized extension thereof, the Final Development Plan shall be of no further effect, and the Zoning Commission and Township Board may then, in their discretion, initiate proceedings for the rezoning of the lands to some other zoning district.

If the property is not rezoned, then the subject property remains zoned as a OS-PUD, but the preliminary or final OS-PUD plans previously approved become null and void. In order to utilize the property as a OS-PUD, an applicant shall submit plans for preliminary and final OS-PUD site plan approval as required by this Section, but OS-PUD rezoning by the Board shall not be required.

SECTION 2: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 3: Effective Date.

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Terry Stumpf, James Brenner, Jack Biopoli
Carrie Coburn, Susan Tierney

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
Carrie Coburn
Martin Township Clerk

Ordinance becomes effective: _____

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on January 10, 2007. Public notice of such meeting was given as provided by law.

Carrie Coburn
Carrie Coburn
Martin Township Clerk

SUBDIVISION ORDINANCE

ORDINANCE NO. 83
Effective 1-10-07

MARTIN TOWNSHIP SUBDIVISION ORDINANCE

AN ORDINANCE TO PROVIDE REGULATIONS FOR THE
SUBDIVISION OF LAND WITHIN THE TOWNSHIP OF
MARTIN AND TO PROVIDE PENALTIES FOR THE
VIOLATION THEREOF.

THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN ORDAINS:

ARTICLE I General

Section 1.01 Legal Basis; Purpose. This Ordinance is enacted pursuant to Public Act 288 of 1967, as amended, the Land Division Act of 1967. ("Act 288") This Ordinance is intended to provide for the proper and orderly subdivision of land in the Township, to provide for adequate and essential public improvements and utilities, and to promote the public health, safety and welfare.

Section 1.02 Fee Schedule. Any person filing a plat pursuant hereto shall pay fees established from time to time by resolution of the Township Board, and until the fee is paid the plat shall not be considered or reviewed.

Section 1.03 Definitions. All terms herein shall have the meanings and definitions given by Act 288.

Section 1.04 Scope and Conflict. The provisions of this Ordinance apply to all platted subdivisions of land within the Township. Where this Ordinance provides a standard stricter than that required by Act 288, this Ordinance shall control.

Section 1.05 Certification of Plats and Drawings. All plats and drawings submitted hereunder shall be prepared and sealed by a registered surveyor and/or engineer, as applicable.

ARTICLE II

Preliminary Plat Application and Review Procedures

Section 2.01 Submission of Plats. The Proprietor of any land proposed to be subdivided shall submit 10 copies of a preliminary plat, together with supplementary documents, containing the information required by Act 288 and this Ordinance, to the Township Clerk who shall forward the plans to the Zoning Commission for its next meeting.

Section 2.02 Preliminary Plat; Required Information.

The following information shall be submitted for tentative approval of the preliminary plat. Maps shall be at a scale of not more than 100 feet to one inch.

- (1) The name or title of the proposed subdivision.
- (2) Legal description of the proposed plat.
- (3) The name, address and telephone number of the Proprietor, developer, record owner and subdivider.
- (4) A statement of the intended use for the proposed plat and showing land intended to be dedicated or set aside for public use or for the common use of property owners in the subdivision, and stating the location, dimensions and purpose of such land.
- (5) A small-scale vicinity map showing location of project within the Township, and the name and location of abutting subdivisions, land divisions, and site condominium developments.
- (6) The location, dimensions and approximate grade and radius of proposed and existing streets, alleys and highways included in the plat.
- (7) The location of all existing features affecting the subdivision, such as railroads, expressways, buildings, trees, ditches, watercourses and other physical features.
- (8) Location and size of all existing and proposed public water, sanitary sewer and storm drainage pipes, equipment, fire hydrants, catch basins and other facilities.
- (9) Location of utility and drainage easements.
- (10) If the proposed plat is contiguous to other lands owned by the applicant, a map showing the street layout and access for subsequent development.

- (11) If the proposed subdivision is not to be served by public or community sewer and water systems, a written statement from the Allegan County Health Department regarding the suitability of the soils for on-site septic systems.
- (12) Location and dimension of lots, including road frontage, radii of all curves and approximate location of all setback lines.
- (13) When any part of the subdivision lies within or abuts a floodplain area:
 - a. The floodplain, as established by the state department of natural resources, shall be shown within a contour line.
 - b. The contour line shall intersect the sidelines of the lots.
 - c. The sidelines shall be dimensioned to the traverse line from the street line and the established floodplain (contour) line.
 - d. The floodplain area shall be clearly labeled on the plat with the words "floodplain area."
- (14) Any proposed covenants and deed restrictions to be imposed upon the use of property in the subdivision or a statement in writing that none are proposed. If common areas are to be reserved for use by the residents of the subdivision, copies of an agreement indicating how the area will be maintained shall be submitted.
- (15) Property lines, dimensions, and building setback distances and all structures, lot lines and wetlands within one hundred (100) feet of the site.
- (16) Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of fifty (50) feet outside the boundary lines of the site.
- (17) Direction of storm water drainage and how storm water runoff will be handled as well as a statement describing where storm water will be ultimately discharged such as a creek, stream, lake or wetland.
- (18) Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within one hundred (100) feet on either side of the site. Also driveway width, curb radii and design of proposed deceleration lanes.
- (19) Street lighting, if any, including the type of fixture as well as method of shielding illumination from adjacent properties and roadways. Any lighting of common areas shall also be shown and such lighting shall comply with the outdoor lighting requirements contained in the Township Zoning Ordinance.

- (20) Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
- (21) Location of existing and proposed slopes which are twelve (12) percent or greater, which may be altered by the development or the construction of buildings within the development.
- (22) Zoning and use of the proposed subdivision and on adjacent properties.

Section 2.03 Tentative Preliminary Plat; Tentative Approval Procedure.

- (1) A preliminary plat shall be referred to the Zoning Commission, which shall consider it and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Zoning Commission on the preliminary plat. For such hearing, notice shall be given no more than 15 nor less than five days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current Township tax assessment rolls.

The preliminary plat, together with minutes showing the action of the Zoning Commission thereon, shall be referred to the Township Board.

- (2) The Township Board shall grant tentative approval of or shall disapprove the preliminary plat not later than 90 days after the preliminary plat was first submitted by the proprietor provided all information as required for submission of the preliminary plat has been submitted by the applicant. Such time period may be extended with the consent of the applicant.

If the preliminary plat is not approved, the Township Board shall set forth in writing its reasons for rejection. The Township Board shall record its approval or disapproval on the plat and return one copy to the Proprietor.

- (3) Tentative approval under this section shall confer upon the Proprietor, for a period of one year, approval of lot sizes, lot orientation and street layout. The duration of such tentative approval may be extended by the Township Board.

Section 2.04 Preliminary Plat; Final Approval Procedure.

- (1) Following tentative approval of the preliminary plat by the Township Board, the Proprietor shall:
 - a. Submit the preliminary plat to all other reviewing authorities as required by Act 288.

- b. Submit a list of all such authorities to the Township Clerk, certifying that the list shows all approving authorities as required by Act 288.
 - c. Submit all approvals to the Township Clerk after they have been secured.
- (2) Following a determination that all required approvals have been secured, the Clerk shall forward the approved copies of the preliminary plat, together with all communications from the reviewing agencies, to the Township Board as soon as possible prior to the next regularly scheduled meeting.
 - (3) The Township Board shall, at its next regularly scheduled meeting or within 20 days following submission of the required materials shall:
 - a. Consider and review the preliminary plat and approve it if the Proprietor has met all conditions specified for approval of the preliminary plat.
 - b. Instruct the Township Clerk to notify the Proprietor of approval or rejection in writing.
 - (4) Final approval of the preliminary plat under this section shall confer upon the Proprietor for a period of two years from the date of approval, the rights granted under Act 288. This period may be extended by the Township Board.

ARTICLE III

Final Plat Application and Review Procedure

Section 3.01 Requirements.

- (1) Final plats shall be prepared and submitted as provided in Act 288.
- (2) A written application for approval and all recording and other Township and State fees shall accompany all final plats.
- (3) The Proprietor shall submit proof of ownership of the land included in the final plat in a form satisfactory to the Township.
- (4) The Township may require such other information as it deems necessary to establish whether the proper parties have signed the plat.

Section 3.02 Procedure; Final Plat.

- (1) The final plat shall be submitted not less than 20 days prior to the next regular meeting of the Township Board. For any plat submitted thereafter, the applicant shall pay an additional fee established by resolution, for the cost of calling a special meeting to comply with Section 167 of Act 288, unless the Proprietor waives compliance with Section 167.

- (2) The Township Board shall examine the final plat at the next regularly scheduled meeting or within 20 days after submission of the plat, and the Board shall either approve or disapprove the plat.

Section 3.03 Improvements and Facilities.

- (1) Before final approval of a plat, all required improvements shall be completed, or security shall be given as provided in Section 3.04.
- (2) Monuments shall be set in accordance with Act 288 and the rules of the State Department of Treasury.
- (3) Upon completion of all required improvements, one complete copy of as-built engineering plans for all required public improvements and utilities shall be filed with the Township Clerk coincident with the submission of the final plat.

Section 3.04 Security for Completion.

- (1) In lieu of completion of some or all required improvements, the Township Board may give final plat approval conditioned upon the proprietor providing a financial guaranty for performance as provided in this section.
- (2) Security shall be in an amount equal to the total estimated cost for completion of the improvement, including reasonable contingencies. Security shall not be required for an improvement for which security has been furnished to another governmental agency.
- (3) Security shall remain in force for a time to be specified by the Township Board.
- (4) Security shall be in the form of an irrevocable bank letter of credit issued by a bank, in a form satisfactory to the Township, or in the form of cash escrow or certified check. A performance bond in form satisfactory to the Township, from a surety company authorized to do business in the State of Michigan and acceptable to the Township, may be substituted in lieu of such security only if the applicant can satisfy the Township that an irrevocable letter of credit, cash escrow or certified check cannot reasonably be made available.
- (5) The proprietor may request periodic reductions in the amount of security as public improvements are completed. Township staff may approve such reductions, to an amount estimated to be equal to the remaining cost of improvements, plus a reasonable contingency.

Section 3.05 Certificates on Final Plat. The final plat shall include proper certificates for the Township Clerk to certify the approval of the plat by the Township Board, and the acceptance on behalf of the public of all dedications shown thereon by the governmental body having jurisdiction over such dedication.

ARTICLE IV

Improvements and Regulations

Section 4.01 General. The following standards shall apply to all subdivisions within the Township.

Section 4.02 Lots.

- (1) All lots shall face upon, and have direct access to, a public or private street.
- (2) The side lines of lots shall be approximately at right angles or radial to the street upon which the lots face.
- (3) All lots shall conform to the requirements of the zoning ordinance for the zone in which the plat is located. This Ordinance shall not be construed as providing for lots smaller than as specified in the Zoning Ordinance. If public water and sewer are available, the provisions of the Township Zoning Ordinance shall override Section 186 of Act 288.
- (4) Corner lots for residential use shall have the minimum required frontage on both streets adjacent to the lot.
- (5) The depth of a lot shall not exceed four times the width. The depth of a lot shall be measured along a horizontal line located midway between the side lot lines and connected to the front and rear lines, or the two front lines of a through lot. The width of the lot shall be measured between the side lot lines parallel to the front lot line at the minimum required front setback line.
- (6) Corner lots shall have sufficient extra width so as to permit appropriate building setback from both streets or orientation to both streets. Lots abutting pedestrian mid-block crosswalks shall be treated as corner lots.
- (7) Lots in subdivisions bounded by existing streets shall only have access from internal streets constructed to serve the subdivision and not directly to such existing streets. The Township Board following a recommendation from the Zoning Commission may waive this requirement if it is determined that there is no practical way to provide an internal access street due to insufficient lot depth, topography or other natural features of the land to be subdivided or if the proposed subdivision is located on a local street which has a low volume of traffic.
- (10) Greenbelts or landscaped screen plantings shall be located between a residential subdivision and adjacent major arterial streets, expressways, or railroad rights-of-way. The proposed subdivision plat shall show the location of said greenbelts.

The greenbelt shall contain plantings of sufficient size and number to provide a visual screen for subdivision residents. The greenbelt may contain an earthen berm in conjunction with plantings.

Section 4.03 Usable Land. All land shall be platted such that it is usable for building lots or required improvements. Land may be platted for common or public areas if adequate provision is made for continued maintenance of such areas, unless such provision for continued maintenance is waived or deemed unnecessary by the Township. For private streets and other areas under the control of a subdivision property owners association or similar organization, the Township may require a recorded agreement whereby the Township may maintain the area and charge the cost thereof as a lien against all properties in the subdivision if the association fails to adequately maintain the areas.

Section 4.04 Dedication. Streets and other land areas may be dedicated to the public. Any street not dedicated to the public shall comply with the design standards for private roads as required by the Township Zoning Ordinance, and shall include easements for public utilities within the street and at least fifteen feet on either side thereof.

Section 4.05 Street Names. Street names shall be approved by the Township Board with final approval by the Allegan County Road Commission before printing on the final plat. All streets which are extensions of existing streets must carry the names of such existing streets.

Section 4.06 Street Alignment and Layout.

- (1) The subdivision layout shall conform to the Master Plan of the Township.
- (2) All proposed public and private streets shall be continuous and in alignment with existing, planned or platted streets insofar as practicable. Where streets in new subdivisions are extensions of existing streets, the platted streets shall be at least as wide as the existing streets that are being extended.
- (3) If streets are to be dedicated to the public, a sufficient number of streets shall extend to the boundary of the subdivision so as to provide sufficient access to adjoining property and to future development on contiguous land.
- (4) The Township Board may require, upon a recommendation of the Zoning Commission, that the subdivision shall be served by a secondary means of access. This secondary access shall meet the minimum standards for public or private roads, as the case may be, as required by applicable Martin Township Ordinances.
- (5) Intersections of subdivision streets shall be at least 250 feet from the intersection of a public or private street on either side of the road as measured from centerline to centerline.

Section 4.07 Street Design Standards. Public streets, intersections, and cul-de-sacs in plats shall conform to the design, drainage, grade, layout, right-of-way width and construction requirements of the Allegan County Road Commission.

Section 4.08 Sidewalks.

- (1) Except as otherwise provided in this section, sidewalks at least five feet wide, on both sides of the street, shall be provided for and installed in all plats. A plat shall include right-of-way of sufficient width so as to accommodate such sidewalks.
- (2) Such sidewalks shall be laid out and constructed when streets and other public improvements are made, unless the Township Board, following a recommendation of the Zoning Commission, approves an arrangement for subsequent sidewalk construction, as lots are improved. With any such approval for subsequent sidewalk construction, conditions and time deadlines may be imposed.
- (3) Mid-block crosswalks shall be provided where blocks exceed 800 feet in length.
- (4) The following are exceptions from Section 4.08(1):
 - a. Sidewalks are required on only one side of the street if the other side clearly cannot be developed and if there are no existing or anticipated uses that would generate pedestrian trips on that side.
 - b. In residential subdivisions, sidewalks are required on one side only of a street intended primarily to provide access to abutting properties if the average lot width on the street is greater than or equal to 100 feet.
 - c. In residential subdivisions, no sidewalks are required adjacent to streets intended primarily to provide for access to abutting properties if the average lot width on the street is greater than or equal to 150 feet. Provided, however, that a sidewalk shall be required on one side of the street for such portions of any street located within 1,500 feet of a school site which may be on a walking route to the school.
- (4) Also in their discretion, the Zoning Commission may recommend and the Township Board may approve the waiving, in whole or in part, of the sidewalk requirements of this section. In considering whether to recommend and approve such waiver, the Zoning Commission and Township Board shall consider and make findings upon the following factors:
 - a. Whether the installation of sidewalks would be a reasonably appropriate plat improvement, giving consideration to the convenience of pedestrians, the amount of available land and other applicable circumstances.

- b. The likelihood that pedestrians will make reasonable use of sidewalks in the plat, currently and in the future.
- c. Whether there are other sidewalks already installed on adjacent or nearby lands.
- d. The effect of topography, landscaping, location of streets and other improvements and the effect, if any, of other physical aspects of the platted lands.

Section 4.09 Street Lighting. Adequate street lights may be required to be provided and such lighting shall comply with the applicable requirements for lighting as contained in the Township Zoning Ordinance.

Section 4.10 Public Utilities.

- (1) Public electricity and telephone shall be furnished to each lot in the subdivision.
- (2) All utilities shall be installed and maintained underground and in appropriate easements.
- (3) Utility easements shall be provided adjacent to lot lines. The width of such easements shall be not less than ten feet.
- (4) When a proposed subdivision is to be served by a publicly-owned or privately-owned public water system, fire hydrants and other required water system appurtenances shall be provided by the subdivider.
- (5) If there is no existing or available publicly-owned water supply system, the subdivider may be required to install a privately-owned public water supply system for drinking and fire protection purposes for the common use of the lots within the subdivision in accordance with the requirements of the Safe Drinking Water Act, Act 399 of the Public Acts of Michigan of 1977, as amended, or successor statute of like import, and with the requirements of Township Ordinance.

Section 4.11 Natural Features. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.

Section 4.12 Drainage. An adequate storm drainage system, including the necessary storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in accordance with the requirements of the Township and the County Drain Commissioner. Such facilities shall be designed and constructed so as to have no adverse affect on adjoining lands, or upon lots within the subdivision.

ARTICLE V

Variance

Section 5.01 A variance from the provisions of this Ordinance may be granted as follows:

- (1) If the Proprietor demonstrates that literal enforcement of this Ordinance would result in a practical difficulty, or would impose an unnecessary hardship in the use of the land, Township Board, upon recommendation of the Zoning Commission, may permit a variance or variances which are reasonable and within the general policy and purpose of this Ordinance. The Township may attach conditions to the variance.
 - (a) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land. Unnecessary hardship shall mean a condition of impracticability or unreasonableness that would result from the application of a provision of this Ordinance.
 - (b) In determining whether to grant a variance under the terms of this subsection, the Township Board may depart from the recommendation thereon made by the Zoning Commission.
 - (c) In considering whether a variance shall be recommended, in the case of the Zoning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:
 - (1) That there are special circumstances or conditions affecting the property, that would make the strict application of a provision of this Ordinance impracticable or unreasonable.
 - (2) That the granting of the requested variance would not be detrimental to the subdivision development or to adjacent or nearby lands.
 - (3) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this ordinance.
 - (4) That the granting of the requested variance would not violate any provision of the Michigan Land Division Act.
- (2) A petition for a variance shall be submitted together with the submission of the preliminary plat for consideration of a recommendation on tentative approval by the Zoning Commission. Notice that a request for a variance that has been

received shall be included in the notice of public hearing on the preliminary plat provided in Section 2.03, and the variance shall be considered during the process of considering the preliminary plat. If a request for a variance arises because of unforeseen circumstances after preliminary plat review, a request for a variance may be submitted, and a recommendation made by the Zoning Commission to the Township Board after public hearing following notice given in accordance with Section 2.03.

- (3) A variance from any provisions of the Martin Township Zoning Ordinance, not involving the Subdivision Ordinance, shall be considered by the Zoning Board of Appeals in accordance with the applicable provisions of this ordinance concerning the Zoning Board of Appeals.

ARTICLE VI

Enforcement

Section 6.01 No plat shall be transmitted to any county or state approving authority for official action until each plat shall have been, in the first instance, approved by the Township Board in accordance with the requirements of this Ordinance.

Section 6.02 No person shall sell or convey any lot in any plat by reference thereto until such plat has been duly recorded in the office of the Allegan County Register of Deeds.

Section 6.03 No building permit shall be issued, and no public sewer or water service shall be provided for any dwelling or other structure located on a lot or plot subdivided or sold in violation of these regulations. The fact that final plat approval has not been received from the State of Michigan shall not prevent a building permit from being granted for not more than three buildings, or for the maximum number of land divisions which would be permitted under Act 288 without plat approval, whichever is less. No building may be occupied or used, however, until all required improvements have been completed, and necessary utilities installed.

Section 6.04 Any act or failure to act done in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

Section 6.05

- (1) A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than \$500 nor more than \$1,000 for the first offense and not less than \$1,000 nor more than \$1,500 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages, and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this ordinance committed with respect to a separate incident by the same person within 12 months of a previous violation of the ordinance for which said person

admitted responsibility or was adjudicated to be responsible. Each day such violation continues shall be considered a separate offense.

- (2) The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in, or maintains such violation may each be found responsible for a municipal civil infraction and be liable for the penalties herein provided. Nothing herein contained shall prevent the Township Board or any other public official or private citizen from taking such lawful action as is necessary to restrain or prevent any violation of this ordinance or of the Land Division Act.

Section 6.06 In addition to any other available remedy, the Township may in its discretion bring an action in its own name to restrain or prevent any violation of this ordinance or any continuance of such violation. In such case the person found violating this ordinance shall pay the Township's costs and expenses in enforcing this Ordinance, including its attorneys' fees.

ARTICLE VII

Division of Platted Lots

Section 7.01 Prohibition. No lot or other parcel of land located within a recorded plat shall be further partitioned or divided, or a building permit issued for a partitioned or divided lot, unless such partition or division is first approved by the Township Board as provided in this article. No partition or division of a lot may result in the creation of a lot that does not satisfy the applicable minimum lot area and dimension requirements of the Township zoning ordinance, this ordinance or Act 288.

Section 7.02 Approval of Platted Division of Lots

- (1) Any proprietor or lot owner who desires to divide, partition or split a lot, outlot, or other parcel of land located in a recorded plat shall complete an application on a form provided by the Township and shall file the same with the Township Clerk, together with payment of any application fee that may be required. The application shall include a drawing, drawn to scale, showing the proposed division or partition and all adjoining lots, streets and other adjoining parcels. If the applicant proposes to construct a dwelling or other building on the resulting or remaining lot, or both of them, and if sanitary sewer service and/or water supply are proposed to be provided by an individual septic tank and/or water supply well, the application shall also include a written approval or other statement from the County Health Department indicating approval of the proposed septic tank and drain field system and/or water supply well.
- (2) Once the application and other materials are complete, the clerk shall forward the same to the Zoning Commission. The Commission shall review the application and other materials at a public meeting and shall make a recommendation thereon to the Township Board.

- (3) In reviewing the application, the Zoning Commission and Township Board shall consider whether the request is consistent with all applicable Township Ordinances, Act 288, and other applicable State laws, and whether the proposed division or partition is consistent with the general public health, safety and welfare.
- (4) On receiving the recommendation of the Zoning Commission, the Township Board shall either approve or deny the application. In approving the application, the Board may include such reasonable terms and conditions as it deems appropriate.

ARTICLE VIII

Other Matters

Section 8.01 Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

Section 8.02 Effective Date. This Ordinance shall take effect thirty days after its publication in the manner provided by law.

YEAS: Members: Terry Stungis, James Brenner, Jack Bypple
Carrie Coburn, Susan Turner

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
 Carrie Coburn
 Township Clerk

First Reading: _____

Second Reading: _____

Ordinance becomes effective: _____

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Charter Township of Martin held on January 10th 2006. Public notice of such meeting was given as provided by law.

Carrie Coburn
 Carrie Coburn
 Township Clerk

**ARTICLE XIII A
SITE CONDOMINIUM AMENDMENTS**

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 10th day of January 2007 at 7:00 p.m.

PRESENT: Members: Susan Tierney, Terry Sturgis, James Brenner,
Jack Sipple & Carol Coburn

ABSENT: Members: None

The following ordinance was offered by Member Jack Sipple and supported by Member James Brenner.

ORDINANCE NO. 84

**AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE
(ORDINANCE NO. 30 OF 1986, AS AMENDED)**

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of Section XIII A, Site Condominiums, so as to read in its entirety as follows:

ARTICLE XIII A SITE CONDOMINIUMS

13A.01 STATEMENT OF PURPOSE: Site condominiums are developments utilizing land division on the basis of condominium ownership. Such developments are not regulated by the Land Division Act, Public Act 288 of 1967 as amended and therefore the review and approval procedures required by that Act are not applicable. The purpose of these regulations is to set forth the procedures under which site condominiums are to be reviewed in Martin Township.

This chapter regulates both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter

for submission of condominium plans and for township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

13A.02

DEFINITIONS: In addition to the definitions given in Section 3.1, the following words and terms are defined for use in this Section:

Building Envelope - The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.

Condominium Act - Public Act 59 of 1978, as amended.

Condominium Project - A plan or project consisting of not less than two condominium units if established and approved in conformance with Condominium Act.

Condominium Structure - The principal building or structure intended for or constructed upon a lot or building envelope, together with any attached accessory structures; e.g. in a residential development, the condominium structure or building envelope would refer to the house and any attached garage.

Condominium Unit - That portion of a condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.

- (a) In the case of an attached condominium, the minimum requirements of this ordinance, including without limitation, height, area, yard, and density requirements, shall be applied with respect to the building in which the attached condominium is located; provided, however, that a building envelope surrounding the attached condominium unit shall be established and described so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

The building envelope surrounding a two-unit condominium building must comply with the minimum lot area, width, and building setback requirements for duplexes in the zoned district in which the two-unit condominium is located. The building envelope for a building that contains more than two attached condominium units must comply with the minimum lot area, width, and building setback requirements for the multi-family dwelling units in the zoned district in which the building is located.

- (b) In the case of a detached condominium, the applicable provisions of this ordinance, including without limitation, height, area, yard, and density

requirements, shall be applied with respect to the building comprising the detached condominium; provided, however, that a building envelope or other equivalent space surrounding the detached condominium unit shall be established so as to comply with the minimum area, yard, and density requirements of the zone district in which the condominium is located.

Convertible Area - A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created in accordance with the Condominium Act.

Expandable Condominium - A condominium project to which additional land may be added in accordance with the Condominium Act.

General Common Element - The common elements other than the limited common elements

Limited Common Element - An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.

Lot -

- (a) A condominium unit consisting of the area under a building envelope and the contiguous area around the building envelope which, by itself, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.
- (b) The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit, for the owner(s) exclusive use, and which, together with the condominium unit, meets the minimum area and yard requirements for lots as set forth for the various districts in this Ordinance.

Master Deed - The legal document prepared and recorded pursuant to Public Act 59 of 1978, as amended, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

Site Condominium Subdivision - A division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

13A.03

ZONING COMPLIANCE: Site condominium projects may be approved in any zoning district. All site condominium lots and structures shall conform to the use, size, height, frontage, lot area, front, side and rear yards, general and special regulations applicable to the use and zoning district in which they are located

For the purposes of determining compliance with this Ordinance, each condominium unit and its appurtenant limited common element or other appurtenant space shall be considered the equivalent of a lot as defined in Section 3.1, 37. and Section 13A.02.

13A.04

SITE CONDOMINIUM PLANS – REQUIRED CONTENT: All site condominium plans submitted for approval shall include the following:

- (a) The information required for site plan review as required by Section 4.28 of this ordinance.
- (b) A description which describes the nature and intent of the proposed project.
- (c) A complete legal description of all included property.
- (d) An ownership disclosure statement which gives the names of all parties which have ownership interests in the project or other written evidence that the applicant has the right to purchase the property from the owners of record.
- (d) A minimum of 10 copies of a preliminary site condominium development plan which complies with the requirements of Section 2.02 of the Township Subdivision Ordinance and which also illustrate the location, size, shape, area and identification of each condominium unit, including limited common areas appurtenant to each site condominium unit and appurtenant lot equivalent areas. The location, size, shape, area and intended use of general common elements within the site condominium should also be shown.
- (e) A utility plan showing all sanitary sewer, water and storm sewer lines along with all easements for the installation, repair, and maintenance of all utilities.
- (f) A storm drainage and storm water management plan, including all lines, drains, basins, and other facilities.
- (g) The use, occupancy restrictions, and maintenance provisions for all general common elements as will be contained in the Master Deed.
- (h) A street construction, paving and maintenance plan for all streets within the proposed development.
- (i) A statement from the Martin Township Treasurer that all applicable site plan review fees have been properly paid.

13A.05

STREETS

- (a) Private Streets - All private streets in a site condominium shall be constructed to the standards as required by Section 4.29 of this Ordinance.
- (b) Public Streets - All public streets in a site condominium shall be constructed to the standards required by the Allegan County Road Commission for platted streets.

13A.06 UTILITIES: Extension and provision of utilities shall be provided as may be required by the Township Board as conditions of approval. The site condominium plans shall include all the necessary easements granted to Martin Township, Allegan County or others for the purpose of constructing, operating, inspecting, maintaining and repairing all utilities.

Martin Township may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines and street lights within the site condominium project.

13A.07 PROCEDURES TO REVIEW A SITE CONDOMINIUM: The Martin Township Board must review and approve all site condominium projects before improvements are initiated and before the Master Deed is recorded. The review process shall consist of the following steps:

(a) Step 1- Preliminary Plan Review by Zoning Commission

- (1) An application for review of a preliminary site condominium plan shall be initiated by submitting a minimum of 10 copies of the plan to the Township Clerk along with an application and fee schedule established by the Township Board. Plans submitted for the preliminary review shall include the information required in Section 13A.04 herein.
- (2) As part of the review, the Zoning Commission shall hold a public hearing on the preliminary plan. The Commission, may, however, review the plan prior to the public hearing in order to provide direction to the applicant in preparing the plan for the hearing.

For such hearing, notice shall be given no more than 15 nor less than five days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the site condominium project, as the names of such owners and other parties are given in the current Township tax assessment roll.

- (3) The Zoning Commission shall review the preliminary site condominium plan in accordance with the standards and requirements contained in Sections 13A.05 and 13A.06 of this Section, the requirements of Article IV of the Township

Subdivision Ordinance and the applicable requirements of the Township Zoning Ordinance. All of the requirements for plats, as set forth in Article IV of the Township Subdivision Ordinance, shall be requirements for site condominium projects.

In its review of a site condominium plan, the Zoning Commission may consult with the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development, layout and design, and other aspects of the proposed project.

- (4) Preliminary plans as applicable shall be submitted to the Allegan County Health Department, Allegan County Road Commission, Allegan County Drain Commissioner, Michigan Department of Natural Resources and other appropriate agencies having direct approval or permitting authority over all or any part of the plan. Approval of a site condominium plan shall not be considered to be final until the plan is fully in compliance with the requirements of the reviewing agencies.
- (5) After reviewing the preliminary site condominium plan, the Zoning Commission shall prepare a written statement of recommendations regarding the proposed site condominium project, including any suggested or required changes in the plan. The Zoning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Any revisions to the preliminary plan as required by the Zoning Commission shall be made by the applicant and reviewed by the Zoning Commission before the plan is forwarded to the Township Board.

(b) Step 2- Final Plan Review by Township Board

- (1) After revising the plan according to the Zoning Commission's recommendations, the applicant shall submit to the Township Clerk a minimum of 10 copies of the final site condominium plan. The Township Clerk shall forward the copies of the final plan to the Township Board.
- (2) The Township Board shall review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by Article IV of the Township Subdivision Ordinance and other applicable procedures, standards and requirements provided by this section.

Approval of a site condominium project shall serve as conditional authorization to proceed with the division of the land on the basis of condominium ownership and the construction of the required improvements to the land in conformity with the approved plans. Site condominium approval shall not serve as the authorization of land uses and construction on individual units within the site condominium. Uses and construction on individual units are subject to authorization under applicable provisions in this Ordinance.

- 13A.08** MASTER DEED CONTENTS: All provisions of the site condominium plans which are approved by the Martin Township Board must be incorporated as part of the approved Master Deed for the site condominium. A copy of the Master Deed as recorded with the Allegan County Register of Deeds must be provided to the Martin Township Clerk within ten (10) days after recording.
- 13A.09** PERFORMANCE GUARANTEES: In addition to the requirements given in Section 4.28, 6.C., a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be deposited with the Township of Martin to guarantee the installation and completion of common improvements associated with the project such as public and private streets, street lights, sanitary sewer, water supply, drainage facilities, and sidewalks. The amount of the deposit shall be not less than the estimated cost of the improvements.
- 13A.10** CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM PLAN: No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium plan as approved by the Township Board, including any conditions of approval.
- 13A.11** COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS: No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel of land established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium may be occupied or used until all required improvements in the site condominium project have been completed and all necessary utilities installed.
- 13A.12** EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS: Approval of a final site condominium plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Zoning Commission and Township Board in compliance with the procedures, standards and requirements of this section.

13A.13

CHANGES IN CONDOMINIUM DEVELOPMENTS: Any change proposed in connection with a development for which a final site condominium plan has previously been approved shall be regulated by this section.

(a) The following definitions shall apply:

- (1) “Exempt change” means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
 - (i) a change in the name of the project; in the name of a street within the project; or in the name of the developer;
 - (ii) a change in the voting rights of co-owners or mortgagees; or
 - (iii) any other change in the site condominium which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a which is subject to regulation.
- (2) “Major change” means a major change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any change that could result in:
 - (i) an increase in the number of site condominium units;
 - (ii) any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation, a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.
- (3) “Minor change” means a minor change in the site configuration, design, layout or topography of a site condominium project (or any portion thereof), including any changes that will result in:
 - (i) a decrease in the number of site condominium units;
 - (ii) a reduction in the area of the building site for any site condominium unit;

- (iii) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
 - (iv) a reduction in the total combined area of all limited common elements of the site condominium;
 - (v) any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.
- (b) Any change which constitutes a major change shall be reviewed by the Zoning Commission, at a public hearing and with the notice required for an original approval of the site condominium, and shall also be reviewed and approved by the Township Board, as provided in this section for the original review and approval of preliminary and final plans.
- (c) Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Zoning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this section for an original approval.
- (d) Any change which constitutes an exempt change shall not be subject to review by the Township under this chapter, but a copy of the exempt change shall be filed with the Township Clerk.

13A.14 TIME LIMIT: No approval of a final site condominium project plan shall be effective for a period of more than one (1) year, unless construction of the project commences within that one (1) year period and is diligently pursued to completion in accordance with the terms and conditions of the approval. This one (1) year period may be extended for additional periods of time as determined appropriate by the Township Board if the extension is applied for by the applicant within the effective period of the approval.

13A.15 VARIANCES: As stated in subsection 13A.7(a)(3) of this section, site condominiums are subject to the requirements for platted subdivisions as stated in Article IV of the Township subdivision ordinance. Further, as stated in section 13A.7(b)(2) of this section, the Township Board is to review, and then approve, deny or approve with conditions, a site condominium plan in accordance with the standards and requirements stated in Article IV of the Township subdivision ordinance.

A variance, however, may be granted from the provisions of said Article IV of the Township subdivision ordinance, with respect to a site condominium project or

any part thereof. Such a variance may be granted by the Township Board after recommendation thereon by the Zoning Commission, and upon a determination that practical difficulty or unnecessary hardship would result from compliance with a provision of said Article IV.

- (a) For purposes of this section, practical difficulty shall mean a difficulty or impossibility involving the topography or other physical features of the land. Unnecessary hardship shall mean a condition of impracticability or unreasonableness that would result from the application of a provision of said Article IV with respect to a site condominium project, site condominium unit or any part thereof.
- (b) In determining whether to grant a variance under the terms of this subsection, the Township Board may depart from the recommendation thereon made by the Zoning Commission.
- (c) In considering whether a variance shall be recommended, in the case of the Zoning Commission, and in considering whether a variance shall be granted, in the case of the Township Board, each body shall consider and make findings upon the following:
 - (1) That there are special circumstances or conditions affecting the property that would make the strict application of a provision of said Article IV impracticable or unreasonable.
 - (2) That the granting of the requested variance would not be detrimental to the site condominium development or to adjacent or nearby lands.
 - (3) That the granting of the requested variance, when implemented, would not violate or be contrary to a provision of any other chapter of this ordinance.
 - (4) That the granting of the requested variance would not violate any provision of the Michigan Condominium Act.
- (d) A variance from any other provision of this section, not involving said Article IV of the subdivision ordinance, shall be considered by the Zoning Board of Appeals, in accordance with the applicable provisions of this ordinance concerning the Zoning Board of Appeals.

SECTION 2. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Terry Stungis, James Brenner, Jack Sepple
Carrie Coburn, Susan Temmer

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
Carrie Coburn
Township Clerk

Ordinance becomes effective: _____

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on 1-10, 2007. Public notice of such meeting was given as provided by law.

Carrie Coburn
Carrie Coburn
Township Clerk

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

**458 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007-4621**

**TELEPHONE (269) 382-4500
FAX (269) 382-2040**

**JOHN H. BAUCKHAM
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CRAIG A. ROLFE
ROXANNE C. SEEBER
KENNETH C. SPARKS
ROBERT E. THALL**

**HARRY F. SMITH
1908-1972**

**JAMES W. PORTER
OF COUNSEL**

John K. Lohrstorfer
E-mail: Lohr@bsrlt.com

February 20, 2007

Missy Ulberg
Advance/Penasee Globe
2141 Port Sheldon
Genison, MI 49428

Via Fax: 616-669-1162
retailsales@advancenewspapers.com

Re: Notice of Adoption for Martin Township

Dear Missy:

Please publish the enclosed Notice for Martin Township on **Monday, February 26, 2007.**

Please also forward one Affidavits of Publication to this office, and two Affidavits and your bill to Carrie Coburn, Clerk, Martin Township, 1023 Hidden Ponds Dr., Martin, MI 49070.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**

John K. Lohrstorfer 

John K. Lohrstorfer

JKL:paj

Enc.

cc: Carrie Coburn, Clerk (w/enc)
Ron Zeinstra, Zoning Chairman (w/enc)
Margaret Smith (w/enc.)
Janis Johnson (w/enc.)

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

To: The Residents and Property Owners of Martin Township, Allegan County, Michigan,
and Any Other Interested Persons:

PLEASE TAKE NOTICE that the following is a summary of Ordinances 85, 86, 87, and 88, which were adopted by the Martin Township Board at its meeting held February 14, 2007; said Zoning Ordinances to take effect 7 days after the publication of the following summary and Amendment to Subdivision Ordinance No. 85 to take effect 30 days after publication of said Ordinance.

SUBDIVISION ORDINANCE-NO 85

Section 1: Section 2.03 is amended to provide a notice not less than 15 days before a hearing for tentative preliminary plat review.

Section 2: This section provides for severability.

Section 3. Effective Date: This ordinance becomes effective 30 days after publication.

ZONING ENABLING ACT COMPLIANCE-NO 86

Section 1: This section amends sections 17.2, 17.5, 18.1, 18.2, 18.6, and 21.3 by inserting the new public act, PA 110 of 2006.

Section 2: This section amends Section 13A.07(a)2, Site Condominiums, to require that notice shall be given not less than 15 days before a hearing.

Section 3: This section amends Section 9A.10 regarding Open Space PUD and requires that notice be given not less than 15 days before the hearing.

Section 4: This section amends Section 17.7 and provides for the removal of a zoning board member for misfeasance, malfeasance or nonfeasance after a public hearing.

Section 5: This section amends Section 3.1 64, "Definitions", that modifies the definition for a variance where enforcement would cause a practical difficulty not an undue hardship.

Section 6: This section amends Section 18.2 and 18.3 to delete the term, "Undue Hardship".

Section 7: This section amends Section 18.3 "Variances" to require a public hearing subject to PA 110 of 2006. Section 18.10 requires a public hearing after a notice not less than 15 days before the hearing. Section 18.11 sets forth reasons for removal of a ZBA member. Section 18.12 references PA 110 of 2006 and that an appeal of a ZBA decision must be made to the circuit court within 30 days of the decision.

Section 8: This section amends Sections 17.3, "Meetings" whereby the zoning board must hold two regular meetings annually and give notice not less than 15 days before any meeting.

Section 9: Section 13.2 3 requires that a decision on a special use permit must contain a statement of findings and basis for a decision.

Section 10: The section amends Section 16.7 which states that an aggrieved party can seek review in circuit court in accordance with PA 110 of 2006.

Section 11: This amends Section 19.3 regarding public notification requirements which shall comply with PA 110 of 2006 and specifies: notice requirements (15 days before date of public hearing); mailing a notice to persons within 300 feet of the subject property; record of mailing and contents of the notice.

Section 12: The section deletes Appendix A.

Section 13, Severability: If any part or section is ruled invalid, the remainder of the ordinance shall not be affected.

Section 14, Effective Date: This amendment becomes effective seven days after publication.

R-2 LOW-DENSITY RESIDENTIAL DISTRICT-NO 87

Section 1: This section amends the zoning ordinance, Section 8.4, Minimum Lot Area, for lots and lot widths and to provide for public or community water and sewer. Section 8.5 provides that roadways be paved.

Section 2, Severability: If any part or section is ruled invalid, the remainder of the ordinance shall not be affected.

Section 3, Effective Date: This amendment becomes effective seven days after publication.

RIPARIAN LOT USE REGULATIONS–NO 88

Section 1: This section amends the zoning ordinance with the addition of Section 4.31 in Article IV to provide for the regulations of any riparian lot. The terms "access property", "public easement" and "ordinary high water mark" are defined. The ordinance provides that whenever a parcel of land is contiguous to a Lake, it must have 100 feet of frontage on the water for each dwelling unit or single-family dwelling but frontage cannot consist of a swamp, bog or wetland or a canal or channel and the property must be vacant and not used as a residential lot. Public easements can be used by pedestrian traffic only. No dock or raft can be placed in the lake except within the boundaries of the easement.

Section 2: The effective date is seven days after publication.

PLEASE TAKE FURTHER NOTICE that the full text of these Ordinances may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie Coburn at (269) 672-7663.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
P.O. Box 27
958 Lee St.
Martin, MI 49070-9797
(269) 672-7663

PRINT OR TYPE

DATE: JANUARY 25, 2007

PART I (To be completed by Township Planning Commission & forwarded to Allegan County Planning Commission)

TOWNSHIP: MARTIN
Vogeler

FOR REZONING REQUESTS:

Current Zoning _____ Requested Zoning _____

Property Description / Parcel Number(s) _____
(attach additional page(s) or map(s) as necessary)

FOR ZONING ORDINANCE AMENDMENT(S): Attach copy of proposed Ordinance Text changes

Approved Denied by Township Planning Commission on JANUARY 9, 2007
(date)

Vote Tally: Ayes: 5 Nays: 0 Absent: 2 Abstaining: 0

This Zoning Change **does comply** / **does not comply** with the Township Master Plan.
(Circle one)

List reasons for Action taken:

- MICHIGAN ZONING ENABLING ACT MANDATES CHANGES TO EXISTING ORDINANCES REGARDING APPEAL PERIODS AND NOTICE REQUIREMENTS.
- SUBDIVISION ORDINANCE REQUIRES NECESSARY CHANGE TO TENTATIVE PRELIMINARY PLAT APPROVAL PROCEDURE.
- R-2 LOW DENSITY RESIDENTIAL ORDINANCE APPROVES CHANGES TO "PAVED ROAD REQUIREMENT" AND DENSITY, AREA, BULK & PLACEMENT REQUIREMENTS.
- RIPARIAN LOT USE REGULATIONS ARE NEEDED TO REGULATE ACCESS TO LAKES BY NON-RIPARIAN OWNERS AS PART OF RECENTLY ADOPTED MASTER PLAN.

Contact person: MARGARET A. SMITH Title: ZONING COMMISSION SECRETARY

Phone: Daytime 269-672-5377 Evening 269-672-5377

PART II (To be completed by County Planning Commission & returned to Township Board)

The Allegan County Planning Commission, having considered all information as presented, makes the following recommendation:

Approval of the action of the Township Planning Commission

Disapproval of the action of the Township Planning Commission

Reconsideration by the Township Planning Commission of their action for the following reasons: _____

Vote Tally: Ayes: 7 Nays: 0 Absent: 1 Abstaining: 0 See comments on back

Dated: 2/12/07 Signed: [Signature]

PART III - Final Action (To be completed by Township Board and returned to Allegan County Planning Commission c/o Rec. Secy.)

Final Action taken by Township Board on February 16, 2007
(date)

(Circle One) **Adopted/Enacted**
 Denied

Mailed 2-16-07

Vote Tally: Ayes: 5 Nays: _____ Absent: 0 Abstaining: _____

Signed: Carrie Coburn Title: Martin Township Clerk

SUBDIVISION ORDINANCE

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 14th day of February, 2007 at 7:00 p.m.

PRESENT: Members: Turner, Sturges, Brenner, Sipple, Coburn

ABSENT: Members: None

The following ordinance was offered by Member Brenner and supported by Member Sipple.

ORDINANCE NO. 85

**AN ORDINANCE TO AMEND THE MARTIN TOWNSHIP SUBDIVISION
ORDINANCE
(ORDINANCE NO. OF 2006)**

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: The Subdivision Ordinance of the Township of Martin is hereby amended by changes to the following language from Section 2.03:

Section 2.03 Tentative Preliminary Plat; Tentative Approval Procedure.

- (1) A preliminary plat shall be referred to the Zoning Board, which shall consider it and make a recommendation to the Township Board. Such consideration and recommendation shall take place following a public hearing by the Zoning Board on the preliminary plat. For such hearing, notice shall be given no less than fifteen (15) days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the plat, as the names of such owners and other parties are given in the current Township tax assessment rolls.

SECTION 2: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 3: Effective Date.

This Ordinance shall become effective thirty days after its publication or thirty days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Brunener, Lipple, Coburn, Turneyer, Sturgis

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
Carrie Coburn
Martin Township Clerk

Ordinance becomes effective: 3-5-07

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on February 14, 2007. Public notice of such meeting was given as provided by law.

Carrie Coburn
Carrie Coburn
Martin Township Clerk

AMENDMENTS FOR COMPLIANCE WITH THE MICHIGAN ZONING ENABLING ACT: PA 110 OF 2006 AND DELETION OF APPENDIX A: CLASSIFICATION OF LANDS

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 14th day of February, 2007 at 7:00 p.m.

PRESENT: Members: Tiemeyer, Sturgis, Brenner, Sipple, Coburn

ABSENT: Members: None

The following ordinance was offered by Member Brenner and supported by Member Sipple.

ORDINANCE NO. 86

AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE (ORDINANCE NO. 30 OF 1986, AS AMENDED)

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: The Zoning Ordinance of the Township of Martin is hereby amended by the replacement of references to Public Act No. 184 of 1943 to read as follows:

Ordinance No. 30

An Ordinance to establish zoning districts, provisions and regulations for the unincorporated portions of the Township of Martin; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this Ordinance; to establish a Zoning Board of Appeals; to prescribe penalties for the violation of the provisions herein; and to repeal all ordinances or parts of ordinances in conflict herewith; pursuant to the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

17.2 **JURISDICTION AND POWERS:** The Zoning Board shall have all powers and jurisdiction granted by Public Act 110 of 2006, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:

17.5 **ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE:** The Zoning Board shall elect from its members a chairperson, a secretary and other officers or committees as it considers necessary. The election of officers shall be held not less than once in every two year period. The

Zoning Board may fix rules and regulations governing its procedures so as to supplement, but not be in conflict with, the provisions of Public Act No. 110 of 2006, as amended.

- 18.1 **CREATION:** There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Board of Appeals, consisting of three members, constituted and appointed as provided by said Act. One member of the Zoning Board of Appeals shall be a member of the Zoning Board, and no elected official shall serve as chairperson.
- 18.2 **JURISDICTION AND POWERS:** The Zoning Board of Appeals shall have all powers and jurisdiction granted by Public Act No. 110 of 2006, as amended, all powers and jurisdiction prescribed in other Articles of this ordinance, and the following specific powers and jurisdiction:
- 18.6 **ELECTION OF OFFICERS, ADOPTION OF RULES OF PROCEDURE:** The Zoning Board of Appeals shall elect a chairperson and a secretary. The Zoning Board of Appeals may establish rules and regulations governing its procedures which are supplementary to, but not in conflict with, the provisions of Public Act 110 of 2006, as amended.
- 21.3 **AMENDMENT PROCEDURE:** After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as amended.

SECTION 2: Section 13A.07 of the Zoning Ordinance of the Township of Martin (Site Condominium) is hereby amended to read as follows:

- 13A.07 (a) (2) As part of the review, the Zoning Board shall hold a public hearing on the preliminary plan. The Commission, may, however, review the plan prior to the public hearing in order to provide direction to the applicant in preparing the plan for the hearing.

For such hearing, notice shall be given no less than 15 days before the hearing by ordinary mail, sent to the owners of or parties in interest in the lands within 300 feet of the lands to be included in the site condominium project, as the names of such owners and other parties are given in the current Township tax assessment roll. Such hearing shall be subject to the provisions of Section 19.3 of this ordinance.

SECTION 3: Section 9A.10 of the Zoning Ordinance of the Township of Martin (Open Space Planned Unit Development District) is hereby amended to read as follows:

- 9A.10 (g) **Zoning Board Public Hearing on Final Development Plan.** The Zoning Board shall hold a public hearing on the Final Development Plan and the application for rezoning. Such hearing shall be subject to the provisions of Section 19.3 of this ordinance.

A notice concerning the public hearing on the OS-PUD Final Development Plan an application for rezoning shall be published in a newspaper which circulates in the Township. Such notice shall be subject to the notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires notice be given not less than 15 days before the date of the hearing.

Notification shall be sent by mail or personal delivery to the owners of property for which OS-PUD approval and the rezoning is being considered, and to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the property. Such notice shall be subject to the

mailing notification requirements of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires notice be given not less than 15 days before the date the application will be considered for approval.

SECTION 4: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to ARTICLE XVII ZONING BOARD:

17.7 The legislative body shall provide for the removal of a member of the Zoning Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after public hearing.

SECTION 5: The Zoning Ordinance of the Township of Martin is hereby amended by the deletion of the following language from Section 3.1 64. (Definitions):

3.1 64. **Variance:** A modification of the literal provision of a dimension requirement, as opposed to the use of the property, which is granted when strict enforcement would cause ~~undue hardship~~ or practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

SECTION 6: The Zoning Ordinance of the Township of Martin is hereby amended by the deletion of the following language from ARTICLE XVIII ZONING BOARD OF APPEALS:

18.2 3. The jurisdiction and power to authorize, upon appeal and subject to Sections 18.3-18.5 of this Article, a variance or modification of this Ordinance where there is practical difficulty ~~or unnecessary hardship~~ in the way of carrying out the strict letter of this Ordinance so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.

18.3 2. Where it is alleged that by reason of the exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situation of the land or building or of the use of property immediately adjoining the property in question, the literal enforcement of this ordinance would involve practical difficulty ~~or would cause undue hardship~~; provided that the Zoning Board of Appeals shall not grant a variance on a lot if the owner or members of his family own or owned adjacent land which could, without undue hardship, be included as part of the lot; or,

3. Where it is alleged that there is practical difficulty ~~or unnecessary hardship~~ in carrying out the strict letter of this ordinance; provided that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.

SECTION 7: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to ARTICLE XVIII ZONING BOARD OF APPEALS:

18.3 **VARIANCES:** Subject to the provisions of Section 18.4 of this Ordinance, and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after a public hearing held according to the requirements of Public Act 110 of 2006 as amended and Section 19.3 of this Ordinance, shall have the power to decide applications for dimension variances in the following situations:

18.10 **PUBLIC HEARING REQUIRED**

1. Upon receipt of a written request for a variance, a public hearing shall be held in accordance with the provisions of Section 19.3 of this Ordinance. The notice of the public hearing shall include the nature of the variance request.
2. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

18.11 A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

18.12 The decision of the Zoning Board of Appeals shall be final, and any party aggrieved by any such decision may appeal to the Circuit Court for Allegan County, as provided under PA 110 of 2006 as amended. The records of the Zoning Board of Appeals shall be made available for the court's review. Such appeal shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of this decision.

SECTION 8: The Zoning Ordinance of the Township of Martin is hereby amended to read as follows:

17.3 **MEETINGS:** The Zoning Board shall hold at least two regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in the Township. Notice shall be given not less than 15 days before the meeting. Any person having interests in the Township, or their duly appointed representatives, may be heard relative to any matters that should properly come before the Zoning Board. Additional meetings may be held at other times as the Zoning Board deems necessary for the efficient conduct of its business, giving notice as required by law and according to the provisions of Section 19.3 of this ordinance. The Zoning Board is subject to the Open Meetings Act, PA 267 of 1976.

SECTION 9: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to Section 13.2 3.:

13.2 3. Following such hearing, said Zoning Board shall either grant or deny a permit for such Special Exception Use. The decision on a Special Exception Use shall be incorporated in a written statement of findings and conclusions relative to the Special Exception Use which specifies the basis for the decision and any conditions imposed. All conditions, limitations, and requirements upon which any such permit is granted shall be specified in detail by said Zoning Board in its decision and shall be filed with the Zoning Administrator of the Township.

SECTION 10: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to **ARTICLE XVI NONCONFORMING USES, BUILDINGS OR STRUCTURES:**

16.7 Any party aggrieved by any order, determination, or decision made under this Article by any officer, agency, board, commission, zoning board of appeals, or legislative body of Martin Township may obtain a review in the circuit court of Allegan County. This review shall be in accordance with PA 110 of 2006 as amended.

SECTION 11: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of Section 19.3 **PUBLIC NOTIFICATION REQUIREMENTS:**

19.3 **PUBLIC NOTIFICATION REQUIREMENTS:** All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

1. **Responsibility for Public Notice:** The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Martin Township and mailed or delivered as provided in this Section.
2. **Notice Requirements:** Notice of a public hearing for a rezoning, special exception use, text amendment, planned unit development, variance, appeal, ordinance interpretation, or for any other hearing required in the Zoning Ordinance shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
 - A. **Newspaper Notice:** The notice shall be published in a newspaper that circulates in Martin Township.
 - B. **Mail and Personal Notice:** Except for a text amendment or ordinance interpretation which does not apply to a specific property, the notice shall be sent by first class mail or personal delivery to:
 - (1) The owner of property for which approval is being considered, and the applicant, if different from the owner(s) of the property.
 - (2) Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Martin Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.

In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(3) All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to Section 19.3, 3. Registration to Receive Notice by Mail.

C. Record of Mailing: The clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing

D. Content of Notice: The public notice shall:

(1) Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

(2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

(3) Indicate the date, time and place of the public hearing(s).

(4) Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.

3. Registration to Receive Notice by Mail: Any neighborhood organization, public utility, company, railroad or any other person may register with the clerk to receive written notice of all applicants for development approval as described by these Public Notification Requirements.

SECTION 12: The Zoning Ordinance of the Township of Martin is hereby amended by the deletion of **APPENDIX A CLASSIFICATION OF LANDS** in its entirety.

SECTION 13: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.


SECTION 14: **Effective Date.**

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Brenner, Supple, Coburn, Temeier, Sturgis

NAYS: Members: None

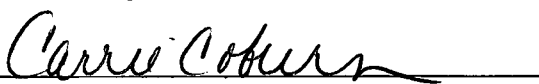
ORDINANCE DECLARED ADOPTED.



Carrie Coburn
Martin Township Clerk

Ordinance becomes effective: 3-5-07

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on February 14, 2007. Public notice of such meeting was given as provided by law.



Carrie Coburn
Martin Township Clerk

**ARTICLE VIII
R-2 LOW DENSITY RESIDENTIAL DISTRICT**

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 14th day of February, 2007 at 7:00 p.m.

PRESENT: Members: Temeyer, Sturgis, Brenner, Sipple, Coburn

ABSENT: Members: None

The following ordinance was offered by Member Brenner and supported by Member Sipple.

ORDINANCE NO. 87

**AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE
(ORDINANCE NO. 30 OF 1986, AS AMENDED)**

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of the following language to Article VIII R-2 Low Density Residential District, so as to read as follows:

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS:

No building or structure or any enlargement thereof shall be hereafter erected in this zoning district except in conformance with the following lot area, lot width, setback, height, and building area requirements:

1. Minimum lot area:
 - A. Single family dwelling: 8,500 square feet for lots served with public or community water and sewer; 15,000 square feet for lots served with public or community water or sewer; 25,000 square feet for lots not served with public or community water and sewer.
 - B. Two family dwelling: 15,000 square feet for lots served with public or community water and sewer; 30,000 square feet for lots not served with public or community water and sewer.

2. Minimum lot width:

- A. Single family dwelling: 85 feet for lots served with public or community water and sewer; 100 feet for lots served with public or community water or sewer; 125 feet for lots not served with public or community water and sewer.
- B. Two family dwelling: 100 feet for lots served with public or community water and sewer; 125 feet for lots not served with public or community water and sewer.

8.5 PAVED ROADWAY REQUIRED: A plat or site condominium proposed after the effective date of this section () shall be served by paved internal public or private roadways.

SECTION 2: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 3: Effective Date.

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Brenner, Sipple, Coburn, Turneyer, Sturgis

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
 Carrie Coburn
 Martin Township Clerk

Ordinance becomes effective: 3-5-07

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on February 14, 2007. Public notice of such meeting was given as provided by law.

Carrie Coburn
 Carrie Coburn
 Martin Township Clerk

KEY HOLE REGULATIONS

MARTIN TOWNSHIP

COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 14th day of February, 2007 at 7:00 p.m.

PRESENT: Members: Therreyer, Sturges, Brenner, Sippl, Cochran

ABSENT: Members: None

The following ordinance was offered by Member Brenner and supported by Member Sippl.

ORDINANCE NO. 88

AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE (ORDINANCE NO. 30 OF 1986, AS AMENDED)

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: The Zoning Ordinance of the Township of Martin is hereby amended by the addition of Section 4.31 to Article IV General Provisions so as to read as follows:

SECTION 4.31 **RIPARIAN LOT USE REGULATIONS**

1. **Purpose:** The purpose of this article is to promote the integrity of the lakes within Martin Township while preserving the quality of recreational use of the inland water; to protect the quality of the lakes by discouraging excessive use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.

Nothing within this Ordinance shall be construed to limit access to the lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county or local government. Further, this Ordinance shall not apply to any private access site which legally existed and served as access property before the effective date of this section regulating access to a lake or waterway.

2. **Definitions:**

- A. **“Access property”** shall mean a property, parcel, or lot abutting a lake or pond, either natural or man-made, and used or intended to be used for the purpose of providing access to a lake or pond by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.
- B. **“Public Easement ”** shall mean the right to cross or the right of way across any parcel of land from a public or private road to any lake or pond within Martin Township provided such easement has been granted to the public for that parcel.
- C. **“Ordinary High Water Mark”** shall mean the ordinary high water mark of the body of water as determined by the State of Michigan Department of Environmental Quality, or if the Department has not made such a finding, the ordinary high water mark location shall be determined by the Township Engineer or other qualified entity. The measurement of the ordinary high water mark location shall be made only along a natural shoreline, and shall not include any man made channel, lagoon, canal or the like unless the entire lake has been artificially created.

3. **Regulations:** In any zoning district where a parcel of land is contiguous to a lake, pond or similar body of water, either natural or man-made, such parcel of land may only be used as access property if the following conditions are met:

- A. A parcel created after the effective date of this section which is to be used as access property shall have a minimum depth of 100 feet and shall contain at least 100 feet of frontage on the water for each dwelling unit, single-family dwelling, condominium unit, site condominium unit, apartment unit or family utilizing the water frontage for access to the lake. Frontage shall be measured by a straight line which intersects each side lot line at the ordinary high water mark.
- B. That in no event shall water frontage of such parcel of land consist of swamp, marsh, or bog as shown on the most recent U.S. Geological Survey maps, or the Michigan Department of Natural Resources MIRIS map, or have otherwise been determined to be wetland by the Michigan Department of Natural Resources; and that in no event shall a swamp, marsh, or bog be altered by the addition of earth or fill material or by drainage of water for the purpose of increasing the water frontage required by this article.
- C. A canal or channel shall not be excavated for the purpose of increasing the water frontage required by this section.

- D. Access property, as provided for in and meeting the conditions of this Ordinance, regardless of total area, shall not be used as a residential lot for the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial or business use.
 - E. Docks, boat ramps and boat launches, excluding concrete ramps and concrete launches, which are for the exclusive use of persons with legal access to the property, are permitted. Picnic shelters and picnic areas including picnic tables which are for the exclusive use of persons with legal access to the property, are permitted.
4. **Use of existing public easements:** For public easements as defined herein the following regulations shall apply:
- 1. Use shall be by pedestrian traffic only.
 - 2. No person shall place anything on any easement.
 - 3. No person shall be prevented from crossing any easement to gain access to any lake within Martin Township.
 - 4. No dock, raft, boat cradle or similar equipment shall be placed in any lake within the boundaries of any easement.
 - 5. No watercraft shall be moored at the end of any easement.
 - 6. These rules shall not apply to any easement within Martin Township where a court of law has previously established operating regulations.

SECTION 2: Effective Date.

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Brenner, Sipple, Coburn, Turneyer, Sturges


NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
 Carrie Coburn
 Martin Township Clerk

Ordinance becomes effective: 3-5-07

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on February 14, 2007. Public notice of such meeting was given as provided by law.


Carrie Coburn
Martin Township Clerk

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 89

PUBLIC NUDITY ORDINANCE

An Ordinance to protect and secure the public health, safety and general welfare of persons and property through the prohibition of public nudity; to provide penalties for the violation of the provision of this Ordinance; to repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date of said ordinance.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

The purpose of this ordinance is to protect and secure the public health, safety, morals, and general welfare of person and property by prohibiting public nudity within the Township of Martin.

SECTION II

TITLE

This Ordinance shall be known and cited as the "Township Public Nudity Ordinance".

SECTION III

DEFINITION

As used herein "public nudity" is hereby defined as knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include: breast feeding of a baby; material as defined in Section 2 of Act No. 343 of 1984 (MCL 762.352); or, sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, (MCL 722.673). This ordinance is adopted pursuant to MCL 41.181.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective thirty (30) days following publication after adoption.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

CERTIFICATE OF ADOPTION

The within Ordinance was adopted by the Martin Township Board on the 8th day of August, 2007.

Carrie Coburn
Carrie Coburn, Clerk

Attested:

Terry Sturgis
Terry Sturgis, Supervisor

SECTION IV

PROHIBITION OF PUBLIC NUDITY

No person shall engage in public nudity. No business establishment, including but not limited to owners, officers, or persons in charge of, or in control of premises, shall permit persons to engage in public nudity.

SECTION V

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
- 1st Offense within 3-year period*	\$ 75.00	\$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Martin Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VI

SEVERABILITY

Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective thirty (30) days following publication after adoption.

MARTIN TOWNSHIP

Carrie Coburn, Clerk

Martin Township

958 Lee St.

Martin, Michigan 49070-9797

269-672-7663

CERTIFICATE OF ADOPTION

The within Ordinance was adopted by the Martin Township Board on the 8th day of August, 2007.

Carrie Coburn
Carrie Coburn, Clerk

Attested:

Terry Sturgis
Terry Sturgis, Supervisor

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 89

PUBLIC NUDITY ORDINANCE

Adopted: August 8, 2007

Effective: September 19, 2007

An Ordinance to protect and secure the public health, safety and general welfare of persons and property through the prohibition of public nudity; to provide penalties for the violation of the provision of this Ordinance; to repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date of said ordinance.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

The purpose of this ordinance is to protect and secure the public health, safety, morals, and general welfare of person and property by prohibiting public nudity within the Township of Martin.

SECTION II

TITLE

This Ordinance shall be known and cited as the "Township Public Nudity Ordinance".

SECTION III

DEFINITION

As used herein "public nudity" is hereby defined as knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering, or a female individuals' breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include: breast feeding of a baby; material as defined in Section 2 of Act No. 343 of 1984 (MCL 762.352); or, sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, (MCL 722.673). This ordinance is adopted pursuant to MCL 41.181.

SECTION IV

PROHIBITION OF PUBLIC NUDITY

No person shall engage in public nudity. No business establishment, including but not limited to owners, officers, or persons in charge of, or in control of premises, shall permit persons to engage in public nudity.

SECTION V

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
- 1st Offense within 3-year period*	\$ 75.00	\$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Martin Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VI

SEVERABILITY

Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

CERTIFICATE OF ADOPTION

I, Carrie Coburn, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on August 8, 2007, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance 89, to become effective on September 19, 2007, and Ordinance 90 to become effective on August 20, 2007, all hereinbefore recorded, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

I do further certify that a summary of the ordinances were published in the Penasee Globe, a newspaper circulated in Martin Township, on August 20, 2007; that said Ordinances 89 and 90 were recorded in the official Ordinance Book on the 8th day of August, 2007; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 10th day of October, 2007.

Date: October 10th, 2007

Carrie Coburn
Carrie Coburn, Clerk
Martin Township

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 90

HAZARDOUS MATERIALS COST RECOVERY ORDINANCE

Adopted: August 8, 2007

Effective: August 20, 2007

An Ordinance to establish charges for Township emergency services responding to an incident involving hazardous materials under P.A. 102 of 1990, as amended, (MCL 41.806a); to define hazardous materials subject to such charges; and to provide for the collection of such charges.

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

The purpose of the within Ordinance is to provide for defraying a portion of expenses of the Township resulting from the Township or a designated agent of the Township responding with emergency equipment and personnel to a hazardous materials accident or incident involving the release or threatened release of hazardous materials into the environment which requires emergency attention to protect the health, safety and general welfare of the public.

SECTION II

DEFINITIONS

- A. "Hazardous materials" include, but are not limited to explosives, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, liquified petroleum gas, methamphetamine or any other controlled substance as defined under MCL 222.7104(2) or chemicals and/or equipment being used for the illegal production of such a controlled substance, and other materials customarily considered dangerous to living beings or contaminating to the environment.
- B. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or deposit into the environment.
- C. "Responsible party" means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any

other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or methamphetamine or other controlled substances or released chemicals, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials are released.

SECTION III

CHARGES IMPOSED UPON A RESPONSIBLE PARTY OR PARTIES

Where the Township's fire department responds to a release of hazardous materials or a threatened release of such materials, the responsible party or parties shall be liable to the Township for the following costs incident to such Township response:

Where the Township or its designated provider incurs costs related to a release of hazardous materials or a threatened release of such materials, or costs caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under MCL 222.7104(2) or (2) chemicals and/or equipment being used for the illegal production of such a controlled substance, the responsible party or parties shall be liable to the Township for its designated provider for the following costs:

- A. All personnel costs of all personnel attending on behalf of and with the authority of the Township including their current hourly rate, fringe benefits, and salary apportioned to the length of time in attendance, calculated commencing one hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.
- B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which might be involved in such a response. This resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.
- C. Other expenses incurred by the Township including but not limited to rental or purchase of additional machinery or equipment, retention of consultants, medical and hospitalization costs, replacement costs related to disposable personnel protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the hazardous materials incident.
- D. Additional charges imposed by any other local, state or federal government entities, related to the incident.
- E. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures which shall not exceed 25 percent of the foregoing costs.
- G. Fires caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under MCL 333.7104(2) or (2) chemicals

and/or equipment being used for the illegal production of such a controlled substance.

- H. Emergency Fire Department standby requested by the County Sheriff Department or other law enforcement agency at a site where methamphetamine or any other controlled substance as defined under MCL 333.7104(2) is being illegally kept or produced.

SECTION IV

BILLING PROCEDURES

Following the conclusion of the hazardous materials incident, the fire chief shall submit a detailed listing of all known expenses to the Township treasurer, who shall prepare an invoice to the responsible party for payment. The treasurer's invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Township fire chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one (1%) percent per month or fraction thereof.

SECTION V

NON-EXCLUSIVE CHARGES

The foregoing rates and charges shall not be exclusive of other charges that may be made by the Township for the costs and expense of maintaining a fire and/or police department, but shall only be supplemental thereto. Charges may additionally be collected by the Township through general taxation after a vote of the electors approving the same, or by special assessments established under Michigan statutes pertinent thereto.

SECTION VI

OTHER REMEDIES

The Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

SECTION VII

SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VIII

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect upon its publication following its adoption by the Township Board. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP

Carrie Coburn, Clerk

Martin Township

958 Lee St.

Martin, Michigan 49070-9797

269-672-7663

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 90

HAZARDOUS MATERIALS COST RECOVERY ORDINANCE

Adopted: August 8, 2007

Effective: August 20, 2007

An Ordinance to establish charges for Township emergency services responding to an incident involving hazardous materials under P.A. 102 of 1990, as amended, (MCL 41.806a); to define hazardous materials subject to such charges; and to provide for the collection of such charges.

MARTIN TOWNSHIP

ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I

PURPOSE

The purpose of the within Ordinance is to provide for defraying a portion of expenses of the Township resulting from the Township or a designated agent of the Township responding with emergency equipment and personnel to a hazardous materials accident or incident involving the release or threatened release of hazardous materials into the environment which requires emergency attention to protect the health, safety and general welfare of the public.

SECTION II

DEFINITIONS

- A. "Hazardous materials" include, but are not limited to explosives, pyrotechnics, flammable gas, flammable compressed gas, non-flammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, liquified petroleum gas, methamphetamine or any other controlled substance as defined under MCL 222.7104(2) or chemicals and/or equipment being used for the illegal production of such a controlled substance, and other materials customarily

considered dangerous to living beings or contaminating to the environment.

- B. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or deposit into the environment.
- C. "Responsible party" means any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for a release of a hazardous material, either actual or threatened, or methamphetamine or other controlled substances or released chemicals, or is an owner, tenant, occupant or party in control of property onto which or from which hazardous materials are released.

SECTION III

CHARGES IMPOSED UPON A RESPONSIBLE PARTY OR PARTIES

Where the Township's fire department responds to a release of hazardous materials or a threatened release of such materials, the responsible party or parties shall be liable to the Township for the following costs incident to such Township response:

Where the Township or its designated provider incurs costs related to a release of hazardous materials or a threatened release of such materials, or costs caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under MCL 222.7104(2) or (2) chemicals and/or equipment being used for the illegal production of such a controlled substance, the responsible party or parties shall be liable to the Township for its designated provider for the following costs:

- A. All personnel costs of all personnel attending on behalf of and with the authority of the Township including their current hourly rate, fringe benefits, and salary apportioned to the length of time in attendance, calculated commencing one hour after receipt of the signal to respond and continuing for each personnel until that personnel has concluded his or her incident related responsibilities.
- B. The equipment costs of all equipment attending as established by an itemized resolution of the Township Board setting forth the costs attributable to each piece of Township equipment which might be involved in such a response. This resolution may be amended from time to time to reflect changes in equipment, inflation factors, and accounting records of past occurrences.
- C. Other expenses incurred by the Township including but not limited to rental or purchase of additional machinery or equipment, retention of consultants,

medical and hospitalization costs, replacement costs related to disposable personnel protective equipment required to be disposed of, extinguishing chemicals, supplies and water purchased from water systems, and meals and refreshments for emergency personnel while responding to the hazardous materials incident.

- D. Additional charges imposed by any other local, state or federal government entities, related to the incident.
- E. Administrative costs incurred in accounting for all expenditures and for billing and collection of such expenditures which shall not exceed 25 percent of the foregoing costs.
- G. Fires caused by the illegal presence at the site of (1) methamphetamine or any other controlled substance as defined under MCL 333.7104(2) or (2) chemicals and/or equipment being used for the illegal production of such a controlled substance.
- H. Emergency Fire Department standby requested by the County Sheriff Department or other law enforcement agency at a site where methamphetamine or any other controlled substance as defined under MCL 333.7104(2) is being illegally kept or produced.

SECTION IV

BILLING PROCEDURES

Following the conclusion of the hazardous materials incident, the fire chief shall submit a detailed listing of all known expenses to the Township treasurer, who shall prepare an invoice to the responsible party for payment. The treasurer's invoice shall demand full payment within forty-five (45) days of the receipt of the bill. Any additional expenses that become known to the Township fire chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after forty-five (45) days, the Township shall impose a late charge of one (1%) percent per month or fraction thereof.

SECTION V

NON-EXCLUSIVE CHARGES

The foregoing rates and charges shall not be exclusive of other charges that may be made by the Township for the costs and expense of maintaining a fire and/or police department, but shall only be supplemental thereto. Charges may additionally be collected

by the Township through general taxation after a vote of the electors approving the same, or by special assessments established under Michigan statutes pertinent thereto.

SECTION VI

OTHER REMEDIES

The Township may pursue any other remedy, or may institute any appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this Ordinance. The recovery of charges imposed under this Ordinance does not limit the further liability of responsible parties under local ordinance or state or federal law, rule or regulation.

SECTION VII

SEVERABILITY

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

SECTION VIII

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect upon its publication following its adoption by the Township Board. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET
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TELEPHONE (269) 382-4500
FAX (269) 382-2040

JAMES W. PORTER
OF COUNSEL

John K. Lohrstorfer
E-mail: Lohr@bsrit.com

November 16, 2007

Missy Ulberg
Advance/**Penasee Globe**
2141 Port Sheldon
Genison, MI 49428

Via Fax: 616-669-1162
retailsales@advancenewspapers.com

Re: Notice of Adoption for Martin Township
Ordinances 91 & 92

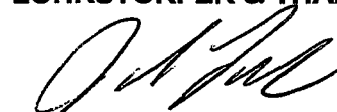
Dear Missy:

Please publish the enclosed Notice for Martin Township on **Monday, November 26, 2007.**

Please also forward one Affidavits of Publication to this office, and two Affidavits and your bill to Carrie Coburn, Clerk, Martin Township, 1023 Hidden Ponds Dr., Martin, MI 49070.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**



John K. Lohrstorfer

JKL:paj

Enc.

cc: Carrie Coburn, Clerk (w/enc & Ordinance)
Ron Zeinstra, Zoning Chairman (w/enc & Ordinance)
Margaret Smith (w/enc.& Ordinance)
Janis Johnson (w/enc.& Ordinance)

MARTIN TOWNSHIP
CERTIFICATE OF ADOPTION

I, CARRIE COBURN, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on November 14, 2007, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance 91, to become effective on December 26, 2007, all hereinbefore recorded, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

I do further certify that a summary of the ordinance was published in the Penasee Globe, a newspaper circulated in Martin Township, on November 26, 2007; and that said Ordinance was recorded in the official Ordinance Book on the 14th day of November, 2007; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 19th day of November, 2007.

Date: November 21, 2007

Carrie Coburn
Carrie Coburn, Clerk
Martin Township

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

To: The Residents and Property Owners of Martin Township, Allegan County, Michigan, and Any Other Interested Persons:

PLEASE TAKE NOTICE that at a regular meeting of the Township Board held on November 14, 2007, the Board adopted Ordinance No. 91, the Inoperable and Junked Vehicles Storage and Repair Ordinance, and Ordinance No. 92, Adult Businesses and Establishments. A summary of the Ordinances appear below.

ORDINANCE NO. 91 INOPERABLE AND JUNKED VEHICLES STORAGE AND REPAIR ORDINANCE

SECTION I PURPOSE The purpose of this ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junked, unused, partially dismantled or inoperable vehicles upon premises within the Township.

SECTION II TITLE This Ordinance shall be known and cited as the "Township Inoperable and Junked Vehicles Storage and Repair Ordinance".

SECTION III DEFINITION This section defines terms and phrases used within the ordinance.

SECTION IV REGULATIONS No person shall store on or place on or permit to be stored or placed on or allow to remain on any property in the Township of Martin a dismantled, partially dismantled or inoperable motor vehicle unless parked or stored within an enclosed building; a special permit is first obtained for a period of not to exceed 45 days from the Supervisor but only in special hardship cases; and other regulations but does not prohibit the storage of farm machinery and vehicles used for AG purposes.

SECTION V SANCTIONS Any person who violates the provisions of the Ordinance are deemed to be responsible for a municipal civil infraction with fines that range from \$75 to \$500 and the Township also has the right to proceed to court for an injunction or any other appropriate remedy.

SECTION VI SEVERABILITY Should any section or sentence be held invalid, such section shall be deemed separate and shall not affect the validity of the remaining parts of the Ordinance.

SECTION VII REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective thirty (30) days following publication after adoption.

ORDINANCE NO. 92 AMENDMENT TO TOWNSHIP ZONING ORDINANCE FOR ADULT BUSINESSES AND ESTABLISHMENTS

SECTION I AMENDMENT TO ARTICLE IV, GENERAL PROVISIONS This Ordinance amends Article IV, General Provisions, Section 4.32 which states that commercial and service establishments of an adult nature as listed in the ordinance are subject to a special exception use. Adult establishments cannot be located within 1000 feet of similar uses in this section of the ordinance nor with 2500 feet of any school, college, nursery school, child care facility, church and religious facility or any public park and cannot be located within 1000 feet of any residentially zoned district. Such uses include adult bookstores, adult motion picture, massage parlors, sexually orientated adult entertainment, etc.

SECTION II AMENDMENT TO ARTICLE XI, SECTION 11.3 "SPECIAL EXCEPTION USES" This section amends Article XI, Section 11.3, and includes Adult Businesses as a business which must receive a special exception use permit.

SECTION III EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES This Ordinance shall take effect eight days after publication following its adoption. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie Coburn at (269) 672-7663.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
P.O. Box 27
958 Lee St.
Martin, MI 49070-9797
(269) 672-7663n

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 91

**INOPERABLE AND JUNKED VEHICLES
STORAGE AND REPAIR ORDINANCE**

Adopted: November 14, 2007

Effective: December 26, 2007

An Ordinance to protect and secure the public health, safety and general welfare of persons and property through the regulation of inoperable and junked vehicles to provide penalties for the violation of the provision of this Ordinance; to repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date of said ordinance.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

The purpose of this ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junked, unused, partially dismantled or inoperable vehicles, including new or used parts thereof upon premises within the Township; to provide restrictions concerning the repairing of said vehicles; to avoid injury and hazards to children and others attracted to such vehicles; and to minimize the devaluation of property values and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

SECTION II

TITLE

This Ordinance shall be known and cited as the "Township Inoperable and Junked Vehicles Storage and Repair Ordinance".

SECTION III

DEFINITION

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Inoperable vehicle or motor vehicle means any vehicle or motor vehicle which cannot be started or legally or physically operated on city streets or public highways by virtue of lacking the equipment required by the laws of the state, or which does not bear valid and current license plates.

Junked vehicles or dismantled, partially dismantled, motor vehicles means vehicles or motor vehicles which have been so damaged or dismantled as to be total losses or all parts or accessories of vehicles or motor vehicles without which such vehicles or motor vehicles cannot be operated in a safe manner on city streets or public highway

Motor vehicle means every vehicle which is self-propelled and would normally be subject to licenses as a vehicle for transport on a public highway. It does not include farm tractors, combines, or other non-licensed farm equipment.

Total loss means the cost to repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally recognized appraisal books or methods.

SECTION IV

REGULATIONS

- A. No person, firm or corporation shall store on or place on or permit to be stored or placed on or allow to remain on any land in the Township of Martin, Allegan County, Michigan, a dismantled, partially dismantled or inoperable motor vehicle, or parts thereof unless one or more of the following conditions exists:
1. Such parking or storage is located within an enclosed building;
 2. A special permit is first obtained for a period of not to exceed 45 days from the Supervisor of Martin Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed;
 3. Such vehicle or conveyance is licensed or registered by the State of Michigan, is an operable vehicle, has all of its main component parts attached, as hereinafter defined, and is, in fact, regularly operated for its designed purpose:
 4. Such vehicles are located in a duly licensed and properly zoned junkyard, salvage yard, new or used car dealer's lot or storage yard where such uses or operations are legally authorized under the Township Zoning Ordinance.
 5. Such vehicle or vehicles are awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, and provided

such vehicle or vehicles are locked, licensed by the State of Michigan, and are not a public nuisance.

6. Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached as hereinafter defined; is, where subject to a license or registration, licensed or registered by the State of Michigan; is not in any manner a dismantled vehicle; and the premises do not contain any such vehicle for longer than 14 days in any one year. "Main component parts" shall, for the purpose of this Ordinance, mean those parts required by State law or by necessity for its operation upon a public highway.
- B No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or parts thereof upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any property not zoned for such purpose except such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition and as shall be accomplished within an enclosed building or structure; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Martin Township Zoning Ordinance.
 - C. The ownership, occupation or use of land by any person upon which an inoperable or junked vehicle or motor vehicle are accumulated, stored or placed shall be prima facie evidence that such person accumulated, stored or placed such inoperable vehicle or motor vehicle upon such land, or permitted such inoperable vehicle or motor vehicle to be accumulated, stored or placed upon such land.
 - D. Any parking, storage, placement or operations in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided for.
 - E. Any owner, co-owner, tenant or co-tenant who shall have the right to possession of any premises on which any such dismantled, partially dismantled or inoperable motor vehicle, or parts of a motor vehicle, shall be allowed to remain in excess of 14 days shall be deemed guilty of a violation of this Ordinance.
 - F The foregoing should not be construed to prohibit the storage of farm machinery, vehicles, equipment and materials used for agricultural purposes upon an operating farm. Farm equipment not in use but stored for parts shall be stored in an area screened or obscured from adjacent premises and roads by natural land contours, evergreen screening or fencing.

SECTION V

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
- 1st Offense within 3-year period*	\$ 75.00	\$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Martin Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VI

SEVERABILITY

Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION VII

REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective thirty (30) days following publication after adoption.

MARTIN TOWNSHIP
 Carrie Coburn, Clerk
 Martin Township
 958 Lee St.
 Martin, Michigan 49070-9797
 269-672-7663

CERTIFICATE OF ADOPTION

The within Ordinance was adopted by the Martin Township Board on the 14th day of November, 2007.

Carrie Coburn
 Carrie Coburn, Clerk

Attested:
Terry Sturgis
 Terry Sturgis, Supervisor

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 91

**INOPERABLE AND JUNKED VEHICLES
STORAGE AND REPAIR ORDINANCE**

Adopted: November 14, 2007

Effective: December 26, 2007

An Ordinance to protect and secure the public health, safety and general welfare of persons and property through the regulation of inoperable and junked vehicles to provide penalties for the violation of the provision of this Ordinance; to repeal any ordinances or parts of ordinances in conflict herewith and to provide for an effective date of said ordinance.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

PURPOSE

The purpose of this ordinance is to limit and restrict the outdoor storage, parking, repair or unreasonable accumulation of junked, unused, partially dismantled or inoperable vehicles, including new or used parts thereof upon premises within the Township; to provide restrictions concerning the repairing of said vehicles; to avoid injury and hazards to children and others attracted to such vehicles; and to minimize the devaluation of property values and the psychological ill effects of the presence of the same upon adjoining residents and property owners.

SECTION II

TITLE

This Ordinance shall be known and cited as the "Township Inoperable and Junked Vehicles Storage and Repair Ordinance".

SECTION III

DEFINITION

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Inoperable vehicle or motor vehicle means any vehicle or motor vehicle which cannot be started or legally or physically operated on city streets or public highways by virtue of lacking the equipment required by the laws of the state, or which does not bear valid and current license plates.

Junked vehicles or dismantled, partially dismantled, motor vehicles means vehicles or motor vehicles which have been so damaged or dismantled as to be total losses or all parts or accessories of vehicles or motor vehicles without which such vehicles or motor vehicles cannot be operated in a safe manner on city streets or public highway

Motor vehicle means every vehicle which is self-propelled and would normally be subject to licenses as a vehicle for transport on a public highway. It does not include farm tractors, combines, or other non-licensed farm equipment.

Total loss means the cost to repair a damaged or dismantled vehicle or motor vehicle exceeds the fair market value for such vehicle. Fair market value may be determined by using any nationally recognized appraisal books or methods.

SECTION IV

REGULATIONS

- A. No person, firm or corporation shall store on or place on or permit to be stored or placed on or allow to remain on any land in the Township of Martin, Allegan County, Michigan, a dismantled, partially dismantled or inoperable motor vehicle, or parts thereof unless one or more of the following conditions exists:
1. Such parking or storage is located within an enclosed building;
 2. A special permit is first obtained for a period of not to exceed 45 days from the Supervisor of Martin Township or such other officer or official as the Township Board may designate to be granted only in special hardship cases beyond the control of the applicant, where special or peculiar circumstances exist, where no adjoining property owner is adversely affected thereby and where the spirit and purpose of these regulations are still observed;
 3. Such vehicle or conveyance is licensed or registered by the State of Michigan, is an operable vehicle, has all of its main component parts attached, as hereinafter defined, and is, in fact, regularly operated for its designed purpose:
 4. Such vehicles are located in a duly licensed and properly zoned junkyard, salvage yard, new or used car dealer's lot or storage yard where such uses or operations are legally authorized under the Township Zoning Ordinance.
 5. Such vehicle or vehicles are awaiting repairs or delivery to owners at an authorized service station, garage, paint shop, or body shop registered with the State of Michigan pursuant to 1974 PA 300, as amended, and provided

such vehicle or vehicles are locked, licensed by the State of Michigan, and are not a public nuisance.

6. Such vehicle, although temporarily inoperable because of minor mechanical failure, has substantially all of its main component parts attached as hereinafter defined; is, where subject to a license or registration, licensed or registered by the State of Michigan; is not in any manner a dismantled vehicle; and the premises do not contain any such vehicle for longer than 14 days in any one year. "Main component parts" shall, for the purpose of this Ordinance, mean those parts required by State law or by necessity for its operation upon a public highway.
- B. No repairing, redesigning, modifying or dismantling work or operations shall be allowed upon any vehicle or parts thereof upon any public right-of-way or public property (except for emergency minor repairs not exceeding one hour in duration) or upon any property not zoned for such purpose except such occasional minor work by the owner thereof as may infrequently be required to maintain the same in normal operating condition and as shall be accomplished within an enclosed building or structure; will not constitute a nuisance or annoyance to adjoining property owners or occupants; and does not violate any provisions of the Martin Township Zoning Ordinance.
 - C. The ownership, occupation or use of land by any person upon which an inoperable or junked vehicle or motor vehicle are accumulated, stored or placed shall be prima facie evidence that such person accumulated, stored or placed such inoperable vehicle or motor vehicle upon such land, or permitted such inoperable vehicle or motor vehicle to be accumulated, stored or placed upon such land.
 - D. Any parking, storage, placement or operations in violation of the provisions of this Ordinance are hereby declared to be a public nuisance which may be enjoined or which may subject the violator to the fines and penalties herein provided for.
 - E. Any owner, co-owner, tenant or co-tenant who shall have the right to possession of any premises that allows any such dismantled, partially dismantled or inoperable motor vehicle, or parts of a motor vehicle to remain in excess of 14 days shall be deemed guilty of a violation of this Ordinance.
 - F. The foregoing should not be construed to prohibit the storage of farm machinery, vehicles, equipment and materials used for agricultural purposes upon an operating farm. Farm equipment not in use but stored for parts shall be stored in an area screened or obscured from adjacent premises and roads by natural land contours, evergreen screening or fencing.

SECTION V

SANCTIONS

Any person, firm, association, partnership, corporation or governmental entity who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
- 1st Offense within 3-year period*	\$ 75.00	\$500.00
- 2nd Offense within 3-year period*	150.00	500.00
- 3rd Offense within 3-year period*	325.00	500.00
- 4th or More Offense within 3-year period*	500.00	500.00

* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Martin Township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation exists shall constitute a separate offense.

SECTION VI

SEVERABILITY

Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION VII

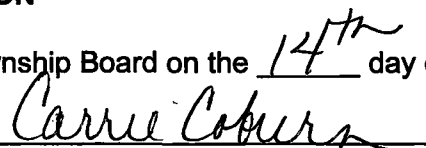
REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

Any and all ordinances or parts of ordinances in conflict herewith are hereby repealed. This Ordinance shall become effective thirty (30) days following publication after adoption.

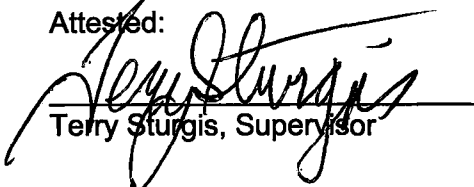
MARTIN TOWNSHIP
 Carrie Coburn, Clerk
 Martin Township
 958 Lee St.
 Martin, Michigan 49070-9797
 269-672-7663

CERTIFICATE OF ADOPTION

The within Ordinance was adopted by the Martin Township Board on the 14th day of November, 2007.


 Carrie Coburn, Clerk

Attested:


 Terry Sturgis, Supervisor

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

AMENDMENT TO TOWNSHIP ZONING ORDINANCE

Adopted: November 14, 2007

Effective: December 4, 2007

An ordinance to amend Section ____ of the Township Zoning Ordinance to regulate the location of adult business establishments, to repeal all conflicting ordinances, and to provide for an effective date of the same.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN,**

ORDAINS:

SECTION I

Section ____ of the Township's Zoning Ordinance is amended to add the following language:

Commercial and service establishments of an adult nature as listed and defined below are subject to special use regulations and other conditions:

- A. In order to prevent concentration of such uses, the following uses and activities shall not be located within one thousand (1,000) feet of two other such uses nor within (2,500) feet of school/church and (1,000) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:
- (1) Adult bookstore.
 - (2) Adult motion picture theater.
 - (3) Adult mini motion picture theater.
 - (4) Adult smoking or sexual paraphernalia store.
 - (5) Massage parlor.
 - (6) Host or hostess establishments offering socialization with a host or hostess for consideration.
 - (7) Open dance hall.

- (8) Tavern or cabaret providing live or projected entertainment where alcoholic liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception.
 - (9) Any combination of the foregoing.
- B. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designation shall have the following meanings:
- (1) **Adult bookstore** means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
 - (2) **Adult mini motion picture theater** means an enclosure with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as hereinafter defined for observation by patrons therein.
 - (3) **Adult motion picture theater** means an enclosure with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined for observation by patrons therein.
 - (4) **Adult smoking or sexual paraphernalia store** means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, controlled substances or other stimulating or hallucinogenic drug-related substances.
 - (5) **Massage parlor** means an establishment where persons conduct or permit to be conducted or engaged in massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means or preparations to provide relaxation or enjoyment to the recipient.
 - (6) **Open dance hall** means an establishment where open public dancing by patrons is available during at least four days per week or without partners furnished by the establishment.

- (7) **Host or hostess establishment** means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- (8) **Sauna, hot tub or other similar health or body improvements enterprises** means an establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business.
- (9) **Specified sexual activities:**
- i. Acts of human masturbation, sexual intercourse or sodomy.
 - ii. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
 - iii. Human genitals in a state of sexual stimulation or arousal.
- (10) **Specified anatomical areas:**
- i. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SECTION II

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight days after publication following its adoption. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

PRINT OR TYPE

DATE: Sept 24, 2007

PART I (To be completed by Township Planning Commission & forwarded to Allegran County Planning Commission)

TOWNSHIP: MARTIN

FOR REZONING REQUESTS:

Current Zoning _____ Requested Zoning _____

Property Description / Parcel Number(s) _____
(attach additional page(s) or map(s) as necessary)

FOR ZONING ORDINANCE AMENDMENT(S): Attach copy of proposed Ordinance Text changes

Approved Denied by Township Planning Commission on SEPT 18, 2007
(date)

Vote Tally: Ayes: 7 Nays: 0 Absent: 0 Abstaining: 0

This Zoning Change does comply / does not comply with the Township Master Plan.
(Circle one)

List reasons for Action taken:

- MARTIN TOWNSHIP BOARD REQUESTED ZONING COMMISSION ADDRESS THE ISSUE OF ADULT-ORIENTED BUSINESSES.
- ADOPTION OF THIS ORDINANCE BY ZONING COMMISSION CORRECTS THE ERRORS MADE IN THE PROCESS OF ADOPTION BY TOWNSHIP BD IN 1999
- THIS ORDINANCE COMPLIES WITH THE MASTER PLAN

Contact person: MARGARET A. SMITH Title: ZONING COMMISSION SECRETARY
 Phone: Daytime 269-672-5377 Evening 269-672-5377

PART II (To be completed by County Planning Commission & returned to Township Board)

The Allegran County Planning Commission, having considered all information as presented, makes the following recommendation:

- Approval of the action of the Township Planning Commission
 Disapproval of the action of the Township Planning Commission
 Reconsideration by the Township Planning Commission of their action for the following reasons: _____

Vote Tally: Ayes: 7 Nays: 0 Absent: 4 Abstaining: 0 See comments on back

Dated: 11-5-07 Signed: Sandra Haugh
(on behalf of Rich Haugh)

PART III - Final Action (To be completed by Township Board and returned to Allegran County Planning Commission c/o Rec. Secy.)

Final Action taken by Township Board on November 14, 2007
(date)

Adopted/Enacted

(Circle One)

Denied

Vote Tally: Ayes: 5 Nays: _____ Absent: _____ Abstaining: _____

Signed: Carrie Cohen Title: Martin Township Clerk

MARTIN TOWNSHIP

CERTIFICATE OF ADOPTION

I, CARRIE COBURN, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on November 14, 2007, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinance 92, to become effective on December 4, 2007, all hereinbefore recorded, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

I do further certify that a summary of the ordinance was published in the Penasee Globe, a newspaper circulated in Martin Township, on November 26, 2007; and that said Ordinance was recorded in the official Ordinance Book on the 14th day of November, 2007.

Date: November 21, 2007



Carrie Coburn, Clerk
Martin Township

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 92

**AMENDMENT TO TOWNSHIP ZONING ORDINANCE
ADULT BUSINESSES AND ESTABLISHMENTS**

Adopted: November 14, 2007

Effective: December 4, 2007

An ordinance to amend Article IV, "General Provisions", Section 4.32 of the Township Zoning Ordinance to regulate the location of adult business establishments; to amend Article XI, Section 11.3 to include adult businesses and establishments, to repeal all conflicting ordinances, and to provide for an effective date of the same.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN,**

ORDAINS:

SECTION I

AMENDMENT TO ARTICLE IV, GENERAL PROVISIONS

Article IV, Section 4.32 of the Township's Zoning Ordinance is amended to add the following language:

4.32 Commercial and service establishments of an adult nature as listed and defined below are subject to special exception use regulations found in Article XIII and other conditions as follows:

A. In order to prevent concentration of such uses, the following uses and activities shall not be located within one thousand (1,000) feet of any other uses in this section, nor within (2,500) feet of any schools, colleges, or universities; nursery schools; child care facilities; churches or any religious facility or institution; or any public park and (1,000) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:

- (1) Adult bookstore.
- (2) Adult motion picture theater.
- (3) Adult mini motion picture theater.
- (4) Adult smoking or sexual paraphernalia store.

- (5) Massage parlor.
- (6) Host or hostess establishments offering socialization with a host or hostess for consideration.
- (7) Open dance hall.
- (8) Tavern or cabaret offering sexually oriented adult entertainment which provides live or projected entertainment where alcoholic liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception.
- (9) Premises involving sexually orientated adult entertainment.
- (10) Any combination of the foregoing.

B. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designation shall have the following meanings:

- (1) **Adult bookstore** means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) **Adult mini motion picture theater** means an enclosure with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined for observation by patrons therein.
- (3) **Adult motion picture theater** means an enclosure with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities, specified anatomical areas, or state of nudity, as hereinafter defined for observation by patrons therein.
- (4) **Adult smoking or sexual paraphernalia store** means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, controlled substances or other stimulating or hallucinogenic drug-related substances.
- (5) **Massage parlor** means an establishment where persons conduct or permit to be conducted or engaged in massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams,

ointments, oils, alcohol or any other means or preparations to provide relaxation or enjoyment to the recipient.

Massage parlor does not apply to a professional massage therapy enterprise where the therapist has proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards or proof of completion of a comprehensive course of study and massage training at an American community college or university and proof of current professional membership in a massage therapy association including liability insurance and testing.

- (6) ***Open dance hall*** means an establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment.
- (7) ***Host or hostess establishment*** means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- (8) ***Sexually oriented adult entertainment*** means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.
- (9) ***Sexually oriented adult entertainment premises*** means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.
- (10) ***Specified sexual activities:***
 - i. Acts of human masturbation, sexual intercourse or sodomy.
 - ii. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
 - iii. Human genitals in a state of sexual stimulation or arousal.
- (11) ***Specified anatomical areas:***
 - i. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
 - ii. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (12) ***State of nudity*** means a person who appears in a "state of nudity" when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

SECTION II

AMENDMENT TO ARTICLE XI, SECTION 11.3 "SPECIAL EXCEPTION USES"

- 11.3 (1) Adult Businesses and establishments as set forth in Section 4.32 of the Ordinance. (Nos. 1 through 6 shall be renumbered accordingly.)

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This Ordinance shall take effect eight days after publication following its adoption. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

BAUCKHAM, SPARKS, ROLFE, LOHRSTORFER & THALL, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007-4621

JOHN H. BAUCKHAM
JOHN K. LOHRSTORFER
CRAIG A. ROLFE
ROXANNE C. SEEBER
KENNETH C. SPARKS
ROBERT E. THALL

TELEPHONE (269) 382-4500
FAX (269) 382-2040

HARRY F. SMITH
1906-1972

JAMES W. PORTER
OF COUNSEL

John K. Lohrstorfer
E-mail: Lohr@bsrft.com

December 14, 2007

Missy Ulberg
Advance/**Penasee Globe**
2141 Port Sheldon
Genison, MI 49428

Via Fax: 616-669-1162
retailsales@advancenewspapers.com

Re: Notice of Adoption for Martin Township
Ordinances 93

Dear Missy:

Please publish the enclosed Notice for Martin Township on **Monday, December 24, 2007**.

Please also forward one Affidavits of Publication to this office, and two Affidavits and your bill to Carrie Coburn, Clerk, Martin Township, 1023 Hidden Ponds Dr., Martin, MI 49070.

Yours truly,

**BAUCKHAM, SPARKS, ROLFE,
LOHRSTORFER & THALL, P.C.**



John K. Lohrstorfer

JKL:paj
Enc.

cc: Carrie Coburn, Clerk (w/enc & Ordinance)
Ron Zeinstra, Zoning Chairman (w/enc & Ordinance)
Margaret Smith (w/enc.& Ordinance)
Janis Johnson (w/enc.& Ordinance)

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

To: The Residents and Property Owners of Martin Township, Allegan County, Michigan, and Any Other Interested Persons:

PLEASE TAKE NOTICE that at a regular meeting of the Township Board held on December 12, 2007, the Board adopted Ordinance No. 93, which amends the Zoning Ordinance. A summary of the Ordinances appear below.

SECTION I AMENDMENT TO ARTICLE XVII, ZONING BOARD Article XVII, "Zoning Board", of the Martin Township Zoning Ordinance, is hereby amended to change the phrase "Zoning Board" to "Zoning Commission". Section 17.1, "Creation", is hereby amended to read as follows: There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Commission consisting of not less than five nor more than eleven members, constituted and appointed as provided by said Act.

SECTION II AMENDMENT TO ARTICLE XVIII Article XVIII, "Zoning Board of Appeals", Section 18.2, "Jurisdiction and Powers", of the Martin Township Zoning Ordinance, is hereby amended by the addition of subsection 4. The new subsection shall read as follows: "The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect of a determination or decision made with regard to a special land use or planned unit development."

SECTION III EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PLEASE TAKE FURTHER NOTICE that the full text of this Ordinance may be examined or obtained at the Martin Township Hall or by requesting the same from the Township Clerk, Carrie Coburn at (269) 672-7663.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
P.O. Box 27
958 Lee St.
Martin, MI 49070-9797
(269) 672-7663

12-13-07
12:00p
called school

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 93

AMENDMENT TO TOWNSHIP ZONING ORDINANCE

Adopted: 12-12-07

Effective: 1-1-08

An ordinance amending Articles XVII and XVIII of the Martin Township Zoning Ordinance, and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

AMENDMENT TO ARTICLE XVII, ZONING BOARD

Article XVII, "Zoning Board", of the Martin Township Zoning Ordinance, is hereby amended to change the phrase "Zoning Board" to "Zoning Commission". Section 17.1, "Creation", is hereby amended to read as follows:

There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Commission consisting of not less than five nor more than eleven members, constituted and appointed as provided by said Act.

SECTION II

AMENDMENT TO ARTICLE XVIII

Article XVIII, "Zoning Board of Appeals", Section 18.2, "Jurisdiction and Powers", of the Martin Township Zoning Ordinance, is hereby amended by the addition of subsection 4. The new subsection shall read as follows:

"The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect of a determination or decision made with regard to a special land use or planned unit development."

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. 93

AMENDMENT TO TOWNSHIP ZONING ORDINANCE

Adopted: December 3, 2007

Effective: January 1, 2008

An ordinance amending Articles XVII and XVIII of the Martin Township Zoning Ordinance, and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

SECTION I

AMENDMENT TO ARTICLE XVII, ZONING BOARD

Article XVII, "Zoning Board", of the Martin Township Zoning Ordinance, is hereby amended to change the phrase "Zoning Board" to "Zoning Commission". Section 17.1, "Creation", is hereby amended to read as follows:

There is hereby created under Public Act 110 of 2006, as amended, a Township Zoning Commission consisting of not less than five nor more than eleven members, constituted and appointed as provided by said Act.

SECTION II

AMENDMENT TO ARTICLE XVIII

Article XVIII, "Zoning Board of Appeals", Section 18.2, "Jurisdiction and Powers", of the Martin Township Zoning Ordinance, is hereby amended by the addition of subsection 4. The new subsection shall read as follows:

"The Zoning Board of Appeals shall have no jurisdiction or authority over or with regard to any aspect of a determination or decision made with regard to a special land use or planned unit development."

SECTION III

EFFECTIVE DATE AND REPEAL OF CONFLICTING ORDINANCES

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
Martin Township
958 Lee St.
Martin, Michigan 49070-9797
269-672-7663

MARTIN TOWNSHIP

CERTIFICATE OF ADOPTION

I, CARRIE COBURN, the Township Clerk of Martin Township, Allegan County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Martin Township Board held on December 12, 2007, commencing at 7:30 o'clock p.m. at the Martin Township Hall, located within the Village of Martin, at which the following members were present, the Board enacted and passed Ordinances 93, to become effective on January 1, 2007, hereinbefore recorded, and that the members of said Board present at said meeting voted on the adoption of said Ordinance, as follows:

I do further certify that a summary of the ordinances were published in the Penasee Globe, a newspaper circulated in Martin Township, on December 24, 2007; that said Ordinance 93 was recorded in the official Ordinance Book on the 12th day of December, 2008; and that an attested copy of said Ordinance was filed with the Allegan County Clerk on the 7th day of January, 2008.

Date: 1-7, 2008

Carrie Coburn
Carrie Coburn, Clerk
Martin Township



**COUNTY OF ALLEGAN
PLANNING COMMISSION**

Allegan County Planning Commission
3255 122ND Ave Ste 103
Allegan Michigan 49010
email:
Phone
Fax /

**ZONING ORDINANCE
AMENDMENT FORM**

PART I – Reference Information (To be completed by the Township Planning Commission)	
Date: <u>2-1-10</u>	Attachments (check if included)
Local Unit: <u>MARTIN TOWNSHIP ZONING COMMISSION</u>	<input checked="" type="checkbox"/> Proposed Ordinance Text Changes
Local Reference Number: <u>ORDINANCE No. 30</u>	Optional Attachments (check if included)
<u>COMPLIANCE WITH ZBA AS AMENDED IN 2008</u>	<input type="checkbox"/> Local Planning Commission Minutes
Summary of Proposed Amendments:	<input type="checkbox"/> Other: _____
<u>Amend Article XVIII of the Zoning Ordinance regarding Zoning Board of Appeals to add up to two alternate members and other amendments to comply with the Zoning Enabling Act.</u>	
<u>Amend Article XIX to provide for notification requirements concerning 4 or fewer dwelling units and to amend Article XXI regarding amendment procedures.</u>	

PART II – Local Planning Commission Review and Action (To be completed by the Township Planning Commission)	
With a vote tally of: <u>6</u> in support of the change; <u>0</u> opposed to the change; <u>0</u> abstaining; and <u>1</u> absent,	
the Zoning Ordinance Amendment(s) was/were <input checked="" type="checkbox"/> approved / <input type="checkbox"/> denied by the Local Planning Commission on <u>12-2-09</u> (date).	
List Reasons For Action Taken:	
<u>These amendments were necessary in order to comply with PA 12 of 2008 which further amended PA 110 of 2006 (Zoning Enabling Act). The amendments were fairly minor and addressed Zoning Board of Appeals membership, public notification requirements and amendment procedures.</u>	
Contact Person: <u>MARGARET SMITH</u>	Title: <u>SECRETARY</u>
Daytime Phone: <u>269-223-5511</u>	Email Address: <u>hucksmith@fnwusers.com</u>
Evening Phone: <u>269-672-5377</u>	

Please complete Part I and II and email, mail, or fax the Zoning Ordinance Form to the above address. Attachments clearly marked with local reference numbers may be submitted with the Zoning Ordinance Form or by alternative means. Forms and attachments must be received 5 business days before the Allegan County Planning Commission meeting to allow adequate time for processing, distribution, and review.

(For Office Use Only)			
Date Received:	<u>2/3/10</u>	Received Via:	<u>MAIL</u>
County Ref. Number:		Date Emailed to PC Rep:	<u>2/3/10</u>
PC Rep:	<u>VOGELEA</u>	PC Meeting Date:	<u>2/8/10</u>

PART III – County Planning Commission Review and Decision (To be completed by the Allegan County Planning Commission)

With a vote tally of: 10 in support of the local action; ~~0~~ opposed to the local action; ~~0~~ abstaining; and 1 absent,
the action proposed by the Local Planning Commission was approved / disapproved of by the Allegan County Planning Commission
on 2/8/10 (date) having considered all of the information provided by the Local Planning Commission.

Reasons for decision:

1. THE ALLEGAN COUNTY PLANNING COMMISSION
HAS NO OBJECTIONS TO THE REQUEST.

2.

3.

4.

Signed: 

Date: 2/8/10

Please note that Final Actions on Zoning Ordinance Amendments do not need to be returned to the Allegan County Planning Commission at this time.



COUNTY OF ALLEGAN
PLANNING COMMISSION

Allegan County Planning Commission
3255 122ND Ave Ste 103
Allegan Michigan 49010
email:
Phone
Fax

ZONING ORDINANCE
AMENDMENT FORM

PART I – Reference Information (To be completed by the Township Planning Commission)	
Date: <u>2-1-10</u>	Attachments (check if included)
Local Unit: <u>MARTIN TOWNSHIP ZONING COMMISSION</u>	<input checked="" type="checkbox"/> Proposed Ordinance Text Changes
Local Reference Number: <u>SECTION 4.33, ARTICLE IV</u>	Optional Attachments (check if included)
<u>WIND ENERGY SYSTEMS</u>	<input type="checkbox"/> Local Planning Commission Minutes
Summary of Proposed Amendments:	<input type="checkbox"/> Other: _____
<u>This will establish regulations for the installation and operation of Wind Energy Systems (WES). Provides for definitions, heights, zoning dists, permitting, setbacks, blade arc, lighting as required by FAA, plans to decommission & remove, sound limits, shadow flicker.</u>	

PART II – Local Planning Commission Review and Action (To be completed by the Township Planning Commission)	
With a vote tally of: <u>6</u> in support of the change; <u>0</u> opposed to the change; <u>0</u> abstaining; and <u>1</u> absent,	
the Zoning Ordinance Amendment(s) was/were <input checked="" type="checkbox"/> approved / <input type="checkbox"/> denied by the Local Planning Commission on <u>12-2-09</u> (date).	
List Reasons For Action Taken:	
<u>With the introduction of alternative energy systems in Michigan we felt that a Wind Energy Systems Ordinance was necessary. We consulted with a planner who provided us model language to adopt.</u>	
Contact Person: <u>MARGARET SMITH</u>	Title: <u>SECRETARY</u>
Daytime Phone: <u>269-223-5511</u>	Email Address: <u>hucksmith@fnwusers.com</u>
Evening Phone: <u>269-672-5377</u>	

Please complete Part I and II and email, mail, or fax the Zoning Ordinance Form to the above address. Attachments clearly marked with local reference numbers may be submitted with the Zoning Ordinance Form or by alternative means. Forms and attachments must be received 5 business days before the Allegan County Planning Commission meeting to allow adequate time for processing, distribution, and review.

(For Office Use Only)	
Date Received: <u>2/3/10</u>	Received Via: <u>MAIL</u>
County Ref. Number: _____	Date Emailed to PC Rep: <u>2/3/10</u>
PC Rep: <u>VOGELER</u>	PC Meeting Date: <u>2/8/10</u>

PART III – County Planning Commission Review and Decision (To be completed by the Allegan County Planning Commission)

With a vote tally of: 10 in support of the local action; ~~0~~ opposed to the local action; ~~0~~ abstaining; and 1 absent,
the action proposed by the Local Planning Commission was approved / disapproved of by the Allegan County Planning Commission
on 2/8/10 (date) having considered all of the information provided by the Local Planning Commission.

Reasons for decision:

1. THE ALLEGAN COUNTY PLANNING COMMISSION
HAS NO OBJECTIONS TO THE REQUEST.

2.

3.

4.

Signed: 

Date: 2/8/10

Please note that Final Actions on Zoning Ordinance Amendments do not need to be returned to the Allegan County Planning Commission at this time.



COUNTY OF ALLEGAN PLANNING COMMISSION

Allegan County Planning Commission
3255 122ND Ave Ste 103
Allegan Michigan 49010
email _____
Phone _____
Fax _____

ZONING ORDINANCE AMENDMENT FORM

PART I – Reference Information (To be completed by the Township Planning Commission)	
Date: <u>2-1-10</u>	Attachments (check if included)
Local Unit: <u>MARTIN TOWNSHIP ZONING COMMISSION</u>	<input checked="" type="checkbox"/> Proposed Ordinance Text Changes
Local Reference Number: <u>SECTION 4.34, ARTICLE IV</u>	Optional Attachments (check if included)
<u>MET TOWER ORDINANCE</u>	<input type="checkbox"/> Local Planning Commission Minutes
Summary of Proposed Amendments:	<input type="checkbox"/> Other: _____
<p><u>This ordinance addresses the placement of said towers and requirements for the site plan review.</u></p>	

PART II – Local Planning Commission Review and Action (To be completed by the Township Planning Commission)	
With a vote tally of: <u>6</u> in support of the change; <u>0</u> opposed to the change; <u>0</u> abstaining; and <u>1</u> absent,	
the Zoning Ordinance Amendment(s) was/were <input checked="" type="checkbox"/> approved / <input type="checkbox"/> denied by the Local Planning Commission on <u>12-2-09</u> (date).	
List Reasons For Action Taken:	
<p><u>The MET tower (meteorological tower) is needed before a wind farm is established. The MET tower measures the wind speeds over time to see if establishing a wind farm is practical. With the advent of wind farms in Michigan we felt this ordinance was important to be ahead of the curve.</u></p>	
Contact Person: <u>MARGARET SMITH</u>	Title: <u>SECRETARY</u>
Daytime Phone: <u>269-223-5511</u>	Email Address: <u>hucksmith@fnwusers.com</u>
Evening Phone: <u>269-672-5377</u>	

Please complete Part I and II and email, mail, or fax the Zoning Ordinance Form to the above address. Attachments clearly marked with local reference numbers may be submitted with the Zoning Ordinance Form or by alternative means. Forms and attachments must be received 5 business days before the Allegan County Planning Commission meeting to allow adequate time for processing, distribution, and review.

(For Office Use Only)			
Date Received:	<u>2/3/10</u>	Received Via:	<u>MAIL</u>
County Ref. Number:	_____	Date Emailed to PC Rep:	<u>2/3/10</u>
PC Rep:	<u>VOGELIA</u>	PC Meeting Date:	<u>2/8/10</u>

PART III – County Planning Commission Review and Decision (To be completed by the Allegan County Planning Commission)

With a vote tally of: 10 in support of the local action; 0 opposed to the local action; 0 abstaining; and 1 absent,
the action proposed by the Local Planning Commission was approved / disapproved of by the Allegan County Planning Commission
on 2/8/10 (date) having considered all of the information provided by the Local Planning Commission.

Reasons for decision:

1. THE ALLEGAN COUNTY PLANNING COMMISSION
HAS NO OBJECTIONS TO THE REQUEST.

2.

3.

4.

Signed:



Date:

2/8/10

Please note that Final Actions on Zoning Ordinance Amendments do not need to be returned to the Allegan County Planning Commission at this time.

Martin Township Outdoor Gathering Ordinance No. 97

Section 1: Preamble

The Board of Martin Township finds and declares that the interests of the public health, safety and welfare of the citizens of Martin Township require the regulation, licensing and control of assemblies of large numbers of people in excess of those normally drawing on the health, sanitation, fire, police, transportation, utility and other public services regularly provided in this township.

Section 2: Definitions

"Outdoor gathering," referred to in this ordinance as "assembly," means any outdoor event attended by more than 5,000 attendants, including a festival, concert, public show, display, entertainment, amusement or exhibition, or similar gatherings, but does not mean:

1. An event conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
2. An event conducted or sponsored by any entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 USC 501(c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967, MCL 206.201; or
3. An event held entirely within a permanently enclosed and covered structure.

"Person" means any natural person, partnership, corporation, association or organization.

"Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

"Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

"Licensee" means any person to whom a license is issued pursuant to this ordinance.

Section 3: License required

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Martin Township without a license for each such assembly.

Section 4: Application for License

Applicants for a license to conduct an outdoor assembly must submit a complete application to the township clerk at least 30 days prior to the date of the proposed assembly. Each application must be accompanied by a nonrefundable fee of \$ and must include at least the following:

1. The applicant's name, age, residence and mailing address. (Where the person making the application is a partnership, corporation or other association, this information must be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation must be filed, along with the names and addresses of all shareholders having financial interest greater than \$500.)
2. A statement of the kind, character, and type of proposed assembly.
3. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, the prospective licensee must submit an affidavit from the owner indicating consent to the use of the site for the proposed assembly.
4. The date or dates and hours during which the proposed assembly is to be conducted.
5. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted, along with a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method which will be used for accounting purposes.
6. A map or maps of the overall site of the proposed assembly.
7. A detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:
 - a. Police and fire protection,
 - b. Food and water supply and facilities,
 - c. Health and sanitation facilities,
 - d. Medical facilities and services including emergency vehicles and equipment,
 - e. Vehicle access and parking facilities,
 - f. Camping and trailer facilities,
 - g. Lighting facilities,
 - h. Communications facilities,
 - i. Noise control and abatement,
 - j. Facilities for clean up and waste disposal, and
 - k. Insurance and bonding arrangements.

Section 5: Review

On receipt by the clerk, copies of the application shall be forwarded to the sheriff, the fire chief, and to other appropriate public officials as the township board may identify. Such officers and officials shall review and investigate matters relevant to the application and report their findings and recommendations to the board within 20 days of receipt.

Section 6: Township board approval; conditions; insurance

Within 30 days after the application is filed, the township board must:

- a. Issue a license,
- b. Issue a license subject to specified conditions, or
- c. Deny a license. The township board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice

must be mailed to the applicant by certified mail within five days after the board's decision. In the case of denial, the reasons for the denial must be stated in the notice.

Section 7: Denial

A license may be denied if:

1. The applicant falls to comply with any or all requirements of this ordinance, or with any or all conditions imposed by the license, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 8: License; posting on premises

A license must specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license, and any other conditions imposed by the township. A license must be posted in a conspicuous place on the premises of the assembly and cannot be transferred to any other person or location.

Section 9: Minimum requirements

All licenses will, at a minimum, require the following:

Security Personnel—The licensee is responsible for employing such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and-or the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

Water Supply—The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions.

Restroom Facilities—The licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Toilets	1:300	1:200
Urinals	1:100	1:100
Lavatories	1:200	1:200
Drinking Fountains	1:500	1:500
Taps or Faucets	1:500	1:500

Where the licensee allows attendants to remain on the premises between the hours of 2 a.m. and

6 a.m., the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the county public health department.

Food Service—If food service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289.1101, *et seq.*; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments; and any other applicable provision of state or local law. If the assembly is distant from food service establishments open to the public, the licensee must make such food services available on the premises as will adequately feed the attendants.

Medical Facilities—If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities, including cooling tents or facilities, on the premises of the assembly.

Liquid Waste Disposal—The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the county public health department of the Public Health Code, Part 127: Water Supply and Sewer Systems, MCL 333.12701, *et seq.*; the Natural Resources and Environmental Protection Act, Part 117: Septage Waste Servicers, MCL 324.11701, *et seq.*; applicable rules and regulations, and any other applicable provision of state or local law.

If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, MCL 324.1301, *et seq.*, applicable rules and regulations and any other applicable provision of state or local law. The licensee shall provide the township clerk and county public health department with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.

Solid Waste Disposal—The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with the Natural Resources and Environmental Protection Act, Part 115: Solid Waste Disposal, MCL 324.115C1, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law.

Storage shall be approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the township clerk and county public health department with a true copy of an executed agreement with a licensed refuse collector for the proper, effective, and frequent

removal of solid waste from the premises to prevent a nuisance or threat to the public health.


The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health.

Solid waste containing food water shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

Public Bathing Beaches-Public bathing beaches shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.* and the Natural Resources and Environmental Protection Act, Part 801, MCL 324.80198b, applicable rules and regulations, and any other applicable provision of state or local law.

Public Swimming Pools-Public swimming pools shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12521-MCL 333.12534, applicable rules and regulations, and any other applicable provision of state or local law.

Access and Traffic Control—The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Prior to the issuance of a license, the county road commission and county sheriff must approve the licensee's plan for access and traffic control.

 *Parking*-The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendants.

Camping and Trader Parking-A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.*, and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health.

Lighting-The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township.

Insurance-Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$500,000 and property damage insurance with a limit of not less than \$50,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to person or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall name the township as an additional insured and shall include an endorsement to the effect that the insurance company will notify the township



in writing at least 10 days before the expiration or cancellation of said insurance.

Bonding—Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$50,000 in a form to be approved by the township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the township, its agents, officers, and employees and the board against any and all loss, costs, fees, charges, injury or damage whatsoever arising out of or in any way connected with the assembly or the township's (or its agent's) provision of services for the same and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

Fire Protection—The licensee shall, at its own expense, take adequate steps as determined by the fire chief to ensure fire protection.

Noise Control—Sound-producing equipment, including, but not limited to, public address systems, speaker systems, radios, live or broadcast musical instruments, or other live, electronic, mechanical or broadcast sound or music devices shall not be used or operated on the premises of the assembly so as to cause or create any sound or noise in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort or repose of other persons between the hours of 10 p.m. and 7 a.m.

Fencing—The licensee shall erect a fence completely enclosing the site, of sufficient height and strength to prevent persons in excess of the maximum permissible attendants from gaining access, and that has sufficient gates properly located to provide ready and safe ingress and egress.

Miscellaneous—Prior to issuance of a license, the board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the township.

Section 10: Revocation

The board may revoke a license whenever the licensee, or the licensee's employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

Section 11: Violations

It shall be unlawful for a licensee, his employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.

- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other controlled substances as defined by state law.

Any of the above enumerated violations is a separate offense, is a nuisance *per se* immediately enjoined in the circuit courts. Without limiting the foregoing, any violation of this ordinance is a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or by both such fine and imprisonment. It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

Section 12: Severability

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

Section 13: Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are repealed.

Section 14: Effective Date

This ordinance shall be adopted as an emergency ordinance and shall take effect 30 days following its publication as provided by law.

AMENDMENTS TO THE REGULATIONS FOR REMOVAL AND PROCESSING OF TOP SOIL,
SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS

MARTIN TOWNSHIP
COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 10th day of November, 2010 at 7:30 p.m.

PRESENT: Members: Tiemeyer, Sturgis, Brenner, Sipple & Coburn

ABSENT: Members: None

The following ordinance was offered by Member Tiemeyer and supported by Member Sturgis.

ORDINANCE NO. 98

AN ORDINANCE TO AMEND THE MARTIN ZONING ORDINANCE
(ORDINANCE NO. 30 OF 1986, AS AMENDED)

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: Article IV of the Zoning Ordinance of the Township of Martin is hereby amended to read as follows:

4.27 REMOVAL AND PROCESSING OF TOP SOIL, SAND, GRAVEL, OR OTHER SUCH MINERALS OR EARTH MATERIALS: Removal and processing of top soil, gravel or other such minerals or earth materials, is permitted as a Special Exception Use in the AG Agricultural, R-1 Rural Estates, and the I-1 Industrial Districts and shall be operated in accordance with all of the following conditions and limitations:

10. RESTRICTIONS AND LIMITATIONS ON SPECIAL EXCEPTION USE DISTRICTS: In any zoning district where top soil, sand, gravel or other such minerals or earth materials is permitted as a Special Exception Use, then said use shall not exceed:

- a. 1000 cubic yards from AG zoned parcels in any calendar year;
- b. 1000 cubic yards from I-1 zoned parcels as a total amount from that parcel; and,
- c. 500 cubic yards from R-1 zoned parcels as a total amount from that parcel.

Additionally, excavation and/or removal of top soil, sand, gravel, or other such minerals or earth materials is only permitted in these zoning districts as a Special Exception Use, if such excavation and/or removal:

d. is complete in and of itself;

e. does not constitute a part, portion or phase of some other larger, different, or recurring top soil, sand, gravel or other such minerals or earth material removal operation, plan or activity;

f. is not for sale, except as allowed in paragraph 12 of this section for site preparation of approved land uses;

g. does not repeat or combine successive excavation and/or removal operations from the same parcel for the purpose of excavating and/or removing a larger total quantity of such material; and,

h. does not result in hazardous or unsafe conditions or create adverse consequences to adjacent or nearby lands.

11. MOVING EARTH MATERIALS: In any zoning district where excavation and/or removal of top soil, sand, gravel or other such mineral or earth materials is permitted as a Special Exception Use, these earth materials may be moved from one part of said permitted parcel to another part of the same parcel without complying with provisions in this section, provided that such movement will not cause, or be likely to cause hazardous or unsafe conditions or create adverse consequences to adjacent or nearby lands such as sand blows, stagnant waters, bogs, or alteration of ground water tables. **Landowners in AG districts are permitted to excavate and/or remove earth material from one AG zoned parcel and move it to a different AG zoned parcel provided the use of the earth material is used solely for AG purposes, is not for sale and, complies with the limitations and restrictions in paragraph 10 of this section.**

12. SITE PREPARATION FOR AN APPROVED LAND USE: The excavation and/or removal of top soil, sand, gravel, earth mineral and/or other such earth material from any zoning district is not subject to the provisions of this section if all such excavation and/or removal is solely for the purpose of site preparation for an approved land use. Site preparation for permitted building construction or other approved land use must not exceed 10,000 cubic yards. It is permitted to sell to another party top soil, sand, gravel, earth mineral or other earth material excavated and/or removed for the purposes of site preparation for an approved land use. Excavation and/or removal of earth material for the purpose of site preparation for an approved land use shall be limited to that which is necessary to reconfigure or otherwise prepare the site for permitted building construction or other approved lands uses.

SECTION 2: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 3: Effective Date.

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Brenner, Sipple, Coburn, Tremeyer+Sturgis

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Carrie Coburn
Carrie Coburn
Martin Township Clerk

Ordinance becomes effective: November 22, 2010

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on November 10th, 2010. Public notice of such meeting was given as provided by law.

Carrie Coburn
Carrie Coburn
Martin Township Clerk

TOWNSHIP OF MARTIN

ORDINANCE NO 99

AN ORDINANCE TO AMEND THE OUTDOOR GATHERING ORDINANCE,
ORDINANCE 97, OF THE TOWNSHIP OF MARTIN CODE OF ORDINANCES.

ADOPTED: February 9th 2011

EFFECTIVE: April 27th 2011

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1. Amendment of Section 4.

The first paragraph of Section 4 of the Outdoor Gathering Ordinance, Ordinance 97, of the Code of Ordinances of the Township of Martin is hereby deleted in its entirety and replaced with the following:

Applicants for a license to conduct an outdoor assembly must submit a complete application to the township clerk at least 45 days prior to the date of the proposed assembly. Each application must be accompanied by a fee of \$ 500.00 to be held by the Township in escrow to cover all costs and expenses associated with the application review and approval process, which costs may include, but are not limited to, Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, special meeting costs, and any reports or studies which the Township anticipates it may have done related to the application review process for the particular application.

At any point during the application review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Township may suspend the application review and approval process until and unless the applicant makes the required escrow deposit. If the applicant fails to replenish the escrow deposit as set forth above and Township continues the application review and approval process, then the applicant shall pay the Township an amount equal to the costs in excess of any escrow amounts deposited by the applicant that the Township incurred in the application and review process. Any monies paid or deposited by an applicant which are not used

or spent by the Township shall be refunded to the applicant. Each application must include at least the following:

Section 2. Amendment of Section 9.

The subsection entitled "Bonding" of Section 9 of the Outdoor Gathering Ordinance, Ordinance 97, of the Code of Ordinances of the Township of Martin is hereby deleted in its entirety and replaced with the following:

Bonding—Before the issuance of license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$100,000 in a form to be approved by the township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the township, its agents, officers, and employees and the board against any and all loss, costs, fees, charges, injury or damage whatsoever arising out of or in any way connected with the assembly or the township's (or its agent's) provision of services for the same and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

Section 3. Non-Repeal. This Ordinance amendment shall not be construed to repeal by implication any other ordinances of the Township of Martin pertaining to the same or similar subject matter.

Section 4. Effective Date. This Ordinance amendment shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Martin, Michigan.

Moved by Tiemeyer, seconded by Brenner,

that the foregoing Ordinance be adopted.

YEAS: Sturgis, Brenner, Coburn, Tiemeyer

NAYS:

ABSENT: Sipple

That the Ordinance amendment as set forth above was adopted by the Township Board of the Township of Martin in regular session on February 9th, 2011, and that it was published in the Penasee Globe on March 28th, 2011. Further, I certify that the attested copy of the Ordinance amendment was filed with the Township Clerk on February 9th, 2011.

Carrie Colburn
Carrie Colburn
Martin Township Clerk

TOWNSHIP OF MARTIN

ORDINANCE NO 100

**AN ORDINANCE TO REPEAL THE OUTDOOR ASSEMBLY ORDINANCE,
ORDINANCE 4, OF THE TOWNSHIP OF MARTIN CODE OF ORDINANCES.**

ADOPTED: March 9, 2011

EFFECTIVE: April 27th, 2011

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1. Repeal of Outdoor Assembly Ordinance, Ordinance 4.

The Outdoor Assembly Ordinance, Ordinance 4, of the Code of Ordinances of the Township of Martin, enacted on March 17, 1971, and effective as of April 16, 1971, as amended, is hereby repealed and of no further force and effect.

Section 2. Ordinance Governing Outdoor Gatherings and Assemblies.

The Outdoor Gathering Ordinance, Ordinance 97, of the Code of Ordinances of the Township of Martin, enacted on March 9, 2011 and effective as of April 27th, 2011 as amended, shall govern all outdoor gatherings and assemblies after the Effective Date of this Ordinance.

Section 3. Non-Repeal. This Ordinance shall not be construed to repeal by implication any other ordinances of the Township of Martin pertaining to the same or similar subject matter.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Martin, Michigan.

Moved by Terry Sturgis, seconded by Carrie Coburn,

that the foregoing Ordinance be adopted.

YEAS:

NAYS:

ABSENT:

That the Ordinance as set forth above was adopted by the Township Board of the Township of Martin in regular session on March 9, 2011, and that it was published in the Penasee Globe on April 27th, 2011. Further, I certify that the attested copy of the Ordinance was filed with the Township Clerk on March 9, 2011.

Carrie Coburn

Carrie Coburn
Martin Township Clerk

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
(Ordinance No. 101)**

At a regular meeting of the Township Board for Martin Township held at the Township offices on July 13th, 2011, beginning at 6:30 p.m., the following ordinance was offered for adoption by Township Board Member Sipple, and was seconded by Township Board Member Brenner :

AN ORDINANCE TO CONFIRM THE ESTABLISHMENT UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL 125.3801, *et seq.*, OF THE MARTIN TOWNSHIP PLANNING COMMISSION; PROVIDE FOR THE COMPOSITION OF THAT PLANNING COMMISSION; PROVIDE FOR THE POWERS, DUTIES AND LIMITATIONS OF THAT PLANNING COMMISSION; AND REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES OR RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

THE TOWNSHIP OF MARTIN (the "Township") ORDAINS:

Section 1: Scope, Purpose and Intent

This Ordinance is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, to establish a Planning Commission with the powers, duties and limitations provided by those statutes and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

The purpose of this Ordinance is: (a) to conform the Martin Township Planning Commission with the requirements of the Michigan Planning Enabling Act, Public Act 33 of 2008, which Planning Commission was formerly established as the Martin Township Zoning Commission under the Township Planning Act, Public Act 168 of 1959, and/or the Municipal Planning Act, Public Act 285 of 1931; (b) to establish the appointments, terms, and membership of the Planning Commission; (c) to identify the officers and the minimum number of meetings per year of the Planning Commission; and (d) to prescribe the authority, powers and duties of the Planning Commission.

Section 2: Establishment

The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, of the Martin Township Planning Commission, identified formerly as the Martin Township Zoning Commission and established under the Township Planning Act, Public Act 168 of 1959, and/or the Municipal Planning Act, Public Act 285 of 1931. The Martin Township Planning Commission shall have 7 members. Members of the Martin Township Zoning Commission immediately prior to the effective date of this Ordinance (except for any Township Board member who shall be limited to his or her term on the Township Board) will continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008.

Section 3: Appointments and Terms

The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members.

The Planning Commission members shall serve for terms of three years each.

A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning Commission members shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable.

One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Section 4: Removal

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5: Conflict of Interest

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a known potential conflict of interest as required by this Ordinance constitutes malfeasance in office.

Where a member of the Planning Commission has a conflict of interest, he/she shall abstain from participating in deliberations and voting.

For the purposes of this section, conflict of interest is defined as any of the following:

- (a) An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined as an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual. All relationships shall include those arising from adoption.
- (b) The Planning Commission member has a direct financial interest in the property involved in the request or has a direct financial interest in the applicant's company, agency or association.
- (c) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

Section 6: Compensation

Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7: Officers and Committees

The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission bylaws.

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 8: Bylaws, Meetings and Records

The Planning Commission shall adopt bylaws for the transaction of business.

The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976.

Section 9: Annual Report

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 10: Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the Township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the Township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, or the Municipal Planning Act, Public Act 285 of 1931, need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008.

Section 11: Zoning Powers

The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, the Michigan Zoning Enabling Act, Public Act 110 of 2006, or other applicable zoning statutes to the Martin Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, and/or the Municipal Planning Act, Public Act 285 of 1931.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

Section 12: Subdivision and Land Division Recommendations

The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Township.

The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 13: Severability

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of this Ordinance, which shall continue in full force and effect.

Section 14: Repeal

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. The resolution or ordinance establishing the Martin Township Zoning Commission under the Township Planning Act, Public Act 168 of 1959, and/or Municipal Planning Act, Public Act 285 of 1931, is hereby repealed.

Section 15: Effective Date

This Ordinance shall take effect the day following its publication.

The vote in favor of the above ordinance was as follows:

YEAS: Terry Sturgis, Jim Brenner, Jack Sipple,
and Sue Tiemeyer

NAYS: _____

ABSTAIN/ABSENT: Carrie Coburn

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Martin Township Board at the time, date, and place mentioned above, pursuant to the required statutory procedures.

Respectfully submitted,

Dated: July 21st, 2011

By Carrie Coburn
Carrie Coburn
Martin Township Clerk

Published Date: July 25th, 2011

Effective Date: July 26th, 2011

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 102**

At a regular meeting of the Township Board for Martin Township held at the Township offices on August 10, 2011, beginning at 6:30 p.m., the following Ordinance was offered for adoption by Township Board Member Sipple, and was seconded by Township Board Member Sturgis:

**AN ORDINANCE TO IMPOSE A MORATORIUM ON THE ISSUANCE
OF PERMITS, LICENSES OR APPROVALS FOR THE SALE OR
DISPENSATION OF MEDICAL MARIHUANA**

THE TOWNSHIP OF MARTIN (the "Township") ORDAINS:

Section 1. Findings. In accordance with Act No. 110 of the Public Acts of 2006, as amended, and Act No. 246 of the Public Acts of 1945, as amended, Martin Township has determined that:

1. The provisions of the Township's Zoning Ordinance and other ordinances (collectively, "Ordinances") have not kept pace with recent developments and the passing into law of Initiated Law 1 of 2008, the Michigan Medical Marihuana Act.
2. It is within the rights and authority of Martin Township to establish reasonable regulations to control the sale, consumption, distribution and dispensation of medical marihuana in order to protect the public health, safety and welfare in a manner consistent with the Michigan Medical Marihuana Act.
3. Imposing a moratorium, on a limited temporary basis, is reasonable and necessary in order to allow time for review of and potential amendments to the Ordinances.
4. During this moratorium period, the Township Board and Planning Commission will investigate potential modifications to the Ordinances that may establish reasonable regulations to control the possession, sale, and dispensation of medical marihuana in order to protect the public health, safety and welfare.

Section 2. Administrative Action. A moratorium is hereby imposed upon the issuance of any Township permit, license, variance, or similar approval for the sale, distribution or dispensation of medical marihuana within Martin Township, so long as this Ordinance is in

effect. During the moratorium term specified in this Ordinance, no Township official, employee, body, or agent shall issue any such permit, license, variance or other approval.

Section 3. Prohibition on the Sale or Dispensation of Medical Marihuana. No sale, distribution or dispensation of medical marihuana shall occur within Martin Township pursuant to the Michigan Medical Marihuana Act (or any other law or statute) while the moratorium imposed by this Ordinance is in effect. Such prohibition shall not apply to the direct dispensation by a primary caregiver of medical marihuana to that primary caregiver’s registered qualifying patient(s) if fully lawful under the Michigan Medical Marihuana Act as well as all other applicable state statutes and regulations.

Section 4. Term of This Ordinance. The moratorium imposed by this Ordinance shall remain in effect for six (6) months following the effective date of this Ordinance or until amendments to Martin Township’s ordinances regarding the sale, distribution or dispensation of medical marihuana become effective, whichever occurs first. Prior to the expiration of the six-month moratorium, Martin Township may extend the moratorium for an additional six months to allow sufficient time to complete any such amendments to the ordinances.

Section 5. Effective Date. This Ordinance is declared to be an emergency ordinance and shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: Terry Sturgis, Jim Brenner, Jack Sipple, Carrie Coburn, and Susan Tiemeyer

NAYS: _____

ABSENT/ABSTAIN: _____

CERTIFICATION

I hereby certify that the above is a true copy of an emergency Ordinance adopted by the Township Board for Martin Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: August 10, 2011

By _____
Carrie Coburn
Martin Township Clerk

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 103
ADOPTED: AUGUST 10, 2011
EFFECTIVE: SEPTEMBER 14, 2011

An Ordinance to designate violations of the State Construction Code and the various nationally recognized codes adopted pursuant thereto as adopted and enforced by Martin Township, Allegan County, Michigan as municipal civil infractions; to provide sanctions for violation(s) thereof; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I
PURPOSE

Pursuant to the provisions of the Single State Construction Code Act, being Act 230 of the Public Acts of 1972, as amended, the Township of Martin has assumed responsibility for the administration and enforcement of the State Construction Code and the nationally recognized codes which comprise the same as incorporated by reference or pursuant to an administrative rule adopted thereunder. The purpose of this Ordinance is to designate violation of the State Construction Code and the nationally recognized codes comprising the same as municipal civil infractions as permitted by MCL 125.1523(3), as amended.

SECTION 2
VIOLATION

Any violation of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized Code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan; or any part of the same as administered and enforced by Martin Township shall be deemed to constitute a municipal civil infraction as authorized by 1972 PA 2003, being MCL 125.1523(3).

SECTION 3
DESIGNATION AS MUNICIPAL CIVIL INFRACTION

Martin Township as the administering and enforcing agency for 1972 PA 230, as amended hereby designates violations of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized code adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan municipal civil infractions as authorized by 1972 PA 230, as amended, being MCL 125.1523(3).

SECTION 4
PENALTIES

Martin Township, as the administering and enforcing agency for 1972 PA 230, as amended, hereby sets forth penalties for violation of the State Construction Code; of any of the nationally recognized codes incorporated into the State Construction Code; or of any nationally recognized Codes adopted by the State of Michigan via administrative rule pursuant to the State Construction Code together with amendments, additions, or deletions as determined appropriate by the State of Michigan; by amending the respective "penalty" provision in each as follows:

"Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$ 150.00	\$ 500.00
-2 nd Offense*	\$ 300.00	\$ 500.00
-3 rd Offense*	\$ 425.00	\$ 500.00
-4 th or More Offense*	\$ 500.00	\$ 500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Martin Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this

ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

SECTION 5
SEVERABILITY

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

SECTION 6
REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

SECTION 7
EFFECTIVE DATE

This Ordinance shall take effect 30 days after publication following adoption.

Martin Township
Carrie Coburn, Clerk

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 104**

At a regular meeting of the Township Board for Martin Township held at the Township offices on January 11, 2012, the following Ordinance was offered for adoption by Township Board Member Tiemeyer, and was seconded by Township Board Member Coburn:

**AN ORDINANCE TO AMEND THE PENALTIES PROVISION OF THE
MARTIN TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 30, AS
AMENDED, TO PROVIDE FOR CIVIL INFRACTION PENALTIES**

The Township of Martin ordains:

1. Amendment of Section 20.1. That Section 20.1 of the Martin Township Zoning Ordinance, Ordinance No. 30, as amended, shall be amended to read in its entirety as follows:

20.1 Penalties. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained, or used, and any use of a lot or land which is begun, maintained, or changed, in violation of any term of this ordinance is hereby declared to constitute a municipal civil infraction. Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any permit or approval issued hereunder, shall be in violation of this ordinance and shall be responsible for a civil infraction which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1 st Offense	\$150.00	\$500.00
2 nd Offense*	\$300.00	\$500.00
3 rd or more Offense*	\$500.00	\$500.00

*within 2-year period determined on the basis of the date of commission of the initial offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with prosecuting the municipal civil infraction. In no case, however, shall costs of less than \$9.00 or more than \$500 be ordered. In addition the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance as authorized by state law. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

2. Severability. The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

3. Effective Date. This ordinance shall become effective seven (7) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within the Township consistent with state law.

The vote in favor of this Ordinance was as follows:

YEAS: Jim Brenner, Carrie Coburn, and Susan Tiemeyer

NAYS:None

ABSENT: Glenn Leep and Jack Sipple

ORDINANCE NO. 104 DECLARED ADOPTED.

CERTIFICATION

I certify that the above is a true copy of an ordinance adopted by the Martin Township Board at the date and place specified above pursuant to required statutory procedures.

By

Dated: January 11, 2012

Carrie Coburn
Martin Township Clerk

582345.01

**MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 105**

At a meeting of the Township Board for Martin Township held at the Township offices on January 11, 2012, the following Ordinance was offered for adoption by Township Board Member Tiemeyer, and was seconded by Township Board Member Coburn:

AN ORDINANCE PROVIDING FOR MUNICIPAL CIVIL INFRACTIONS FOR THE VIOLATION OF CERTAIN TOWNSHIP ORDINANCES AND PENALTIES PURSUANT THERETO; ESTABLISHING PROCEDURES RELATING THERETO; IDENTIFYING WHICH TOWNSHIP OFFICIALS CAN ISSUE CIVIL INFRACTION TICKETS; PENALTIES; AND PROCEDURES RELATING TO SUCH MATTERS

The Township of Martin ordains:

Section_1. Title. This Ordinance shall be known as the “Martin Township Municipal Civil Infraction Ordinance.”

Section_2. Definitions. As used in this Chapter:

“Act” means Act No. 236 of the Public Acts of 1961, as amended.

“Authorized township official” means a township official, police officer or other personnel or agent of the township authorized by this ordinance or any Township ordinance, resolution, or contract to issue municipal civil infraction citations or, where applicable, notices.

“Municipal civil infraction action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

“Municipal civil infraction citation” means a written complaint or notice prepared by an authorized township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

“Township” means Martin Township.

Section_3. Municipal Civil Infraction Action; Commencement. A municipal civil infraction action may be commenced upon the issuance by an authorized township official of a municipal civil infraction citation directing the alleged violator to appear in court.

Section 4. Municipal Civil Infraction Citations; Issuance and Service. Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

A. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

B. The place for appearance specified in a citation shall be the district court which has jurisdiction over the Township.

C. Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the township and issued to the alleged violator as provided by the Act.

D. An authorized township official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation.

E. Municipal civil infraction citations shall be served by an authorized township official as follows:

(1) Except as otherwise provided below, an authorized township official (or other process server hired by the Township) shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address.

Section 5. General Penalties and Sanctions for Violations of Township Ordinances; Continuing Violations; Injunctive Relief.

A. Unless a violation of a Township ordinance is specifically designated as a municipal civil infraction, the violation shall be deemed to be a criminal misdemeanor.

B. The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by the ordinance involved.

C. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by the ordinance(s) involved, plus any costs, damages, expenses and other sanctions, as authorized under the Act.

(1) Unless otherwise specifically provided for a particular municipal civil infraction violation by an ordinance (or if the ordinance involved is silent, as set by the Township Board by resolution), the civil fine for a municipal civil infraction violation shall be not less than \$100.00, plus costs and other sanctions, for each infraction.

(2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of an ordinance. As used in this ordinance, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or ordinance (i) committed by a person within any two-year period (unless some other period is specifically provided by an ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by an ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

a. The fine for any offense which is a first repeat offense shall be not less than \$300.00, plus costs.

b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs.

D. A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by an ordinance, and any omission or failure to act where the act is required by an ordinance.

E. Each day on which any violation of an ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

F. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any Township ordinance.

Section 6. Authorized Persons-Civil Infractions Tickets. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular Township ordinance to the contrary, the following officials are hereby designated as the authorized township officials to issue and serve municipal civil infraction citations for violations of Township ordinances which provide for a municipal civil infraction for a violation thereof:

- The Township Building Inspector
- The Allegan County Sheriff and all other Deputy County Sheriffs of Allegan County
- The Township Fire Marshal or Fire Chief
- The Township Supervisor
- The Township Mechanical and Electrical Inspectors

The Township Ordinance or Code Enforcement Officer
The Township Zoning Administrator
The Township Clerk

Section 7. Applicability of the Act. If this ordinance is silent as to given procedural requirements or in any way conflicts with the Act, the Act shall govern.

Section 8. Severability. The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 9. Effective Date. This ordinance shall become effective one day after its publication (or publication of a summary thereof) in a newspaper in general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: Carrie Coburn, Susan Tiemeyer, and Jim Brenner

NAYS: None

ABSENT: Glenn Leep and Jack Sipple

ORDINANCE NO. 105 DECLARED ADOPTED.

CERTIFICATION

I certify that the above is a true copy of an ordinance adopted by the Martin Township Board at the date and place specified above pursuant to required statutory procedures.

By

Dated: January 11, 2012

Carrie Coburn
Martin Township Clerk

582362.01

Township Cemetery Ordinance

MARTIN TOWNSHIP ALLEGAN COUNTY, MICHIGAN Ordinance No. 106

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY ESTABLISHING REGULATIONS RELATING TO THE OPERATION, CONTROL, MAINTENANCE AND MANAGEMENT OF CEMETERIES OWNED, CONTROLLED OR OPERATED BY THE TOWNSHIP OF MARTIN, IN ALLEGAN COUNTY, MICHIGAN; TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE TOWNSHIP OF MARTIN (“Township”) ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the “Martin Township Cemetery Ordinance.”

Section 2. Purpose and Intent

The Martin Township Board recognizes and concludes that the proper and reasonable maintenance, appearance, and use of the cemetery or cemeteries owned or controlled by the Township is an important function of the Township’s government. It is also important that burials, disinterments and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health, and general welfare of the community. The Township Board finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the Township.

Section 3. Definitions

- (a) A “cemetery plot” shall consist of an area in a Township cemetery sufficient to accommodate one burial space for one deceased person. It shall have a land area at least four (4) feet wide and eight (8) feet in length (or four feet wide and four feet in length for

an infant). Exceptions may be made with written Township permission to accommodate infant burial or the burial of cremains.

- (b) "Township" means Martin Township.
- (c) "Township cemetery" or "cemetery" means any cemetery owned, operated, and/or controlled by the Township.

Section 4. Sale of Cemetery Plots; Nontransferable

- (a) After the effective date of this Ordinance, cemetery plots shall be sold by the Township for the purpose of burial for the purchaser of a cemetery plot, or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
- (b) All sales and transfers of cemetery plots shall be made on a form approved by the Township Board and signed by the designated Township official, which grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space sold. Such forms shall be signed by the Township Clerk or Deputy Township Clerk, and shall constitute a permit when approved.
- (c) Cemetery plots may be sold by the Township to any resident or taxpayer of the Township or any owner of any real property within the Township. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such variance) may be overturned by the Township Board pursuant to Section 23 hereof.

- (d) At the time of purchase from the Township, each cemetery plot shall be assigned the name of the specific person who shall be interred in that cemetery plot upon death. Each such person must either be a resident or property taxpayer of the Township, or be a member of the immediate family of a qualified purchaser. Only the person designated for the cemetery plot at the time of purchase from the Township may be buried there. If the owner of a cemetery plot desires to effectuate a name change regarding who will be buried in the assigned cemetery plot, the owner of the cemetery plot must sell the cemetery plot back to the Township and repurchase that space in the name of another eligible person, since cemetery plots are otherwise nontransferable.
- (e) Cemetery plots are nontransferable, but may be sold back for the original purchase price to the Township (for resale by the Township) or such other price as is set by the Township Board.
- (f) The Township Board shall have the authority to place a limit on the number of cemetery plots sold to a particular person, as well as such person's family and relatives. Furthermore, the Township shall have the absolute right and discretion to determine whether a particular cemetery plot or plots will be sold to a specific person and where such cemetery plot or plots will be located and within which Township cemetery. Such decision shall be based upon reasonable factors including, but not limited to, the number of vacant cemetery plots available and whether family or relatives of the person seeking to purchase a cemetery plot or plots are buried adjacent to or nearby the cemetery plot or plots requested.

- (g) The Township shall have the absolute right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer or conveyance of any cemetery plot, either by canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the Township shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same Township cemetery in accordance with law.
- (h) The owner of every cemetery plot shall be responsible for notifying the Township whenever that person's mailing address changes.

Section 5. Purchase Price for Cemetery Plots; Indigent Burials

- (a) Subject to the adjustment of such fees from time-to-time by the Township Board by resolution pursuant to subsection (d) below, each cemetery plot shall cost the sum of \$100 for residents (*i.e.* a person who has lived in the Township for at least 2 consecutive years) and \$750 for a nonresident burial. Residency is determined at the time of purchase. The lawful owner of any cemetery plot within the Township shall promptly provide the Township Clerk with any change in that owner's mailing address.
- (b) All charges and fees shall be paid to the Township Treasurer.
- (c) The Township Board may waive some or all fees for the burial of indigent persons. Furthermore, the Township Board may set aside a portion of a Township cemetery or cemeteries for the burial of indigent persons.

- (d) The Township Board may by resolution periodically alter the foregoing fees to accommodate increased costs and needed reserve funds for cemetery maintenance, repair, expansion and acquisition.

Section 6. Grave Opening Charges

- (a) The Township may charge reasonable fees for the opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by resolution of the Township Board, payable to the Township.
- (b) No cemetery plot shall be opened or closed except under the direction and control of the Township Sexton or such other individual as is designated by the Township Board. This subsection (b) shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the Township Sexton shall be given at least twenty-four (24) hours' prior notice of when such grave opening or closing will occur.

Section 7. Markers or Memorials; No Monuments

- (a) All markers and memorials must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them. Markers and memorials shall not be comprised of slate, sandstone, plastic, wood, cement, artificial stone, metal, or iron. No more than one (1) monument, marker or memorial is allowed per cemetery plot.

- (b) Except for monuments that lawfully existed in a Township cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery. For purposes of this Ordinance, “monument” shall be defined as any marker, memorial, statue or similar item which exceeds thirty (30) inches in height above normal ground level or which has a ground surface area exceeding thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Only one (1) marker or memorial shall be permitted per cemetery plot, or one marker or memorial in total where two adjoining plots share that one marker or memorial. Markers or memorials shall be no more than thirty (30) inches in width (or forty-eight (48) inches in width for a double marker), with an overall height of no more than thirty (30) inches above ground level, including the foundation. Individual markers for cremains shall be flush with the ground and shall be no more than twelve (12) inches by twenty-four (24) inches in size.
- (c) The footing or foundation upon which any marker or memorial must be placed shall be constructed by the Township, or such person(s) as may be designated by the Township Board. Fees for such work shall be set from time to time by resolution of the Township Board, payable to the Township.
- (d) Should any monument, marker or memorial (including any monument, marker or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated or a safety hazard, the Township Board shall have the right, at the expense of the owner of the cemetery plot, to correct the

condition or remove the same. The Township shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.

- (e) The maintenance, repair, and upkeep of a cemetery memorial, marker, monument, urn, or similar item is the responsibility of the heirs or family of the person buried at that location. The Township is not responsible or liable for the repair, maintenance, or upkeep of any such marker, memorial, monument, urn, or similar item.
- (f) Each grave must have an approved marker or memorial within one (1) year of burial.
- (g) Any foundation that remains unoccupied (with no approved memorial or marker thereon) for one year or longer must be removed at the cost of the heirs or family of the person buried at that location. Upon removal of the foundation, the ground must also be returned to its prior state.

Section 8. Interment Regulations

- (a) Only one (1) person shall be buried in a cemetery plot, except for a parent and infant child or two (2) children buried at the same time when approved by the Township.
- (b) The Township shall be given not less than 48 hours' prior notice in advance of any funeral and burial to allow for the opening of the cemetery plot. The opening and closing of cemetery plots shall be done only by the Township or such person or persons as are designated by the Township. All Township fees must be paid in advance.
- (c) The appropriate permit or form issued by the Township for the cemetery plot involved, together with appropriate identification of the person to be buried therein and the burial-transit permit from the health department, shall be presented to either the Township Sexton or the Township Clerk (or other designated Township official) prior to interment.

Where such permit or form has been lost or destroyed, the Township Clerk must be satisfied, from his or her records, that the deceased person to be buried in the cemetery plot is an authorized and appropriate person for that space before any interment is commenced or completed.

- (d) The surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved.

Section 9. Disinterments

- (a) No disinterment of an occupied grave shall occur without a Township disinterment permit.
- (b) No disinterment of an occupied grave shall occur until and unless any and all permits, licenses and written authorizations required by law for such disinterment of an occupied grave have been obtained from any applicable state or county agency, governmental unit or official, and a copy of the same has been filed with the Township.
- (c) The Township Board shall have the authority to refuse to allow a disinterment of an occupied grave (and to refuse to issue a Township disinterment permit for the same) if the disinterment of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.
- (d) No disinterment permit shall be issued by the Township until the Township disinterment application form (as authorized by the Township Board) has been fully completed (and signed by a properly authorized person) and filed with the Township, and all fees to the Township have been paid.

Section 10. Winter Burials

- (a) The Township may charge additional fees for winter burials as set by resolution by the Township Board from time-to-time.
- (b) If a winter burial cannot occur due to inclement weather, frozen ground, or similar condition, the deceased person may be kept in winter storage until a spring burial can occur. Written permission by the next of kin or authorized agent must be obtained prior to winter storage. All such winter storage costs shall be paid by the estate of the deceased person or the person's next of kin.
- (c) No winter burials shall occur without the prior consent of the Township Sexton.

Section 11. Cremains

- (a) Cremains may be buried in a container approved by the Township in a cemetery plot or in a columbarium that has been installed or designated by the Township within a Township cemetery.
- (b) No cremains shall be scattered or dispersed within a Township cemetery.

Section 12. Grounds Maintenance

- (a) Flower pots, urns, and grave blankets may be placed and maintained at the head stones of graves no earlier than May 1 and must be removed no later than October 1 of each year. Decorations will be permitted for holidays falling outside of these dates, but only for one (1) week prior and one (1) week following the holiday. Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
- (b) No grading, leveling or excavating within a cemetery shall be allowed without the prior written permission of the Township Sexton or the Township Clerk. Furthermore, no tree,

shrub, landscaping or similar plantings shall occur without the prior written permission of the Township Sexton or the Township Clerk.

- (c) No flowers, shrubs, trees, or vegetation of any type shall be planted outside of an urn. Any of the foregoing items planted without Township approval will be removed by the Township or the Township Sexton.
- (d) The Township Board reserves the right to remove or trim any existing tree, plant, planting, foliage, or shrub located within a cemetery in the interest of maintaining proper appearance and the use of the cemetery.
- (e) Mounds, bricks, loose stones, blocks, and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- (f) The Township Sexton shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers and other items that through decay, deterioration, damage or otherwise become or are unsightly, a source of litter or a maintenance or safety problem. In addition, the Township Board shall also the authority (by an approved motion or resolution) to require that certain types of items be removed prior to a specific date or dates during a calendar year and to publicize the same.
- (g) Surfaces other than earth or sod are prohibited.
- (h) All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers and plastic flower containers must be removed from the cemetery within 10 days after a burial.
- (i) No glass containers or items are allowed.

- (j) Except for markers, memorials, flowers, and urns expressly allowed by this Ordinance, and veteran flags as authorized by law, no other item (including, but not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within a Township cemetery, nor shall any grading, digging, mounding or similar alteration of the ground or earth occur except as expressly authorized by this Ordinance or by the Township.

Section 13. Disclaimer of Township Liability and Responsibility

Every person who enters, remains in and travels within a Township cemetery does so at their own risk. The Township is not responsible for any injury, accident or other calamity that might occur to any person present in a Township cemetery. Furthermore, the Township is not responsible for any damage or vandalism to, theft of or deterioration of any burial monument, marker, memorial, headstone, flower urn or other item placed at or near a cemetery plot, burial site or anywhere in a Township cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies and holds harmless the Township for, from and against any injury, damages, causes of action, claims, costs and expenses associated with, relating to and/or involving the cemetery plot or similar right, any headstone, monument, marker, memorial, or similar items, and any matter related to the cemetery involved. Such waiver, release, and hold harmless provision shall apply not only to the Township, but also as to the Township Sexton and any Township employee, officer, official or agent.

Section 14. Forfeiture of vacant cemetery plots or burial spaces

Cemetery plots or burial spaces sold after the effective date of this Ordinance and remaining vacant for forty (40) years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

- (a) Notice shall be sent by the Township Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 40-year period and that all rights with respect to said plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
- (b) No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Township Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 15. Repurchases of Plots or Burial Spaces

The Township may repurchase any cemetery plot from the owner for a price set by the Township Board, upon the written request of said owner or his or her legal heirs or representatives.

Section 16. Records

The Township Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits and any other records of the Township related to Township cemeteries, and the same shall be open to public inspection at all reasonable business hours.

Section 17. Vaults

- (a) All burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each cemetery plot before interment. Vaults of other suitable materials may be allowed at the discretion of the Township.
- (b) Cremains shall be in a container approved by the Township.

Section 18. Cemetery Hours

Unless otherwise specified by the Township Board by resolution, all Township cemeteries shall be closed during the hours from 9 p.m. until 7 a.m. the next morning. During those hours, no person shall be present in a Township cemetery. Such prohibition on being present in a Township cemetery during the time when a Township cemetery is closed shall not apply to the Township Sexton, any Township official, a person accompanied by the Township Sexton or other Township official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.

Section 19. Prohibited Uses and Activities

The following prohibitions shall apply within any Township cemetery:

- (a) No person shall destroy, deface, apply graffiti to, or otherwise injure any monument, marker, memorial, sign, tree, or other lawful item located within a Township cemetery.
- (b) No person shall disturb the peace or unreasonably annoy, harass or disturb any other person who is lawfully present on the grounds of any Township cemetery.
- (c) No vehicles shall be permitted to drive on lawns or cemetery plots in a cemetery.
- (d) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.

- (e) There shall be no destruction of any cemetery property.
- (f) There shall be no destruction, defacing, cutting, removal, etc., of any tree, flower or plant within a cemetery.
- (g) There shall be no headstones, memorials, markers, monuments, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs or any other item placed, kept, installed or maintained in a cemetery except those expressly allowed by this Ordinance.
- (h) There shall be no disturbing of the peace or engaging in any loud or boisterous conduct.
- (i) There shall be no digging, grading or mounding unless expressly authorized by this Ordinance.
- (j) There shall be no driving of an automobile, truck or any vehicle on any portion of a cemetery except the designated roads or drives.
- (k) There shall be no motorcycles, snowmobiles, four-wheelers, go-carts or similar vehicles.
- (l) There shall be no gathering of persons in excess of 75 people without prior Township approval (except during or incidental to a funeral occurring concurrent with burial).
- (m) There shall be no disinterment or grave openings unless approved by the Township.
- (n) There shall be no possession or consumption of any alcoholic beverage.
- (o) There shall be no picnicking or consumption of food without prior Township approval.
- (p) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a military ceremony or a funeral.

- (q) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (r) There shall be no littering or dumping.
- (s) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- (t) There shall be no private signs, lighting, moving displays, or changeable copy on a sign.
- (u) There shall be no fires, campfires, candles or open flames.
- (v) No children under twelve (12) years of age shall be allowed in any Township cemetery unless accompanied by an adult and are properly supervised by an adult.
- (w) There shall be no exceeding of posted speed limits.
- (x) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to dogs assisting disabled persons.
- (y) No firearms or archery arrows shall be discharged or shot except that military or other veterans organizations may carry arms for the purpose of firing over the grave at the burial of a member.
- (z) No person shall engage in any fight, quarrel, or disturbance.
- (aa) Cremains or ashes of a deceased person shall not be scattered or dispersed.
- (bb) There shall be no dumping, vandalizing, or tipping over of any lawful garbage container or receptacle.
- (cc) No person shall possess or consume any alcoholic beverage.
- (dd) No person shall engage in any lewd or obscene conduct.

- (ee) There shall be no camping.

Section 20. Authority of the Township Sexton

- (a) The Township Board shall appoint a Township Sexton, who shall serve at the discretion of the Township Board. The Township Sexton may be a Township employee or independent contractor for the Township at the discretion of the Township Board.
- (b) The Township Sexton shall assist other Township officials with the enforcement and administration of this Ordinance.
- (c) The Township Sexton shall have such duties and obligations with regard to Township cemeteries as may be specified from time to time by the Township Board.

Section 21. Fees

The Township Board shall have the authority to set fees pursuant to this Ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter, or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters.

Section 22. Applicability of this Ordinance

- (a) This Ordinance shall apply only to cemeteries owned, controlled, or operated by the Township.
- (b) The provisions of this Ordinance shall not apply to Township officials or their agents or designees involved with the upgrading, maintenance, administration or care of a Township cemetery.
- (c) The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

Section 23. Interpretation/Appeals to the Township Board

- (a) The Township Board shall have the authority to render binding interpretations regarding any of the clauses, provisions, or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The Township Board (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.

- (b) Any party aggrieved by any interpretation or decision made by the Township Sexton or any Township official, agent or contractor pursuant to this Ordinance, as well as any matter relating to a Township cemetery, rights to a cemetery plot, or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the Township Board. Any such appeal shall be in writing and shall be filed with the Township within thirty (30) days of the date of the decision, determination, or other matter being appealed from. The Township shall give the aggrieved party who filed the written appeal with the Township at least ten (10) days' prior written notice of the meeting at which the Township Board will address the matter unless an emergency is involved, in which case the Township shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the Township

Board at which the matter will be addressed. Pursuant to any such appeal, the decision of the Township Board shall be final.

- (c) The Township Board may set a fee or fees for any such appeal from time to time by resolution.

Section 24. Authority of the Township to Remove Unauthorized or Unlawful Items from a Township Cemetery

Any monument, marker, memorial, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left or maintained in any Township cemetery in violation of this Ordinance, any Township rule or regulation regarding Township cemeteries, or any county, state or federal law, statute or regulation, may be removed by the Township from the Township cemetery at any time and destroyed or disposed of by the Township without any prior notice to, permission from, or liability or obligation to the person or persons who left, installed, maintained or kept such item in the Township cemetery. No such item (including, but not limited to, a monument, marker, memorial, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained or kept in a Township cemetery unless expressly authorized by this Ordinance or a written rule or policy of the Township. Even if such an item is authorized to be installed, kept, maintained or left in a Township cemetery, the Township shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained or left such item in a Township cemetery.

Section 25. Penalties

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance or permit issued under this Ordinance) constitutes a municipal civil infraction. 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 civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100) for the first offense and not less than two hundred dollars (\$200) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 24 months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

Section 26. Severability

The provisions of this Ordinance are hereby declared to be severable and should any provision, section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof

involved in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

Section 27. Repealer

Any Township ordinance in conflict with any of the provisions of this Ordinance shall be deemed repealed but only to the extent of such conflict. In addition, Martin Township Ordinance No. 77 (adopted in 2003, as amended) is repealed in its entirety as of the effective date of this Ordinance.

Section 28. Effective Date; Conflicts

This Ordinance shall become effective upon the expiration of thirty (30) days after a copy of this Ordinance (or summary thereof) appears in the newspaper. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was offered for adoption by Township Board Member Tiemeyer and was seconded by Township Board Member Brenner, the vote being as follows:

YEAS: Glenn Leep, Jim Brenner, Carrie Coburn, and Susan Tiemeyer

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

TOWNSHIP OF MARTIN

ORDINANCE NO. 107

**AN ORDINANCE TO AMEND AND RESTATE THE
OUTDOOR GATHERING ORDINANCE, ORDINANCE 97,
AS AMENDED, OF THE TOWNSHIP OF MARTIN CODE
OF ORDINANCES.**

ADOPTED: April 11, 2012

EFFECTIVE: May 21, 2012

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1. Preamble. The Board of Martin Township finds and declares that the interests of the public health, safety, and welfare of the citizens of Martin Township require the regulation, licensing and control of assemblies of large numbers of people in excess of those normally drawing on the health, sanitation, fire, police, transportation, utility, and other public services regularly provided in this Township.

Section 2. Definitions.

"Outdoor gathering," referred to in this Ordinance as "assembly," means any outdoor event attended by more than 5,000 attendants, including a festival, concert, public show, display, entertainment, amusement or exhibition, or similar gatherings, but does not mean:

1. An event conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
2. An event conducted or sponsored by an entity qualifying for tax exempt status under Section 501(c)(3) of the Internal Revenue Code of 1954, being 26 USC 501(c)(3), as incorporated by reference in Section 201 of the Michigan Income Tax Act of 1967, Public Act 281 of 1967, MCL 206.201; or
3. An event held entirely within a permanently enclosed and covered structure.

"Person" means any natural person, partnership, corporation, association or organization.

"Sponsor" means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.

"Attendant" means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

"Licensee" means any person to whom a license is issued pursuant to this Ordinance.

Section 3. License required. A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in Martin Township without a license for each such assembly.

Section 4. Application for License. Applicants for a license to conduct an outdoor assembly must submit a complete application to the Township clerk at least forty-five (45) days prior to the date of the proposed assembly. Each application must be accompanied by a fee of \$500 to be held by the Township in escrow to cover all costs and expenses associated with the application review and approval process, which costs may include, but are not limited to, Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, special meeting costs, and any reports or studies which the Township anticipates it may have done related to the application review process for the particular application.

At any point during the application review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Township may suspend the application review and approval process until and unless the applicant makes the required escrow deposit. If the applicant fails to replenish the escrow deposit as set forth above and the Township continues the application review and approval process, then the applicant shall pay the Township an amount equal to the costs in excess of any escrow amounts deposited by the applicant that the Township incurred in the application and review process. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant. Each application must include at least the following:

1. The applicant's name, age, residence and mailing address. (Where the person making the application is a partnership, corporation or other association, this information must be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation must be filed, along with the names and addresses of all shareholders having financial interest greater than \$500.)
2. A statement of the kind, character, and type of proposed assembly.
3. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, the prospective licensee must submit an affidavit from the owner indicating consent to the use of the site for the proposed assembly.
4. The date or dates and hours during which the proposed assembly is to be conducted.
5. An estimate of the number of attendants expected at the assembly for each day it is conducted, along with a detailed explanation of the evidence of admission that

will be used and of the sequential numbering or other method which will be used for accounting purposes.

6. A map or maps of the overall site of the proposed assembly.
7. A detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:
 - a. Police and fire protection,
 - b. Food and water supply and facilities,
 - c. Health and sanitation facilities,
 - d. Medical facilities and services, including emergency vehicles and equipment,
 - e. Vehicle access and parking facilities,
 - f. Camping and trailer facilities,
 - g. Lighting facilities,
 - h. Communications facilities,
 - i. Noise control and abatement,
 - j. Facilities for clean up and waste disposal, and
 - k. Insurance and bonding arrangements.

Section 5. Review. On receipt by the clerk, copies of the application shall be forwarded to the sheriff, the fire chief, and to other appropriate public officials as the Township Board may identify. Such officers and officials shall review and investigate matters relevant to the application and report their findings and recommendations to the Board within 20 days of receipt.

Section 6. Township Board approval; conditions; insurance. Within 30 days after the application is filed, the Township Board must:

- a. Issue a license,
- b. Issue a license subject to specified conditions, or
- c. Deny a license. The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice

must be mailed to the applicant by certified mail within five days after the Board's decision. In the case of denial, the reasons for the denial must be stated in the notice.

Section 7. Denial. A license may be denied if:

1. The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed by the license, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

Section 8. License; posting on premises. A license must specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license, and any other conditions imposed by the Township. A license must be posted in a conspicuous place on the premises of the assembly and cannot be transferred to any other person or location.

Section 9. Minimum requirements. All licenses will, at a minimum, require the following:

Security Personnel–The licensee is responsible for employing such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and/or the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

Water Supply–The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions.

Restroom Facilities–The licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	1:100
Lavatories	1:200	1:200
Drinking Fountains	1:500	1:500
Taps or Faucets	1:500	1:500

Where the licensee allows attendants to remain on the premises between the hours of 2 a.m. and 6 a.m., the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the county public health department.

Food Service—If food service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289.1101, *et seq.*; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments; and any other applicable provision of state or local law. If the assembly is distant from food service establishments open to the public, the licensee must make such food services available on the premises as will adequately feed the attendants.

Medical Facilities—If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities, including cooling tents or facilities, on the premises of the assembly.

Liquid Waste Disposal—The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the county public health department of the Public Health Code, Part 127; Water Supply and Sewer Systems, MCL 333.12701, *et seq.*; the Natural Resources and Environmental Protection Act, Part 117: Septage Waste Servicers, MCL 324.11701, *et seq.*; applicable rules and regulations, and any other applicable provision of state or local law.

If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, MCL 324.1301, *et seq.*, applicable rules and regulations and any other applicable provision of state or local law. The licensee shall provide the Township clerk and county public health department with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.

Solid Waste Disposal—The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with the Natural Resources and Environmental Protection Act, Part 115: Solid Waste Disposal, MCL 324.11501, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law.

Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township clerk and county public health department with a true copy of an executed agreement with a licensed refuse collector for the proper, effective, and frequent removal of solid waste from the premises to prevent a nuisance or threat to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches, and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health.

Solid waste containing food water shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

Public Bathing Beaches—Public bathing beaches shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.* and the Natural Resources and Environmental Protection Act, Part 801, MCL 324.80198b, applicable rules and regulations, and any other applicable provision of state or local law.

Public Swimming Pools—Public swimming pools shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12521-MCL 333.12534, applicable rules and regulations, and any other applicable provision of state or local law.

Access and Traffic Control—The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Prior to the issuance of a license, the county road commission and county sheriff must approve the licensee's plan for access and traffic control.

Parking—The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendants.

Camping and Trader Parking—A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with the Martin Township Zoning Ordinance; the Martin Township Campground Ordinance; the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12502, *et seq.*, and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health.

Lighting—The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township.

Insurance—Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000 and property damage insurance with a limit of not less than \$50,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to person or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall name the Township as an additional insured and

shall include an endorsement to the effect that the insurance company will notify the Township in writing at least 10 days before the expiration or cancellation of said insurance.

Bonding—Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$100,000 in a form to be approved by the Township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, and employees and the Board against any and all loss, costs, fees, charges, injury or damage whatsoever arising out of or in any way connected with the assembly or the Township's (or its agent's) provision of services for the same and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

Fire Protection—The licensee shall, at its own expense, take adequate steps as determined by the fire chief to ensure fire protection, and the assembly shall be subject to all applicable sections of the Fire Prevention Code, MCL 29.1 *et seq.*, and any applicable rules and regulations promulgated thereunder.

Noise Control—Sound-producing equipment, including, but not limited to, public address systems, speaker systems, radios, live or broadcast musical instruments, or other live, electronic, mechanical or broadcast sound or music devices shall not be used or operated on the premises of the assembly so as to cause or create any sound or noise in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort, or repose of other persons between the hours of 10 p.m. and 7 a.m.

Fencing—The licensee shall erect a fence completely enclosing the site, of sufficient height and strength to prevent persons in excess of the maximum permissible attendants from gaining access, and that has sufficient gates properly located to provide ready and safe ingress and egress.

Miscellaneous—Prior to issuance of a license, the Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township.

Section 10. Revocation. The Board may revoke a license whenever the licensee's employee or agent fails, neglects, or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

Section 11. Violations. It shall be unlawful for a licensee, his employee, or agent to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.

- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs, or other controlled substances as defined by state law.
- g. Operate in violation of the current version of the Incident Action Plan as authorized by the Emergency Management Act, MCL 30.401 *et seq.*, which is incorporated herein by reference.
- h. Failure to obtain a building permit for any temporary structure including, but not limited to staging, and/or an electric permit from the Township as required under the 2009 Michigan Building Code.

Any of the above-enumerated violations is a separate offense, is a nuisance *per se* immediately enjoined in the circuit courts. Without limiting the foregoing, any violation of this ordinance is a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or by both such fine and imprisonment. It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

Section 12. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

Section 13. Repealer. All ordinances or parts of ordinances inconsistent with this Ordinance are repealed.

Section 14. Effective Date. This Ordinance shall be adopted as an emergency ordinance and shall take effect 30 days following its publication as provided by law.

Moved by Sipple, seconded by Brenner, that the foregoing Ordinance be adopted.

YEAS: Leep, Brenner, Sipple, Coburn and Tiemeyer

NAYS:

ABSENT:

_____ That the Ordinance amendment as set forth above was adopted by the Township Board of the Township of Martin in regular session on April 11, 2012, and that it was published in the Penassee Globe on April 21, 2012. Further, I certify that the attested copy of the Ordinance amendment was filed with the Township Clerk on April 11, 2012.

Carrie Coburn
Martin Township Clerk

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TOWNSHIP OF MARTIN

ORDINANCE NO 108

AN ORDINANCE TO LICENSE, REGULATE AND CONTROL, IN THE INTEREST OF PUBLIC HEALTH, SAFETY AND WELFARE, CAMPGROUNDS IN MARTIN TOWNSHIP, COUNTY OF ALLEGAN, STATE OF MICHIGAN.

ADOPTED: April 11, 2012

EFFECTIVE: _____, 2012

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1. Title. This Ordinance ("Ordinance") shall be known and cited as the "Martin Township Campground Ordinance."

Section 2. Purpose. The Board ("Board") of Martin Township (the "Township") finds and declares that the interests of the public health, safety and welfare of the citizens of Martin Township require the regulation, licensing and control of campgrounds located within the Township.

Section 3. Definitions.

"Campground" means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units.

"Department" means the Michigan Department of Environmental Quality.

"Licensee" means any person to whom the Department issues a campground permit.

"Recreational unit" means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mount on or drawn by another vehicle which is self-powered.

"Tent" means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.

Section 4. License Required. A person shall not operate a campground in the Township without first obtaining a campground license from the Department, its agent or representative, or a representative of a designated local health department.

Section 5. Location. A campground shall not be located where it may be detrimental to the public health, safety, or welfare. No campground may be located on a parcel or tract of land containing an area of less than 20 acres. The location of a campground shall front or have public access to an existing paved or blacktopped road, existing state trunk line, or existing primary road.

Section 6. Roads and vehicles. A licensee shall provide a road right-of-way that is not less than 20 feet wide. A licensee shall ensure that the right-of-way is free of obstructions and provides free and easy access to abutting sites. A campground owner shall provide space for vehicle parking on the same parcel as the campground equal to a minimum ratio of 1.5 times the number of sites in a campground.

Section 7. Water and Sewer Facilities. The location of a campground shall front on a right-of-way or easement where public water and sewer exists and is available for connection to campground facilities. If no public water and sewer exists, an acceptable on-site system shall be constructed, according to rules promulgated by the Michigan Department of Health.

Section 8. Water Supplies. A licensee shall provide a potable water supply in accordance with Act No. 399 of the Public Acts of 1976, as amended, being MCL 325.1001 *et seq.*, rules promulgated thereunder, being R 325.10101 *et seq.*

Section 9. Sewage and Wasterwater Control. A licensee shall comply with all applicable statutes and rules regulating the methods and facilities for the collection, treatment, and disposal of sewage and other wastewater. A licensee shall ensure that the nature, capacity, maintenance, and operation of the methods and facilities do no create unlawful pollution of the waters of the state, a nuisance condition, or a menace to health or safety.

Section 10. Rules and Regulations. The campground shall be in compliance with Section 11.3 of the Martin Township Zoning Ordinance; the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.*, and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health, including R 325.1551, *et seq.*, Campgrounds; and any other applicable provision of state or local law.

Section 11. Violations. It shall be unlawful for a licensee, his employee, or any other person to knowingly:

- a. Advertise, promote or offer or sell site space in or to a campground not licensed by the Department.
- b. Set up a recreational unit or otherwise engage in any form of camping on a campground not licensed by the Department.
- c. Conduct or operate a campground in such a manner as to create a public or private nuisance.

d. Conduct or permit, within the campground, any obscene display, exhibition, show, play, entertainment or amusement.

e. Permit any person at the campground to cause or create a disturbance in, around, or near the campground by obscene or disorderly conduct.

f. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the campground.

g. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs, or other controlled substances as defined by state law on the campground.

Any of the above-enumerated violations is a separate offense, is a nuisance *per se* immediately enjoined in the circuit courts. Without limiting the foregoing, any violation of this ordinance is a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or by both such fine and imprisonment. It is further provided that any of the above violations is a sufficient basis for the immediate enjoining in the circuit court of the campground.

Section 12. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

Section 13. Non-Repeal. This Ordinance shall not be construed to repeal by implication any other ordinances of the Township of Martin pertaining to the same or similar subject matter.

Section 14. Effective Date. This Ordinance shall take effect thirty (30) days after publication in a newspaper circulating within the Township of Martin, Michigan.

Moved by Tiemeyer, seconded by Brenner, that the foregoing Ordinance be adopted.

YEAS: Brenner, Sipple, Coburn, Tiemeyer, and Leep

NAYS:

ABSENT:

That the Ordinance as set forth above was adopted by the Township Board of the Township of Martin in regular session on April 11, 2012, and that it was published in the Penassee Globe on _____, 2012. Further, I certify that the attested copy of the Ordinance was filed with the Township Clerk on April 11, 2012.

Carrie Coburn
Martin Township Clerk

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TOWNSHIP OF MARTIN

ORDINANCE NO. 109

**AN ORDINANCE TO AMEND SECTIONS 11.3 OF THE MARTIN
TOWNSHIP ZONING ORDINANCE PERTAINING TO THE
SPECIAL EXCEPTION USES ALLOWED IN THE C-2 GENERAL
BUSINESS DISTRICT.**

ADOPTED: JUNE 13, 2012

EFFECTIVE: May 21, 2012

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1. Amendment of Section 11.3. Section 11.3 of the Martin Township Zoning Ordinance, designating the various special exception uses allowed in the "C-2" General Business District of Martin Township, is hereby amended to add subsection 7 designating a new special exception use, reading as follows:

"7. Campgrounds on a lot or parcel of 20 acres or greater in area in accordance with the Martin Township Campground Ordinance. "Campground" means a parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units. Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation are permitted as accessory uses, subject to the following conditions:

- a. Such establishments and the parking area primarily related to their operations shall not occupy more than then (10) percent of the campground;
- B. Such establishments shall be restricted in their use to occupants of the campground; and
- C. Such establishments shall present no visible evidence of their commercial character, which would attract customers other than occupants of the campground."

Section 2. Severability. If any portion of this Ordinance of the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent with this Ordinance are repealed.

Section 4. Effective Date. This Ordinance shall be adopted as an emergency ordinance and shall take effect 30 days following its publication as provided by law.

Moved by Jack Sipple, seconded by Susan Tiemeyer, that the foregoing Ordinance be adopted.

YEAS: Glenn Leep, Jack Sipple, Carrie Coburn and Susan Tiemeyer

NAYS: None

ABSENT: Jim Brenner

____ That the Ordinance amendment as set forth above was adopted by the Township Board of the Township of Martin in regular session on June 13, 2012, and that it was published in the Penassee Globe on April 21, 2012. Further I certify that the attested copy of the Ordinance amendment was filed with the Township Clerk on June 13, 2012.



Carrie Coburn
Martin Township Clerk

TOWNSHIP OF MARTIN

ORDINANCE NO. 110

**AN ORDINANCE TO PROHIBIT BLIGHT AND TO PROVIDE
FOR SANCTIONS FOR VIOLATIONS**

ADOPTED: JULY 11, 2012

EFFECTIVE: OCTOBER 8, 2012

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1. Blight unlawful.

~~(a)~~ Unlawful to maintain or permit blight or blighting factors. It is hereby determined that the structures, uses and activities in subsection (b) are causes of blight or are blighting factors which, if allowed to exist, result in blighted neighborhoods, impair property values, and pose a real and substantial risk to the health, safety, and welfare of Township residents. On and after the effective date of this Ordinance, no person or any group of any kind may maintain or permit to be maintained any of the blights or blighting conditions as provided in subsection (b) upon any land or premises in the Township, owned, leased, rented or occupied by such person or group of any kind.

~~(b)~~ Prohibited activities. The following activities are expressly prohibited on any premises in the Township:

1. The existence of any junk motor vehicle, except in a completely enclosed building. For the purpose of this article, the term “junk motor vehicle” shall include any motor vehicle which is not licensed for use upon the highways of the state for a period in excess of sixty (60) days and also, whether so licensed or not, any motor vehicle which is inoperative for any reason or not having all main component parts and remaining in one location for a period in excess of sixty (60) days. This subsection shall not apply to a lawful and approved junk yard.
2. The outdoor storage upon any premises of building materials is prohibited unless construction work is being done or is being contemplated within sixty (60) days on such premises in accordance with a valid building permit and such materials are intended for use in connection with such construction. The term “building materials” shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heading ducts or equipment, shingles, insulation, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure. All construction debris shall be removed from any premises within thirty (30) days after completion of the construction as confirmed by the building inspector. This subsection shall not prohibit the storage of usable building materials occupying not in excess of 128 cubic feet of space in the

rear area of a residence provided that such material is neatly stored and covered with a tarpaulin, plastic or other cover material and further that such storage area is not intended for use as a commercially available supply of building material on a regular basis. This subsection shall not apply to building materials used in a lawfully operated building materials supply business.

3. The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such manner as not to create a nuisance for a period not to exceed thirty (30) days. The term “junk” shall include parts of machinery or motor vehicles, construction machinery or parts thereof, unused stoves or other appliances stored in the open, remnants of wood, metal or any other material or other castoff material of any kind whether or not material could be put to any reasonable use. This subsection shall not apply to a lawful and approved junk yard.
4. The existence of any vacant dwelling, garage, or outbuilding unless the vacant dwelling, garage or outbuilding is kept securely locked, windows kept glazed or neatly boarded up, and otherwise protected to prevent entrance thereto by unauthorized person or persons.
5. The existence of any structure or part of structure which because of fire, wind or other natural disaster, or physical deterioration, is no longer habitable as a dwelling, nor useful for any other purpose for which it may have been intended.
6. The existence of any partially completed structure, unless such structure is in the course of construction in accordance with a valid and existing building permit issued by the Township and unless exterior construction is completed within one year after issuance thereof.
7. In any area zoned agricultural, the keeping of farm implements and their outside storage by a bona fide operating farm shall not fall within the meaning of junk or junk motor vehicles as defined in this Ordinance.

Section 2. Enforcement and penalties.

~~(a)~~ Enforcement official. This Ordinance shall be enforced by a person or official as designated by resolution of the Township Board.

~~(b)~~ Notice; removal of blight. The owner, if possible, and the occupant of any property upon which any of the causes of blight or blighting factors set forth in Section 1 of this Ordinance is found to exist shall be notified in writing to remove or eliminate such causes of blight or blighting factors from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by certified, return receipt requested mail. [The Township may also post a notice on the premises in a conspicuous location attesting to the violation and acquire an execution

of proof of service indicating the date and manner service was effected.] Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight or blighting are in progress.

- ~~(e)~~ Existence of blight after expiration of time to correct. The existence of blight or blighting factors as defined in this Ordinance after expiration of the notice period provided in subsection (b) of this Section shall constitute a violation of this Ordinance. Each day that the blight continues to exist shall constitute a separate offense.
- ~~(d)~~ Municipal civil infraction. A violation of this article shall be deemed a municipal civil infraction subject to the fines and sanctions set forth in the municipal civil infraction provisions of Ordinance No. _____.
- ~~(e)~~ Injunctive relief. The Township reserves the right to seek injunctive relief from the circuit court to enforce compliance with this Ordinance and to permit the Township to petition the court for an order impounding and allowing the sale of the blighting factors where appropriate.

Section 3. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days following its publication as provided by law.

Moved by Brenner, seconded by Tiemeyer, that the foregoing Ordinance be adopted.

YEAS: Glenn Leep, Jim Brenner, and Susan Tiemeyer

NAYS:

ABSENT: Carrie Coburn and Jack Sipple

_____ That this Ordinance as set forth above was adopted by the Township Board of the Township of Martin in regular session on July 11, 2012, and that it was published in the Penassee Globe on September 8, 2012. Further, I certify that the attested copy of the Ordinance was filed with the Township Clerk on July 11, 2012.

Carrie Coburn
Martin Township Clerk

ORDINANCE NO. 111

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of ten years.

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of ten years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway and right-of-way purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee, its successors and assigns, shall use due care in exercising the rights and privileges herein contained and shall at all times keep and save the Township, its officers and employees free and harmless from all loss, costs and expense to which they may become subject by reason of the construction, maintenance and operation of the structures and equipment hereby authorized or any omission or any wrongful or actionable conduct of whatsoever kind or nature undertaken on the part of said Grantee, its agents, employees or representatives, pursuant, or in any way related, to the permission and/or authority granted herein or any activity expressly or impliedly contemplated hereby. In case any action is commenced against the Township, its officers or employees on account of the permission herein granted, said Grantee shall, upon notice, defend the Township, its officers and employees and save them free and harmless from all loss, cost and damage arising out of said permission. Provided, however, that this hold harmless agreement shall not apply to any loss, costs, damages or claims arising solely out of the negligence of the Township, its officers, employees or contractors. Furthermore, in the event that any loss, costs, damages or claims arise out of the

joint negligence of the Township, its officers, employees or contractors, this hold harmless agreement shall not apply to the proportional extent of the negligence of the Township, its officers, employees or contractors.

Township, its officers and employees shall not liable to Grantee or its successors or assigns for any interference with or disruption in the operation of Grantee's system, or for any damages arising out of Grantee's use of the public rights-of-way, except to the extent of gross negligence or willful misconduct by the Township, its agents, officers, employees or contractors.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electric furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.


SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township on January 14, 1981 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, on the 12th day of September, 2012.



Glenn Leep, Township Supervisor

Attest:



Carrie Coburn, Township Clerk

TOWNSHIP OF MARTIN

ORDINANCE NO. 112

AN ORDINANCE TO AMEND SECTIONS 4, 6 AND 9 OF ORDINANCE NO. 107, AS AMENDED, REGARDING THE OUTDOOR GATHERING ORDINANCE, OF THE TOWNSHIP OF MARTIN CODE OF ORDINANCES.

THE TOWNSHIP OF MARTIN, MICHIGAN ORDAINS:

Section 1. Amendment of Section 4 of Ordinance No. 107. That Section 4 of Ordinance No. 107 is amended to read in full as follows:

Application for License. Applicants for a license to conduct an outdoor assembly must submit a complete application to the Township Clerk at least forty-five (45) days prior to the date of the proposed assembly. Each application must be accompanied by a fee of \$1000 to be held by the Township in escrow to cover costs and expenses associated with the application review and approval process, which costs may include, but are not limited to, Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, special meeting costs, and any reports or studies which the Township anticipates it may have done related to the application review process for the particular application.

At any point during the application review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the Township determines the escrow account needs replenishing and the applicant refuses to do so promptly, the Township may suspend the application review and approval process until the applicant makes the required escrow deposit. If the applicant fails to replenish the escrow deposit as set forth above and the Township continues the application review and approval process, then the applicant shall pay the Township an amount equal to the costs in excess of any escrow amounts deposited by the applicant that the Township incurred in the application and review process. Any monies paid or deposited by an applicant which are not used or spent by the Township shall be refunded to the applicant. Each application must minimally include the following:

1. The applicant's name, age, residence and mailing address. (Where the person making the application is a partnership, corporation or other association, this information must be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation must be filed, along with the names and addresses of all shareholders having financial interest greater than \$500.)
2. A statement of the kind, character, and type of proposed assembly.
3. The address, legal description and proof of ownership of the site at which the

proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, the prospective licensee must submit an affidavit from the owner indicating consent to the use of the site for the proposed assembly.

4. The date or dates and hours during which the proposed assembly is to be conducted.
5. An estimate of the number of attendants expected at the assembly for each day it is conducted, along with a detailed explanation of the evidence of admission that will be used and of the sequential numbering or other method which will be used for accounting purposes.
6. A map or maps of the overall site of the proposed assembly.
7. A detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:
 - a. Police and fire protection,
 - b. Food and water supply and facilities,
 - c. Health and sanitation facilities,
 - d. Medical facilities and services, including emergency vehicles and equipment,
 - e. Vehicle access and parking facilities,
 - f. Camping and trailer facilities,
 - g. Lighting facilities,
 - h. Communications facilities,
 - i. Noise control and abatement,
 - j. Facilities for clean up and waste disposal, and
 - k. Insurance and bonding arrangements.
8. Such other information identified by the Township in writing.

Section 2. Amendment of Section 6 of Ordinance No. 107. That Section 6 of Ordinance No. 107 is amended to read in full as follows:

Township Board approval; conditions; insurance. Within 30 days after the completed application is filed, the Township Board must:

- a. Issue a license,
- b. Issue a license subject to specified conditions, or
- c. Deny a license. The Township Board may require that adequate security or insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, notice must be mailed to the applicant by certified mail within five days after the Board's decision. In the case of denial, the reasons for the denial must be stated in the notice.

Section 3. Amendment of Section 9 of Ordinance No. 107. That Section 9 of Ordinance No. 107 is amended to read in full as follows:

Minimum requirements. All licenses will, at a minimum, require the following:

Security Personnel-The licensee is responsible for employing such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and/or the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

Water Supply-The licensee shall provide sufficient potable water for drinking, cooking, washing and other water-using facilities for peak demand conditions.

Restroom Facilities-The licensee shall provide sufficient toilet facilities or portable toilets, hand washing stations, and drinking water facilities. The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:300	1:200
Urinals	1:100	1:100
Lavatories	1:200	1:200
Drinking Fountains	1:500	1:500
Taps or Faucets	1:500	1:500

Where the licensee allows attendants to remain on the premises between the hours of 2 a.m. and 6 a.m., the licensee shall provide shower facilities, on the basis of the number of attendees, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the county public health department.

Food Service-If food service is made available on the premises, it shall be delivered only through concessions operated in accordance with the temporary food establishment provisions of the Michigan Food Law of 2000, MCL 289.1101, *et seq.*; applicable rules and regulations, including R 285.558, *et seq.*, Temporary Food Establishments; and any other applicable provision of state or local law. If the assembly is distant from food service establishments open to the public, the licensee must make such food services available on the premises as will adequately feed the attendants.

Medical Facilities-If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities, including cooling tents or facilities, on the premises of the assembly.

Liquid Waste Disposal-The licensee shall provide for liquid waste disposal in accordance with all the rules and regulations established by the county public health department of the Public Health Code, Part 127; Water Supply and Sewer Systems, MCL 333.12701, *et seq.*; the Natural Resources and Environmental Protection Act, Part 117: Septage Waste Servicers, MCL 324.11701, *et seq.*; applicable rules and regulations, and any other applicable provision of state or local law.

If liquid waste retention and disposal requires septage waste servicers, they shall be licensed in accordance with the Natural Resources and Environmental Protection Act, Part 13: Permits, MCL 324.1301, *et seq.*, applicable rules and regulations and any other applicable provision of state or local law. The licensee shall provide the Township clerk and county public health department with a true copy of an executed agreement with a licensed septage waste servicer for the proper, effective, and frequent removal of liquid wastes from the premises to prevent a nuisance or threat to the public health.

Solid Waste Disposal-The licensee shall provide for solid waste storage on, and removal from, the premises in accordance with the Natural Resources and Environmental Protection Act, Part I 15: Solid Waste Disposal, MCL 324.11501, *et seq.*, applicable rules and regulations, and any other applicable provision of state or local law.

Storage shall be in approved, covered, fly-tight and rodent-proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the Township clerk and county public health department with a true copy of an executed agreement with a licensed refuse collector for the proper, effective, and frequent removal of solid waste from the premises to prevent a nuisance or threat to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches, and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides, shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health.

Solid waste containing food water shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

Reimbursement of Township Expenses-The licensee shall be and remain liable for the actual costs and fees associated with the assembly incurred by the Township or other agencies which bill the Township (e.g., Sheriff's Department billings sent to the Township, etc.). Notwithstanding anything herein to the contrary, the Township Clerk as a condition of the issuance of a license, may require of the licensee a deposit in an amount reasonably estimated to reflect the actual costs and fees associated with the assembly that will be incurred by the Township or other agencies which bill the Township.

Public Bathing Beaches-Public bathing beaches shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12501, *et seq.* and the Natural Resources and Environmental Protection Act, Part 801, MCL 324.80198b, applicable rules and regulations, and any other applicable provision of state or local law.

Public Swimming Pools-Public swimming pools shall be provided only in accordance with the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12521-MCL 333.12534, applicable rules and regulations, and any other applicable provision of state or local law.

Access and Traffic Control-The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Prior to the issuance of a license, the county road commission and county sheriff must approve the licensee's plan for access and traffic control.

Parking-The licensee shall provide a parking area sufficient to accommodate all motor vehicles, with at least one automobile space for every four attendants.

Camping and Trailer Parking-A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with the Martin Township Zoning Ordinance; the Martin Township Campground Ordinance; the Public Health Code, Part 125: Campgrounds, Swimming Areas and Swimmer's Itch, MCL 333.12502, *et seq.*, and the Michigan Department of Community Health rules regarding sanitation and safety standards for campgrounds and public health.

Lighting-The licensee shall provide lighting of all occupied areas sufficient to ensure safety and comfort of all attendants. The licensee's lighting plan shall be approved by the Township.

Insurance-Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$1,000,000 and property damage insurance with a limit of not less than \$50,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to person or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall name the Township as an additional insured and shall include an endorsement to the effect that the insurance company will notify the Township

in writing at least 10 days before the expiration or cancellation of said insurance.

Bonding-Before the issuance of a license, the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$100,000 in a form) to be approved by the Township attorney, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this Ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, and employees and the Board against any and all loss, costs, fees, charges, injury or damage whatsoever arising out of or in any way connected with the assembly or the Township's (or its agent's) provision of services for the same and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

Fire Protection-The licensee shall, at its own expense, take adequate steps as determined by the fire chief to ensure fire protection, and the assembly shall be subject to all applicable sections of the Fire Prevention Code, MCL 29.1 *et seq.*, and any applicable rules and regulations promulgated thereunder.

Noise Control-Sound-producing equipment, including, but not limited to, public address systems, speaker systems, radios, live or broadcast musical instruments, or other live, electronic, mechanical or broadcast sound or music devices shall not be used or operated on the premises of the assembly so as to cause or create any sound or noise in such a manner or with such volume as to unreasonably upset or disturb the quiet, comfort, or repose of other persons between the hours of 10 p.m. and 7 a.m.

Fencing-The licensee shall erect a fence completely enclosing the site, of sufficient height and strength to prevent persons in excess of the maximum permissible attendants from gaining access, and that has sufficient gates properly located to provide ready and safe ingress and egress.

Explosives Officer-The licensee shall, at its own expense, take all steps reasonably required by the Michigan State Police or other law enforcement agency to ensure that a trained explosives officer or viable alternative is on the site of the assembly at all times while the license is in effect.

Miscellaneous-Prior to issuance of a license, the Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township.

Section 4. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

Section 5. Repealer. All ordinances or parts of ordinances inconsistent with this Ordinance

are repealed.

Section 6. Effective Date. This Ordinance shall take effect 30 days following its publication as provided by law.

Moved by Brenner, seconded by Sipple, that the foregoing Ordinance be adopted.

YEAS: J. Brenner, J. Sipple, S. Tiemeyer, & G. Leep.

NAYS: None

ABSENT: C. Coburn

That the Ordinance amendment as set forth above was adopted by the Township Board of the Township of Martin in regular session on April 9, 2014, and that it was published in the Penasee Globe on May 11, 2014.



Carrie Coburn
Martin Township Clerk

TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 113

Adopted: August 13th, 2014
Effective: October 1st, 2014

An ordinance to amend and revise the Martin Township Sewage Disposal System Ordinance to increase user fees as set forth in Article V.

TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:

SECTION I
USER FEES

The first sentence of Article V, Section E of the Martin Township Sewage Disposal System Ordinance is amended to read as follows:

125.505 User fees.

Sec. E. The user charge to each single family residence within the Township for which sewer service is available shall be \$78.00 per quarter (\$26.00 per month).

SECTION II
EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect October 1, 2014. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
998 Templeton
Martin, MI 49070
269-672-5027

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ORDINANCE ADOPTION

To: The residents and property owners of the Township of Martin,
Allegan County, Michigan, and any other interested persons:

PLEASE TAKE NOTICE that at a meeting held on August 13th, 2014, the Township Board adopted Ordinance No. 113, an ordinance amending the Martin Township Sewage Disposal System Ordinance to increase user fees; and to repeal all ordinances or parts of ordinances in conflict herewith. A summary is as follows:

SECTION I – AMENDMENT TO ARTICLE V, SECTION E. This Section amends Article V, Section E of the Martin Township Sewage Disposal System Ordinance so as to increase the user fee to \$78.00 per quarter (\$26.00 per month) for single family residences within the Township.

SECTION II – EFFECTIVE DATE AND REPEAL - This Ordinance shall take effect October 1, 2014. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Carrie Coburn, Clerk
998 Templeton
Martin, MI 49070
269-672-5027

MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 114

At a regular meeting of the Township Board for Martin Township held at the Township offices on April 8, 2015, beginning at 6:30 p.m., the following Ordinance was offered for adoption by Township Board Member Coburn, and seconded by Township Board Member Sipple:

**AN ORDINANCE TO AMEND ORDINANCE NO. 102,
ENTITLED "AN ORDINANCE TO IMPOSE A
MORATORIUM ON THE ISSUANCE OF PERMITS,
LICENSES OR APPROVALS FOR THE SALE OR
DISPENSATION OF MEDICAL MARIHUANA"**

THE TOWNSHIP OF MARTIN (the "Township") ORDAINS:

Section 1. Amendment of Section 4, Ordinance No. 102. Section 4 of Ordinance No. 102 is amended to read in its entirety as follows:

Term of This Ordinance. The moratorium imposed by this Ordinance, as amended, shall remain in effect for six (6) months following the effective date of this Ordinance or until amendments to Martin Township's ordinances regarding the sale, distribution or dispensation of medical marihuana become effective, whichever occurs first. Prior to the expiration of the six-month moratorium, Martin Township may extend the moratorium for an additional six months to allow sufficient time to complete any such amendments to the ordinances.

Section 2. Effective Date. This Ordinance is declared to be an emergency ordinance and shall become effective the day following its publication (or a summary hereof) in a newspaper of general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: Brenner, Sipple, Coburn, Keep

NAYS: None

ABSENT/ABSTAIN: Tiemeyer

CERTIFICATION

I hereby certify that the above is a true copy of an emergency Ordinance adopted by the Township Board for Martin Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: April 8, 2015

By Carrie Coburn
Carrie Coburn
Martin Township Clerk

**TOWNSHIP BOARD
MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

Board Member Sipple, seconded by Board Member Tiemeyer, moved the adoption of the following ordinance:

ORDINANCE NO. 115

AN ORDINANCE TO AMEND ARTICLE III, SECTION 3.1 AND ARTICLE IV, TO ADD A NEW SECTION 4.33, OF THE MARTIN TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 30, AS AMENDED, TO DEFINE AND REGULATE MEDICAL MARIHUANA DISPENSARIES

THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Addition to Article III, Section 3.1 That Article III, Section 3.1 of the Martin Township Zoning Ordinance, Ordinance No. 30, as amended, is amended to add a definition for "Medical Marihuana Dispensary" to read as follows:

Medical Marihuana Dispensary. Any for-profit or not-for-profit business, facility, association, entity, use, cooperative, location, or operation, whether fixed or mobile, permanent or temporary, where medical marihuana (also commonly known as marijuana or cannabis) is made available, sold, used, grown, processed, delivered, or distributed by or to anyone including one or more of the following:

1. A primary caregiver (i.e., a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
2. A qualifying patient (i.e., a person who has been diagnosed by a physician as having a debilitating medical condition, as provided for in Initiated Law No. 1 of the Public Acts of 2008, as amended).
3. Members of the public.

Medical Marihuana Dispensary shall also include any place, location, facility, or operation, whether fixed or mobile, permanent or temporary, where medical marihuana is smoked or consumed by three or more persons at one time. *Medical Marihuana Dispensary* shall not include the dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five qualified patients in accordance with Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marihuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this ordinance as well as all other applicable Township ordinances and applicable laws, rules and regulations of the State of Michigan.

Section 2. Addition of Article IV, Section 4.33 That Article IV of the Martin Township Zoning Ordinance, Ordinance No. 30, as amended, is amended to add a new Section 4.33 to read as follows:

4.33 PROHIBITION ON MEDICAL MARIHUANA DISPENSARIES.

No medical marihuana dispensary shall be commenced, conducted, operated, or utilized in any zoning district or on or from any property within the Township. Any person, firm, corporation, trust, partnership or other legal entity who shall commence, conduct, operate, or utilize a medical marihuana dispensary within the Township shall be guilty of a criminal misdemeanor punishable by up to 93 days in jail and/or a fine of up to \$500.00, as well as any other fines, costs, or penalties imposed by law.

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

Section 4. Effective Date. This Ordinance will become effective seven (7) days following its publication in a newspaper in general circulation within the Township, as provided by law.

YEAS: Tiemeyer, Leep, Brenner, Sipple, Smit

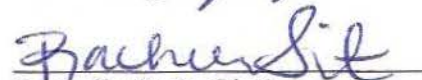
NAYS: None

ABSENT: None

ORDINANCE NO. 115 ADOPTED.



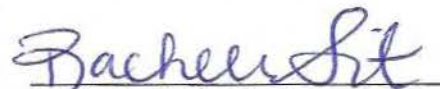
Glenn Leep, Supervisor



Rachelle Smit, Clerk

CERTIFICATION

I, Rachelle Smit, the Clerk of Martin Township, certify that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of Martin Township at a regular meeting held on January 4, 2016.



Rachelle Smit, Clerk

TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 117

Adopted: October 12, 2016

Effective: November 12, 2016

An ordinance to amend and revise the Martin Township Sewage Disposal System Ordinance to increase user fees and connection fees as set forth in Article V.

TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN

ORDAINS:
SECTION I
USER FEES

The first and fourth sentences of Article V, Section E of the Martin Township Sewage Disposal System Ordinance is amended to read as follows:

125.505 User fees.

(1st) Sec. E. The user charge to each single family residence within the Township for which sewer service is available shall be \$90.00 per quarter (\$30.00 per month).

(4th) Where metered flow is used as a basis for calculating the user charge, the user fee shall be \$3.62 per 1,000 gallons of flow.

CONNECTION FEES

Article V, Section F of the Martin Township Sewage Disposal System Ordinance is amended to read as follows:

125.506 Connection fees.

Sec. F. Each person desiring to connect to the System shall pay a charge for the privilege of using the facilities and receiving the service of the System in the amounts given below:

Direct connection. For each single family residential house connecting directly to the lines of the System, there shall be a connection fee of \$4,000.00 as reflected in Exhibit A of this Ordinance, plus the cost of service stub installation where necessary. For the connection of other types of buildings or structures connecting directly to the lines of the System, where the residential-equivalent unit factors exceeds 1.00, there shall be charged a connection fee of \$4,000.00 plus \$2,750.00 for each additional single family residential-equivalent in excess of one as reflected in Exhibit A of this Ordinance, plus the cost of service stub installation where necessary.

Indirect connection. For each house, building, or structure connecting indirectly to the System, there shall be charged a fee of \$2,750.00 per single family residential equivalent, as reflected in Exhibit A of this Ordinance. Indirect connection fees defray proportionate shares of necessary over sizing of the treatment facilities, trunks and pumping stations.

SECTION II
EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect Nov. 12, 2016. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Rachelle Smit, Clerk
PO Box 27
Martin MI 49070
616-490-1074

MARTIN TOWNSHIP
COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 10 day of May, 2017 at 7:00 p.m.

PRESENT: Members: Tiemeyer, Leep, Sipple, Smit

ABSENT: Members: Brenner

The following ordinance was offered by Member Tiemeyer and supported by Member Smit.

ORDINANCE NO. 118

AN ORDINANCE TO AMEND SECTION II OF ORDINANCE NO 69, AS AMENDED, ENTITLED "FIRE RUN CHARGES ORDINANCE NO. 69; CHARGES"

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: Section II of Ordinance No. 69 entitled "Fire Run Charges Ordinance No. 69; Charges" is amended to read as follows:

The Treasurer shall bill the recipient of fire or emergency protection services identified herein and provided by the Township those charges and fees as set by resolution of the Township Board from time to time. The following conditions for fire and emergency protection services shall be charged pursuant to this Ordinance:

- A. Arson or Intentionally Set Fires (charged to the violator)
- B. Hazardous Material Incidents (includes motor vehicle accidents)
- C. Unintentional False Alarms (over four per calendar year)
- D. Intentional or Malicious False Alarms
- E. Ice, Water, Confined Space and Off Road Rescue
- F. Down/Ruptured Utility/Power Lines (stand-by fee after the first hour)

SECTION 2: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

SECTION 3: Effective Date.

This Ordinance shall become effective 30 days after its publication or a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Smit, Tiemeyer, Leep, Sipple

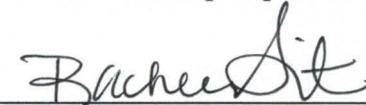
NAYS: Members: Ø

ABSENT: Members: Brenner

ORDINANCE NO. 118 DECLARED ADOPTED.



Glenn Leep
Martin Township Supervisor



Rachelle Smit
Martin Township Clerk

Ordinance becomes effective: June 30, 2017

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on May 10, 2017. Public notice of such meeting was given as provided by law.



Rachelle Smit
Martin Township Clerk

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 119**

ADOPTED: September 13, 2017

EFFECTIVE: January 1, 2018

An ordinance to amend and revise the Martin Township Sewage Disposal System Ordinance to increase user fees and connection fees as set forth in Article V.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

**ORDAINS:
SECTION I
USER FEES**

The first and fourth sentences of Article V, Section E of the Martin Township Sewage Disposal System Ordinance is amended to read as follows:

125.505 User fees.

(1st) Sec. E. The user charge to each single family residence within the Township for which sewer service is available shall be \$93.00 per quarter (\$31.00 per month).

(4th) Where metered flow is used as a basis for calculating the user charge, the user fee shall be \$4.00 per 1,000 gallons of flow.

**SECTION II
EFFECTIVE DATE AND REPEAL**

This Ordinance shall take effect January 1, 2018. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MARTIN TOWNSHIP
Rachelle Smit, Clerk
PO Box 27
Martin, MI 49070
616-490-1074

MARTIN TOWNSHIP
COUNTY OF ALLEGAN, MICHIGAN

At a regular meeting of the Township Board of the Township of Martin, Allegan County, Michigan, held in the Martin Township Community Building, 998 Templeton Street, within the Village of Martin, on the 9th day of August, 2017 at 7:00 p.m.

PRESENT: Members: Tiemeyer, Leep, Brenner, Sipple, Smit

ABSENT: Members: None

The following ordinance was offered by Member Smit and supported by Member Sipple

ORDINANCE NO. 120

**AN ORDINANCE TO AMEND SECTION 14 OF ORDINANCE NO 106, AS
AMENDED, ENTITLED "TOWNSHIP CEMETERY ORDINANCE;
FORFEITURE OF VACANT CEMETERY PLOTS OR BURIAL SPACES"**

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1: Section 14 of Ordinance No. 106 entitled "Township Cemetery Ordinance; Forfeiture of Vacant Cemetery Plots or Burial Spaces" is amended to read as follows:

Cemetery plot or burial spaces sold after the effective date of this Ordinance and remaining vacant for sixty (60) years or more from the date of their sale shall automatically revert to the Township upon the occurrence of the following events:

- (a) Notice is sent by the Township Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 60-year period and that all rights with respect to the plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the Township Clerk within sixty (60) dates from the date of mailing of such notice of his/her desire to retain such burial rights; and
- (b) No written response to the notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the Township Clerk from the last owner of record of the plots or spaces, or his/her heirs of legal representatives, within sixty (60) days from the date of mailing of the notice.

SECTION 2: Severability.

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance will not be affected thereby.

SECTION 3: Effective Date.

This Ordinance shall become effective 30 days after its publication or a summary of its provisions in a local newspaper of general circulation.

YEAS: Members: Sipple, Smit, Tiemeyer, Leep, Brenner

NAYS: Members: 0

ABSENT: Members: 0

ORDINANCE NO. 119 DECLARED ADOPTED.

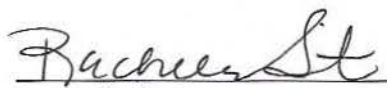
Glenn Leep
Martin Township Supervisor



Rachelle Smit
Martin Township Clerk

Ordinance becomes effective: September 8, 2017

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Martin held on August 09, 2017. Public notice of such meeting was given as provided by law.



Rachelle Smit
Martin Township Clerk

TOWNSHIP OF MARTIN

ORDINANCE NO. 121

ADOPTED: March 14, 2018

**EFFECTIVE: 30 DAYS AFTER PUBLICATION
AFTER ADOPTION**

An Ordinance amending the Martin Township Sewage Disposal System Ordinance pertaining to lifting sewage by artificial means; and to repeal all ordinances or parts of ordinances in conflict herewith.

**THE TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
AMENDMENT OF SEWAGE SYSTEM DISPOSAL
ORDINANCE ARTICLE IV SEC. J**

Article IV Sec. J. of the Township of Martin Sewage Disposal System Ordinance is hereby amended to read as follows:

“Lifting sewage by artificial means

Sec. J. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer. The artificial means must be kept in continuous effective operation at all times. Costs for the purchase, maintenance, and replacement of such artificial means shall be borne by the owner. However, where the Authority originally purchased such artificial means prior to this Ordinance, the Authority will continue to pay for the cost to maintain until such time as a replacement pump is needed.”

**SECTION II
SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event, such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION III
EFFECTIVE DATE/REPEAL

This Ordinance shall take effect thirty (30) days after publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Rachelle Smit, Clerk
Township of Martin

**MARTIN TOWNSHIP
MARTIN, MICHIGAN
(Ordinance No. 122)**

At a regular meeting of the Township Board for Martin Township held at the Township offices at 998 Templeton Street, within the Village of Martin,, Martin, Michigan 49070, on September 12 2018, beginning at 6:30 p.m., Township Board Member Schipper made a motion to adopt this Ordinance/Ordinance Amendment, which motion was seconded by Township Board Member Smit :

**AN AMEDMENT TO THE MARTIN TOWNSHIP ZONING ORDINANCE,
ORDINACE NO. 30, AS AMENDED, TO AMEND SECTION 11.3 TO ADD A
NEW SUBSECTION 11.3 7. DESIGNATING CONTRACTOR OPERATIONS
WITH LIMITED OUTDOOR STORAGE AS A SPECIAL EXCEPTION USE**

THE TOWNSHIP OF MARTIN (the "TOWNSHIP") ORDAINS:

Section 1. Amendment of Section 11.3. That Section 11.3 of the Martin Township Zoning Ordinance is amended to add a new subsection 7. to read in full as follows:

11.3 7. Contractor (plumbing, heating, electrical, etc.) provided all operations and storage of equipment and materials are completely enclosed in a building except as permitted in accordance with the following:

A. The outdoor storage of materials and equipment is prohibited in the front yard unless waived by the Planning Commission for reasons stated on the record.

B. The outdoor storage of equipment and materials in areas to the side or rear of the building must be screened from the view of adjacent residentially used or zoned properties or from the adjacent public street(s) through the use of a landscape screen of coniferous trees five (5') feet tall at the time of planting , or a wall or solid fence not less than seven (7') feet tall approved by the Planning Commission.

C. All outdoor storage must conform to the zoning district setback requirements and no such storage shall occur within ten (10') feet of adjoining properties, unless waived by the Planning Commission for reasons stated on the record.

D. All storage areas shall remain accessible for fire and emergency services.

E. All loosely packed materials such as sand, topsoil, dirt, sawdust, wood chips, and similar materials shall be contained to prevent them from blowing away or washed off the designated storage area.

F. Trucks, other vehicles and mechanical equipment used in the Contractors yard are permitted outside the building during business hours but, must be stored inside at the end of the business day or within a screened area.

G. Unused or waste materials shall not be allowed to accumulate on a lot or property in such a manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions

Section 2. Severability.

Should any portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the balance of this Ordinance, which shall remain in full force and effect.

Section 3. Effective Date.

This Ordinance shall become effective upon the expiration of seven (7) days after its publication (or publication of a summary thereof) in a newspaper in general circulation with Martin Township unless otherwise provided by law.

The vote in favor of the Ordinance was as follows:

YEAS: Leep, Sipple, Schipper, Smit, Tiemeyer

NAYS: _____

ABSENT: _____

ORDINANCE NO. 122 DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Martin Township Board at the time, date and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

Dated: September 12, 2018

By: Rachelle St
Rachelle Smit
Martin Township Clerk

JOINT NOTICE OF ORDINANCE ADOPTION

TOWNSHIPS OF WAYLAND AND MARTIN,
ALLEGAN COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF
WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER
INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance which
was adopted by the Township Boards of the above Townships at their meetings held in
the Township of Wayland on September 4, 2018, and the Township of Martin on
September 12, 2018.

WAYLAND TOWNSHIP ORDINANCE NO. 004-2018
ADOPTED: SEPTEMBER 4, 2018

MARTIN TOWNSHIP ORDINANCE NO. 123
ADOPTED: SEPTEMBER 12, 2018

EFFECTIVE: 30 DAYS AFTER PUBLICATION AFTER ADOPTION

SECTION I. AMENDMENT OF SEWAGE DISPOSAL SYSTEM
ORDINANCE ARTICLE IV SECTION J. Article IV Sec. J. of the Township Sewage
Disposal System Ordinance is amended to read as follows:

“Lifting sewage by artificial means
Sec. J. In all buildings in which any building drain is too low to permit gravity flow to
the public sewer, sanitary sewage carried by such drains shall be lifted by approved
artificial means and discharged to the building sewer. The artificial means must be kept
in continuous effective operation at all times. Costs for the purchase, maintenance, and
replacement of such artificial means shall be borne by the owner.”

SECTION II. SEVERABILITY. The provisions of this Ordinance are
severable.

SECTION III. EFFECTIVE DATE/REPEAL. This Ordinance shall take
effect thirty (30) days after publication after adoption. All ordinances or parts of
ordinances in conflict with this Ordinance are hereby repealed

PLEASE TAKE FURTHER NOTICE that copies of said Ordinances may be purchased or inspected at the Office of the Township Clerk of the respective Townships at the addresses set forth below during regular business hours of each municipality following the date of the within publication.

Rachelle Smit, Clerk
Township of Martin
PO Box 27
Martin MI 49070
616-490-1074

Ann McInerney, Clerk
Township of Wayland
P. O. Box 1
1060 129th Ave.
Bradley, MI 49311
269-792-6394

JOINT NOTICE OF ORDINANCE ADOPTION

TOWNSHIPS OF WAYLAND AND MARTIN,
ALLEGAN COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIPS OF
WAYLAND AND MARTIN, ALLEGAN COUNTY, MICHIGAN AND ANY OTHER
INTERESTED PERSONS:

PLEASE TAKE NOTICE that the following is a summary of an Ordinance which
was adopted by the Township Boards of the above Townships at their meetings held in
the Township of Wayland on October 1, 2018, and the Township of Martin on
September 12, 2018.

WAYLAND TOWNSHIP ORDINANCE NO. O-06-2018
ADOPTED: OCTOBER 1, 2018

MARTIN TOWNSHIP ORDINANCE NO. 124
ADOPTED: SEPTEMBER 12, 2018

EFFECTIVE: JANUARY 1, 2019

SECTION I. USER FEES

The first and fourth sentences of Article V, Section E of the Township Sewage
Disposal System Ordinance are amended to read as follows:

125.505 User fees.

(1st) Sec. E. The user charge to each single family residence within the
Township for which sewer service is available shall be \$99.00 per
quarter (\$33.00 per month).

(4th) Where metered flow is used as a basis for calculating the user
charge, the user fee shall be \$4.25 per 1,000 gallons of flow.

SECTION II. SEVERABILITY. The provisions of this Ordinance are
severable.

SECTION III. EFFECTIVE DATE/REPEAL. This Ordinance shall take
effect January 1, 2019. All ordinances or parts of ordinances in conflict with this
Ordinance are hereby repealed

PLEASE TAKE FURTHER NOTICE that copies of said Ordinances may be purchased or inspected at the Office of the Township Clerk of the respective Townships at the addresses set forth below during regular business hours of each municipality following the date of the within publication.

Rachelle Smit, Clerk
Township of Martin
PO Box 27
Martin MI 49070
616-490-1074

Ann McInerney, Clerk
Township of Wayland
P. O. Box 1
1060 129th Ave.
Bradley, MI 49311
269-792-6394

TOWNSHIP BOARD
MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

Board member Tiemeyer, seconded by Board member Smit, moved the adoption of the following ordinance:

ORDINANCE NO. 125

AN ORDINANCE TO PROHIBIT MARIHUANA ESTABLISHMENTS AND MARIHUANA FACILITIES IN THE TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN

THE TOWNSHIP OF MARTIN (the "Township") ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the Martin Township Marihuana Establishments and Facilities Ordinance.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *IHRA* means the Industrial Hemp Research Act, 2014 PA 547, MCL 286.841 *et seq.*
- (b) *Marihuana establishment* means that term as defined in the MRTMA.
- (c) *Marihuana facility* means that term as defined in the MMFLA.
- (d) *MMFLA* means the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.
- (e) *MMMA* means the Michigan Medical Marihuana Act, 2008 IL 1, as amended.
- (f) *MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended.

Section 3. Marihuana Establishments and Facilities Prohibited.

- (a) Pursuant to law and Section 6 of the MRTMA, marihuana establishments are prohibited within the boundaries of the Township.
- (b) Marihuana facilities are prohibited within the boundaries of the Township.

Section 4. Rights Unaffected by Article.

- (a) Except as specifically provided in Section 3, this ordinance shall not affect the rights or privileges of any individual or other person preserved under the MRTMA.
- (b) This ordinance does not affect the rights or privileges of a marihuana facility outside of the Township to engage in activities within the Township that it is permitted to engage in under the MMFLA within a municipality that has not authorized marihuana facilities to operate within its boundaries.
- (c) This ordinance does not affect the rights or privileges of registered qualifying patients or registered primary caregivers under the MMMA or the MMFLA.

(d) This ordinance does not affect the rights or privileges of any individual or other person under the IHRA.

(e) This ordinance does not affect the rights or privileges of any individual or other person under any other federal or state law, rule or regulation related to the medical use of marihuana.

Section 5. Effective Date.

This ordinance shall become effective the day following the date of the publication of the ordinance in a newspaper of general circulation within the Township.

YEAS: Tiemeyer, Sipple, Schipper, Smit

NAYS: _____

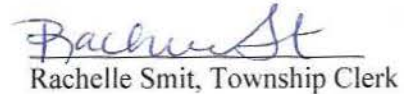
ABSENT: Leep

ORDINANCE NO. 125 ADOPTED.


Glenn Leep, Supervisor


Rachelle Smit, Clerk

I, Rachelle Smit, the Clerk of the Township of Martin, attest that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of the Township of Martin at a regularly scheduled meeting held on December 12, 2018, which meeting was held in accordance with state law.


Rachelle Smit, Township Clerk

TOWNSHIP BOARD
MARTIN TOWNSHIP
ALLEGAN COUNTY, MICHIGAN

Board Member Schipper, seconded by Board Member Smit, moved the adoption of the following ordinance:

ORDINANCE NO. 126

AN ORDINANCE TO AMEND ARTICLE III, SECTION 3.1 AND ARTICLE IV, SECTION 4.33, OF THE MARTIN TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 30, AS AMENDED, TO PROHIBIT MARIHUANA ESTABLISHMENTS AND MARIHUANA FACILITIES

THE TOWNSHIP OF MARTIN ORDAINS:

Section 1. Amendment of Article III, Section 3.1 of the Martin Township Zoning Ordinance. That Article III, Section 3.1 of the Martin Township Zoning Ordinance, Ordinance No. 30, as amended, is amended to delete the term "Medical Marihuana Dispensary."

Section 2. Amendment of Article IV, Section 4.33 of the Martin Township Zoning Ordinance. That Article IV, Section 4.33 of the Martin Township Zoning Ordinance, Ordinance No. 30, as amended, is amended to read as follows:

4.33. - Prohibition on Marihuana Establishments and Facilities.

(a) Pursuant to law and Section 6 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended, marihuana establishments are prohibited within the boundaries of Martin Township.

(b) Marihuana facilities are prohibited within the boundaries of Martin Township.

As used in this section, "marihuana establishment(s)" means that term as defined in the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, as amended, and "marihuana facility(ies)" means that term as defined in the Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended.

Section 3. Repeal. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

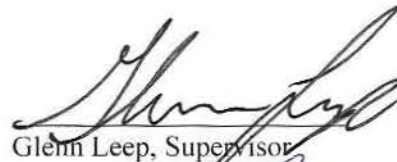
Section 4. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days following the publication of lawful notice of its adoption in a newspaper of general circulation in Martin Township.

YEAS: Schipper, Smit, Tiemeyer, Leep, Sipple

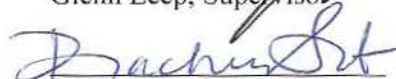
NAYS: _____

ABSENT: _____

ORDINANCE NO. 126 ADOPTED.

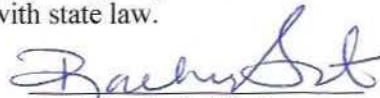


Glenn Leep, Supervisor



Rachelle Smit, Clerk

I, Rachelle Smit, the Clerk of Martin Township, attest that the foregoing is a true and accurate copy of an ordinance adopted by the Township Board of Martin Township at a regularly scheduled meeting held on March 13, 2019, which meeting was held in accordance with state law.



Rachelle Smit, Clerk

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE MARTIN TOWNSHIP ZONING ORDINANCE - Ordinance No. 127

Adopted: 6/12/2019

Effective: 7/5/2019

AN ORDINANCE TO AMEND THE OFFICIAL MARTINTOWNSHIP ZONING MAP AND ORDINANCE IN RELATION TO THE BELOW DESCRIBED PROPERTY.

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Martin, Allegan County, Michigan, held at the Township Hall on 6-12-19, the following amendment to the Martin Township Zoning Ordinance was offered for adoption by Township Board Member Leep and seconded by Township Board Member Schipper.

Yeas: Schipper, Smit, Tiemeyer, Leep, Sipple.

Nays: _____

Motion Passed Failed

ARTICLE I.

Amend the Official Zoning Map and rezone from C-2 General Business to C-1 Neighborhood Business the property addressed as 1581 12th Street, also known as part of Permanent Parcel number 03-15-030-011-00, and legally described as COM AT NW COR TH S 03 DEG 35' 55" E 355' TO POB TH N 86 DEG 37' 05" E 382.76' TH S 26 DEG 33' 31" E 443.32' TH S 11 DEG 05' 04" E 558.58' TH S 85 DEG 19' 57" W 628.57' TH N 03 DEG 35' 55" W 974.07' TO POB SUBJECT TO A ROW FOR HWY PURPOSES OVER THE WEST 50' THEREOF SEC 30 T2N R11W

ARTICLE II. SEVERABILITY:

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE:

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Rachelle St Date: 6/21/19
Rachelle Smit, Martin Township Clerk

Publication date: 6/27/2019- Allegan County News

Effective date: 7/5/19

TOWNSHIP OF MARTIN

ORDINANCE NO. 128

ADOPTED: October 14, 2020

**EFFECTIVE: 30 DAYS AFTER PUBLICATION
AFTER ADOPTION**

An Ordinance amending the Martin Township Sewage Disposal System Ordinance pertaining to payment of connection fees for new construction; to provide for severability; to provide an effective date; and to repeal all ordinances or parts of ordinances in conflict herewith.

**TOWNSHIP OF MARTIN
ALLEGAN COUNTY, MICHIGAN**

ORDAINS:

**SECTION I
AMENDMENT OF SEWAGE SYSTEM DISPOSAL
ORDINANCE ARTICLE V. SECTION G. PARAGRAPH 2. REGARDING NEW
CONSTRUCTION CONNECTION FEES**

Article V. Section G. Paragraph 2. of the Martin Township Sewage Disposal System Ordinance is hereby amended to read as follows:

“2. For new construction, the connection fees as set forth herein shall be paid in full upon application for connection to the System.”

**SECTION II
SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event, such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION III
EFFECTIVE DATE/REPEAL

This Ordinance shall take effect thirty (30) days after publication after adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Rachelle Smit, Clerk
Township of Martin

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE MARTIN TOWNSHIP ZONING ORDINANCE - Ordinance No. 129

Adopted: 08/11/2021

Effective: 08/27/2021

AN ORDINANCE TO AMEND SECTION 4.27 OF THE MARTIN TOWNSHIP ZONING ORDINANCE IN ITS ENTIRETY FOR THE PURPOSE OF CLARIFYING AND ALIGNING WITH CURRENT STATE REGULATIONS.

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Martin, Allegan County, Michigan, held at the Township Hall on August 11, 2021, the following amendment to the Martin Township Zoning Ordinance was offered for adoption by Township Board Member **Schipper** and seconded by Township Board Member **Smit**.

Yeas: Leep, Sipple, Schipper, Smit, Tiemeyer

Nays: None.

Motion x Passed Failed

ARTICLE I. Amend the following sections of the Martin Township Zoning Ordinance to read as follows:

Section 4.27 Removal and processing of soil.

DEFINITION: Soil shall be defined as topsoil, subsoil, clay, sand, gravel, rock, stone and aggregate, earth or any other similar material proposed to be moved, removed excavated, mined or dumped on land.

INTENT AND PURPOSE: Soil Removal and processing may be carried out within all zoning districts the Township under two different categories:

1. As a temporary use to improve cultivation/farmland/building development subject to the conditions of Section 4.27 herein.
2. As a primary or secondary use for commercial production of soil, subsoil, sand, gravel, rock, stone, aggregate, mineral or other similar material.

Section 4.27.01 NON-COMMERCIAL REMOVAL

A. NON-COMMERCIAL REMOVAL FOR IMPROVEMENT OF

CULTIVATION/FARMLAND/BUILDING DEVELOPMENT: Removal shall be permitted provided all of the following conditions are met:

1. Removal and operations are carried out by landowners for the purposes of preparing

their land for cultivation or in preparation of residential or agricultural building construction

2. No area is created which fills with water, unless it is a farm watering pond or private recreational pond with bank gradients of no more than one (1) foot vertical to three (3) feet horizontal.
3. Operations are not commercial in nature, wherein material removed shall not be engaged in commerce, and do not involve on-site processing such as crushing, washing or grinding. Commerce shall involve continuous and multiple sales, a singular sale to remove material shall not be defined as commercial in nature.
4. The area of the removal operation is limited to 1,000 cubic yards or in the case of field grading and building development, to an area roughly equivalent in size to the site being prepared for development or cultivation.
5. The duration of operation is limited to a continuous twelve (12) month period of time.
6. The reclamation requirements of Section 4.27.02 shall still apply.
7. Any operation that exceeds the above limits will be required to operate under a special use permit with conditions as specified in this chapter and Article 13 Special Use Permits. After preliminary review of applications for operations exceeding or likely to exceed one or more of the above limits, the Planning Commission may find such operations to be minor in nature and may waive, if found to be unnecessary, one or more of the applications and plan requirements itemized in Section 4.27.02 A, B, E, F, G and H below.

Section 4.27.02 COMMERCIAL PRODUCTION

A. LOCATION

1. All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road which does not create traffic through an area primarily developed for residential purposes. The Planning Commission may require the applicant to improve a road to accommodate the truck travel necessitated by the operations as a condition, for the purpose of routing traffic around residential areas and preventing the breaking up of existing gravel roads.
2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No cut or excavation shall be made nearer than two hundred (200) feet, measured at the top of the finished grade, to any adjacent property or street right-of-way; provided, however, that the Planning Commission may by resolution prescribe stricter requirements if the applicant cannot demonstrate adequate protection from noise, dust, vibration and other nuisances to adjoining properties, specifically residential property.
3. No part of soil processing operation (screening, washing, crushing, etc.) shall take place closer than two hundred (200) feet to the nearest adjacent residence or closer than one

hundred (100) feet to any street or adjacent property line, and shall, where practicable, be located at a lower level than the surrounding terrain to lessen noise and visual impact.

4. No such excavation operation shall be located within one hundred (100) feet of the banks of any lake, river, stream or waterway unless previously approved, in writing, by the EGLE (Environment, Great Lakes & Energy) or such other state commission having jurisdiction thereof. No such mining operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

B. SIGHT BARRIERS: Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or vegetation growth. The Martin Township Planning Commission retains the right to waive sight barrier requirements when such natural vegetation exists or the topography of existing and surrounding land does not deem it necessary. Such barriers shall consist of one or more of the following:

1. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public road or six (6) feet above the general level of terrain along interior property lines. Such berms shall have slopes in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees, shrubs or other landscaping similar to existing vegetation to combat erosion.
2. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective sight barriers when six (6) feet in height.
3. Masonry walls or solid fencing made of uniform new materials, constructed to a height of not less than six (6) feet and maintained in good repair.

C. NUISANCE ABATEMENT AND TOPSOIL PRESERVATION

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust, dirt, or other air pollution injurious or substantially annoying to adjoining property owners or residents. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance at a minimum of twice a year. Further, any roads used for the purpose of ingress and egress to said project site which are located within three hundred (300) feet of an occupied residential or

commercial or industrial establishment shall be kept dust free by hard topping with concrete, bituminous substance, chemical treatment, or such other means as may be proposed by the applicant and approved by the Planning Commission.

3. Hours. The operation shall be carried on exclusively between the hours of 7:00 AM and 6:00 PM Monday through Friday; Saturday 7:00 AM through Noon.

No activities on the property shall occur on Sundays, Thanksgiving Day, Christmas Day, New Year's Day, and the days celebrating the Fourth of July, Memorial Day, and Labor Day with the exception of emergency repair activity required to permit the commencement of operations on the following morning, however, this exception shall not apply in the event that such activities shall involve the operation of vehicles and equipment earlier than 7:00 AM or later than 6:00 PM.

4. Any soil that may be deposited on any public street or public place from any vehicle transporting materials from the project site shall be immediately removed without damage to the public street or public place at the expense of the permit holder.
5. Trees and vegetation shall not be stripped from land preparatory to moving, removing, excavating, mining or dumping soil so as to prematurely or unnecessarily expose soil to wind or water erosion.
6. All vehicles transporting soil from or to a project over public streets in the township shall follow the established truck route or shall travel only over such route as may be directed by the Planning Commission to be least dangerous to public safety, cause the least interference with general traffic, and cause the least damage to the public street.
7. Haul routes shall be approved by the Allegan County Road Commission.

D. RECLAMATION OF MINED AREAS

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one-half acre or more unless part of a larger operation where the Planning Commission has specified the timing and sequencing of reclamation. Substantial completion of reclamation and rehabilitation shall be affected within one year after termination of mining or excavation activity. Inactivity for one twelve (12) month consecutive period shall constitute justification for the Planning Commission to evaluate the operation for the purpose of determining whether the operator has terminated mining activity.
2. The following standards shall control reclamation and rehabilitation:
 - a. All excavation shall be reclaimed either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be back graded or back-filled with non-noxious, non-flammable and non-combustible solids to insure:
 - (1) That the excavated area shall not collect stagnant water and not permit the same to remain therein; or

- (2) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- b. The banks of all excavation shall be sloped to the waterline in a water-producing excavation, and the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
- c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
- d. If there is a stripping operation, wherever top soil exists, suitable for growing turf or for other land uses at the time the operation began, sufficient topsoil and/or overburden shall be stockpiled so that the entire site, when stripping operations are completed, can be restored. The replacement of topsoil shall be made immediately following the termination of the stripping operations provided, however, that if such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped area as the work progresses.
- e. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- f. Upon cessation of mining operations by abandonment or otherwise as determined by the Planning Commission, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that all buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

E. SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS: No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been approved by the Planning Commission showing compliance with all of the provisions of this Ordinance or the manner in which compliance shall be secured by the applicant. Such plans shall include at minimum the following:

1. A contour map with typography lines at five (5) foot intervals of the tract of land involved in the operations, including dimensions of the same, access to abutting streets, and whether or not the same are "all weather" roads, additional roads, if any,

- to be constructed, and the location and nature of abutting improvements on adjoining property.
2. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.
 3. The type of mining or processing proposed to be conducted and the nature of equipment to be used.
 4. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 5. Soil tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site. Said soil tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by an engineer acceptable to the Township. The written consent of owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified within the Ordinance to the boundaries of the site. All tests will be conducted to the cost of the applicant.
 6. A map or plan disclosing the final grades and elevations to be established following completion of the mining operations, including the proposed uses then contemplated for the land, future lakes, roads, and other such matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
 7. Drawings must be prepared and sealed by an engineer or land surveyor licensed by the State of Michigan.

F. REVIEW PROCEDURES AND REQUIRED INFORMATION. Application for the issuance of a special use permit to remove or process under the standards of this chapter shall be made under the provisions of Section 13 Special Use Permits. The site plan content requirements of Section 4.28 Site Plan Review as applicable shall be relied upon as the minimum informational requirements for site plans submitted as part of such application, as well as the requirements enumerated in Section E. above. Applications approved shall satisfy the requirements of this Section 4.27 and Section 13. In addition to these requirements, the applicant shall provide the following additional information and documentation as part of the application submittal.

1. Approvals from outside agencies:
 - a. Written approval of entrance/egress, impact statements, as well as proposed trucking/haul route with requirements enumerated in item 2 below by the Allegan County Road Commission.
 - b. Written approval of overall site plan including excavation depths and proximity to any ground water by the Allegan County Health Department and EGLE or its equivalent where required.

- c. Written approval of overall site plan by Allegan County Drain Commissioner, if required.
 - d. Written approval for Soil Erosion from Allegan County Health Department or its equivalent where required.
 2. Projected Roadway Impacts: A written and graphic characterization of the expected haul routes and proposed access to the site shall be presented and shall include:
 - a. An identification of the expected primary and secondary routes that traffic will use when travelling to and from the site.
 - b. A characterization of the routes including:
 - (1) Types of surface
 - (2) Number of lanes and current roadway (travel lanes) width
 - (3) Typical roadway speeds or speed limits
 - (4) Known or potential trouble spots for heavy traffic including intersections, hills, and curves
 - (5) Identification of documented or potential problems such as inadequate clear vision, roadway width, steep grades, surface condition, maintenance or land use and traffic conflicts
 - c. Number and location of homes and other land uses along the routes including schools, daycare operations, churches and businesses.
 - d. Projected traffic increases by type and route
 - e. Characterization of projected truck traffic by size, type, and weight of trucks and direction of travel, empty and full on average and extreme daily and average annual basis
 - f. Proposed location of access(es) and width, type of surface, including design features, deceleration and acceleration tapers, culverts, etc.
 - g. Minimum site distances
 3. Documentation of Need for the Resource Material. The need for the material being excavated and/or processed shall be quantified and verified so the Planning Commission can weigh the value of the material being made available against the potential negative impacts of the operation in the proposed location. The types of information may include:
 - a. Verification to the presence of valuable natural resources located on the relevant property.
 - b. Need for natural resources by the person or in the market served by the person
 - c. No serious consequences would result from the extraction, by mining, of natural resources.
 4. Martin Township retains the right to verify any and all information provided by the applicant with outside agencies or individuals whose profession addresses individual portions of the application. Any and all costs involved will be the responsibility of

the applicant.

G. HEARING.

1. After receiving an application for Special Use for Removal and Processing of Soil, accompanied by the required plans, specifications and permit fees, the Planning Commission shall hold a public hearing pursuant to Section 13
2. Following such hearing, the Planning Commission shall approve, approve with conditions, deny or postpone the application and set forth reasons for its decision. Such recommendation shall be based upon the criteria set forth within the ordinance.
3. In making any decision or recommendation, the Planning Commission shall have the right and authority to impose additional conditions and safeguards as it deems necessary to for the protection of the health, safety and general welfare of the neighborhood, adjoining residents and property owners.
4. It may also limit the length of time that the special use permit is to be effective and will require annual review either by Commission or Administrative staff to ascertain compliance with the conditions and limitations imposed upon the same. The Planning Commission will review each permitted operation annually to ascertain compliance with standards and conditions imposed.
5. The operator shall be required to pay an annual fee to cover the cost of inspections and any additional meetings of the Planning Commission as may be established by the Township Board.
6. The Township or its designated agent shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and shall revoke or refuse to renew the same where non-compliance exists.
7. In the event that noncompliance with any requirements of the special use permit is determined by the Zoning Administrator, the operator shall be given written notice of any violation, and the Planning Commission shall review the permit conditions and staff report to consider revocation of said permit.

H. BONDING, INSURANCE AND LIABILITY REQUIREMENTS.

1. Liability insurance shall be a pre-condition to commencement of all operations, and maintenance in full force and effect of insurance shall be a pre-condition to the right to continue operations. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried out by an insurance company licensed to do business in the State of Michigan during all times which any reclamation is left to be done, and during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to contain a hold-harmless clause regarding liability of the Township during any reclamation phase. Insurance coverage will be set at a minimum of \$1,000,000 with Township added as a named insured.

2. Reclamation Bond. Prior to commencement of any operation and as a condition of approval of such, the applicant shall file or deposit with the township treasurer, performance securities in the form of a performance bond written by an insurance company licensed to do business in the State of Michigan, insuring to the benefit of the township and satisfactory to the township attorney, cash, a certified or cashier's check payable to the township, or any irrevocable bond letter of credit, in a form satisfactory to the township attorney. The Planning Commission, in establishing the amount of the bond, shall consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions and requirements of these regulations and any special performance security if the Planning Commission shall, by resolution, determine that any such standard, condition, restriction, or requirement has been violated.
3. The Township retains the right to verify any and all information submitted by hiring engineers or other professional experts specific to individual fields. Fees relative to the expert analysis studies will be taken from an escrow fund, established by the applicant, held in escrow by the Martin Township Treasurer as established by the Martin Township Fee Schedule.

ARTICLE II. SEVERABILITY: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE: This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



Date: 08-11-2021

Rachelle Smit, Martin Township Clerk

Publication date: 08/19/2021

Effective date: 08/27/2021

As recommended by the Martin Township Planning Commission 9/8/2021

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE MARTIN TOWNSHIP ZONING ORDINANCE - Ordinance No. 130

Adopted: 10-13-2021

Effective: 10/29/21

AN ORDINANCE TO AMEND THE OFFICIAL MARTIN TOWNSHIP ZONING MAP AND ORDINANCE IN RELATION TO THE BELOW DESCRIBED PROPERTY.

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Martin, Allegan County, Michigan, held at the Township Hall on October 13, 2021, the following amendment to the Martin Township Zoning Ordinance was offered for adoption by Township Board Member **Schipper** and seconded by Township Board Member **Tiemeyer**.

Yeas: Leep, Sipple, Schipper, Tiemeyer.

Nays: _____, _____, _____, _____, _____.

Motion x Passed Failed

ARTICLE I.

Amend the Official Zoning Map and rezone I-1 Industrial to AG- Agricultural the property addressed as 283 122nd Avenue, also known as part of Permanent Parcel number 03-15-002-017-11, and legally described as COM AT S 1/4 COR TH S 89DEG 16'49" E 396.03' TO POB; TH N 00DEG 05'22" W 208.58'; TH S 89DEG 16'49" E 157.43'; TH N 55DEG 10'41" E 169.63'; TH S 89DEG 16'49" E 176.41'; TH S 00DEG 05'22" E 307.19'; TH N 89DEG 16'49" W 473.22' TO POB SEC 2 T2N R11W SURVEY: 2.82 AC

ARTICLE II. SEVERABILITY:

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE:

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Rachelle St
Rachelle Smit, Martin Township Clerk

Date: 10/14/21

Publication date: 10/21/2021

Effective date: 10/29/2021

ORDINANCE NO. 131

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous Consumers' electric franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on April 8, 2022.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, on the 9 day of March, 2022.



Glenn Leep, Supervisor

Attest:

I, Rachelle Smit, Clerk of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.



Rachelle Smit, Township Clerk

Dated: March 9, 2022

TOWNSHIP OF MARTIN

COUNTY OF ALLEGAN, STATE OF MICHIGAN

MARTIN TOWNSHIP ORDINANCE NO. 132

Adopted: July 13, 2022

Effective: One Day After Publication

(MICHIGAN GAS UTILITIES CORPORATION FRANCHISE ORDINANCE)

AN ORDINANCE, granting to MICHIGAN GAS UTILITIES CORPORATION, its successors and assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas business in the TOWNSHIP OF MARTIN, ALLEGAN COUNTY, MICHIGAN for a period of thirty (30) years.

THE TOWNSHIP OF MARTIN ORDAINS:

SECTION 1. GRANTING OF FRANCHISE; CONSENT TO DO BUSINESS. The Township of Martin, Allegan County, State of Michigan, (hereinafter called "Township"), hereby grants to Michigan Gas Utilities Corporation, a Delaware corporation (hereinafter called "Grantee"), its successors and assigns, a franchise to use the highways, streets, alleys and other public places in the Township for the purpose of constructing, maintaining and operating a gas distribution system in the Township with full right, power and authority to establish, construct, maintain, extend and operate a plant, stations, mains, pipes, conduits, valves, drips and all other appurtenances, apparatus and appliances within the corporate limits of the Township, for the purpose of supplying and distributing to the Township and its inhabitants, gas for heating and other purposes and, for such purposes to enter upon and use the highways, streets, alleys, and other public places of the Township and lay, maintain, operate, repair and extend therein, through and thereunder such mains, pipes, conduits, valves, drips, apparatus, appliances and other appurtenances as may be necessary and proper for the distribution of gas throughout and beyond the Township, and for the purpose of conducting and operating a gas business in the Township subject to the terms and conditions hereinafter provided.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. NON-DISTURBANCE OF PUBLIC TRAVEL; RESTORATION; CONSTRUCTION; MAINTENANCE. In laying its pipes, mains and other appurtenances and repairing and maintaining the same, Grantee shall interfere as little as possible with public travel, and no street, alley,

bridge, highway or other public place used by Grantee shall be obstructed longer than necessary during such work. Grantee shall, within a reasonable time, restore same as nearly as possible to the order and condition as when said work was commenced. Grantee shall maintain reasonable barriers, lights, and other devices to warn the users of the streets, alleys, bridges, highways or other public places of work therein. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the construction, maintenance, operation and use of the services and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such construction, maintenance, operation and use. However, Grantee need not save Township harmless from claims, losses and expenses arising out of the negligence of the Township, its employees, contractors or agents.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its gas distribution system to and within said Township, and shall furnish gas to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. Either manufactured or natural gas may be furnished hereunder.

SECTION 7. RATES. The Grantee shall be entitled to charge the inhabitants of said Township for gas furnished therein the rates as approved by the Michigan Public Service Commission, to which the Commission or its successor's authority and jurisdiction to fix and regulate gas rates and rules regulating such service in said Township are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township acting by its Township Board, or by said Grantee, in accordance with the rules and regulations of the Michigan Public Service Commission.

SECTION 8. REVOCAION; IRREVOCABILITY UPON APPROVAL OF ELECTORS. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation; provided, however, that the same shall become irrevocable if and when confirmed by a majority of the electors of the Township voting upon the question at the next general election or at any special election called for that purpose. If the Grantee does not desire the franchise granted herein to be submitted to a vote of the electors the Township for confirmation, it

shall advise the Township of same in writing filed with the Township Clerk at the time of filing its acceptance of this Ordinance as set forth below. If the Grantee does not timely provide the Township with such a waiver the Township Clerk shall proceed to submit the franchise granted herein to the vote of the electors of the Township for confirmation at the next regular election, or at a special election held within sixty (60) days of acceptance of the franchise, if the Grantee demands such a special election and pays all the expenses associated with same, in accordance with MCLA 460.601, et seq.

SECTION 9. TOWNSHIP JURISDICTION. Said Grantee shall be and remain subject to all ordinances, rules and regulations of the Township now in effect, or which might subsequently be adopted for the regulation of land uses or for the protection of the health, safety and general welfare of the public; provided however that nothing herein shall be construed as a waiver by Grantee of any of its existing or future rights under state or federal law.

SECTION 10. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service, not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas service in said Township.

SECTION 11. REPEALER. This Ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of any prior ordinance or contract whereby a gas franchise was granted by the Township to Grantee.

SECTION 12. EFFECTIVE DATE; TERM. This Ordinance shall take effect upon the day after the date of publication thereof; provided however, it shall cease and be of no effect after sixty (60) days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this Ordinance shall constitute a contract between said Township and said Grantee. If not revoked as provided herein, the franchise granted by this Ordinance shall continue in full force and effect for a period of thirty (30) years from the effective date thereof.


_____, Clerk
Martin Township

As recommended by the Martin Township Planning Commission 9/6/2022

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE MARTIN TOWNSHIP ZONING ORDINANCE - Ordinance No. 133

Adopted: 9/14/2022

Effective: _____

AN ORDINANCE TO AMEND THE OFFICIAL MARTIN TOWNSHIP ZONING MAP AND ORDINANCE IN RELATION TO THE BELOW DESCRIBED PROPERTY.

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Martin, Allegan County, Michigan, held at the Township Hall on September 14, 2022, the following amendment to the Martin Township Zoning Ordinance was offered for adoption by Township Board Member **Tiemeyer** and seconded by Township Board Member **Smit**.

Yeas: Leep, Sipple, Schipper, Smit, Tiemeyer.

Nays: None

Motion x Passed _____ Failed

ARTICLE I.

Amend the Official Zoning Map and rezone AG- Agricultural to RR- Rural Residential the property addressed as 1793 10th Street, also known as part of Permanent Parcel number 03-15-020-008-00, and legally described as COM AT A PT ON THE W LIN OF SEC 20 200 FT S OF NW COR SD SEC TH S 419. 29 FT TH E 200 FT TH N 0 DEG 01' 04" W 420.02 FT TH S 87 DEG 53' 12" W 200 FT TO POB EXC THE S 100 FT THEREOF SEC 20 T2N R11W. (74).

ARTICLE II. SEVERABILITY:

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE:

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



Rachelle Smit, Martin Township Clerk

Date: 9/14/2022

Publication date:

Effective date: _____

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE MARTIN TOWNSHIP ZONING ORDINANCE - Ordinance No. 134

Adopted:

Effective: _____

AN ORDINANCE TO AMEND THE OFFICIAL MARTIN TOWNSHIP ZONING ORDINANCE TO CLARIFY STANDARDS FOR SPECIAL USE PERMIT APPROVALS

MARTIN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Martin, Allegan County, Michigan, held at the Township Hall on 12/14/2022, the following amendment to the Martin Township Zoning Ordinance was offered for adoption by Township Board Member Schipper and seconded by Township Board Member Tremeyer.

Yeas: Sipple, Schipper, Smit, Tremeyer, Keep.

Nays: _____, _____, _____, _____.

Motion Passed _____ Failed

ARTICLE I. AMEND SECTION 13.1 OF THE MARTIN TOWNSHIP ZONING ORDINANCE IN ITS ENTIRETY TO READ AS FOLLOWS:

SECTION 13.1 SPECIAL EXCEPTION USE STANDARDS. In order to make this Ordinance a flexible zoning control to simultaneously protect the general health, safety and welfare of the community, and also facilitate orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning districts set forth in this Ordinance.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zoning district involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly be detrimental thereto. Special Exception Uses also require site plan approval under Section 4.28 of this Ordinance. With all of this in mind, a Special Exception Use is not allowed within the particular zoning district in which it is proposed unless and until the Township Planning Commission, under the conditions, controls, limitations, circumstances and safeguards proposed, and imposed by said Commission, determines that the proposed use will meet all of the following standards:

1. The use will be constructed, operated and maintained in a manner that is harmonious and consistent in appearance, size, intensity, scope and scale with the existing or intended essential character of the general vicinity (which includes the adjoining lots and all other lots and uses within 1,000 feet of the lot involved);


2. The use will be adequately served by existing public services and facilities, such as highways, streets, sheriff, state police, fire protection, drainage, water and sewer facilities, and will not cause unreasonable traffic congestion or otherwise burden the public roads, streets and utilities in the area;
3. The use will avoid adversely affecting the public health, safety, and general welfare of the community by incorporating uses, activities, processes, materials, equipment or conditions of operation that are reasonable and appropriate as determined by the Planning Commission;
4. The use will be consistent with the intent and purpose of the zoning district in which such use will be located and not set precedents for development which could adversely affect the long term plans and policies of the Township;
5. The use will be reasonable as determined by the Planning Commission; and,
6. The use will be compatible and in accordance with the Martin Township Master Plan

ARTICLE II. SEVERABILITY:

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE:

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



Rachelle Smit, Martin Township Clerk

Date: 12/14/22

Publication date: _____

Effective date: _____